

# SENATE BILL NO. 1145

September 07, 2022, Introduced by Senator CHANG and referred to the Committee on Regulatory Reform.

A bill to require landlords to provide reasonable accommodations for tenants when a certain number of elevators are not functional in multifamily dwellings; to prescribe penalties or civil sanctions; and to provide for the powers and duties of certain state and local governmental officers and entities.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act may be cited as the "reasonable accommodation  
2 for nonfunctional elevator act".

3           Sec. 2. As used in this act:

1 (a) "Authority" means the Michigan state housing development  
2 authority created under section 21 of the state housing development  
3 authority act of 1966, 1966 PA 346, MCL 125.1421.

4 (b) "Commission" means the civil rights commission established  
5 by section 29 of article V of the state constitution of 1963.

6 (c) "Common area" means a portion of a multifamily dwelling  
7 that is generally accessible to all occupants of the multifamily  
8 dwelling. Common area includes, but is not limited to, a community  
9 center, communal laundry room, mail room, public hall, recreational  
10 room, or stair hall.

11 (d) "Landlord" means any of the following:

12 (i) The owner, lessor, or sublessor of a multifamily dwelling.

13 (ii) A person authorized to manage the multifamily dwelling.

14 (iii) An individual who directly or indirectly acts as a rental  
15 agent, receives rent, other than as a bona fide purchaser, and who  
16 has no obligation to deliver the receipts to another person.

17 (e) "Multifamily dwelling" means a building that consists of 4  
18 or more units if the building has 1 or more elevators.

19 (f) "Person with disabilities" means that term as defined in  
20 section 103 of the persons with disabilities civil rights act, 1976  
21 PA 220, MCL 37.1103.

22 (g) "Reasonable accommodation" means a modification or an  
23 adjustment made that is based on a proven need. For purposes of  
24 this act, reasonable accommodation provided under this act must  
25 include notifying tenants of applicable resources and phone numbers  
26 for those resources including, but not limited to, giving tenants  
27 the 2-1-1 telephone number, and 1 or more of the following:

28 (i) Engaging volunteer groups or individuals to assist a tenant  
29 with mobility issues with purchasing and delivering groceries,

1 running errands, or doing laundry.

2 (ii) Increasing the amount of time the landlord, building  
3 management, or maintenance staff stays on-site during work hours.

4 (iii) Paying for a hotel room for a tenant with ongoing medical  
5 needs and who requires appointments outside the home on an ongoing  
6 basis, if necessary.

7 (iv) Temporarily relocating tenants affected by an elevator  
8 that is not functional to a vacant unit in the ground floor of the  
9 multifamily dwelling, a hotel, or another unit in a multifamily  
10 dwelling owned or managed by the landlord, if necessary.

11 (h) "Tenant" means an individual who occupies a unit in a  
12 multifamily dwelling for residential purposes with the landlord's  
13 consent for an agreed consideration.

14 Sec. 3. (1) A landlord shall provide reasonable accommodation  
15 to the tenants if both of the following apply:

16 (a) Less than 50% of functional elevators in the multifamily  
17 dwelling are functional for more than 24 hours.

18 (b) The nonfunction of the elevators described in subdivision  
19 (a) may result in life threatening consequences to tenants in the  
20 multifamily dwelling.

21 (2) A landlord may obtain sufficient insurance to cover the  
22 costs of providing reasonable accommodation to the tenants.

23 Sec. 4. (1) Within 6 months after the effective date of this  
24 act, a landlord shall prepare a written plan that contains  
25 information regarding the reasonable accommodation the landlord  
26 will provide if less than 50% of functional elevators in the  
27 multifamily dwelling are functional. The written plan required  
28 under this subsection must include all of the following  
29 information:

1 (a) The list of the specific reasonable accommodations the  
2 landlord will provide to the tenants.

3 (b) A summary of how the reasonable accommodations will be  
4 provided.

5 (c) The name, telephone number, and email address of the  
6 landlord or person responsible for providing the reasonable  
7 accommodations on behalf of the landlord.

8 (2) The landlord shall use the standard form created by the  
9 authority pursuant to section 22e of the state housing development  
10 authority act of 1966, 1966 PA 346, MCL 125.1422e, to prepare the  
11 written plan required under subsection (1).

12 (3) A landlord shall do all of the following:

13 (a) Submit the written plan required under subsection (1) to  
14 the authority within 48 hours after preparing the written plan.

15 (b) Post a copy of the written plan in a common area at the  
16 premises.

17 (c) Provide a copy of the written plan to each tenant. A  
18 landlord that violates this subdivision may be ordered to pay a  
19 civil fine as provided in section 5(1)(a) or (b), whichever is  
20 applicable.

21 (4) The authority shall review the written plan submitted  
22 pursuant to subsection (3)(a) and approve or deny the written plan.  
23 If the written plan is denied for any reason not stated in  
24 subsection (5), the authority shall notify the landlord in writing  
25 of the denial and may request that the landlord submit a revised  
26 written plan within 30 days of the receipt of the written notice  
27 required under this subsection.

28 (5) If upon reviewing the written plan, the authority  
29 determines that the written plan may potentially exclude or

1 otherwise discriminate against an individual in violation of the  
2 persons with disabilities civil rights act, 1976 PA 220, MCL  
3 37.1101 to 37.1607, the authority shall forward the written plan to  
4 the commission.

5       Sec. 5. (1) If within 6 months after the effective date of  
6 this act a landlord does not prepare and submit a written plan as  
7 required under section 4, the commission shall notify the landlord  
8 in writing that a plan must be submitted within 30 days of the  
9 receipt of the written notice. A landlord that fails to submit a  
10 written plan after the expiration of the 30-day period may be  
11 ordered to pay a civil fine as follows:

12       (a) If the multifamily dwelling has 4 or fewer floors, not  
13 more than \$500.00.

14       (b) If the multifamily dwelling has 5 or more floors, not more  
15 than \$1,000.00.

16       (2) The civil fine assessed under subsection (1) must be  
17 increased by 10% every 30 days until the landlord complies with  
18 subsection (1).

19       (3) A violation of this act may be prosecuted by the  
20 prosecutor of the county in which the violation occurred or by the  
21 attorney general.

22       Enacting section 1. This act does not take effect unless  
23 Senate Bill No. 1144 of the 101st Legislature is enacted into  
24 law.