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House Bill 4273 (Substitute S-3)
Sponsor: Representative Amos O'Neal
House Committee: Regulatory Affairs
Senate Committee: Housing and Human Services

Date Completed: 10-10-23

CONTENT

The bill would amend Article 7 (Enforcement) of the Housing Law of Michigan to do the following:

- **Require a local enforcing agency to notify an occupant of a violation of the Law that constituted a serious and imminent hazard to health or safety to the occupant and expand the requirements of the notification.**
- **Specify that, if an inspector determined that a violation constituted a serious and imminent hazard to the health and safety of the occupants and the premises could not be vacated, the enforcing agency would have to order the violation corrected within the shortest reasonable time.**
- **Require the enforcing agency to notify the Department of Health and Human Services (DHHS) of a violation that constituted a serious and imminent hazard to occupants' health or safety and specify the requirements of the notification.**

Generally, the Law applies to local governments that have a population of at least 10,000 and does not apply to private dwellings and two-family dwellings in any local government with a population less than 100,000. Municipalities may provide an agreement for the joint administration and enforcement of the Law. The Law provides minimum requirements for the dwellings it governs.

Specifically, the Law requires a local enforcing agency to inspect multiple dwelling and rooming houses governed by the Law at specified frequencies if the agency adopted an ordinance providing for their inspection. Currently, the enforcing agency must notify the owner and has the discretion to notify an occupant of a violation. The notice must be in writing and state the date of the inspection, name of the inspector, and the nature of the violation. Instead, under the bill, an enforcing agency would have to notify the owner of a violation and *would have to notify the occupant of a violation that constituted a serious and imminent hazard to the health or safety of the occupant* in writing and in a manner reasonably calculated to give actual notice of the violation. The notice would have to include the following:

- The date of the inspection.
- The name of the inspector.
- The nature of the violation.
- The specific section of the Law that was violated.
- Whether the violation constituted a serious and imminent hazard to the health or safety of the occupants.
- The time within which the correction would have to be completed.

(Under the Law, "multiple dwelling" means a dwelling occupied otherwise than as a private dwelling or two-family dwelling. Multiple dwellings are divided into either class a, which are

occupied more or less permanently and in which the rooms allow for cooking, kitchen, and toilet accommodations, such as apartment buildings; or class b, which are occupied, as a rule, transiently, and generally without any attempt to provide cooking or kitchen accommodations, such as hotels or boarding houses. Generally, a "rooming house" means a dwelling occupied in such a manner that certain rooms in excess of those used by the members of the immediate family and occupied as a home or family unit, are leased or rented to individuals outside of the family without an attempt to provide cooking or kitchen accommodations for individuals leasing or renting rooms.)

The bill would define "serious and imminent hazard" as a dangerous condition in a premises that could reasonably be expected to cause death or serious bodily harm to the occupants of the premises if that dangerous condition is not immediately corrected by the owner.

The Law specifies that if an inspector determines that a violation constitutes a hazard to the occupant's health or safety and the premises cannot be vacated, the enforcing agency must order the violation corrected within the shortest reasonable time and the local enforcing agency must notify the DHHS within 48 hours. The notice must state the date of the inspection, name of the inspector, the nature of the violation, and the time in which the correction will be completed.

Under the bill, this provision would apply instead to a violation that constituted a serious and imminent hazard to the health or safety of an occupant. The enforcing agency would have to notify the DHHS within 48 hours of the information proposed to be sent to an occupant.

MCL 125.523

Legislative Analyst: Eleni Lionas

FISCAL IMPACT

The bill would have a minor negative fiscal impact on local units of government and no fiscal impact on the State. The bill would increase the costs for the local enforcing agency by requiring a notification for not only the owner but also all occupants. The local enforcing agency currently has the discretion whether to notify the occupants. If the local enforcing agency already informs all occupants, then there would be no negative fiscal impact from the bill. The bill would relax the hazard law reporting requirements to only require reporting on hazards that are serious and imminent, which could reduce the reporting costs of the local enforcing agency. The increase in costs from notification would likely outweigh the savings from the relaxing of the hazards reporting requirement resulting in a minor negative fiscal impact on local units of government.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.