

HOUSE BILL No. 4291

February 23, 1999, Introduced by Reps. Gosselin, Voorhees, Kuipers, Bradstreet, Green and DeRossett and referred to the Committee on Regulatory Reform.

A bill to amend 1917 PA 167, entitled
"Housing law of Michigan,"
by amending section 126 (MCL 125.526), as amended by 1997 PA 200,
and by adding section 126a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 126. (1) The enforcing agency ~~shall~~ MAY inspect —
2 ~~on a periodic basis,~~ multiple dwellings and rooming houses regu-
3 lated by this act AFTER THE AGENCY HAS RECEIVED A WRITTEN COM-
4 PLAINT REGARDING THE HEALTH OR SAFETY OF THESE DWELLINGS.
5 ~~Except as provided in subsection (2), the period between inspec-~~
6 ~~tions shall not be longer than 2 years. All other dwellings reg-~~
7 ~~ulated by this act may be inspected at reasonable intervals. A~~
8 COPY OF SUCH A COMPLAINT SHALL BE MAILED TO THE OWNER OF THE
9 DWELLINGS BY REGISTERED MAIL, RETURN RECEIPT REQUESTED.

1 ~~-(2) A local governmental unit may provide by ordinance for~~
2 ~~a maximum period between inspections of a multiple dwelling or~~
3 ~~rooming house that is not longer than 3 years, if the most recent~~
4 ~~inspection of the premises found no violations of the act.~~

5 (2) ~~-(3)~~ An inspection shall be conducted in the manner
6 best calculated to secure compliance with the act and appropriate
7 to the needs of the community. ~~, including, but not limited to,~~
8 ~~on 1 or more of the following bases:~~

9 ~~-(a) An area basis, such that all the regulated premises in~~
10 ~~a predetermined geographical area will be inspected simultaneous-~~
11 ~~ly, or within a short period of time.~~

12 ~~-(b) A complaint basis, such that complaints of violations~~
13 ~~will be inspected within a reasonable time.~~

14 ~~-(c) A recurrent violation basis, such that those premises~~
15 ~~that are found to have a high incidence of recurrent or uncor-~~
16 ~~rected violations will be inspected more frequently.~~

17 (3) ~~-(4)~~ An inspection shall be carried out by the enforc-
18 ing agency, or by the enforcing agency and representatives of
19 other agencies that form a team to undertake an inspection under
20 this and other applicable acts.

21 (4) ~~-(5) Except as provided in subsection (7),~~ BEFORE AN
22 INSPECTION, an inspector, or team of inspectors, shall request
23 ~~and receive~~ IN WRITING permission to enter ~~before entering~~ a
24 leasehold regulated by this act at reasonable hours to undertake
25 an inspection. IF PERMISSION IS NOT GIVEN, THE INSPECTOR, OR
26 TEAM OF INSPECTORS, SHALL NOT ENTER THE LEASEHOLD WITHOUT A
27 WARRANT, EXCEPT IN A CASE OF AN EMERGENCY. In the case of an

1 emergency, as defined under rules promulgated by the enforcing
2 agency, ~~or upon presentment of a warrant,~~ the inspector or team
3 of inspectors may enter at any time.

4 ~~(6) Except in an emergency, before entering a leasehold~~
5 ~~regulated by this act, the owner of the leasehold shall request~~
6 ~~and obtain permission to enter the leasehold. In the case of an~~
7 ~~emergency, including, but not limited to, fire, flood, or other~~
8 ~~threat of serious injury or death, the owner may enter at any~~
9 ~~time.~~

10 ~~(7) The enforcing agency may require the owner of a lease-~~
11 ~~hold to do 1 or more of the following:~~

12 ~~(a) Provide the enforcing agency access to the leasehold if~~
13 ~~the lease provides the owner a right of entry.~~

14 ~~(b) Provide access to areas other than a leasehold or areas~~
15 ~~open to public view, or both.~~

16 ~~(c) Notify a tenant of the enforcing agency's request to~~
17 ~~inspect a leasehold, make a good faith effort to obtain permis-~~
18 ~~sion for an inspection, and arrange for the inspection. If a~~
19 ~~tenant vacates a leasehold after the enforcing agency has~~
20 ~~requested to inspect that leasehold, an owner of the leasehold~~
21 ~~shall notify the enforcing agency of that fact within 10 days~~
22 ~~after the leasehold is vacated.~~

23 ~~(d) Provide access to the leasehold if a tenant of that~~
24 ~~leasehold has made a complaint to the enforcing agency.~~

25 ~~(8) A local governmental unit may adopt an ordinance to~~
26 ~~implement subsection (7).~~

1 ~~(9) For multiple lessees in a leasehold, notifying at least~~
2 ~~1 lessee and requesting and obtaining the permission of at least~~
3 ~~1 lessee satisfies subsections (5) and (7).~~

4 ~~(10) Neither the enforcing agency nor the owner may discrim-~~
5 ~~inate against an occupant on the basis of whether the occupant~~
6 ~~requests, permits, or refuses entry to the leasehold.~~

7 ~~(11) The enforcing agency shall not discriminate against an~~
8 ~~owner who has met the requirements of subsection (7) but has been~~
9 ~~unable to obtain the permission of the occupant, based on the~~
10 ~~owner's inability to obtain that permission.~~

11 (5) ~~-(12)-~~ The enforcing agency may establish and charge a
12 reasonable fee for ~~inspections~~ AN INSPECTION conducted under
13 this act. The fee shall not exceed the actual, reasonable cost
14 of providing the inspection for which the fee is charged.

15 (6) ~~-(13)-~~ As used in this section AND SECTION 126A,
16 "leasehold" means a private dwelling or separately occupied
17 apartment, suite, or group of rooms in a 2-family dwelling or in
18 a multiple dwelling if the private dwelling or separately occu-
19 pied apartment, suite, or group of rooms is leased to the occu-
20 pant under the terms of either an oral or written lease.

21 SEC. 126A. (1) THE MINIMUM INSPECTION STANDARDS AND
22 REQUIREMENTS FOR PUBLIC HOUSING SHALL NOT BE LESS THAN THE LOCAL
23 INSPECTION STANDARDS AND REQUIREMENTS FOR CLASS A MULTIPLE DWELL-
24 INGS OR LEASEHOLDS.

25 (2) AS USED IN THIS SECTION, "PUBLIC HOUSING" MEANS HOUSING
26 OPERATED BY A CITY, VILLAGE, TOWNSHIP, OR OTHER UNIT OF LOCAL

1 GOVERNMENT AS PROVIDED IN 1933 (EX SESS) PA 18, MCL 125.651 TO
2 125.709C.