

SUBSTITUTE FOR
SENATE BILL NO. 394

A bill to amend 1917 PA 167, entitled
"Housing law of Michigan,"
by amending sections 1, 125, and 126 (MCL 125.401, 125.525, and
125.526), sections 1 and 126 as amended by 2008 PA 408.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. (1) This act shall be known **AND MAY BE CITED** as the
2 "housing law of Michigan". ~~and shall apply~~

3 (2) **THIS ACT APPLIES** to ~~every~~ **EACH** city, ~~and organized~~
4 village, ~~in this state which, by~~ **AND TOWNSHIP THAT, ACCORDING TO**
5 the last regular or special federal census, ~~had~~ **HAS** a population of
6 ~~100,000~~ **10,000** or more. , ~~and to every city or village as its~~
7 ~~population shall reach 100,000 thereafter and also to that~~
8 ~~territory immediately adjacent and contiguous to the boundaries of~~
9 ~~such a city or village and extending for a radial distance of 2 1/2~~

1 ~~miles beyond their boundaries in all directions. This act shall~~
 2 ~~also apply to any city and organized village in this state which,~~
 3 ~~as determined by the last regular or special federal census, has or~~
 4 ~~shall hereafter attain a population of 10,000 or more. This~~
 5 **HOWEVER, THIS** act ~~relating~~ **DOES NOT APPLY** to private dwellings and
 6 2-family dwellings ~~does not apply to~~ **IN** any city, ~~or organized~~
 7 village, ~~lying outside the 2 1/2 mile radius and~~ **OR TOWNSHIP** having
 8 a population of less than 100,000 unless the legislative body of
 9 the ~~city or village~~ **LOCAL GOVERNMENTAL UNIT ADOPTS THE PROVISIONS**
 10 by resolution, ~~passed by a majority vote of the~~ **ITS** members. ~~elect~~
 11 ~~of the legislative body, adopt the provisions. In the case of~~
 12 ~~charter townships and townships the provisions of this act relating~~
 13 ~~to private dwellings and 2 family dwellings may be applied to those~~
 14 ~~areas by ordinance of the respective township board adopting the~~
 15 ~~provisions.~~

16 (3) This act applies to all dwellings within the classes
 17 defined in the ~~following sections,~~ **SECTION 2**, except that ~~in~~
 18 ~~sections where specific reference is made~~ **A REFERENCE** to 1 or more
 19 specific classes of dwellings, ~~those provisions shall apply~~
 20 **APPLIES** only to those classes to which specific reference is made.
 21 ~~All other provisions that relate to dwellings shall apply to all~~
 22 ~~classes of dwellings.~~

23 Sec. 125. (1) ~~A~~ **THE ENFORCING AGENCY MAY MAINTAIN A** registry
 24 of owners and premises ~~shall be maintained by the enforcing~~
 25 ~~agency.~~ **REGULATED BY THIS ACT.**

26 (2) ~~The owners~~ **IF THE ENFORCING AGENCY MAINTAINS A REGISTRY OF**
 27 **OWNERS AND PREMISES, THE OWNER** of a multiple dwelling or rooming

1 house containing units which will be offered to let, or to hire,
 2 for more than 6 months of a calendar year ~~, shall register their~~
 3 ~~names and places of~~ **WITH THE ENFORCING AGENCY THE OWNER'S NAME, THE**
 4 **ADDRESS OF THE OWNER'S** residence or usual ~~places~~ **PLACE** of business,
 5 and the location of the ~~premises regulated by this act with the~~
 6 ~~enforcing agency.~~ **MULTIPLE DWELLING OR ROOMING HOUSE.** The owners
 7 **OWNER** shall register within 60 days following the day on which any
 8 part of the premises is offered for occupancy. ~~Owners of multiple~~
 9 ~~dwellings or rooming houses containing units which are occupied or~~
 10 ~~offered for occupancy at the time this act becomes effective shall~~
 11 ~~register within 90 days after the effective date of this article.~~

12 (3) If the premises are managed or operated by an agent, the
 13 agent's name and place of business shall be ~~placed~~ **ENTERED** with the
 14 name of the owner in the registry **UNDER SUBSECTION (2)** .

15 Sec. 126. (1) ~~The~~ **A LOCAL GOVERNMENTAL UNIT IS NOT REQUIRED TO**
 16 **INSPECT A MULTIPLE DWELLING OR ROOMING HOUSE UNLESS THE LOCAL**
 17 **GOVERNMENTAL UNIT RECEIVES A COMPLAINT FROM A LESSEE OF A VIOLATION**
 18 **OF THIS ACT.**

19 (2) **SUBJECT TO SUBSECTION (1), THE** enforcing agency shall
 20 inspect multiple dwellings and rooming houses regulated by this act
 21 in accordance with this act. ~~Except~~

22 (3) **SUBJECT TO SUBSECTION (1) AND EXCEPT** as provided in
 23 subsection ~~(2),~~ **(4),** the period between inspections **OF A MULTIPLE**
 24 **DWELLING OR ROOMING HOUSE** shall not be longer than 4 years. All
 25 other dwellings regulated by this act may be inspected at
 26 reasonable intervals. Inspections of multiple dwellings or rooming
 27 houses conducted by the United States ~~department of housing and~~

1 ~~urban development~~ **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT** under
 2 the real estate assessment center inspection process or **BY** other
 3 government agencies may be accepted by a local governmental unit
 4 and an enforcing agency as a substitute for inspections required by
 5 a local enforcing agency. To the extent permitted under applicable
 6 law, a local enforcing agency or its designee ~~is authorized to~~ **MAY**
 7 exercise inspection authority delegated by law or agreement from
 8 other agencies or authorities that perform inspections required
 9 under other state law or federal law.

10 (4) ~~(2) A~~ **SUBJECT TO SUBSECTION (1), A** local governmental unit
 11 may provide by ordinance for a maximum period between inspections
 12 of a multiple dwelling or rooming house that is not longer than 6
 13 years if the most recent inspection of the premises found no
 14 violations of ~~the~~ **THIS** act and the multiple dwelling or rooming
 15 house has not changed ownership during the 6-year period.

16 (5) ~~(3) An~~ inspection shall be conducted in the manner best
 17 calculated to secure compliance with ~~the~~ **THIS** act and appropriate
 18 to the needs of the community, including, but not limited to, on 1
 19 or more of the following bases:

20 (a) An area basis, ~~such that~~ **UNDER WHICH** all the regulated
 21 premises in a predetermined geographical area ~~will be~~ **ARE** inspected
 22 simultaneously, or within a short period of time.

23 (b) A complaint basis, ~~such that~~ **UNDER WHICH PREMISES THAT ARE**
 24 **THE SUBJECT OF** complaints of violations ~~will be~~ **ARE** inspected
 25 within a reasonable time.

26 (c) A recurrent violation basis, ~~such that~~ **UNDER WHICH**
 27 premises that ~~are found to~~ have a high incidence of recurrent or

1 uncorrected violations ~~will be~~ **ARE** inspected more frequently.

2 (d) A compliance basis, ~~such that~~ **UNDER WHICH** a premises
3 brought into compliance before the expiration of a certificate of
4 compliance or any requested repair order may be issued a
5 certificate of compliance for the maximum renewal certification
6 period authorized by the local governmental unit.

7 (e) A percentage basis, ~~such that~~ **UNDER WHICH** a local
8 governmental unit ~~may establish~~ **ESTABLISHES** a percentage of units
9 in a multiple dwelling to be inspected in order to issue a
10 certificate of compliance for the multiple dwelling.

11 (6) ~~(4)~~ An inspection shall be carried out by the enforcing
12 agency, or by the enforcing agency and representatives of other
13 agencies that form a team to undertake an inspection under this and
14 other applicable acts.

15 (7) ~~(5)~~ Except as provided in subsection ~~(7)~~ **(9) AND THIS**
16 **SUBSECTION**, an inspector, or team of inspectors, shall request and
17 receive permission to enter before entering a leasehold regulated
18 by this act ~~at reasonable hours~~ to undertake an inspection **AND**
19 **SHALL ENTER AT A REASONABLE HOUR**. In the case of an emergency, ~~as~~
20 ~~defined under rules promulgated by the enforcing agency~~, **INCLUDING,**
21 **BUT NOT LIMITED TO, FIRE, FLOOD, OR OTHER THREAT OF SERIOUS INJURY**
22 **OR DEATH**, or upon presentment of a warrant, the inspector or team
23 of inspectors may enter at any time.

24 (8) ~~(6)~~ Except ~~in an emergency, before~~ **BEFORE** entering a
25 leasehold regulated by this act, the owner of the leasehold shall
26 request and obtain permission to enter the leasehold. ~~In the case~~
27 ~~of~~ **HOWEVER, IN** an emergency, including, but not limited to, fire,

1 flood, or other threat of serious injury or death, the owner may
2 enter at any time.

3 (9) ~~(7)~~—The enforcing agency may require the owner of a
4 leasehold to do 1 or more of the following:

5 (a) Provide the enforcing agency access to the leasehold if
6 the lease provides the owner a right of entry.

7 (b) Provide access to areas other than a leasehold or areas
8 open to public view, or both.

9 (c) Notify a ~~tenant~~ **THE LESSEE** of the enforcing agency's
10 request to inspect a leasehold, make a ~~good faith~~ **GOOD-FAITH** effort
11 to obtain permission for an inspection, and arrange for the
12 inspection. If a ~~tenant~~ **LESSEE** vacates a leasehold after the
13 enforcing agency has requested to inspect that leasehold, ~~an~~ **THE**
14 owner of the leasehold shall notify the enforcing agency of that
15 fact within 10 days after the leasehold is vacated.

16 (d) Provide access to the leasehold if a ~~tenant~~ **LESSEE** of that
17 leasehold has made a complaint to the enforcing agency.

18 (10) ~~(8)~~—A local governmental unit may adopt an ordinance to
19 implement subsection ~~(7)~~ **(9)**.

20 (11) ~~(9)~~—For multiple lessees in a leasehold, notifying at
21 least 1 lessee and requesting and obtaining the permission of at
22 least 1 lessee satisfies **THE NOTICE AND PERMISSION REQUIREMENTS OF**
23 subsections ~~(5) and (7)~~ **(7) TO (9)**.

24 (12) ~~(10)~~—Neither the **THE** enforcing agency ~~nor~~ **OR** the owner
25 ~~may~~ **SHALL NOT** discriminate against an occupant on the basis of
26 whether the occupant requests, permits, or refuses entry to the
27 leasehold.

1 (13) ~~(11)~~The enforcing agency shall not discriminate against
2 an owner who has met the requirements of subsection ~~(7)~~**(9)** but has
3 been unable to obtain the permission of the occupant, based on the
4 owner's inability to obtain that permission.

5 (14) ~~(12)~~The enforcing agency may establish and charge a
6 reasonable fee for inspections conducted under this act. The fee
7 shall not exceed the actual, reasonable cost of providing the
8 inspection for which the fee is charged. **AN INSPECTION FEE IS NOT**
9 **REQUIRED TO BE PAID MORE THAN 6 MONTHS BEFORE THE INSPECTION IS TO**
10 **TAKE PLACE.** An owner or property manager ~~shall~~**IS** not be liable for
11 an inspection fee if the inspection is not performed and the
12 enforcing agency is the direct cause of the failure to perform **THE**
13 **INSPECTION.**

14 (15) ~~(13)~~ ~~An~~**IF REQUESTED, AN** enforcing agency or a local
15 governmental unit shall produce a report ~~to a requesting party on~~
16 the income and expenses of the inspection program for the preceding
17 fiscal year. The report shall ~~contain~~**STATE THE AMOUNT OF** the fees
18 assessed by the enforcing agency, the costs incurred in performing
19 inspections, and the number of units inspected. The report shall be
20 provided to the requesting party within 90 days ~~of~~**AFTER** the
21 request **IS MADE.** The enforcing agency or local governmental unit
22 may produce the report electronically. If the enforcing agency does
23 not have readily available access to the information required for
24 the report, the enforcing agency may charge the requesting party a
25 fee ~~no~~**NOT** greater than the actual reasonable cost of providing the
26 information. If an enforcing agency charges a fee under this
27 subsection, the enforcing agency shall include **IN THE REPORT** the

1 costs of providing and compiling the information. ~~contained in the~~
2 ~~report.~~

3 (16) ~~(14)~~—If a complaint identifies a dwelling or rooming
4 house regulated under this act in which a child is residing, the
5 dwelling or rooming house shall be inspected prior to inspection of
6 any nonemergency complaint.

7 (17) ~~(15)~~—As used in this section:

8 (a) "Child" means an individual under 18 years of age.

9 (b) "Leasehold" means a private dwelling or separately
10 occupied apartment, suite, or group of rooms in a 2-family dwelling
11 or in a multiple dwelling if the private dwelling or separately
12 occupied apartment, suite, or group of rooms is leased to the
13 occupant under ~~the terms of either an oral or written lease.~~