

HOUSE BILL NO. 5763

May 30, 2024, Introduced by Reps. Morgan, Wilson, Weiss, Price, O'Neal, Hope, Tsernoglou and Brenda Carter and referred to the Committee on Economic Development and Small Business.

A bill to amend 1917 PA 167, entitled
"Housing law of Michigan,"
by amending section 130 (MCL 125.530).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 130. (1) ~~When~~**If** a certificate is withheld pending
2 compliance, ~~no~~premises ~~which~~**that** have not been occupied for
3 dwelling or rooming purposes ~~shall~~**must not** be ~~so~~occupied, and
4 ~~those~~premises ~~which~~**that** have been or are occupied for dwelling or
5 rooming purposes may be ordered vacated until reinspection and
6 proof of compliance in the discretion of the enforcing agency.

(2) A certificate of compliance ~~shall~~**must** be issued on condition that the premises remain in safe, ~~healthful~~**healthy**, and fit condition for occupancy. If upon reinspection the enforcing agency determines that conditions exist ~~which~~**that** constitute a hazard to health or safety, the certificate ~~shall~~**must** be immediately suspended as to affected areas, and the areas may be vacated as provided in subsection (1).

(3) ~~The~~**Seventy-two hours after a certificate of compliance is withheld under subsection (1) or has not been issued or is suspended under subsection (2), the** duty to pay rent ~~in accordance with~~**under** the terms of any lease, ~~or agreement, or under the provisions of any statute shall be~~**is** suspended and the suspended rentals shall be paid into an escrow account as provided in subsection (4), **waived** during that period when the premises have not been issued a certificate of compliance, or when ~~such~~**the** certificate, once issued, has been suspended. ~~This subsection does not apply until the owner has had a reasonable time after the effective date of this article or after notice of violations to make application for a temporary certificate, as provided in section 131. Nor does this~~**This subsection does not apply where if** the owner establishes that the conditions ~~which~~**that** constitute a hazard to health or safety were caused by the occupant or occupants. ~~The rent, once suspended, shall again become due in accordance with the terms of the lease or agreement or statute from and after the time of reinstatement of the certificate, or where a temporary certificate has been issued, as provided in section 131.~~

~~(4) Rents due for the period during which rent is suspended shall be paid into an escrow account established by the enforcing officer or agency, to be paid thereafter to the landlord or any~~

~~other party authorized to make repairs, to defray the cost of
correcting the violations. The enforcing agency shall return any
unexpended part of sums paid under this section, attributable to
the unexpired portion of the rental period, where the occupant
terminates his tenancy or right to occupy prior to the undertaking
to repair.~~

~~(4) (5) When the~~ **If a** certificate of compliance has been
suspended ~~, or has not been issued, and the rents thereafter
withheld are not paid into the escrow account,~~ actions for rent,
for late fees, and for possession of the premises for nonpayment of
rent may **not** be maintained. ~~, subject to such defenses as the
tenant or occupant may have upon the lease or contract.~~