

HOUSING LAW OF MICHIGAN (EXCERPT)
Act 167 of 1917

125.526 Inspection; inspection by federal government as substitute; basis; inspectors; consent to enter leasehold; duties of owner; access during reasonable hours; request by owner to enter leasehold; multiple lessees; discrimination prohibited; fees; report; dwelling with child residing; ordinance; "lease" defined.

Sec. 126.

(1) A local governmental unit is not required to inspect a multiple dwelling or other dwelling unless the local governmental unit receives a complaint from a lessee of a violation of this act.

(2) Subject to subsection (1), the enforcing agency shall inspect multiple dwellings and other dwellings regulated by this act in accordance with this act. If a local governmental unit adopts an ordinance providing for inspections of multiple dwellings or other dwellings on a basis described in subsection (4)(a), (c), (d), or (e), both of the following apply:

(a) The period between inspections of a multiple dwelling or rooming house shall not be longer than 4 years, or 6 years if the most recent inspection of the premises found no violations of this act and the multiple dwelling or rooming house has not changed ownership during the 6-year period.

(b) All other dwellings regulated by this act may be inspected at reasonable intervals.

(3) Inspections of multiple dwellings or other dwellings conducted by the United States Department of Housing and Urban Development under the real estate assessment center inspection process or by other government agencies may be accepted by a local governmental unit and an enforcing agency as a substitute for inspections required by a local enforcing agency. To the extent permitted under applicable law, a local enforcing agency or its designee may exercise inspection authority delegated by law or agreement from other agencies or authorities that perform inspections required under other state law or federal law.

(4) An inspection shall be conducted in the manner best calculated to secure compliance with this act and appropriate to the needs of the community, including, but not limited to, on 1 or more of the following bases:

(a) An area basis, under which all the regulated premises in a predetermined geographical area are inspected simultaneously, or within a short period of time.

(b) A complaint basis, under which premises that are the subject of complaints of violations are inspected within a reasonable time.

(c) A recurrent violation basis, under which premises that have a high incidence of recurrent or uncorrected violations are inspected more frequently.

(d) A compliance basis, under which a premises brought into compliance before the expiration of a certificate of compliance or any requested repair order may be issued a certificate of compliance for the maximum renewal certification period authorized by the local governmental unit.

(e) A percentage basis, under which a local governmental unit establishes a percentage of units in a multiple dwelling to be inspected in order to issue a certificate of compliance for the multiple dwelling.

(5) An inspection shall be carried out by the enforcing agency, or by the enforcing agency and representatives of other agencies that form a team to undertake an inspection under this and other applicable acts.

(6) Except as provided in subsections (7) to (9) and (11), an inspector or team of inspectors must request and receive consent from the lessee to enter before entering a leasehold regulated by this act to undertake an inspection.

(7) The owner of a leasehold shall notify the lessee of the enforcing agency's request to inspect a leasehold, shall make a good-faith effort to obtain the lessee's consent for an inspection, and, if the owner obtains the lessee's consent for an inspection, shall arrange for the inspection by the enforcing agency.

(8) The owner of a leasehold shall provide the enforcing agency access to the leasehold for an inspection during reasonable hours if any of the following apply:

(a) The lease authorizes an enforcing agency inspector to enter the leasehold for an inspection.

(b) The lessee has made a complaint to the enforcing agency.

(c) The leasehold is vacant.

(d) The enforcing agency serves an administrative warrant ordering the owner to provide access.

(e) The lessee has consented to an inspection under subsection (7). If a lessee is not present during the inspection, the enforcing agency may rely on the owner's representation to the enforcing agency that the lessee has consented to the enforcing agency's inspection.

(9) The lessee shall provide the enforcing agency access to the leasehold for an inspection during reasonable hours if any of the following apply:

(a) The lease authorizes an enforcing agency inspector to enter the leasehold for an inspection.

(b) The lessee has made a complaint to the enforcing agency.

(c) The enforcing agency serves an administrative warrant ordering the lessee to provide access.

(d) The lessee has given consent.

(10) If a lessee who refused an inspection by the enforcing agency vacates a leasehold before an inspection by the enforcing agency, the owner of the leasehold shall notify the enforcing agency within 10 days after the leasehold is vacated.

(11) Before entering a leasehold regulated by this act, the owner of the leasehold shall request and obtain permission to enter the leasehold. However, in the case of an emergency, including, but not limited to, fire, flood, or other threat of serious injury or death, the owner may enter at any time.

(12) The owner of a leasehold shall provide access to the enforcing agency to areas of the multiple dwelling or other dwelling that are not part of the leasehold or that are open to public view.

(13) For multiple lessees in a leasehold, notifying at least 1 lessee and requesting and obtaining the consent of at least 1 lessee satisfies the notice and consent requirements of subsections (6) and (7).

(14) The enforcing agency or the owner shall not discriminate against a lessee on the basis of whether the lessee consents to or refuses entry to the leasehold for an inspection by the enforcing agency.

(15) The enforcing agency shall not discriminate against an owner who has met the requirements of subsection (7) because a lessee refuses the enforcing agency entry to a leasehold for an inspection under this act.

(16) The enforcing agency may establish and charge a reasonable fee for inspections conducted under this act. The fee shall not exceed the actual, reasonable cost of providing the inspection for which the fee is charged. An inspection fee is not required to be paid more than 6 months before the inspection is to take place. An owner or property manager is not liable for an inspection fee if the inspection is not performed and the enforcing agency is the direct cause of the failure to perform the inspection.

(17) If requested, an enforcing agency or a local governmental unit shall produce a report on the income and expenses of the inspection program for the preceding fiscal year. The report shall state the amount of the fees assessed by the enforcing agency, the costs incurred in performing inspections, and the number of units inspected. The report shall be provided to the requesting party within 90 days after the request is made. The enforcing agency or local governmental unit may produce the report electronically. If the enforcing agency does not have readily available access to the information required for the report, the enforcing agency may charge the requesting party a fee not greater than the actual reasonable cost of compiling and providing the information. If an enforcing agency charges a fee under this subsection, the enforcing agency shall include in the report the costs of compiling and providing the information.

(18) If a complaint identifies a multiple dwelling or other dwelling regulated under this act in which an individual under 18 years of age is residing, the dwelling shall be inspected before any inspection in response to a nonemergency complaint.

(19) Subject to section 8, a local governmental unit may adopt an ordinance to implement this section.

(20) When used in this act as a noun, "lease" means a written or unwritten agreement or contract that sets forth the terms and conditions, rights and obligations of each party with respect to a residential dwelling, dwelling unit, rooming unit, building, premises, or structure that is not occupied by the owner of record.

History: Add. 1968, Act 286, Eff. Nov. 15, 1968 ;-- Am. 1997, Act 200, Imd. Eff. Jan. 2, 1998 ;-- Am. 2000, Act 479, Imd. Eff. Jan. 11, 2001 ;-- Am. 2008, Act 408, Imd. Eff. Jan. 6, 2009 ;-- Am. 2016, Act 14, Eff. May 16, 2016 ;-- Am. 2017, Act 169, Eff. Feb. 19, 2018