

TENANT NOTIFICATION OF HOUSING LAW VIOLATION

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House Bill 4183 (proposed substitute H-2)

Sponsor: Rep. Amos O'Neal

Committee: Regulatory Reform

Complete to 9-14-21

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4183 would amend the Housing Law of Michigan to require the owner of a multi-unit dwelling to notify each affected occupant of the property within 48 hours after receiving a notice of a violation of the act that constitutes a serious and imminent hazard to the health or safety of the occupants. This requirement could be satisfied by sending a copy by registered or certified mail, emailing a scanned copy of the notice, delivering a copy of the notice (which would be signed by both the owner and the affected occupant receiving the notice), or posting a copy of the notice in an affected occupant's dwelling or in a common area of the premises.

In general, if any part of the premises of a multiple dwelling (e.g., an apartment building) is found to be in violation of a provision of the Housing Law, the **enforcing agency** of the municipality in which the premises are located is required to notify the owner (and may notify the tenants) in writing of the violation. (An **enforcing agency** is the designated officer or agency charged with administering and enforcing the act.) The notice to the owner must state the date of the inspection, the name of the inspector, the nature of the violation, and the time within which the correction must be completed. Units in multiple dwellings cannot be occupied unless a certificate of compliance has been issued by the enforcing agency. A violation does not prevent a certificate from being issued, but a certificate cannot be issued when the existing conditions constitute a hazard to the health or safety of the occupants.

The bill would eliminate the discretion of the enforcing agency to notify the tenants of a violation involving the property. The bill would require the notice to the owner to state the specific section of the act that was violated and whether the violation constitutes a **serious and imminent hazard** to the health or safety of the occupants, in addition to providing the information described above. (**Serious and imminent hazard** would mean a dangerous condition in the premises that, if it is not immediately corrected by the owner, could reasonably be expected to cause death or serious bodily harm to the occupants of the premises.) An owner notified that a violation constitutes a serious and imminent hazard to the health or safety of occupants would be required to notify each affected occupant of the premises of the violation within 48 hours after receiving the notice. The notice to affected occupants would have to be provided in a manner reasonably calculated to give actual notice of the violation, such as any of the following:

- By sending a copy of the notice to each affected occupant by certified or registered mail.
- By sending a scanned copy of the notice to each affected occupant by electronic mail. The owner would have to ensure that the notice is sent to an email address provided to the owner by the occupant or previously used to communicate with the owner.

- By personal delivery of the notice to each affected occupant. The notice would have to be signed by both the owner and the occupant receiving it, with both of them retaining a copy or image of the signed notice.
- If personal delivery cannot reasonably be accomplished, by posting the notice on a door in the affected occupant's dwelling.
- By posting a copy of the notice in a *common area* at the premises. The notice would have to remain posted in the common area until the violation identified in the notice had been corrected. (*Common area* would mean a portion of a building generally accessible to all occupants of the building, such as a community center, communal laundry room, mailroom, public hall, recreational room, or stair hall.)

In addition, the Housing Law currently requires the enforcing agency to order the violation to be corrected within the shortest reasonable time if an inspector determines that a violation constitutes a hazard to the occupant's health or safety under circumstances where the premises cannot be vacated. The bill would change this requirement to apply only a violation that constitutes a *serious and imminent* hazard to the health or safety of the occupants under circumstances where the premises cannot be vacated.

Finally, the Housing Law now requires the enforcing agency to notify the Department of Health and Human Services (formerly the Family Independence Agency) within 48 hours if an inspector determines that a violation constitutes a hazard to the health or safety of the occupants. The bill would change this requirement to apply only to a *serious and imminent* hazard to the occupants' health and safety. In addition, such a notice is now required to include the date of the inspection, the name of the inspector, the nature of the violation, and the time within which the correction must be completed. The bill would further require the notice to include the specific section of the act that was violated and whether the violation constitutes a serious and imminent hazard to the health or safety of the occupants.

MCL 125.532

FISCAL IMPACT:

House Bill 4183 would not have a significant fiscal impact on any unit of state or local government, since it would be incumbent on owners to fulfill the additional responsibilities created under the bill.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.