

(B) THE LIVABILITY CODE SHALL APPLY TO RESIDENTIAL STRUCTURES USED FOR HUMAN HABITATION EXCEPT:

(1) OWNER-OCCUPIED HOUSING UNITS;

~~(1)~~ (2) ANY HOUSING LOCATED IN A POLITICAL SUBDIVISION THAT HAS ADOPTED A LOCAL HOUSING CODE CONTAINING PROVISIONS THAT ARE EQUAL TO OR EXCEED THE PROVISIONS OF THE MINIMUM LIVABILITY CODE SUBSTANTIALLY CONFORM WITH THE PROVISIONS OF THE STATEWIDE LIVABILITY CODE; OR

~~(2)~~ (3) ANY HOUSING EXEMPTED BY THE DEPARTMENT.

(C) (1) ENFORCEMENT OF THE MINIMUM LIVABILITY CODE SHALL BE THE RESPONSIBILITY OF THE POLITICAL SUBDIVISION IN WHICH THE HOUSING IS LOCATED.

~~(2) IN MAKING ENFORCEMENT DECISIONS, A POLITICAL SUBDIVISION SHALL CONSIDER:~~

~~(i) ANY TENANT COMPLAINT;~~

~~(ii) THE CONDITION OF THE HOUSING;~~

~~(iii) A TENANT'S PREFERENCE TO REMAIN IN MARGINALLY SUBSTANDARD HOUSING; AND~~

~~(iv) THE AVAILABILITY OF ALTERNATIVE HOUSING FOR ANY TENANT LIKELY TO BE DISPLACED BY THE ENFORCEMENT ACTION.~~

~~(3) (2) A POLITICAL SUBDIVISION MAY WAIVE APPLICABILITY OF THE MINIMUM LIVABILITY CODE TO A UNIT OF RENTAL HOUSING ON APPLICATION OF THE PROPERTY OWNER IF:~~

~~(i) ADEQUATE NOTICE IN A FORM AND MANNER SPECIFIED BY THE SUBDIVISION IS AFFORDED ANY TENANT OF THE UNIT;~~

~~(ii) THE TENANT IS AFFORDED AN OPPORTUNITY TO COMMENT ON THE APPLICATION EITHER IN WRITING OR IN PERSON; AND~~

~~(iii) THE WAIVER WOULD NOT THREATEN THE HEALTH OR SAFETY OF ANY TENANT.~~

~~(4) (3) A POLITICAL SUBDIVISION MAY WAIVE APPLICABILITY OF THE MINIMUM LIVABILITY CODE IF THE WAIVER IS GRANTED ON THE BASIS OF THE RELIGIOUS PRACTICES OF THE OCCUPANT OF THE UNIT OF RENTAL HOUSING.~~

~~(2) (5) THE DEPARTMENT SHALL DECIDE QUESTIONS OF INTERPRETATION OF THE MINIMUM LIVABILITY CODE INCLUDING QUESTIONS RELATING TO UNIFORM ENFORCEMENT BY POLITICAL SUBDIVISIONS AND MAY AUTHORIZE ANY WAIVER OR EXEMPTION UNDER THE CODE.~~

(D) (1) THE DEPARTMENT IS AUTHORIZED TO PROVIDE MATCHING GRANTS AND TECHNICAL ASSISTANCE TO POLITICAL SUBDIVISIONS TO