

ORDINANCE NO. 1656

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF SOUTHFIELD BY DELETING CHAPTER 103, REGISTRATION REQUIREMENTS FOR RENTAL OR LEASED DWELLINGS, OF TITLE VIII, BUILDING REGULATIONS, OF THE CODE OF THE CITY OF SOUTHFIELD, AND BY INSERTING IN LIEU THEREOF A NEW CHAPTER 103, REGISTRATION REQUIREMENTS FOR RENTAL OR LEASED DWELLINGS.

THE CITY OF SOUTHFIELD ORDAINS:

The Code of the City of Southfield is hereby amended by deleting Chapter 103, Registration Requirements for Rental or Leased Dwellings, of Title VIII, Building Regulations, of the Code of the City of Southfield, and inserting in lieu thereof a new Chapter 103, Registration Requirements for Rental or Leased Dwellings, which shall read as follows:

SECTION 1.

Sec. 8.501 Purpose, Intent and Findings

The purpose of this chapter is to help protect the health, safety and welfare of city residents and citizens, to prevent blight and property deterioration in neighborhoods, and to promote and maintain healthy and sanitary conditions in all single and two family and townhouse rental dwellings located in the City, recognizing the importance of such to the persons who do or may reside therein or in the vicinity. The City also recognizes a compelling interest in establishing standards for the maintenance of sanitary and safe single and two family and townhouse rental dwellings within the City which will provide for the maintenance of property values of nearby properties; and the reduction and elimination of blight and other negative factors affecting neighborhoods and the quality of life within the City.

The City finds that the nature of single family, two family, and townhouse rental dwellings versus multiple family and non-residential rental buildings is unique because, in the City's experience:

- (1) The maintenance of single and two family and townhouse rental dwellings are typically the obligation of a non-owning tenant or a non-occupying, off-site owner rather than an on-site manager or management company;
- (2) Unlike non-residential rental buildings and apartment units, single and two family and townhouse rental dwellings are typically located in neighborhoods consisting of owner-occupied single family dwelling units where the deterioration and non-maintenance of homes has a much more significant and direct negative impact on the quality of life, character, vitality, appearance, and value of properties in the surrounding neighborhood affecting residents on a broad and large scale basis within the City;

- (3) Single and two family and townhouse rental dwellings are more often located in close proximity to other single-family residential structures and, therefore have a greater effect on the general health, safety, and welfare of the City's residents; and
- (4) Accordingly, regulating single and two family and townhouse rental dwellings is the most effective way to reduce neighborhood and city blight with the resources available to the city. Thus, in order to address this unique situation and help to protect residents of neighborhoods surrounding single and two family rental dwellings, the City finds that a single and two family and townhouse rental dwelling registration and inspection program is warranted and necessary.

Sec. 8.502 Scope

The provisions of this chapter shall apply to one and two family and townhouse rental dwellings, including any accessory buildings or structures, and the land upon which such rental dwelling is located.

Sec. 8.503 Definitions

For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein.

1. *Certificate of rental compliance* means a certificate issued by the city's building and safety engineering division, which certifies compliance with this chapter and other applicable provisions of this Code and with other codes and ordinances of the city.
2. *Code official* means a city building official, building inspector, the director of the department and other city employees designated and legally authorized by the director or the City Administrator to administer and enforce this chapter.
3. *Department* shall mean the Department of Building and Safety Engineering or any successor department or division hereafter established.
4. *Director* shall mean the Director of the Department or his or her designee.
5. *Dwelling* means any building that contains either a one or two-family dwelling as defined in Chapter 45, Title V, of the Code, or townhouse, including any accessory buildings or structures and the land upon which it is situated, that is intended for occupancy for living purposes.
6. *Dwelling unit* shall have the meaning as defined in Chapter 45 of the Code.
7. *Family* shall have the meaning as defined in Chapter 45 of the Code.

8. *Fee Schedule* means the schedule of fees established by resolution of the City Council from time to time.
9. *Occupants* mean tenants, lessees, renters, and/or any persons residing in or occupying a rental dwelling who are not owners thereof.
10. *Owner* means the person or entity having a legal or equitable ownership interest in a one or two family rental dwelling which ownership interest is established by a written document that has been fully recorded at the Oakland County Register of Deeds office or is reflected on a property transfer affidavit filed with the City Assessor. Owner does not include a person with a possessory interest pursuant to a lease with option to purchase, lease to purchase, or any similar possessory interest.
11. *Rent or rented* means a lease or other contractual arrangement whereby a person is to pay or provide monetary or other consideration to another person for the right or privilege to use and occupy a residential dwelling for any period of time.
12. *Rental dwelling* means a residential one or two family dwelling or townhouse that is not occupied as a residence by the owner and is rented or available to be rented; provided, however, rental dwelling shall exclude any structure or building the principal use of which is licensed and inspected by the State of Michigan and is preempted from regulation by the City pursuant to state or federal law. Except as otherwise expressly provided in this chapter, occupancy of any dwelling by any person other than the owner of record (with his or her family, as defined in Chapter 45 of the City Code) shall be considered renting and shall require registration and inspection of the dwelling pursuant to this chapter. A homestead declaration filed on the property reflecting less than 100% shall be prima facie evidence that the Owner does not occupy the dwelling.
13. *Townhouse* means an attached, privately owned single family dwelling unit, which is a part of a building containing three or more privately owned single family dwelling units, in which each unit extends from foundation to roof and with a yard or public way on not less than two sides.

Sec. 8.504 Registry of owners and premises

Owners of rental dwellings shall register such dwellings with the Department as provided in this Chapter before they are rented or offered for rent. An owner shall register the rental dwelling with the Department in order to be entitled to collect rent from tenants and occupants residing or located in the rental dwelling.

- (1) Registration shall be on a form provided by the Department. Required information shall include the name, address and telephone number of the owner and any managing agent or entity. For each individual owner or agent a driver's license number or State of Michigan identification number must be provided. The Department may require any additional information as may be relevant and necessary to the proper implementation and enforcement of this chapter. The form must be signed by all owners and agents.
- (2) The registration fee shall be paid at the time of application for registration. In the event a rental dwelling is not registered within the timeframes set forth in this Section 8.504, a late registration fee shall be assessed in the additional amount of \$100.00 per month, per dwelling unit until the rental dwelling is registered and all fees paid.
- (3) Once registration of the rental dwelling has been issued by the Department, it shall remain in effect until a change of ownership and/or agency occurs with respect to the property.
- (4) Any changes, at any time, in the information provided by an owner on a registration form must be submitted to the Department in writing within thirty (30) days of the change.
- (5) If an owner is a business entity, other than an individual, the names, address and telephone numbers of corporate officers, partners, members and managers as applicable to the form of the organization shall be listed. If such business entity has no substantial assets other than the rental dwelling to be registered and is controlled in whole or in part of by or more other business entities, then the name, address, driver's license numbers, and telephone numbers of those entities and their officers, partners, members and/or managers shall be listed.
- (6) All rental dwellings existing at the effective date of this chapter shall be registered within ninety (90) days of the effective date of this chapter and such registration shall remain effective until a change of ownership or change of agent occurs.
- (7) Any existing non-rental dwelling that is converted to a rental dwelling after the effective date of this chapter shall be registered prior to the date on which the property is first occupied for rental purposes.
- (8) All other rental dwellings shall be registered prior to any use or occupancy as a rental dwelling.
- (9) A new owner shall register a rental dwelling which has been sold, transferred or conveyed to such new owner within thirty (30) days after the date of the sale, transfer, or conveyance. Any existing certificate of rental compliance for the new owner's rental dwelling shall be transferred to the new owner and shall be valid until its expiration or revocation.

- (10) After the registration of each rental dwelling, the Code Official or his or her designee may, in his or her discretion, place such dwelling on a schedule of inspections for certificates of rental compliance that allows the administrative burden of the Department to be evenly spread from year to year.

Sec. 8.505 Certificate of Rental Compliance Required

Persons shall not occupy, and Owners shall not rent, offer for rent, or allow occupancy of rental dwellings unless a certificate of rental compliance has been applied for and issued by the Department as provided in this chapter, except rental dwellings existing on the effective date of the ordinance establishing this chapter may continue to be rented and occupied after such effective date without a certificate of rental compliance provided the owner timely complies with the registration requirements under Section 8.504(4), pays all applicable fees under Section 8.512, complies with the requirements of Section 8.509 for the scheduling and performance of all inspections necessary for issuance of a certificate of rental compliance, and timely undertakes all actions necessary to meet the requirements for and obtain a certificate of rental compliance under this chapter.

Sec. 8.506 Issuance of Certificate of Rental Compliance

- (a) A certificate of rental compliance shall be applied for at the time the Owner initially registers the dwelling as a rental dwelling, and subsequent thereto, shall be applied for not later than thirty (30) days prior to the expiration of an existing certificate of rental compliance in accordance with Section 8.507(b) hereof. A certificate of rental compliance shall be required for all rental dwellings and shall be issued only after:
 - (1) An inspection of the dwelling and the premises upon which it is located by the Code Official verifies that there are no violations of the inspection guidelines described in Section 8.510 hereof, and the International Property Maintenance Code, as may be amended from time to time, and other applicable ordinances and codes upon which they are based;
 - (2) All registration, inspection and other fees have been paid and the dwelling has been registered and all registration information is current and correct as provided in Section 8.504; and
 - (3) All property taxes, water and sewer bills, and any other City assessments or charges associated with the dwelling are current.

- (b) In the event upon inspection the rental dwelling is determined not to comply with the requirements of this chapter, the owner shall be sent a written notice of the violations noted during the inspection. The owner shall correct such violations within the period stated within the written notice. When a certificate of rental compliance is withheld pending compliance and correction of violations, no rental dwelling that has not been occupied shall be so occupied, and a rental dwelling that has been or is occupied may be ordered vacated by the Code Official until re-inspection by the Department and a certificate of rental compliance has been issued.
- (c) A certificate of rental compliance is issued conditioned upon the requirement that the rental dwelling remain in a safe, habitable and fit condition for occupancy thereof.

Sec. 8.507 Term and Revocation of Certificate of Rental Compliance

- (a) Unless revoked in accordance with the provisions of this chapter, a certificate of rental compliance shall be valid for a period of three (3) years from the date it is issued. The Code Official may revoke a certificate of rental compliance if an inspection reveals violations of this chapter or upon a determination that the owner is not otherwise in compliance with any provision of this chapter.
- (b) The owner shall schedule an inspection of an existing certificate of rental compliance not later than thirty (30) days before the expiration thereof. Failure to schedule the inspection within such thirty (30) day period prior to expiration shall result in the immediate suspension of the existing certificate of rental compliance, the imposition of an additional late fee of \$100.00 per month per dwelling unit until the new certificate of rental compliance is issued, and the imposition of the penalties as set forth in Section 8.514 hereof.

Sec. 8.508 Inspection Frequency

- (a) The frequency of regular inspections of rental dwellings under this chapter shall be at least one (1) such inspection every three (3) years.
- (b) Rental dwellings shall be subject to inspection at any time there is a credible complaint or other indication of a violation of this chapter.

Sec. 8.509 Inspection Procedures

The owner shall schedule with the Department the date and time of the inspection; and the Department shall notify the owner of the fees that must be paid before the inspection. The owner shall be responsible for notifying each tenant or occupant of the rental dwelling of the date and time of the inspection. The owner or agent is required to provide the Code Official with access to the rental dwelling and accompany the Code Official during the performance of all inspections and in the event that the tenant or occupant is not present, the owner or agent must provide access to the inspector by unlocking the door of the tenant or occupant's dwelling unit, verifying that no occupant is present and securing the dwelling unit after the inspection is completed.

Sec. 8.510 Inspection and Maintenance Guidelines

- (a) The director shall prepare and maintain a list of inspection guidelines to be used in making inspections relating to the enforcement of this chapter. The inspection guidelines shall be based on this chapter and applicable code and ordinance requirements and shall set forth the requirements and conditions and scope of repairs necessary for obtaining the issuance of a certificate of rental compliance.
- (b) In all events, rental dwellings and the premises upon which they are located shall be maintained in a manner consistent with the criteria set forth in the International Property Maintenance Code, as may be amended from time to time.
- (c) Regular inspections under this chapter shall be made of the exterior of the rental dwelling and the premises upon which it is located. The interior of the rental dwelling shall only be subject to inspection during the three (3) year certificate of rental compliance period if one or more of the following conditions have been reported to the city or have been identified by an exterior inspection of the dwelling as possibly existing:
 - (1) the rental dwelling is, or is in or part of, a structure that is unsafe, unfit for human occupancy, unlawful, dangerous, or that includes unsafe equipment as defined and regulated under the International Property Maintenance Code, as amended from time to time;
 - (2) a violation of any maintenance standard in the International Property Maintenance Code that may allow rain, moisture, surface or roof drainage or animals to enter the exterior walls, structure or living space of the rental dwelling;
 - (3) the rental dwelling is, or is in part of, a structure that includes an unsafe condition pursuant to any other provision of this Code or any other code adopted by reference in this Code; or
 - (4) Multiple or recurring violations of the inspection and maintenance guidelines under this chapter have occurred with respect to the rental dwelling.

Sec. 8.511 Transfer and Termination of Certificates of Rental Compliance

- (a) The Department shall transfer a certificate of rental compliance to a new owner when the new owner provides the registration information required by Section 8.504(8) and pays the transfer fee in accordance with the Fee Schedule.
- (b) Upon receipt of a written notice and documentation of a sale, transfer or conveyance of a rental dwelling to a new owner that will occupy the premises with no portions rented, the Department shall terminate any Certificate of Rental Compliance and remove the dwelling unit from the City's registry of rental dwellings.

Sec. 8.512 Fees

- (a) Except as may otherwise be expressly provided in Section 8.513 hereof, the owner of the rental dwelling shall be responsible for payment of registration, inspection, certificate of rental compliance and other fees involved in the administration and enforcement of this chapter, which fees shall be set forth in the Fee Schedule.
- (b) An inspection fee shall include the initial inspection plus one follow-up inspection to determine whether the violations noted in the initial inspection have been corrected. Additional re-inspections necessitated for correction of violations shall be assessed additional re-inspection fees as set forth in the Fee Schedule.

Sec. 8.513 Collection of Fees

- (a) All required fees shall be paid at the time of submitting application materials and before commencement of scheduled inspections, unless otherwise authorized by the Code Official.
- (b) In the event of complaints from a tenant regarding conditions affecting the rental dwelling that have not been addressed by the owner, the Department shall have the right to require an inspection of the rental dwelling between regular inspection periods, provided that the Tenant shall be responsible for payment of a special inspection fee in accordance with the fee schedule.
- (c) If for any reason, fees that are due and payable under this chapter are not paid, a statement of the fees shall be mailed to the owner, or if applicable, the tenant, and shall be paid within fifteen (15) days.

Sec. 8.514 Violation and Penalty

- (a) A violation of any provision of this chapter shall constitute a municipal civil infraction, and shall be subject to the relief provided for municipal civil infractions under Chapter 15 of the Code.

(b) In addition, any use or activity in violation of the terms of this chapter is hereby declared to be a nuisance per se and may be abated by order of any court of competent jurisdiction. The City, in addition to other remedies, may cause to be instituted any appropriate action or proceeding to vacate the premises and/or prevent, abate or restrain the nuisance violation.

SECTION 2.

Should any section, clause, or paragraph of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the Ordinance as a whole or part thereof other than the part declared to be invalid.

SECTION 3.

All ordinances or part of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect. The registration of any rental dwelling properly inspected and registered pursuant to Chapter 103 as implemented by Ordinance No. 1550, prior to the repeal of Chapter 103 by this ordinance, shall remain valid and in effect until the expiration of such rental certificate as stated therein.

SECTION 4.

Any firm, corporation, or person who violates any of the provisions of this Ordinance is responsible for a municipal civil infraction, and shall be subject to such penalties as are provided in Chapter 15, Section 1.703, of the Southfield City Code.

SECTION 5.

This Ordinance shall become effective upon passage and publication.

KENSON J. SIVER, Mayor

NANCY L.M. BANKS, City Clerk

Introduced: 01/25/2016
Enacted: 02/29/2016
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