

## **ORDINANCE NO. 1692**

**AN ORDINANCE TO AMEND THE CITY CODE BY DELETING EXISTING CHAPTER 105, REGISTRATION OF APARTMENT COMMUNITIES, AND ADDING IN LIEU THEREOF A NEW CHAPTER 105, REGISTRATION AND INSPECTION OF MULTIPLE FAMILY RESIDENTIAL DWELLINGS, TO TITLE VIII, BUILDING REGULATIONS.**

### **THE CITY OF SOUTHFIELD ORDAINS:**

THE CODE OF THE CITY OF SOUTHFIELD IS HEREBY AMENDED BY DELETING EXISTING CHAPTER 105, REGISTRATION OF APARTMENT COMMUNITIES, AND ADDING IN LIEU THEREOF A NEW CHAPTER 105, REGISTRATION AND INSPECTION OF MULTIPLE FAMILY RESIDENTIAL DWELLINGS, TO TITLE VIII, BUILDING REGULATIONS, WHICH NEW CHAPTER SHALL READ AS FOLLOWS:

### **SECTION 1**

#### **CHAPTER 105. REGISTRATION AND INSPECTION OF MULTIPLE FAMILY RESIDENTIAL DWELLINGS**

##### **Sec. 8.701 Purpose.**

The purpose of this chapter is to implement registration and inspection requirements for owners of multiple family residential dwellings in order to facilitate the application and enforcement of City health, building and safety codes and ordinances, as well as state laws regulating or affecting the operation of multiple family residential dwellings.

##### **Sec. 8.702 Definitions.**

- (1) Applicable Codes shall mean the current fire prevention, building, property maintenance, plumbing, electrical and mechanical codes adopted by the City, and other city ordinances.
- (2) Code Official shall mean a city building official, building inspector, the director of the Department, and other persons designated and legally authorized by the director, the City Administrator, and/or the City Council to administer and enforce this chapter.
- (3) Common Areas shall mean those areas within or on the multiple family residential dwelling premises, including, without limitation, the roof, exterior structures and appurtenances, lobbies, mechanical rooms, and common hallways, stairwells, laundry facilities, basements, fitness areas, multi-purpose rooms, restrooms, and the like.
- (4) Department shall mean the Department of Building and Safety Engineering or any successor department hereafter established.
- (5) Dwelling unit shall mean a single unit providing independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

- (6) Lease when used herein as a noun, shall mean 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, building, premises, or structure that is not occupied by the owner.
- (7) Manager shall mean the person or entity appointed or hired by the owner to be responsible for the daily operation of a multiple family residential dwelling.
- (8) Multiple Family Residential Dwelling or Premises shall mean a multi-family residential rental property under common ownership containing three or more separate living units designed, built, rented, leased, let out or hired out to be occupied, or that are occupied, as residences, but excludes a condominium project as established pursuant to PA 59 of 1978, MCL 559.101, et. seq. where occupants own a fee interest in their respective units, and also excludes multiple family residential dwellings which are subject to inspection by the United States Department of Housing and Urban Development or the Federal Housing Administration upon proof of inspection and compliance being provided to the city.
- (9) Owner shall mean the person(s) or entities who/which holds title to a multiple family residential dwelling.
- (10) Resident agent shall mean the person identified by the owner of a multiple family residential dwelling in the registration filed pursuant to this Chapter authorized to receive any legal process and/or notice required or provided for in this chapter on behalf of an owner.

#### Sec. 8.703 Registration of Multiple Family Residential Dwellings.

It shall be unlawful for any person or entity to operate a multiple family residential dwelling in the City without first registering the ownership of such property with the Department as required by this chapter.

- (1) Registration shall be on forms provided by the City and shall consist of the following information:
  - (a) The name of the owner and, if the owner is a corporation, whether foreign or domestic, the registered agent of the owner and the residential or business address of the owner and registered agent, which address information shall include the street name and number, office or suite number if a business address, the city, state, and zip code, and the telephone number of the owner;
  - (b) The nature and extent of the owner's interest in the property. If there is only one owner, the extent of the owner's interest is 100%;
  - (c) The name and business or residence address, including street name and number, city, state, and zip code, of the current manager or management company of the multiple family residential dwelling and, if the manager is other than an individual, the name, title, business address, including street name and number, city, state, and zip code, of the individual to be contacted for any purpose under this chapter relating to the multiple family residential dwelling, and

- (d) The name and business or residential address (including city, state and zip code) and phone number of any contractor or entity responsible for equipment and/or maintenance for designated areas within the premises, such as laundry facilities.
  - (e) The number and means of identification of all dwelling units within the multiple family residential dwelling.
- (2) The use of a public or private post office box or other similar address shall not be sufficient for the purposes of complying with this chapter.
  - (3) Any change of ownership of a multiple family residential dwelling, including, but not limited to, the sale of the property or any ownership interest therein, shall require the purchaser or transferee to update the information required under subsection (1) of this section, and to file such updated information with the Department within 30 days of the effective date of such ownership change. This same requirement shall apply to any change relating to the owner's registered agent and/or manager or management company.
  - (4) The owner of a multiple family residential dwelling existing on the date of enactment of this ordinance shall comply with the provisions of this chapter not later than the thirtieth day following the enactment hereof. The owner of a newly constructed multiple family residential dwelling shall comply with the provisions of this chapter not later than the thirtieth day following issuance of a certificate of occupancy or temporary certificate of occupancy, whichever occurs first.
  - (5) The fee for registration shall be in such amount as the City Council shall establish from time to time by resolution.
  - (6) Registration in compliance with the provisions of this chapter shall be good for the period of one (1) year.
  - (7) It is a violation of this chapter for an owner to provide inaccurate information on the rental application or fail to provide information on the rental application required by the city.

#### Sec 8.704 Inspections Required

- (1) All multiple family residential dwellings shall be scheduled for an initial compliance inspection within ninety (90) days of a property owner first submitting the registration information as set forth in section 8.703 hereof. The inspection shall consist of all common areas within the multiple family residential dwelling and premises, as well as a random sampling of dwelling units as determined by the department in accordance with section 8.705 hereof, to assure compliance with applicable codes.
- (2) In the event the initial inspection reveals applicable code violation(s), the code official shall provide a written notice of the noted code violation(s) to the property owner and the manager, who shall have thirty (30) days from receipt of the notice to correct said code violation(s). More time may be granted by the code official upon request in those situations in which the property owner or manager can demonstrate a justifiable need and the additional time, if granted, will not result in conditions deteriorating further. Less time may also be specified

in the notice for correction of code violation(s) in situations involving life or health threatening circumstances. In situations where the violation(s) revealed within the course of an initial inspection reflect a hazard to health and safety, those premises or units which have been or are occupied for dwelling purposes may be ordered vacated by the code official until reinspection and proof of elimination of the condition(s) constituting the hazard to health and safety. If any violation(s) remains uncorrected following the allotted repair time as set forth in the notice, the code official shall issue a violation citation as set forth in section 8.708 hereof.

- (3) Upon an initial inspection or reinspection(s) revealing that the premises and all dwelling units selected for inspection are in compliance with applicable codes, the department shall issue a certificate of compliance. The certificate of compliance shall be valid for one (1) year except as otherwise provided in this chapter. The certificate of compliance is expressly issued conditioned upon the premises, and all dwelling units situated therein, remaining in a safe, healthful and fit condition for occupancy. If a subsequent inspection(s) reveals condition(s) that reflect a hazard or danger to health or safety, the certificate of compliance shall be immediately suspended or revoked as to the affected area(s) and/or dwelling unit(s), and those premises which have been or are occupied for dwelling purposes may be ordered vacated by the code official until reinspection and proof of elimination of the condition(s) constituting the hazard or danger to health and safety. Upon reinspection and proof of compliance with applicable codes, a certificate of compliance will be reissued.

#### Sec 8.705 Periodic inspections, Intervals, Basis

- (1) The code official, or his/her authorized representatives or employees, shall inspect, on a periodic basis, multiple family residential dwellings regulated by this chapter. All multiple family residential dwellings shall be subject to an annual inspection, subject to subsection (5) hereof.
- (2) The department shall prepare an inspection schedule for existing multiple family residential dwellings. Selection of dwelling units for inspection shall be based on a random methodology adopted by the department from time to time, and shall include not less than twenty (20) percent of all dwelling units within each multiple family residential dwelling in the city, subject to the exceptions set forth in section 8.705(5) hereof.
- (3) Upon inspection of twenty (20) percent of dwelling units within a multiple family residential dwelling as set forth herein, in the event that more than fifty (50) percent of such dwelling units fail the inspection, the department may require that additional dwelling units in such number as the department shall determine (up to 100% of the dwelling units within the premises) shall be inspected by the department.
- (4) If the most recent inspection of the premises including not less than eighty (80) percent of the dwelling units selected for inspection reveals no violations of applicable codes, the certificate of compliance issued by the department upon such inspection shall be valid for a period of three (3) years and no routine periodic inspections as set forth in section 8.705(2) shall be required during such three (3) year period, provided that any violations existing in the remaining twenty (20) percent of the dwelling units inspected are corrected within the time established by the code official. Provided, however, any inspections initiated pursuant

to subsection 5(a), (b), or (e) as set forth hereafter shall remain in effect. If any subsequent inspection(s) reveals condition(s) that reflect a hazard or danger to health or safety the certificate of compliance shall be immediately suspended or revoked by the code official as to the affected area(s) and/or dwelling unit(s), and those premises which have been or are occupied for dwelling purposes may be ordered vacated by the code official until reinspection and proof of elimination of the condition(s) constituting the hazard or danger to health and safety.

- (5) Provided, however, the department shall have the right to conduct inspections of multiple family residential dwellings and dwelling units situated therein on a different basis or more frequently than as set forth in section 8.705(2) hereof under the following circumstances:
  - (a) Upon a request by a tenant to inspect a unit or the premises;
  - (b) Upon a request by the property owner or manager to inspect a unit(s) or the premises;
  - (c) Upon receipt of information that the multiple family residential dwelling is not registered with the city pursuant to section 8.703 hereof;
  - (d) Upon a recurrent violation basis, under circumstances where the premises have had a high incidence of recurrent or uncorrected violation(s) of applicable codes;
  - (e) Upon receipt of information or knowledge of a threat to life, serious injury or to the public health in connection with the occupancy of a unit or structure, or other emergency including, without limitation, fire, flood, air contamination, infestation, explosion, utility failure, or the like.
- (6) Except in circumstances involving an imminent threat to life or public health, at least fifteen (15) days prior to an inspection or inspections, the department shall send in writing a notification to the property owner and the manager including the date, time and the unit or units to be inspected. The property owner or manager may request a change in the inspection appointment no less than ten (10) days prior to the scheduled inspection; a new inspection appointment shall be scheduled within thirty (30) days from the original appointment. In circumstances involving an imminent threat to life or public health, the department shall notify the property owner and the manager of the inspection with such advance notice as is reasonable under the circumstances.
- (7) Inspections of the premises and all dwelling units to be inspected shall be scheduled, to the extent practical, on a single day. If the department determines it will require more than one day to conduct the inspections based upon the number of dwelling units to be inspected, the inspections shall occur on multiple, consecutive days.

#### Sec 8.706 Inspection Procedures

- (1) The code official shall require the property owner or manager of the premises regulated by this chapter to do one or more of the following:
  - (a) notify the tenant(s) of the code official's request to inspect the selected dwelling units, and make a good faith effort to obtain the tenant's consent for the inspection. If the property owner or manager obtains the tenant's consent, the property owner or manager

shall arrange with the department for an inspection. For multiple tenants within a dwelling unit notifying at least one of the tenants and requesting and obtaining consent of at least one of the tenants satisfies the notice and consent requirements hereof.

- (b) Provide the code official with access to the common areas, and to each dwelling unit scheduled to be inspected if: i) the lease authorizes an enforcing agency inspector to enter the dwelling unit for inspection, ii) the tenant has consented to an inspection - (if the tenant is not present during the inspection, the code official may rely on the property owner's or manager's representation to the code official that the tenant has consented to the inspection of the dwelling unit.), iii) the dwelling unit to be inspected is vacant, or iv) the code official serves an administrative warrant ordering the owner to provide access.
- (2) A tenant within a multiple family residential dwelling shall provide access to his/her dwelling unit to the code official if: i) the lease authorizes an enforcing agency inspector to enter the dwelling unit for inspection; ii) the tenant has made a complaint to the department; iii) the tenant gives consent; or iv) the code official serves an administrative warrant ordering the tenant to provide access.
  - (3) In a non-emergency situation, where the owner or tenant demands a warrant for inspection of the premises or a dwelling unit, the city shall obtain an administrative warrant from a court of competent jurisdiction. The city shall prepare the warrant, stating the address or identification number of the structure to be inspected, the nature of the inspection, and the reasons for the inspection. It shall be appropriate and sufficient to set forth the basis of the inspection (e.g. complaint, recurrent violation(s), periodic random basis, etc.) established in section 8.705, in other applicable acts or in rules or regulations. The warrant shall also state that it is issued pursuant to this chapter, and that it is for the purposes set forth in this chapter and other acts which require that inspections be conducted.
  - (4) The code official shall prepare and maintain a list of inspection guidelines to be used in making inspections relative to the enforcement of this chapter. The inspection guidelines shall be based on this chapter and applicable code requirements. A copy of the inspection guidelines shall be available to all property owners, managers, and tenants prior to a scheduled inspection upon request therefor. The inspection guidelines shall not, in any way, limit the scope of provisions contained in applicable codes or enforcement rights of the city, and are provided solely as a courtesy.
  - (5) If, upon inspection of the common areas and/or any dwelling unit within the premises, the code official finds any violation(s) of the applicable codes, the property owner and the manager shall be sent a written notice of the violation(s) noted during the inspection. The property owner shall correct such violation(s) within thirty (30) days or such other time period stated within the written notice. More time may be granted by the code official upon request in those situations in which the property owner or manager can demonstrate a justifiable need and the additional time, if granted, will not result in conditions deteriorating further. Less time may also be specified in the notice for correction of code violation(s) in situations involving life or health threatening circumstances. In situations where the violation(s) revealed within the course of an inspection reflect a hazard to health and safety, those premises or units which have been or are occupied for dwelling purposes may be

ordered vacated by the code official until reinspection and proof of elimination of the condition(s) constituting the hazard to health and safety. If any violation remains uncorrected following the allotted repair time as set forth in the notice, the code official shall issue a violation citation as set forth in section 8.708 hereof.

- (6) Upon an inspection or reinspection(s) revealing that the premises and all dwelling units selected for inspection are in compliance with applicable codes, the department shall issue a certificate of compliance. The certificate of compliance shall be valid for one (1) year except as otherwise provided in this chapter. The certificate of compliance is expressly issued conditioned upon the premises, and all dwelling units situated therein, remaining in a safe, healthful and fit condition for occupancy. If a subsequent inspection(s) reveals condition(s) that reflect a hazard to health and safety, the certificate of compliance shall be immediately suspended as to the affected area(s) and/or dwelling unit(s), and those premises which have been or are occupied for dwelling purposes may be ordered vacated by the code official until reinspection and proof of elimination of the condition(s) constituting the hazard to health and safety. Upon reinspection and proof of compliance with applicable codes, a certificate of compliance will be reissued.

#### Sec 8.707 Fees

The owner of a multiple family residential dwelling shall be responsible for payment of registration, inspection, and other fees involved in the administration and enforcement of this chapter, which fees shall be as set forth within the fee schedule established by resolution of the city council from time to time.

#### Sec 8.708 Violation and Penalties

- (1) 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 city code.
- (2) 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.
- (3) The city, in addition to other remedies as set forth herein, may cause to be instituted any appropriate action or proceeding to vacate the premises or any dwelling unit in accordance with the provisions of applicable codes, and/or to 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.

#### **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

SHERIKIA L. HAWKINS, CITY CLERK

Introduced: 03/26/2018  
Enacted: 04/09/2018  
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