

ORDINANCE NO. 1768

AN ORDINANCE TO AMEND CHAPTER 103, REGISTRATION REQUIREMENTS FOR RENTAL OR LEASED DWELLINGS, OF TITLE VIII, BUILDING REGULATIONS, OF THE CODE OF THE CITY OF SOUTHFIELD, BY DELETING SECTION 8.503, DEFINITIONS AND SECTION 8.504 REGISTRY OF OWNERS AND PREMISES AND INSERTING IN LIEU THEREOF A NEW SECTION 8.503, DEFINITIONS AND A NEW SECTION 8.504 REGISTRATIONS OF OWNERS AND PREMISES.

THE CITY OF SOUTHFIELD ORDAINS:

The Code of the City of Southfield is hereby amended by deleting Sections 8.503, Definitions and 8.504 Registry of Owners and Premises, Chapter 103 of Title VIII, Building Regulations, and inserting in lieu thereof a new section 8.503, Definitions and 8.504 Registrations of Owners and Premises, which shall read as follows:

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, apartment, including any accessory buildings or structures and the land upon which it is situated, that is intended for occupancy for living purposes; a single unit providing independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation
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 or 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. Sublease means a lease by the lessee of an estate/dwelling/property to a third person, conveying all or part of the estate/dwelling/property for a shorter term than that for which the lessee holds originally. A sublease is any new contract/agreement between the lessee and the sublessee. The original lessee turns into a sublessor/responsible party.
14. *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. A sublessor/sublease is subject to all the conditions aforementioned and acts as the responsible party charged with compliance in this chapter.

- (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~~ \$1000.00 per month, per dwelling unit until the rental dwelling is registered and all fees paid. The administrative costs processing late rental registration so incurred by the city shall constitute a lien against the property and shall be the owner or sub-lessor of premises, as the case may be. If such charges are not paid within sixty (60) days after the bill for such charges is sent to the owner and/or sub-lessor, such charges may be collected in the manner provided in section 1.13 of the City Code.
- (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.

- (11) The owner of a rental shall provide the city with contact information for the owner or the owner's designee who is responsible for responding to complaints in a timely manner in person, over the phone or by e-mail at any time of day before offering a rental within the city.
- (12) If the property is owned by a person other than an individual and/or the owner is located more than thirty (30) miles away, a local property management company shall be contracted to perform weekly inspections to verify that the requirements of this section and any other applicable laws are being met and obey the following:
 - a The property shall be posted with the name and twenty-four-hour contact telephone number of a property management company located within thirty (30) miles of the subject property.
 - b The city-provided posting shall contain, along with the name and twenty-four-hour contact number, the words: "THIS PROPERTY MANAGED BY : ."
 - c The posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street or secured to the exterior of the building structure facing the street to the front of the property so that it is visible from the street, or, if no such area exists, on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property, but not readily accessible to vandals.
 - d The local property management company shall inspect the property at least on a weekly basis to determine if the property is in compliance with the requirements of this section, shall create and maintain a written record of the inspections and provide written notice to the owner, any person registered as responsible for the care and control of the property and the township of any areas of noncompliance.
- (13) In addition to the information required above, the owner shall provide to the city the name and contact information of a person/management company designated as an emergency contact. In the event of an emergency, the emergency contact is required to report to the short-term rental within one hour of being contacted.
- (14) The owner shall notify the city, in writing, of all changes in the contact information required by this section, not less than ten (10) days prior to the effective date of the change.
- (15) The city administrator or his/her designee shall develop the necessary forms and/or database necessary to implement this section.

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
Allyson Bettis, City Clerk

Introduced: 04/03/2023
Enacted: 04/17/2023
Published: 04/27/2023

A COPY OF THIS ORDINANCE MAY BE PURCHASED OR INSPECTED AT THE SOUTHFIELD CITY CLERK'S OFFICE LOCATED AT 26000 EVERGREEN ROAD, MONDAY THROUGH FRIDAY, FROM 8:00 A.M. TO 5:00 P.M.