

ARTICLE III. - RENTAL HOUSING

Sec. 10-44. - Purpose.

The city recognizes the need for an organized inspection and licensing program for residential rental units within the city in order to upgrade rental units to meet city and state safety, health, fire and zoning codes and to provide a more efficient system for compelling both absentee and local landlords to correct violations and to maintain, in proper condition, rental property within the city. The city recognizes that the most efficient system to provide for rental inspections is the creation of a program requiring the registration and licensing and inspection of all premises within the city as defined in this article, so that orderly inspection schedules can be made by city officials.

Sec. 10-45. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Disruptive conduct means any form of conduct, action, incident or behavior perpetrated, caused or permitted, by any occupant or visitor of a residential rental unit that is a violation of existing ordinances of the city or state law. In order for such disruptive conduct to constitute an offense under this article, a citation or criminal complaint must be issued by the police and successfully prosecuted or a guilty plea, or no contest plea, entered in court.

Dwelling, single-family dwelling, two-family dwelling, multiple-family dwelling, boardinghouse, hotel, and rooming unit means as ascribed in section 50-3.

Permanent resident means any person who occupies or has the right to occupy any room in a hotel or motel for at least 30 consecutive days.

Person means any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation or receiver, executor, personal representative, trustee, conservator or other representative appointed by order of any court.

Premises means a lot, plot or parcel of land, including the buildings or structures thereon, which also includes dwelling units, rooming units and dwellings.

Residential Rental Unit means all single-family dwellings, two-family dwellings, multifamily dwellings, boardinghouses, rooming houses, lodging houses, tourist houses, and hotels that rent or lease to permanent residents.

Sec. 10-46. - Registration and licensing requirements.

No person shall hereafter allow to be occupied, or rented or let to another person for occupancy, any dwelling unit, rooming unit, single-family dwelling, two-family dwelling, multifamily dwelling, boardinghouse, rooming house, lodging house, tourist house or hotel, which premises are intended for occupancy as a residential rental property within the city, for which a registration statement has not been properly made and filed with the building department of the city and for which a license has not been issued by the building department of the city. Registration shall be made upon forms furnished by the building department for such purpose and shall specifically require the following minimum information:

- (1) Name, address and telephone number of the property owner;
- (2) Name, address and telephone number of the designated local property manager, if any;
- (3) The street address of the rental property;
- (4) The number and types of units within the rental property;
- (5) The maximum number of occupants permitted for each dwelling or rooming unit; and
- (6) The name, address and telephone number of the person authorized to make or order repairs or services for the property, if in violation of city or state codes, if the person is other than the owner or local property manager.

Sec. 10-47. - Manner of registering.

Registration shall be made by the property owner, lessor, their designated agent, or designated local property manager in the office of the building department of the city prior to the inspection on forms containing the following information:

- (1) The names and addresses of the owner and lessor and of their designated agents or property managers upon whom a violation order may lawfully be served.

- a. Owners and lessors who reside 25 miles or more from city hall must designate a local agent who shall be authorized to act as the owner's or lessor's agent for any matters related to the owner's or lessor's rental permit(s), including but not limited to authorization to receive and respond to notices from the city and to receive service of process in any action or proceeding brought by the city against the owner or lessor.
 - b. Any such agent who is designated by an owner or lessor of premises must reside or do business within 25 miles from city hall and must provide the city with a local address and telephone number.
- (2) A description of the property, by street and number or otherwise, as will enable the building department to locate the same.
 - (3) Such other appropriate information as may be requested, including but not limited to number of units, number and type of rooms, together with a typical floor layout of the units and rooms with appropriate designations and identifications.

Sec. 10-48. - Transfer of property.

Every new owner of premises, as defined in section 10-45, which premises are to be let or rented, whether as fee owner or contract purchaser, shall be required to furnish to the building department the new owner's name, address and telephone number and the name, address and telephone number of the owner's designated local property manager before taking possession of the rental premises. No registration fee shall be required of the new owner during the year in which the possession takes place, provided that the previous owner has paid all registration fees and has complied with all the requirements of this article and any notices from the city concerning violations of health, zoning, fire or safety codes of the city. If any change in the type of occupancy as originally registered is contemplated by the new owner, a new registration statement shall be required.

Sec. 10-49. - Fees.

The city council shall establish an appropriate fee for registration, licensing and inspections.

Sec. 10-50. - Maintenance of records.

All records, files and documents pertaining to the rental registration and licensing and rental unit inspection program shall be maintained by the building department and made available to the public as allowed or required by state law or city ordinance.

Sec. 10-51. Inspection - Required.

(a) All single-family dwellings, two-family dwellings, multifamily dwellings, boardinghouses, roominghouses, lodging houses, tourist houses, and hotels that rent or lease to permanent residents shall be inspected systematically for compliance with this chapter and all other applicable laws of the state and the city. As part of the residential rental unit inspection process, the code enforcement officer shall also conduct an infestation and vermin inspection in each residential rental unit offered for lease or rent. This shall be an inspection of the entire residential rental unit and the surrounding property for possible health hazards resulting from any type of infestation, including, but not limited to, bugs, termites, roaches, ants, etc., and any type of vermin, including, but not limited to rats and mice. The code enforcement officer shall have the right to deny a license certifying inspection if, upon the code enforcement officer's opinion, there is an infestation or vermin hazard. If such hazard is discovered in the course of inspecting the residential rental unit, the owner of the premises shall be responsible for abating the hazard within forty-five (45) days of notice of same from the code enforcement officer regardless of whether the residential rental unit is actually rented or leased.

(b) The provisions of this section shall not apply to:

- (1) Dwellings, buildings, structures and uses owned and operated by any governmental agency;
 - (2) Dwellings, buildings, structures and uses licensed and inspected by the state; and
 - (3) Hotels that do not rent to permanent residents.
- (c) Where a nonresidential business or activity, or a state-licensed and inspected use occupies a portion

of a building and premises which would otherwise be subject to this article, the provisions of this article shall be applicable to the residential and common or public areas of such building and premises.

Sec. 10-52. - Same—Frequency.

- (a) All premises for rent or lease as defined in section 10-45 shall be inspected at least once every two years.
- (b) Neither the common areas nor the dwelling or rooming units in structures newly constructed shall be further inspected after the completion and issuance of a certificate of occupancy for a period of two years from the date of said certificate, unless a complaint is made thereof. Thereafter, said units shall be inspected in accordance with the requirements of this article.

(c) Nothing in this section shall preclude the inspection of said dwellings more frequently than every two years.

Sec. 10-53. Same - Certificate required; Written rental agreement required.

- (a) No person shall rent, let or let for occupancy any premises as defined in section 10-45 without having a valid, current license certifying inspection for that premises.
- (b) All rental agreements for residential rental units shall be in writing and shall reference applicable city ordinances with a summary of same including, but not limited to the rental housing ordinance, snow removal ordinance, weed control and refuse storage ordinance, and rodent control ordinance.

Sec. 10-54. Same - Procedure; Repairs by City; Notice to the Building Department.

(a) If, upon completion of the biennial inspection, the premises are found to be in compliance with all applicable city and state codes and ordinances and the appropriate fee has been paid, the city shall issue a license certifying inspection of the premises.

(b) If, upon completion of the inspection, the premises are found to be in violation of one or more provisions of applicable city codes and ordinances, the city shall provide written notice of such violations and shall set a reinspection date before which such violation shall be corrected. If such violation has been corrected within that period, the city shall issue a license certifying inspection of the premises. If such violations have not been corrected within that period, the city shall not issue the license and may take any action necessary to enforce compliance with applicable city and state codes and ordinances which may include the city correcting the violation. In the event the city corrects the violation there shall be imposed upon the owner a charge of the actual costs involved, plus ten (10) percent of said costs for each time the city shall correct the violation; and the owner shall be billed after same has been completed. Any such bill which remains unpaid and outstanding after the time specified therein for payment shall be grounds for the imposition of a municipal lien upon the premises as provided by law. Such lien may be reduced to a judgment and enforced and collected as provided by law, together with interest and court costs.

(c) After the license has been issued, and within thirty (30) days of the execution of any rental agreement, or upon transfer of possession of the residential rental unit(s) to any occupant(s) and/or tenant(s), whichever is earlier, the owner or agent shall file a renter's report with the building department, which shall list the following:

- (1) Name, address and contact number of the owner/landlord and property manager;
- (2) Name of the occupants and tenants;
- (3) Location, including the street address and apartment number, of the residential rental unit(s);
- (4) Terms of rental agreement, and
- (5) Date term shall commence.

Sec. 10-55. - Same—Request for.

The owner of any premises subject to this article may request inspections of said premises at any time.

Sec. 10-56. - License—Expiration date.

- (a) The licenses certifying inspection issued pursuant to this article shall expire two years from the date of the biennial inspection.
- (b) The license shall have the expiration date prominently displayed on its face.

Sec. 10-57. - Same—Transferability.

A license issued pursuant to this chapter shall be transferable to succeeding owners; provided, however, that within seven days of the transfer, the transferor shall provide written notice of said transfer to the building department of the city. Such notice shall contain the name and address of the succeeding owners. The failure to provide such notice shall result in the revocation of the license. Further, upon receipt of written notice of transfer of ownership, the city, at its option, reserves the right to conduct an inspection of the premises to determine whether the premises are in compliance with all applicable city and state codes and ordinances before approving a license transfer.

Sec. 10-58. - Same—Availability.

Upon the request of an existing or prospective tenant, the owner or the owner's agent or property manager shall produce the license certifying inspection.

Sec. 10-59. - Suspension or revocation of license.

If the building official determines that any person has failed to comply with this chapter or any applicable city or state code or ordinance, the building official may suspend or revoke the license held by that person. A person aggrieved by such a suspension or revocation or by any action taken by the city in regard to this article or city and state codes and ordinances, may make an appeal to the building board of appeals of the city. Upon receipt of the request or appeal, the building board of appeals shall hear and consider the matter. An appeal must be taken within ten days from the city's action and shall be addressed, in writing, to the building board of appeals of the city. The property owner and/or property manager or property owner's agent shall have the right to appear and be represented by counsel. The building board of appeals, after proper hearing, shall issue its order of decision and said decision may be appealed to the county circuit court. There shall be no appeal to the city council.

Sec. 10-60. Violations; equitable remedies; declaration of nuisance; disruptive conduct.

(a) Nothing in this article shall prevent the city from taking action under any of its fire, housing, zoning, health or safety codes, property maintenance codes or blight prevention codes for violations thereof to seek injunctive relief or criminal prosecution for such violations in accordance with the terms and conditions of the particular ordinance under which the city would proceed against the property owner, designated property manager or occupant of any residential rental dwelling unit covered by this article.

(b) Further, any violation of this article is hereby declared to be a nuisance. In addition to any other relief provided by this article, the city may apply to a court of competent jurisdiction for an injunction to prevent the continuation of any violation of this article.

(c) Occupants of residential rental units shall not engage in, nor tolerate nor permit others on the premises to engage in disruptive conduct or other violations of city ordinances or state law. When police investigate an alleged incident of disruptive conduct, he or she may complete a disruptive conduct report upon a finding that the reported incident did, in his or her judgment, constitute a disruptive conduct as defined herein and shall provide same to the building department. The information in said report shall include, if possible, the identity or identities of the alleged perpetrator(s) of the disruptive conduct and all other obtainable information including the factual basis for the disruptive conduct requested on the prescribed form. Where the police make such investigation, said police officer shall then submit the completed disruptive conduct report to the code enforcement officer. The code enforcement officer or agent shall mail a copy of the disruptive conduct report to the owner or property manager within five (5) working days of the occurrence of the alleged disruptive conduct. The owner shall take appropriate corrective measures to prevent further disruptive conduct by tenants or occupants. In the event a tenant, or occupant, is convicted of a third disruptive conduct violation within a license year, the owner shall evict the tenant and not allow the tenant to re-let or otherwise occupy the premises. The failure by the owner to evict the tenant shall result in license revocation.

Secs. 10-61—10-78. - Reserved.

CERTIFICATION

We, Suzanne L. Pixley, Mayor, and Steve M. Duchane, City Clerk for the City of Eastpointe, Macomb County, Michigan, do hereby certify that the foregoing Ordinance 1116 was duly adopted by the City Council after a second reading thereof at a regular meeting of said Council held on Tuesday, November 18, 2014, in the City Hall.