

**ORDINANCE NO. C-7-2014**

**CITY OF FARMINGTON HILLS  
OAKLAND COUNTY, MICHIGAN**

AMEND CHAPTER 7, "BUILDINGS AND BUILDING REGULATIONS," OF THE CITY CODE OF THE CITY OF FARMINGTON HILLS BY ADDING ARTICLE VIII, "SINGLE-FAMILY RENTAL DWELLINGS"

THE CITY OF FARMINGTON HILLS ORDAINS:

**Section 1 of Ordinance. Ordinance Amendment.**

Chapter 7, "Buildings and Building Regulations," of the City of Farmington Hills Code of Ordinances is hereby amended, to add a new Article VIII, "Single-Family Rental Dwellings" to read as follows:

**ARTICLE VIII. SINGLE-FAMILY RENTAL DWELLINGS.**

**Section 7-340. Purpose, intent and findings.**

The purpose of this article 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, sanitary conditions in all single-family rental dwellings located throughout 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-family rental dwellings within the City which will provide for the maintenance or property values of nearby properties; and the reduction and elimination of blight and other deleterious factors affecting neighborhoods and the quality of life within the City.

The City has received recommendations from citizen visioning groups indicating that an ordinance to address concerns relating to single-family rental dwellings is necessary to protect the health and welfare of the community, and the City recognizes the unique nature of single-family rental dwellings versus multiple family and non-residential rental buildings because, in the City's experience: (1) the maintenance of single-family rental dwellings is 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-family 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 property in the surrounding neighborhood affecting residents on a broad and large scale basis in the City; (3) single-family rental dwellings are more often located in close proximity to other single-family residential structures and they therefore have a greater effect on the general health, safety, and welfare of the City's residents; and, (4) therefore,

regulating single-family rental dwellings is the most effective way to reduce neighborhood and City blight with the resources available to the City. So in order to address this unique situation and help to protect residents of neighborhoods surrounding single-family rental dwellings, the City finds that a single-family rental dwelling inspection program is warranted and necessary.

**Section 7-341. Scope.**

The provisions of this article shall apply to single-family rental dwellings and the properties on which they are located.

**Section 7-342. Definitions.**

For purpose of this article, the following words and phrases have the meanings indicated:

*Building* means a structure with a roof supported by columns or walls to serve as a shelter or enclosure.

*Code Official* means a city building official, building inspector, code enforcement officer, the director of the Department and other city employees designated and legally authorized by that director or the city manager to administer and enforce this article.

*Certificate of compliance* means a certificate issued by the director of the Department which certifies compliance with this article and other applicable codes and city ordinances and indicates the date of such certification.

*Department* means the City's Department of Planning and Community Development.

*Family* shall have the meaning ascribed to it under chapter 34 of this code.

*Inspection guidelines* means the guidelines to be used by the code official in conducting inspections under this article, setting forth the minimum requirements for single-family rental dwellings.

*Lease* means a lease agreement, rental agreement or other written or oral agreement or arrangement for the use and occupancy of a single-family rental dwelling by one or more persons that are not an owner.

*Occupants* means tenants, lessees, renters, and/or persons residing in or occupying a single-family rental dwelling, who are not owners.

*Owner* means any person, agent or entity having a legal or equitable ownership interest in a single-family rental dwelling, which ownership interest is established by a written document that has been recorded at the Oakland County register of deeds office or is reflected on a property transfer affidavit filed with the city.

*Rent or rented* means a lease 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 rental unit for any period of time.

*Single-family rental dwelling* means a single-family dwelling that is not occupied by an owner and that is rented or available to be rented.

*Single family dwelling* means a building or structure designed exclusively for occupancy by one family for residential purposes. This definition does not include structures or buildings the principal use of which results in licensing and/or inspection by the state.

*Structure* means anything constructed or erected the use of which requires location on or attachment to the ground and includes buildings.

*Tenant* means a person who rents or has a lease for a single-family rental dwelling.

### **Section 7-343. Required Registration.**

Owners of single-family rental dwellings shall register such dwellings with the Department as provided in this section before they are rented or offered for rent. An owner shall register the single-family rental dwelling with the city to be entitled to collect rent from tenants and occupants residing or located in the single-family 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. For each individual owner and 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 article. The form must be signed by all owners and agents.

(2) Any changes, at any time, in the information provided by an owner on a registration form must be provided to the Department in writing within thirty (30) days of the change.

(3) If an owner is a business entity, other than an individual, the names, addresses 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 single-family rental dwelling to be registered and is controlled in whole or in part by one (1) or more other business entities, then the name, address and telephone numbers of those entities and their officers, partners, members and/or managers shall be listed.

(4) All single-family rental dwellings existing at the effective date of this article shall be registered within ninety (90) days of the effective date of this article and every three (3) years thereafter.

(5) All existing, non-rental single-family dwellings that are converted to a single-family rental dwelling after the effective date of this article shall be registered prior to the date on which the property is first occupied for rental purposes and every three (3) years thereafter.

(6) All other single-family rental dwellings shall be registered prior to any use or occupancy as a rental dwelling and every three (3) years thereafter.

(7) A new owner shall register a single-family rental dwelling, which is sold, transferred or conveyed, within thirty (30) days after the date of the sale. Any existing certificate of compliance for the new owner's single-family rental dwelling shall be transferred to the new owner and shall be valid until its expiration or revocation.

(8) After the registration of each individual single-family residential rental dwelling with the City, the Director of the Department or his designee may, in his discretion, place such dwelling on a schedule of inspections for certificates of compliance that allows the administrative burden on the Department to be evenly spread from year to year.

**Section 7-344. Certificate of compliance required.**

Persons shall not occupy, and owners shall not rent or allow occupancy, of a single-family dwelling unless a certificate of compliance has been applied for and issued, except single-family rental dwellings existing on the effective date of the ordinance establishing this article may continue to be rented and occupied after such effective date without a certificate of compliance provided the owner timely complies with the registration requirements under section 7-343, pays all applicable fees under 7-352, complies with the requirements of Section 7-349 for the scheduling and performance of all inspections necessary for issuance of a certificate of compliance, and diligently and timely undertakes all actions necessary to meet the requirements for and obtain a certificate of compliance under this article.

**Section 7-345. Issuance of certificate of compliance.**

A certificate of compliance shall be issued for a single-family rental dwelling only after:

(1) An inspection of the home 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 7-350 and the 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 as provided in section 7-343.

**Section 7-346. Term and revocation of certificate of compliance.**

Unless revoked, a certificate of compliance shall be valid for a period of three (3) years from the date it is issued and until the next code official inspects and issues a new certificate of

compliance at which time the preceding certificate expires. The code official may revoke a certificate of compliance if an inspection reveals violations of this article or upon a determination that the owner is otherwise not in compliance with any provision of this article.

**Section 7-347. Temporary certificate of compliance.**

The code official is authorized, in his or her discretion, to issue a temporary certificate of compliance for any single-family dwelling that he or she has determined can be occupied safely, provided that all fees have been paid and current registration information has been provided. The temporary certificate shall identify any remaining violations and include the time periods for correction and during which it is valid. A failure to correct a violation within the time specified shall result in revocation of the temporary certificate, and order for that home to be vacated, and shall constitute a violation of this article.

**Section 7-348. Inspection frequency.**

- (1) The frequency of regular inspections of single-family rental dwellings under this article shall be at least one such inspection every three (3) years.
- (2) Vacant single-family rental dwellings may be inspected every one-hundred and eighty (180) days in order to verify maintenance in compliance with this article.
- (3) Single-family rental dwellings may be inspected any time there is a credible complaint or other indication of a violation of this article.

**Section 7-349. Inspection procedures.**

- (1) The Department shall schedule and mail the registered owner or agent a notice of the date and time for all inspections and the fees that must be paid before the inspection.
- (2) Prior to receipt of a notice under subsection (1), above, a registered owner or its agent may provide written notice to the Department of dates and times that inspections are requested to be or not be scheduled. Such requests shall not be binding on the Department, but the Department shall make a reasonable effort to accommodate reasonable and timely requests from registered owners or their agents.
- (3) An inspection may be rescheduled for just cause. Once a date and time for inspection is scheduled, an owner or an owner's agent shall:
  - (a) Notify the tenant or tenants of the date and time when the inspection is scheduled to occur, and regardless of whether the owner or agent has a right to enter the residential dwelling under the lease with the tenant(s), request and obtain tenant permission for such entry. This notice shall be delivered both by mail and by posting at an entry door of the residential home at least twenty-one (21) calendar days prior to the date of the scheduled inspection.

(b) Notify each tenant or occupant that the property owner or agent is required to accompany the inspector during the performance of all inspections and in the event that the tenant or occupant is not present, the property owner/agent must provide access to the inspector by unlocking the door, verifying that no occupant is present and securing the unit after the inspection is completed.

(c) On the date and time for inspection, provide the code official with access to the single-family rental dwelling. If entry is refused or not obtained, the inspector shall conduct the inspection only as permitted by law. This Article shall not be construed to require a tenant, occupant or owner to consent to a warrantless inspection except as provided by law.

**Section 7-350. Inspection and maintenance guidelines.**

(1) The Director of the Department shall prepare and maintain a list of inspection guidelines to be used in making inspections relating to the enforcement of this article. The inspection guidelines shall be based on this article 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 compliance.

(2) In all events, single-family rental dwellings and the premises upon which they are located shall be maintained in a manner consistent with the criteria set forth in the Property Maintenance Code adopted and amended under chapter 7 of this Code.

(3) Regular inspections under this article shall be of the exterior of the single-family rental dwelling and the premises upon which it is located. The interior of single-family rental dwellings shall only be subject to inspections under this article if one or more of the following conditions have been reported to the City or been identified by an exterior inspection as possibly existing:

(a) The single-family 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 Property Maintenance Code administered and enforced under chapter 7 of this Code.

(b) The single-family rental dwelling is, or is in or part of, a dangerous or unsafe building as defined in chapter 7 of this code.

(c) A violation of any maintenance standard in the Property Maintenance Code in chapter 7 of this code that may allow rain, moisture, surface or roof drainage or animals to enter the exterior walls, structure or living space of the single-family rental dwelling it is in or part of.

(d) The single-family rental dwelling is, or is in or 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.

(e) Multiple or recurring violations of the inspection and maintenance guidelines under this article.

**Section 7-351. Transfer and termination of certificates of compliance.**

(1) The Department shall transfer a certificate of compliance to a new owner when the new owner supplies the registration information required by section 7-343.

(2) Upon receipt of a written notice and documentation of a sale or transfer of a single-family rental dwelling to a new owner that will occupy the premises with no portions rented, the Department shall terminate any certificate of compliance and remove the unit from the city's registry of single-family rental dwellings.

**Section 7-352. Fees.**

Except as may be otherwise provided in section 7-353, the owner of the single-family rental dwelling shall be responsible for payment of registration, inspection, certificate of compliance and other fees involved in the administration and enforcement of this article, which fees shall be established by resolution of the City Council.

**Section 7-353. Collection of fees.**

(1) All required fees shall be paid at the time of submitting application materials and before commencement of scheduled inspections, unless otherwise authorized by the Department.

(2) In the event of repeated complaints from a tenant necessitating multiple inspections of a particular single-family rental dwelling between regular inspection periods, the director of the Department may, in his discretion, require advance payment of inspection fees by the tenant.

(3) If for any reason, fees that are due and payable under this article are not paid, a statement of the fees shall be mailed to the owner or, if applicable, the tenant.

**Section 7-354. Violation and penalty.**

(1) A violation of any provision of this article shall constitute a municipal civil infraction, and shall be subject to the relief provided for municipal civil infractions under chapter 1 of this code.

(2) In addition, any use or activity in violation of the terms of this article 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 violation.

**Section 2 of Ordinance. Repealer.**

All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 3 of Ordinance. Savings.**

The amendment of the Farmington Hills Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Farmington Hills Code of Ordinances set forth in this Ordinance.

**Section 4 of Ordinance. Severability.**

If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated, and such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

**Section 5 of Ordinance. Effective Date.**

The provisions of this ordinance amendment are ordered to take effect twenty-one (21) days after enactment.

**Section 6 of Ordinance. Enactment.**

This ordinance amendment is declared to have been enacted by the City Council of the City of Farmington Hills at a meeting called and held on the 8<sup>th</sup> day of August, 2016, and ordered to be given publication in the manner prescribed by law.