

NON OWNER OCCUPIED RESIDENTIAL PROPERTY REGISTRATION AND INSPECTION

§150.180 PURPOSE.

The purpose of the subchapter is to ensure that all non-owner occupied dwellings and units within the city maintain minimum maintenance standards for the public health, safety and welfare. This subchapter will set safeguard controls for one and two family dwelling units, multiple family dwelling units, apartment units, boarding and rooming houses, group homes, hotels, motels, and flats.

§150.181 DEFINITIONS.

[For the purpose of this subchapter, the following words and phrases shall have the meanings ascribed to them unless the context clearly indicates or requires a different meaning:]

Certificate of Compliance: A certificate issued by the Department of Public Services which certifies compliance with the codes and ordinances of non-owner occupied dwellings and units in the city.

Code Official: The official, who is charged with the administration and enforcement of this article, or any duly authorized agent.

Notice of Violation: A notice issued to the owner or responsible local agent stating that there has been a violation of a provision of the subchapter or any other applicable codes, ordinances, rules or regulations concerning the premises.

Non-Owner Occupied: Any residential dwelling or unit intended to be used as habitable space in which the owner of the dwelling or unit does not reside, or where individuals other than or in addition to the owner reside, whether or not any fees are collected. There is an exception for immediate family, as defined by the legal definition, to exclude parents, grandparents, spouse, children, siblings, step children, adoptive children, and grandchildren who occupy any unit in the same dwelling where the owner resides.

Owner: Any person, agent, firm or corporation having a legal or equitable interest in the premises.

Responsible Local Agent: The responsible local agent shall be a representative of a corporation, partnership, firm, joint venture, trust, association, organization, or other entity having a legal or equitable interest in the property, or designated by the owner as responsible for operating the premises in compliance with all the provisions of the city codes and ordinances. All official notices and violations may be issued to the responsible local agent, and any notice so issued shall be deemed to have been issued upon the owner of record. The owner of the premises may act as the responsible local agent.

§150.182 REGISTRATION REQUIRED.

- (a) The owner of any non-owner occupied dwelling or unit shall register with the city and shall designate a person as the responsible local agent who shall be legally responsible for operating the premises in compliance with all the provisions of the city codes and ordinances, and shall also be responsible for providing access to the premises for making the inspections necessary to ensure compliance with the terms of all applicable codes and ordinances adopted by the city. Each responsible local agent shall maintain a current list of the number of occupants of each non-owner occupied unit for which they are responsible. A certificate of compliance shall not be issued if the registration provisions are not complied with.

Penalty, See § 150.999

§150.183 CERTIFICATE OF COMPLIANCE REQUIRED

- (a) No person shall rent, lease, advertise or offer for rent or lease, or occupy any non-owner occupied dwelling or rental unit unless there is a valid Certificate of Compliance issued by the Department of Public Services in the name of the owner/responsible local agent and issued for each specific dwelling and unit. Certificates are not transferable between landlords, dwellings or units.
- (b) Occupancy of any dwelling by a person other than the owner shall be presumed to require a Certificate of Compliance. This presumption may be rebutted by evidence that the occupant has ownership equity in the dwelling as evidenced by a recorded deed, a recorded land contract, or an unrecorded land contract with supporting evidence that it was not entered into in order to circumvent the requirements of this article. A dwelling that is occupied, rented or leased with an option to purchase is considered as non-owner occupied under the terms of this article until the lessee fully exercises the option to purchase.
- (c) A Certificate of Compliance shall be issued by the Department of Public Services if the applicant meets the following requirements:
 - (1) Registration form is submitted pursuant to the provisions of **§150.084**.
 - (2) The inspection(s) have been performed at the premises sought to be licensed and all violations disclosed have been corrected.
 - (3) All reinspections have been performed to confirm the correction of violations.
 - (4) All registration and inspection fees are paid.
 - (5) No Certificate of Compliance will be issued until all of the following fees and debts to the city have been paid in full:
 - (a) All previously billed property taxes;
 - (b) All current or past due special assessments;
 - (c) Water or sewer bills outstanding;
 - (d) All charges against the property for mowing, cleanup, debris removal or similar charges by the city;
 - (e) Any fees, fines, penalties, or debts of any sort arising from provisions of property maintenance, including blight violations.
- (d) A Certificate of Compliance is valid for a period of two (2) years from the date of application unless suspended or revoked for cause by the city. Licensees must apply for certificate renewal sixty (60) days prior to the expiration date of the certificate. Sale of the subject premises results in immediate termination of the certificate. Failure to obtain or timely renew a certificate or failure to pay any inspection fee is a violation of this article.
- (e) Failure to register a non-owner occupied dwelling or dwelling unit(s), schedule the required inspection or reinspection, obtain a Certificate of Compliance or renew a Certificate of Compliance, or failure to pay any fee therein is a violation of the article and subject the applicant to late fees.

Penalty, See § 150.999

§150.184 REGISTRATION FORMS AND FEES.

- (a) Applications for registration will be available at the Department of Public Services and shall include at least the following information:
 - 1. The name, address, telephone number and date of birth of applicant; No post office boxes shall be accepted as legal address
 - 2. The names, addresses and telephone numbers of all owners of the dwelling or units;
 - 3. The name, address, telephone number and date of birth of the responsible local agent; No post office boxes shall be accepted as legal address
 - 4. The authorization appointing a responsible local agent signed by both the owner and the responsible local agent;
 - 5. The number of units in each dwelling, if multiple units exist;
- (b) A registration fee is required for each dwelling registered and shall be paid at the time of registration. No post office boxes will be accepted as legal address. The registration shall be kept in the Department of Public Services.
- (c) An inspection fee for the first unit and for each additional unit shall be paid at the time of registration for a new certificate, or renewal of an existing certificate. This inspection fee shall include an initial inspection, and one (1) reinspection as needed. 3rd and subsequent inspections that are required shall be charged an addition fee, per inspection. If an owner or registered agent fails to provide access for an inspection, or the inspector cannot gain access to any rental dwelling or unit, this shall be considered as a 'lock out' and an additional inspection fee may apply.
- (d) Registration fees, inspection fees, late fees as well as any other charges in connection with non-owner occupied registration and compliance shall be established by resolution of the City Council.

Penalty, See § 150.999

§150.185 BUSINESS REGISTRATION AND LICENSE REQUIRED.

- (a) Any person, agent, firm or corporation that meets one (1) or more of the following conditions will be considered to be operating a business in the City of Hamtramck and will be required to obtain a business license. The business license is in addition to the required Rental Certificate of Compliance:
 - (1) Any non-owner occupied dwelling or unit(s) that are registered in the name of a corporation, incorporation, limited liability company, or other business entity, and evidenced by deed, land contract, property transfer affidavit or other documentation showing legal interest and ownership.
 - (2) Any person, agent, firm or corporation, identified by name, corporation, incorporation, limited liability company or any combination thereof, having ownership in three (3) or more non-owner occupied dwelling units.
- (b) Any person, agent, firm or corporation that is required under this subsection to obtain a business license must include with application a list of all properties owned in the City of Hamtramck, and provide proof that said

properties have been registered with the City of Hamtramck Assessors Office, the Department of Public Services and the Water Department.

- (c) Any person, agent, firm or corporation that is required under this subsection to obtain a business license and has properties registered under two (2) or more names, need only obtain one (1) business license, but must include with application a list of all properties owned, the name under which each property is registered, and provide proof that said properties have been registered with the City of Hamtramck Assessors Office, the Department of Public Services and the Water Department.
- (d) Business licenses for rental properties are non-transferrable. Upon changes in ownership, the new owner, if required by this subsection, must submit application for a new business license.
- (e) Fees for non-owner occupied dwellings business licenses shall be established by resolution of the City Council.

Penalty, See § 150.999

§150.186 DESIGNATION OF RESPONSIBLE AGENT REQUIRED.

- (a) The owner of any non-owner occupied dwelling and dwelling units shall designate a person as the responsible local agent who shall be responsible for operating the dwelling or dwelling units and who shall provide access for inspection by the code official for compliance with the applicable ordinance requirements. The owner may act as the responsible local agent. The responsible local agent shall reside within a fifty (50) mile radius of the City of Hamtramck.

Penalty, See § 150.999

§150.187 TRANSFER OF OWNERSHIP; CERTIFICATES NON-TRANSFERABLE

- (a) Upon a transfer of ownership of any dwelling or dwelling units, the new owner shall apply for a license no later than thirty (30) after the transfer of ownership.
- (b) It shall be unlawful for the owner of any non-owner occupied dwelling or unit(s) who has received a notice of violation to transfer, convey, lease or sell (including by land contract) his or her ownership and/or interest in any way to another, unless the owner shall have first furnished to the grantee, lessee or vendee or transferee a true copy of any notice of violation and shall have furnished to the building official a signed and notarized statement from the grantee, vendee or lessee, or transferee acknowledging the receipt of the notice of violation.

Penalty, See § 150.999

§150.188 INSPECTION OF NON-OWNER OCCUPIED UNITS.

- (a) *Access of Code Official.* The code official shall be granted access by the owner, agent, or occupant of the non-owner occupied dwelling or dwelling unit(s), at the date and time schedule for the inspection(s), for the purpose of conducting a compliance inspection. If any owner or occupant refuses to provide access to the premises for a compliance inspection, or fails to show up for the inspection, a code official may issue a ticket for fail to obtain entry to the premises. All non-owner occupied dwellings and dwelling units shall comply with the minimum standards set forth in the International Property Maintenance Code as adopted by reference in Section 150.010 of this chapter.

- (b) *Inspection Required.* All non-owner occupied dwellings and dwelling unit(s) shall have an inspection to ensure compliance with all the requirements of the International Property Maintenance Code as adopted by reference in Section 150.010 of this Chapter.
- (c) *Reinspection required.* Reinspection shall be required when violations are found to exist during a prior inspection. Before a Certificate of Compliance is issued, all violations must be corrected and approved. The violations shall be corrected and an reinspection scheduled within sixty (60) days after the initial inspection, except in dangerous conditions which must be remedied immediately.
- (d) *Additional inspections.* In addition to regular or renewal inspections, inspections may be scheduled on one (1) or more of the following bases:
 - (1) By written complaint to the Department of Public Services. Written complaints of violations will be inspected within a reasonable time only if they allege sufficient facts that would give reasonable cause to believe a violation of this ordinance exists.
 - (2) Whenever a code official has a reasonable cause to believe that there is a violation of this ordinance or other conditions which make the structure or premises unsafe, dangerous, or hazardous.

Penalty, See § 150.999

§150.189 POSTING OF CERTIFICATE OF COMPLIANCE.

- (a) No non-owner occupied dwelling or dwelling unit may be occupied unless a copy of the current Certificate of Compliance is displayed in an eight and one-half (8½) by eleven (11) inch frame securely affixed to the interior wall adjacent to the primary entrance door to the dwelling or unit. A multiple-family dwelling or apartment complex shall display the license in the same manner at the primary entrance of each building or unit.

Penalty, See § 150.999

§150.190 ADDITIONAL VIOLATIONS.

The following are additional violations subject to enforcement:

- (a) No person shall occupy for sleeping purposes, and no owner or responsible local agent shall allow a person to occupy for sleeping purposes, the non-habitable spaces of a dwelling or unit;
- (b) No person shall harass, stalk, threaten, hinder, assault, or otherwise interfere with a code official or city inspector during the performance of his or her duties;
- (c) No person shall knowingly make any false statement or provide any false information on a rental license registration application or any other rental information to any employee of the City of Hamtramck or other authorized person in relation to any investigation of a violation of this article;
- (d) Every dwelling and dwelling unit and the yard connected therewith shall remain clean and kept free from any accumulation of dirt, filth, rubbish, or garbage;
- (e) Each day upon which a violation of this article occurs shall be considered a separate offense.

Penalty, See § 150.999

§150.191 COMPLIANCE WITH CODE OF ORDINANCES.

- (a) All non-owner occupied dwellings and dwelling units shall comply with all provisions of this article, the International Property Maintenance Code as adopted in section §150.010, and all other applicable ordinance requirements. After inspection, all non-owner occupied dwellings and dwelling units in compliance with applicable ordinances shall receive a Certificate of Compliance consistent with the provisions of section §150.083. Those non-owner occupied dwellings and dwelling units that are not in compliance with applicable ordinances shall be brought into compliance within sixty (60) days of the date of notice of the violations, and a subsequent inspection scheduled to verify compliance. Upon request and submission of proof of extenuating circumstances, the code official may grant an extension to make the repairs necessary to bring the property into compliance.

Penalty, See § 150.999

§150.192 DISTRICT COURT ACTIONS FOR RENT AND/OR POSSESSION.

- (a) When information is requested from court of any action for rent or possession filed on an unregistered or uncertified property, the court shall be notified of the violation of this article.
- (b) When so instructed by the court the owner or responsible agent shall register the property as a non-owner occupied dwelling or unit.
- (c) If previously unregistered, or registered but not certified, the owner or responsible agent shall pay for and schedule inspections no later than sixty (60) days after the notification of proceedings by the court with the exception of one of the following;
 - (1) An affidavit of non-rental is filed by the owner.
 - (2) The owner provides proof of primary residence within sixty (60) days of the date of notification from the court.
 - (3) The owner provides proof the court action has not been completed after sixty (60) days, at which time an extension shall be granted for an additional sixty (60) days.

Penalty, See § 150.999

§150.193 AFFIDAVIT OF VACANT DWELLING OR DWELLING UNIT.

- (a) Any dwelling or dwelling unit that is to remain unoccupied shall have an affidavit of vacant dwelling or unit completed by the owner and kept on file with the Department of Public Services.
- (b) Any dwelling or dwelling unit that is to remain unoccupied that does not have at least one (1) owner occupied unit is subject to vacant property registration and fees.
- (c) At such time the vacant dwelling or dwelling unit is to be occupied, it shall be the owner's responsibility to notify the Department of Public Services to remove the affidavit and to register the property as a non-owner occupied dwelling or unit.
- (d) Any property that has such an affidavit filed that is found to be occupied by any person other than the property owner listed on the affidavit shall be in violation of this article and subject to the penalties herein.

- (e) Any dwelling or dwelling unit, which has had an affidavit filed, is subject to inspection by a code official to insure vacancy of the dwelling or unit. No schedule is needed for the inspections and can take place at any time.
- (f) Penalty, See § 150.999

§150.194 SUSPENSION OF CERTIFICATE OF COMPLIANCE.

- (a) A Certificate of Compliance issued by the Department of Public Services may be suspended by the code official for any of the following conditions;
 - (1) A condition exists contrary to the public health, morals, safety, or welfare.
 - (2) Unauthorized use or beyond the scope of the certificate(s) issued.
 - (3) Any condition forbidden by the provisions of this article or any other established city ordinance or other regulation.
 - (4) Violation of any criminal law.
 - (5) A written complaint of violations to this article.
- (b) Upon suspension, the owner or agent shall be notified in writing of the suspension and violations, corrective action, and the time allotted for the violations to be corrected.
- (c) If a certificate has been suspended, either by complaint or otherwise, the owner or agent shall schedule a reinspection to insure all violations have been corrected.

Penalty, See § 150.999

§150.195 DANGEROUS CONDITIONS.

Should the Code Official, upon inspection, determine that there are conditions which constitute an imminent danger to health and safety, it may order the conditions to be remedied and may limit or prohibit occupancy where appropriate.

Penalty, See § 150.999

§150.196 DISCLAIMER OF LIABILITY.

- (a) A certificate of compliance is not a warranty or guarantee that there are no defects in the dwelling or dwelling unit(s) and the city shall not be held responsible for defects not noted in the inspection report.
- (b) This inspection of the land use, exterior posture and interior accessories of the structure is limited to visual inspection only. The city does not guarantee or approve by inference any latent, structural or mechanical defects thereto or other items that are not apparent by a visual inspection.
- (c) The city shall not assume any liability to any person by reason of the inspections required by the subchapter or the Code adopted herein or the issuance of a certificate of compliance or a certificate of occupancy.