

CHAPTER 18 – BUILDINGS AND BUILDING REGULATIONS
ARTICLE VI. MANDATORY REGISTRATION AND INSPECTION OF RESIDENTIAL RENTAL PROPERTIES

Sec. 18-83. Intent.

The city recognizes the importance of the rental housing segment of the overall city housing stock inasmuch as it provides housing options and opportunities to those citizens of the community who are unable to attain or do not desire home ownership. It is in the interest of the city to ensure that all rental residential units, structures and grounds leased for occupancy to the general public are in compliance with the minimum property maintenance standards adopted and enforced by the city. Benefits to the city include:

- (1) Protection of the health, safety and welfare of residents of rental properties and adjacent properties. Existing structures and premises not in compliance will be repaired to provide a minimum level of health and safety as required herein.
- (2) Maintenance of property values and "quality of life" within the immediate neighborhoods in which residential rental units are located.
- (3) Enforcement of common minimum standards for all residential rental units, structures and premises.

Sec. 18-84. Definitions.

As used in this article, the following words shall have the meanings ascribed to them in this section, unless context clearly indicates otherwise:

Certificate of compliance: Official document stating that a residential rental dwelling unit and/or structure meets the minimum standards established by the city for occupancy.

Building Department: The department of the city responsible for the daily administration of the rental inspection program including scheduling of appointments, inspections, reinspections and record keeping.

Dwelling unit means a building, mobile home, or portion thereof, designed for occupancy for residential purposes and having cooking facilities and sanitary facilities, except:

- (1) Places of public accommodation such as a hotel, motel, or bed and breakfast establishments;
- (2) Units required to be occupied by an employee or agent of an owner as a condition of employment (i.e., parsonages);
- (3) Any dwellings, dwelling units or mobile homes, which the state has exclusive authority under state law to inspect and regulate;
- (4) The principal residence of the owner, which is temporarily occupied by a person(s) other than the owner for not more than two (2) years;
- (5) The dwelling of a surviving spouse who is living in a home which is owned by the deceased spouse's heirs, estate or trust;
- (6) A dwelling in which a parent, child, brother, or sister of an owner is living;
- (7) Dwellings in a dormitory operated by an institution of higher education; and
- (8) Dwelling units in which an owner of such unit resides unless the nonowner occupant (s) of such dwelling unit pays rent or makes other compensation to the owner for occupancy of the dwelling unit.

Local agent: An individual or company representing the owner having a place of residence or business within the county or within 20 miles of the city if residing outside the

county. The local agent is responsible for the operation of the owner's residential rental dwelling unit(s) located within the city regarding compliance with the provisions of this article, and the terms and conditions of all other codes and ordinances of the city. A local agent is required if:

(1) The owner resides outside of the County more than 20 miles from the city.

(2) The owner resides outside of the county more than 20 miles from the city for more than 90 days each calendar year.

Owner/property owner: The individual(s), company, corporation, or governmental or private agency listed on the recorded deed as the owner or purchaser under a recorded land contract of a property containing residential rental dwelling unit(s).

Residential rental dwelling structure: Any building containing one or more residential rental dwelling units including any common areas accessible to residents of all residential rental units within the building, restricted or non-accessible portions of the structure and the building exterior.

Residential rental dwelling unit: Distinct individual living quarters within a building intended for occupancy by a person or persons other than the owner and the family of the owner, and for which a remuneration of any kind is paid. Single family residences, duplexes, apartments and rooming houses may all contain and be classified as rental units.

Residential rental premises: The site upon which a residential rental dwelling unit or structure is located including, but not limited to, yards, walkways, driveways, patios, decks, accessory structures, fences and landscaping.

Sec. 18-85. - Initial registration.

Within 90 days of the effective date of this article all buildings containing residential rental dwelling units within the corporate limits of the city shall be registered with the building department on a form provided by the city. Units must be registered by the owner or the owner's local agent as defined in this article.

Sec. 18-86. - Follow-up registration.

Following the initial 90-day registration period residential rental dwelling units shall be registered as follows:

(1) Newly constructed residential rental dwelling buildings or units shall be registered prior to the issuance of a final certificate of occupancy.

(2) A residential rental dwelling/building/unit sold, transferred or conveyed shall be re-registered by the new owner within 30 days of the date of the deed, land contract, or other instrument of conveyance. At that time the units will be removed from the previous owner's registration.

(3) Any non-rental residential dwelling unit converted to a residential rental dwelling unit shall be registered prior to the date it is occupied for rental purposes.

Sec. 18-87. - Registration.

No person shall lease, rent, occupy, or otherwise allow a rental unit within the city to be occupied without first registering the rental unit with the building department and designating a responsible local agent.

(a) *Registration forms.* Registration shall be made upon forms furnished by the building department and shall require all of the following information.

(1) The street address of the rental unit(s);

- (2) The number and types of rental units within the rental property;
 - (3) Name, business and residence address, telephone number and, where applicable, an e-mail address, mobile telephone number, and facsimile number of all property owners of the rental unit(s);
 - (4) Name, residence address, telephone number and, where applicable, an email address, mobile telephone number, and facsimile number of the responsible local agent designated by the owner;
 - (5) The maximum number of occupants proposed for each rental unit;
 - (6) The name, address, telephone number and, where applicable, an e-mail address, mobile telephone number, and facsimile number of the person authorized to order repairs or services for the property if different than the owner or responsible local agent, if in violation of city or state codes, if the person is other than the owner or the responsible local agent; and
 - (7) Information relating to the size of all habitable rooms.
- (b) *Accurate and complete information.* All information provided on the registration form shall be accurate and complete. No person shall provide inaccurate information for the registration of a rental unit, or fail to provide the information required for such registration. The registration form shall be signed by the properly owner(s) or the designated responsible local agent. Where the owner is not a natural person, the owner information shall be that of the president, general manager or other chief executive of the organization.
- (c) *Change in registration information or transfer of property.* Except for a change in the registered local agent, the property owner of a rental unit registered with the city shall re-register within thirty (30) calendar days after any change occurs in the registration information. If the property is transferred to a new owner, the new property owner of a registered rental unit shall re-register the rental unit within thirty (30) calendar days following the transfer of the property. Property owners shall notify the building official and zoning department of any change in the designation of the registered local agent, including a change in name, address, e-mail address, telephone number, mobile telephone number or facsimile number of the designated registered local agent within thirty (30) business days of the change. If a transfer of ownership occurs and there is a current certificate of compliance on file, then the new owner will only have to pay the registration fee upon the expiration of the current registration. It will still be required that the new owner fill out a new registration form.
- (d) *Responsible local agent.* The designated responsible local agent and owner shall be responsible for all of the following:
- (1) Operating the registered rental unit in compliance with all applicable city ordinances;
 - (2) Providing access to the rental unit for the purpose of making any and all inspections necessary to ensure compliance with the applicable city ordinances, except where the tenant has refused entry;
 - (3) Maintaining a list of the names and number of occupants of each rental unit for which he or she is responsible; and
 - (4) Accepting all legal notices or services of process with respect to the rental unit.

Sec. 18-88. - Fees; late fees.

There shall be no fee for the registration, re-registration or updating of registration information within the allotted time periods. If a residential rental dwelling unit is not registered within the time period specified herein, then a late fee shall be applied as established by the city's annual fee schedule per rental dwelling unit and shall be paid by the owner of same as defined herein.

Sec. 18-89. - Maintenance of records.

The building department shall be responsible for maintaining all residential rental dwelling unit registration data and provide the number of residential rental dwelling units in the city, type (single family, duplex, multi-unit, apartment complexes, rooming houses, etc.) and the number and type of units added to or deleted from the registration roster.

Sec. 18-90. - Penalty for failure to comply.

Failure to register a residential rental dwelling unit(s) within the applicable time period prescribed in this article shall constitute a civil infraction, which upon a finding of responsibility therefore, shall subject the violator to a fine of up to \$500.00 per unregistered residential rental dwelling unit, together with the costs of such prosecution.

The submission of false information on a residential rental dwelling unit registration form shall constitute a civil infraction, which upon conviction thereof, shall subject the violator to a fine of up to \$500.00 per residential rental dwelling unit owned by the violator and costs of prosecution.

Sec. 18-91. Certificate of compliance required.

No person shall own, operate, lease, rent, occupy, or otherwise allow a rental unit within the city to be occupied unless there is a valid certificate of compliance or temporary certificate issued by the building department for the rental unit. A certificate of compliance shall be issued for each building containing a rental unit.

- (a) *Requirements.* A certificate of compliance shall be issued only after all of the following requirements have been satisfactorily completed.
 - (1) Registration of the rental unit with the building official and zoning department;
 - (2) Designation of the responsible local agent;
 - (3) Payment in full of any and all required registration and inspection fees; and
 - (4) Inspection by the building official and zoning department.
- (b) *Temporary certificates.*
 - (1) Temporary certificates of compliance for up to three (3) years may be issued without prior inspection by the building official and zoning department for those occupied rental units existing as of the article adoption date. Such temporary certificates of compliance may be issued as of the effective date of the initial registration following (determined date), to allow property owners to operate such rental units until such time as an inspection may be made by the building department. At such time as an inspection is made and the building department has determined that provisions of this ordinance have been complied with, the temporary certificate shall expire.
 - (2) When a rental certificate of compliance is required, the building department may issue a temporary rental certificate of compliance if all of the following circumstances exist:

- a. The building official and zoning department are unable to complete an inspection of a rental unit to verify compliance with this article.
 - b. The enforcing officer is not aware of any current major violations.
 - c. The property owner has paid the annual registration fee and the inspection fees assessed against the property owner.
- (3) The building department may issue a temporary rental certificate of compliance for a newly registered rental unit.
 - (4) The building department may issue a temporary rental certificate of compliance for a rental unit subject to a housing order notice containing major or minor violations if the property owner is in the process of correcting such violations and can show proof of same.
 - (5) Except as otherwise provided, a temporary rental certificate of compliance shall be valid until the enforcing officer completes an inspection and issues an order granting or denying a rental certificate of compliance. A temporary rental certificate of compliance may also be revoked by the rental inspector if the property owner refuses to schedule and/or permit an inspection after having been given a fourteen-day notice that an inspection must be scheduled, unless the tenant has refused access to the building official.

Sec. 18-92. Affected and exempt units/structures.

- (a) All single, duplex and multi-family rental units and structures, including boarding and/or rooming houses as defined in the city zoning ordinance, located within the city, shall comply with the requirements of this article except as specifically exempted below:
- (b) Exemptions.
 - (1) *One-time exception.* Any rental unit listed above, which within the previous six months prior to a scheduled inspection has been issued a certificate of occupancy by the city building department. Such units will be issued a three-year certificate of compliance without an additional inspection.
 - (2) *Exemptions.* The following are exempted from the requirements of this article:
 - a. All residential rental units and/or complexes inspected by the Federal Housing and Urban Development Department (HUD) or the Federal Housing Administration (FHA). Proof of inspection and compliance must be provided.
 - b. Hotels, motels, and bed and breakfast establishments as classified in the Michigan Building Code, as amended.

Sec. 18-93. Basis for inspection.

The city through its rental inspector shall have the authority to inspect any residential rental dwelling unit or structure under the following situations:

- (1) In the course of an initial scheduled inspection and triennial renewal inspection to receive and maintain a certificate of compliance.
- (2) Upon request by the property owner or local agent to inspect a unit(s) and/or structure
- (3) Upon a request by a tenant to inspect a unit or structure.
- (4) Upon receipt of information that a unit or units are not registered with the city.
- (5) Upon knowledge of an imminent life or safety danger.

Sec. 18-94. Inspection criteria.

- (a) The city shall utilize the "International Property Maintenance Code," published by the International Code Council and adopted by the city council, as amended, as the established standards for the inspection of residential rental unit.
- (b) The city rental inspector shall prepare a standardized checklist of items to be inspected consistent with the standards of the "International Property Maintenance Code." The checklist shall be available to all residential rental property owners and tenants prior to an inspection. This checklist shall not, in any way, limit the scope of the applicable sections of the Property Maintenance Code or enforcement rights of the City of Brighton, and is provided solely as a courtesy.

Sec. 18-95. Inspection procedures.

- (a) For the initial round of inspections the building department shall prepare an inspection schedule for existing residential rental dwelling units and structures presently registered with the city. The schedule shall be based on a three-year inspection cycle and shall be developed so as:
 - (1) Not to concentrate on a single geographic area in a given year; and
 - (2) To limit the number of inspections for a single property owner with nine or more residential rental units in separate structures to no more than one-third of the units in a calendar year.
- (b) Newly constructed and/or registered residential rental units shall be scheduled for an inspection at the time they are registered and shall be inspected and obtain a certificate of compliance prior to occupancy unless exempted under section 18-92(b)(1), one-time exemptions. In such case a certificate of compliance shall be issued without an additional inspection.
- (c) At least 30 days prior to an inspection or inspections the city building department shall send in writing a notification to the property owner or local agent including the date, time and the unit or units to be inspected. It shall be the responsibility of the property owner or local agent to notify the affected tenant(s). The property owner or local agent may request a change in the inspection appointment no less than ten days prior to the scheduled inspection. In the event a property owner, local agent or tenant learns that he/she cannot be present at the scheduled appointment, the city rental inspector must be notified at least 24 hours in advance. A new inspection appointment shall be scheduled no more than 30 days from the original appointment. A missed appointment by a property owner or local agent shall be rescheduled by the city, and a "missed appointment fee" as listed in the city's adopted comprehensive fee schedule shall be imposed.
- (d) A property owner, local agent or tenant shall provide access to his/her residential rental dwelling unit(s) and/or structure(s). An individual refusing entry shall be notified of the city's authority to inspect the property and that it may take appropriate and necessary action, including but not limited to: issuance of a citation, obtaining a search warrant, posting the unit as uninhabitable and/or instituting other legal action as prescribed in section 18-99, failure to comply.
- (e) A unit in compliance with the requirements included in the inspection checklist shall be issued a Certificate of Compliance valid for a period of three years from the date of issuance unless revoked by the city (see section 18-96, revocation of certificate of compliance).

- (f) For units with code violations the rental inspector shall provide a written notice of the noted code violations to the property owner or local agent, who shall have 30 days from receipt of the notice to correct said code violations. More time may be granted by the rental inspector in those situations in which the property owner or local agent can demonstrate a justifiable need and the additional time will not result in conditions deteriorating further. Less time may also be specified for life or health threatening situations. If any violation remains uncorrected following the allotted repair time an additional ten days may be granted; however, a re-inspection fee shall be imposed for each subsequent re-inspection. The re-inspection fee shall be paid prior to the inspection.
- (g) Decisions of the rental inspector may be appealed to the construction board of appeals serving as the housing appeals board (see section 18-97, appeal process).
- (h) The owner and local agent shall be responsible for scheduling renewal inspections at least 45 days prior to the expiration of a certificate of compliance.

Sec. 18-96. Revocation of certificate of compliance.

A certificate of compliance may be revoked by the rental inspector under the following circumstances:

- (1) A residential dwelling unit or structure is not operated as a rental unit or structure for 90 consecutive days and/or is removed by the property owner or local agent from the city's rental registration list. A new certificate of compliance must be obtained including the required inspection prior to occupancy.
- (2) A property owner or local agent has failed to correct code violations within the required timeframe and has been officially cited by the city as a misdemeanor violation or by other legal action.

Sec. 18-97. Appeal process.

- (a) The city construction board of appeals shall serve as the housing appeals board and shall meet on an as-needed basis.
- (b) A property owner or local agent disagreeing with a decision of the rental inspector relative to the existence of a violation or the timeframe in which to make corrections, may appeal that decision to the housing appeals board, hereby designated to hear such appeals. A tenant of a rental dwelling unit shall have standing to appeal a notice or order to vacate a residential rental dwelling unit.
- (c) A property owner, local agent or tenant requesting an appeal shall submit a written request on a form provided by the city rental inspector with the appropriate fee within ten days after receipt of a notice of violation, or within the time allotted for taking any action indicated on a notice or order, whichever is shorter. The decision or order of the building official shall be held in abeyance until such time as it is acted upon by the housing appeals board.
- (d) The housing appeals board shall convene within 30 working days of the filing of a completed form requesting appeal and fee, with notice served by mail to the appealing party of the date, time and location of the hearing, at least seven days prior to the date of hearing. The board shall hear testimony and argument from the appealing party and the building official and shall by majority vote render a decision on the question at hand. The decision of the housing appeals board shall be binding on all parties.

Sec. 18-98. Fees.

Fees for inspections, missed appointments, re-inspections, late fees and appeals shall be as prescribed in the city comprehensive fee schedule as adopted from time to time by the city council. All fees shall be paid at the office of the rental inspector prior to inspections being performed. A late fee shall be charged for all inspection fees not paid prior to the inspection ten days after the inspection is performed. Fees remaining unpaid more than ten days following an inspection shall be charged an additional late fee and all accumulative charges may be added to the tax rolls relative to the property(s), and such charges shall become a lien in the same manner as the regular taxes applied to such premises, until such charges are paid.

Sec. 18-99. Failure to comply.

Failure or refusal to have residential rental units inspected in accordance with this article, or failure to comply with any provision of this article or notice given pursuant hereto, shall constitute a misdemeanor, which upon conviction may result in a fine of up to \$500.00 per violation, costs of prosecution and/or imprisonment for up to 90 days.

Sec. 18-100. Enforcement authorization.

The building official, city rental inspector, city manager, fire marshal, city police officers and planning & zoning director are authorized to enforce the provisions of this article and issue misdemeanor citations pursuant hereto.

Sec. 18-101. Program implementation.

The building department, planning & zoning director and the rental inspector under the direction of the city manager shall be responsible for the implementation and ongoing operation of the city rental housing inspection program.

Diana Lowe, City Clerk