

CITY OF DEARBORN HEIGHTS

COUNTY OF WAYNE

STATE OF MICHIGAN

ORDINANCE NO. H-21-03

ORDINANCE AMENDMENT

AN ORDINANCE TO AMEND THE DEARBORN HEIGHTS CODE OF ORDINANCES, CHAPTER 7, BUILDING AND BUILDING REGULATIONS, ARTICLE IX, MINIMUM HOUSING STANDARDS, DIVISION 10, TO REVISE THE REGISTRATION AND INSPECTION REQUIREMENTS FOR ALL RENTAL DWELLINGS.

THE CITY OF DEARBORN HEIGHTS ORDAINS:

Section 1.

The City of Dearborn Heights Code of Ordinances, Chapter 7, Building and Building Regulations, Article IX, Minimum Housing Standards, Division 10, is hereby amended to read as follows:

DIVISION 10. - REGISTRATION AND INSPECTION OF ALL RENTAL DWELLINGS

Sec. 7-618. - Purpose.

The purpose of this article is to protect the public health, safety and welfare in buildings intended for human habitation and their accessory structures.

Sec. 7-619. - Definitions.

The following words, terms and phrases, when used in Division 10 of this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Dwelling: Any building or structure occupied or intended to be occupied, in whole or in part, as a dwelling, residing place, living or sleeping space for one or more humans, whether permanently or transiently.

Dwelling unit: A building or structure or portion thereof designed for occupancy by one family for residential purposes as a single housekeeping unit.

Hotel unit: A room or group of rooms located within a dwelling which provides sleeping and bathroom accommodations for the exclusive use of a transient person or a transient family.

Rental dwelling: Any dwelling building containing a dwelling unit, rooming unit or hotel unit which is not occupied by the owner.

Sec. 7-620. - Registration of rental dwellings.

(a) *Registry of rental dwelling required.* All rental dwellings shall be registered with the building department. If the owner does not reside within 30 miles of the city, he or she shall designate a responsible local agent who shall be responsible for operating such dwelling in compliance with the law, including this article. All official notices may be served on the responsible agent, and any notice so served shall be deemed to have been served upon the owner of record. Each owner or responsible local agent shall maintain a current list of the number of occupants of each rental dwelling for which he or she is responsible. A rental unit certificate of compliance shall not be issued if the registration provisions of this article are not complied with.

(b) *Time to register existing rental dwellings.* All rental dwellings existing as of the effective date of this article shall be registered no later than 60 days after the effective date of this article. The city shall order registration prior to that date for any dwelling cited in a notice required by the building code or property maintenance code. Failure to comply with such an order is a violation of this article.

(c) *Registry of new rental dwellings.* The owner of a new rental dwelling or of any dwelling newly converted to a rental dwelling shall register the rental dwelling prior to allowing occupancy of any new rental units.

(d) *Change in register information.* The owner of rental dwellings already registered with the city or his responsible local agent shall register within 60 days after any change occurs in register information. A new owner of a registered dwelling shall register the dwelling within 60 days of assuming ownership.

(e) *Register of rental dwellings.* Application for registration shall be made in such form and in accordance with such instructions as may be provided by the building department director and shall include:

- (1) The address of the rental dwelling.
- (2) The number of dwelling units, the number of rooming units and the number of hotel units in the dwelling.
- (3) The name, residence address, business address, business phone number and personal phone number of the owner.
- (4) The name, residence address, business address, business phone number and personal phone number of the manager and responsible local agent designated by the owner.

(5) The address where the owner or responsible local agent will accept notices or orders from the city.

(f) *Inaccurate or incomplete register information.* It shall be a violation of this article for an owner or a responsible local agent to provide inaccurate information for the registration of rental dwellings or to fail to provide information required by the city under subsection (e) of this section. In those cases in which the owner or responsible local agent is not a natural person, the information required for the registration shall be provided for the organization owning the rental dwelling and for the president, general manager or other chief executive officers of the organization. Where more than one natural person has an ownership interest, the required information shall be provided for each owner.

Sec. 7-621. - Certification of rental dwellings.

(a) *Certificate of compliance required.* Rental dwellings shall not be occupied without a rental dwelling certificate of compliance or a temporary rental dwelling certificate of compliance.

(b) *Issuance of certificate of compliance.* The building department shall issue a rental dwelling certificate of compliance for a rental dwelling after the director of the building department finds that the rental dwelling, its units and accessory structures and yards comply with the standards set forth in the currently adopted codes, i.e., building code, the mechanical code, the plumbing code, the electrical code, and the property maintenance code.

(c) *Temporary certificate authorized.* Where a rental dwelling certificate of compliance is required, the building department may issue a temporary rental dwelling certificate of compliance for the following reasons only:

(1) To enable the city to balance compliance inspection work loads; or,

(2) To coincide with compliance time periods set forth in a notice citing violations of this article if such periods extend beyond the expiration date of a certificate.

Provided, however, no temporary certificate of compliance shall be issued if there are significant health and safety defects present on the premises constituting an imminent danger to life, health or property.

(d) *Validity of certificate of compliance.* A rental dwelling certificate of compliance shall be valid for three years for all rental units, unless suspended as set forth below. The building department director may authorize up to eight additional months on the certificate of a dwelling for the sole purpose of balancing inspection workloads for the city.

(e) *Expiration of certificate of compliance.* Rental dwelling certificates of compliance and temporary rental dwelling certificates of compliance may not be extended beyond their expiration dates except as may be permitted in subsection (c) or (d) above to enable the department of building to balance inspection workloads.

(f) *Length of time certificate of compliance is valid.* Any new rental dwelling certificate of compliance issued to an owner for a dwelling shall have an expiration date three years from the date of issuance, except that if a temporary rental dwelling certificate has been previously issued, the certificate shall expire three years from the date the temporary certificate was issued.

(g) *Suspension of certificate of compliance.* The building department director shall suspend a rental dwelling certificate of compliance if the owner or responsible local agent has not complied with a complaint notice. The building department director shall issue a notice of suspended certification to the owner or responsible local agent. The notice of suspended certification will inform the owner or responsible local agent:

- (1) That the rental dwelling certificate of compliance has been suspended as of the date of the notice.
- (2) Of the reason for the suspension.
- (3) That it is unlawful for any rental unit to continue to be occupied for more than six days after the date of suspension of the rental dwelling certificate of compliance.
- (4) That any rental unit which is vacant at the time of suspension or which becomes vacant during the period of suspension shall not be rented or reoccupied until the rental dwelling certificate of compliance is reinstated or a new rental dwelling certificate of compliance is issued.

Failure to comply with the terms of suspension as set out in this subsection shall be a violation of this article.

(h) *Reinstatement of suspended certificate of compliance.* A suspended rental dwelling certificate of compliance shall be reinstated if the building department director determines that a rental dwelling has been brought into compliance with the standards of this article. The city shall notify the owner or responsible agent by regular mail, noting the reinstatement of the rental dwelling certificate of compliance. Reinstatement of the certificate shall not extend or change the expiration date of the certificate. A reinstatement fee and all inspection fees and amounts to be determined by the city council shall be paid by the owner prior to reinstatement of the certificate.

(i) *Appeal.* Suspension of a rental dwelling certificate of compliance may be appealed to the building board of appeals as provided for in article II of this chapter.

(j) *Notifying tenants of suspended certificate.* The city shall send a copy of a notice of suspended certificate to each dwelling unit within a certified rental dwelling. The copy shall be addressed to occupant and shall be sent by regular mail. Failure of an occupant to receive a copy shall not invalidate any other proceedings authorized by this article.

Sec. 7-622. - Inspections; search warrant.

(a) The city may provide written notice to the owner and/or the responsible local agent of the need to schedule an appointment for any inspection required by this article.

(b) Upon receipt from the city of the notice described in subsection (a), the owner and/or responsible local agent shall, within 14 days of the date of that notice, contact the city to schedule the systematic inspection. In the event that the city fails to notify an owner or responsible local agent of the need for an inspection prior to the expiration date of a rental certificate of compliance, it shall be the responsibility of the owner and/or responsible local agent to contact the city to schedule the systematic inspection required by this article.

(c) Once a date for an inspection is scheduled, the owner and/or responsible local agent shall do all of the following prior to the date of the scheduled inspection:

(1) Inform the tenant or occupant of each dwelling unit scheduled for possible inspection of the date when the inspection is scheduled to occur.

(2) Request permission from the tenant or occupant of each dwelling unit scheduled for possible inspection to provide access to the rental unit in the event that the tenant or occupant is not at home when the inspector arrives.

(3) Inform the tenant or occupant of each dwelling unit scheduled for possible inspection that the owner or the owner's representative is required to accompany the inspector during the performance of all inspections of rental dwelling units, and that the owner or the owner's representative must provide access to the inspector by unlocking the dwelling unit's door in the event that the tenant is not at home.

(d) In all cases where a tenant or occupant has informed the owner or responsible local agent, either orally or in writing, that the tenant will permit the owner or owner's representative to provide access to the inspector with access to the dwelling unit, the owner shall provide access to the dwelling unit in question for purposes of conducting the inspection required by this article.

(e) In the event that a tenant who has consented to the inspection informs the owner or responsible local agent that he or she would like to be present during the inspection, but that the time scheduled for the inspection is not convenient, the owner or responsible local agent shall inform the city of the tenant's desire to be present when the inspection occurs. The city shall make a reasonable effort to comply with the tenant's request. In

the event that the city, owner, and tenant cannot schedule a mutually convenient time for the inspection, the city shall have the discretion to obtain a search warrant to inspect that dwelling unit pursuant to authority granted by this article and state law.

(f) In the event that a tenant or occupant of a unit scheduled for possible inspection informs the owner and/or responsible local agent that he or she will demand that the city obtain a search warrant, the owner shall inform the tenant that the owner or a representative of the owner is required to accompany the inspector during the execution of a search warrant, and is required to provide access to any dwelling unit only after a proper search warrant has been issued by a court of competent jurisdiction. In the event that a search warrant is issued, the city shall make a reasonable effort to inform the tenant of the date of execution of the search warrant if the tenant so requests.

(g) In all cases where a court of competent jurisdiction has entered a search warrant authorizing the inspection of a particular dwelling pursuant to MCL 125.527 and the provisions of this article, the owner and/or responsible local agent shall accompany the inspector during the execution of the search warrant and inspection of the named dwelling units and shall provide access to each dwelling unit described in that search warrant.

(h) The city may require the owner and/or responsible local agent of a leasehold to do one or more of the following:

(1) Provide the enforcing agency access to the leasehold if the lease provides the owner a right of entry.

(2) Provide access to areas other than a leasehold or areas open to public view, or both.

(3) Notify a tenant of the city's request to inspect a leasehold, make a good faith effort to obtain permission for an inspection, and arrange for the inspection. If a tenant vacates a leasehold after the city has requested to inspect that leasehold, an owner of the leasehold shall notify the city of that fact within ten days after leasehold is vacated.

(4) Provide access to the leasehold if a tenant of that leasehold has made a complaint to the enforcing agency.

(i) Neither the city nor the owner may discriminate against an occupant on the basis of whether the occupant requests, permits, or refuses entry to the leasehold. The city shall not discriminate against an owner who has met the requirements of subsection (h) but has been unable to obtain the permission of the occupant.

Sec. 7-623. - Appeals.

A person subject to the provisions of this article, may appeal to the building board of appeals as provided for in Chapter 7, Article IX, Sec. 7-482, of the Dearborn Heights City Code.

Sec. 7-624. - Penalties; municipal civil infraction.

Failure to timely register a rental dwelling, or any other violation of this article shall be a municipal civil infraction. The requirements of this article are in addition to, and not in lieu of all other city ordinances, rules and regulations.

The first offense or any subsequent offense shall be subject to a \$500.00 fine and any other costs authorized by the court pursuant to MCL 600.8727, MCL 600.8335, or state law. As authorized by MCL 600.8731, in the event such fine and costs are not timely paid, they may become a lien on the property and be placed on the tax roll or result in a suit for collection of judgement.

Sec. 7-625. - Disclaimer of liability.

A rental dwelling certificate of compliance is not a warranty or guarantee that there are no defects in the rental dwelling or unit and the city shall not be held responsible for defects not noted in the inspection report.

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 such other items that are not apparent by such visual inspection.

The city shall not assume any liability to any person by reason of the inspection required by the ordinance or the Code adopted herein or the issuance of a rental dwelling certificate of compliance.

Sec. 7-626—7-637. - Reserved.

Section 2.

REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 3.

SEVERABILITY

Should any section, subsection, clause, or phrase of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section 4.

SAVINGS

The proceedings pending and all rights and liabilities existing, acquired, or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law when they were commenced.

Section 5.

EFFECTIVE DATE

This ordinance shall become effective upon publication as provided by law.

Section 6.

AUTHENTICATION

This is to certify that the undersigned do hereby authenticate the foregoing record of the ordinance herein set forth.

BILL BAZZI, Mayor

LYNNE SENIA, Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of this ordinance adopted by the Council for the City of Dearborn Heights at an electronically held regular meeting of the Council held on the 8th day of June 2021, and became effective by publication in the official newspaper of the City of Dearborn Heights on the 14th day of June 2021.

LYNNE SENIA, Clerk

Publication Date: June 14, 2021