

CHARTER TOWNSHIP OF WHITE LAKE RENTAL PROPERTY ORDINANCE

Notice is hereby given that at a regular board meeting on July 16, 2019 the Charter Township of White Lake adopted the Rental Property Ordinance.

AN ORDINANCE TO REQUIRE RENTAL PROPERTY IN THE CHARTER TOWNSHIP OF WHITE LAKE TO REGISTER AND BE SUBJECT TO INSPECTIONS FOR THE PROTECTION OF THE PUBLIC HEALTH, SAFETY AND WELFARE; AND TO PRESCRIBE PENALTIES FOR VIOLATIONS.

THE TOWNSHIP OF WHITE LAKE ORDAINS:

Section 1. Purpose.

The Charter Township of White Lake finds that the act of renting or leasing dwelling units (single or multi-family) is a business activity. The Township also finds that dwellings or dwelling units which are leased or rented to the public, when improperly maintained, by reason of their structures, equipment, sanitation, use or occupancy, may adversely affect public health, safety and general welfare as well as the aesthetic value of the surrounding property and community. To correct unsuitable conditions which exist within rental properties and to establish mechanisms for the continued maintenance of a sound rental housing stock within White Lake Township, and to promote the public health, safety and general welfare of its citizens, the White Lake Township Board establishes these regulations which shall require the registration of rental dwelling units and provide for the enforcement of minimum rental housing standards. This registration, combined with regular inspections, will aid in the enforcement of the minimum standards for light, ventilation, and heat; for safety from fire and accidents; for the use, location and amount of space for human occupancy; and for an adequate level of maintenance.

This Ordinance is not intended nor shall it be used for the purpose of including White Lake Township in civil disputes between rental owners and tenants involving, but not limited to, non-payment of rent, evictions and/or personal disputes.

Section 2. Definitions: For purposes of this article, certain terms, phrases, words and their derivatives shall be construed as specified in this article. If not specified in this article, or elsewhere in the White Lake Township code of ordinances, terms shall have an ordinary accepted meaning within the context used.

Agent –The person or business that arranges the renting or managing of Rental Properties.

Board of Appeals – The White Lake Township Building Code Board of Appeals.

Certification – A certificate issued by the Charter Township of White Lake which certifies a Rental Property is in compliance with this Ordinance.

Code – The White Lake Township Code of Ordinances.

Common Area – An area in a Rental Property that is not within the Tenant’s private Rental Unit. It may include, but is not limited to, hallways, basement areas, common exterior stairways, balconies and spaces which contain mechanical, electrical or plumbing equipment.

Immediate Family Member – The term “Immediate Family Member” for the purpose of this ordinance refers to parents, children, siblings, grandchildren and grandparents.

Owner – Any individual, association, corporation, company, partnership, or any other legal entity holding legal or equitable title to a property or to real improvements upon a property, whether solely, jointly, by the entireties, in common, or on a land contract. Owner shall not mean Tenant.

Registration – A written record containing owner information on individual Rental Property within the Charter Township of White Lake.

Rental Property – Refers to property for which the intended use is for rental purposes, and the Owner (landlord) receives payment (rental fee) from the occupant(s), known as Tenants, in return for occupying or using the property for dwelling purposes. This is a general term inclusive of all other terms such as **RENTAL DWELLING** (one and two family homes, condominium units, duplexes, rooming houses, mobile homes, bed and breakfast, living quarters within a dwelling intended for occupancy by Tenant(s) or persons other than the Owner, and family of the Owner) and **RENTAL COMPLEX** (Apartment buildings, motels, hotels, inns, and the living quarters within the specific complex).

Tenant – A person or persons residing in a Rental Property who is not the Owner, as defined by this Ordinance, and who pays remuneration or consideration of any kind for residing at the Rental Property.

Township Official – Refers to any individual authorized to act as an agent on behalf of White Lake Township for the purpose of conducting building or rental housing inspections. For example: Building Official, Plumbing Inspectors, Mechanical Inspectors, Electrical Inspectors, Fire Marshal, Fire Inspectors, Ordinance Enforcement Officer, Planning Director, Assessor, or their respective designees.

Violation Notice – Is a written correspondence issued by an authorized Township Official advising an owner or his/her agent of a violation of this Ordinance. Violation notices shall list all infractions and corrective measures necessary to comply with this Ordinance, and a time frame within which such corrections must be completed.

Section 3. Applicability.

This Ordinance shall apply to all Rental Property located within the boundaries of White Lake Township.

No Owner or Agent of Rental Property shall rent or lease to a Tenant any Rental Property, unless such Owner or Agent is registered with White Lake Township and the Rental Property is certified by White Lake Township and is in compliance with all applicable federal, state and local laws, rules, ordinances and regulations. Occupancy of any Rental Property by any person other than the Owner or an immediate family member of the Owner shall be presumed to require a rental registration.

- A. Existing Rental Property - For Rental Property existing on the effective date of this Ordinance, the prohibitions against leasing, renting and occupying contained in Section 5 shall be inapplicable to such dwellings or units until 60 days after the Township makes its initial inspection of such Rental Property. This will permit the Owner time to make necessary repairs and obtain a certification while maintaining occupancy of the Rental Property; provided, however, that if the deficiencies pose an imminent threat to the health, safety and welfare of the Tenants, the Building Official shall commence procedures to vacate the Rental Property, and Section 12 prohibiting occupancy shall be immediately applicable.
- B. New Rental Property - Any Rental Property which is a new construction, renovation or existing structure not currently certified as Rental Property which required a comprehensive inspection and which is issued a certificate of occupancy pursuant to an inspection after the effective date of this Ordinance will also be issued a certification in accordance with Section 5 simultaneously with the certificate of occupancy and an inspection fee pursuant to Section 6 shall not be required. Nonetheless, Rental Property which is a new construction or renovation shall comply with registration requirement pursuant to Section 4.
- C. Change of Use – Any change of use of an existing structure from Owner occupied to Rental Property shall comply with the terms of this ordinance.

Section 4. Owner Registration.

- A. Rental Property Owners and Agents shall register with the White Lake Township Building Department, and pay a nonrefundable application fee in accordance with the Township Fee Ordinance. Rental Property Owners will receive by mail, the Rental Property registration form to be completed and submitted as described above.
- B. The registration of Rental Property Owners shall remain valid until the following occurs:
 - 1. Any change in ownership if the property remains as Rental Property.
 - 2. Any change in building or land use.
 - 3. Any change to the information previously submitted on the current, valid registration form.

Section 5. Rental Property Certification.

- A. No Owner or Agent shall lease, rent, use, operate or occupy, or cause to be leased, rented, used, operated or occupied any Rental Property within the boundaries of White Lake Township, without a valid certification in accordance with this Ordinance. Certification shall be issued by the Building Official after the Rental Property has been inspected and is found compliant with the provisions of the codes and ordinances of White Lake Township. However, a Rental Unit will receive certification only if all other occupied Rental Units within the complex / building have no outstanding deficiencies. A

certification may be issued for the following maximum term: Rental Dwelling = 4 year certification. Rental Complex = 2 year certification.

- B. The Township will issue a certification if the Building Official determines during the inspection that:
1. Any deficiencies discovered during previous inspections have been corrected; and
 2. There are no major violations of the inspection guidelines for Rental Property (major violations are those violations which create a risk to the health, safety or welfare of Tenants). However, a Rental Unit located in a multi-family residential Rental Property will receive certification only if all other occupied Rental Units within the Rental Property have a valid certification or have otherwise met the requirements to receive a certification.

Section 6. Inspections/Permits.

In order to receive an inspection, the Rental Property Owner or Agent shall sign an Inspection Agreement authorizing Township Officials to inspect their respective Rental Properties. The Inspection Agreement shall require Property Owners or Agents of Rental Complexes to either request and obtain Tenant consent for the inspection(s) as-needed or include a provision in all rental or lease agreements authorizing the inspection(s). The Inspection Agreement shall be required for certification. The Owner or Agent shall provide a copy of this Ordinance to all existing Tenants, as well as Tenants who enter into rental or leases agreements or come to reside on Rental Property after the ordinance takes effect.

- A. In order to provide for the scheduling of initial inspections, and all subsequent inspections, the Owner or Agent of Rental Property will be sent a reminder notice regarding the need to schedule an inspection for Rental Property certification or renewal. If the Owner or Agent fails to respond to the reminder notice, the following shall take place:
1. The Building Official shall notify the Owner, Agent and/or Tenant (as applicable) of Rental Property of the day, and time of the inspection. Such notice may be personally delivered or sent by first class mail.
 2. Upon receipt of the inspection notice, the Owner, Agent and/or Tenant (as applicable) must either:
 - i. Appear on the date and time scheduled for the inspection; or
 - ii. Object in writing within (10) days of the mailing of the notice for inspection and:
 - Schedule an alternative date for the inspection within (30) days from the date identified in the initial notice, or
 - Request that the Building Official contact the Tenant of the Rental Unit directly to schedule the inspection and provide the Tenant's name, address, and contact number.
 3. If an Owner or Agent of Rental Property requests the Building Official to schedule the appointment with the Tenant, the Owner or Agent shall provide a copy of the request to the Tenant. The Building Official shall notify the Tenant of the date and time of the scheduled inspection. The notice may be personally

delivered, or sent by first class mail. Upon receipt of the inspection notice, the Tenant may either:

- i. Appear at the date and time scheduled for inspection; or
 - ii. Object in writing within (10) days and schedule an alternative date, and time for the appointment within (30) days from the date identified on the notice.
- B. If an Owner, Agent, or Tenant subsequently learns he or she will not be present for a scheduled appointment, the individual must provide the Building Official with at least 24 hours advance notice and must re-schedule an inspection date within (30) days from the scheduled appointment. Failure to appear for a scheduled inspection appointment without providing advanced notice shall be in violation of this section and subject to legal action as described in Section 7, Penalties.
- C. During the inspection, the Building Official shall note any violations of this Ordinance or other provisions of the Township Code of Ordinances, or other laws, rules or regulations, and give written notice of such violations to the Owner or Agent. The Owner or Agent shall correct all violations within the time set forth in the written notice. A reasonable time for correcting violations shall be determined by the Building Official in light of the nature of the violations and all relevant circumstances, but shall not exceed (60) days. Upon written request of the owner for correcting the violations, the Building Official may extend the time for correcting the violations if the Building Official deems such action appropriate under all relevant circumstances, but not to exceed an additional (60) days.
- D. Periodic Inspections. An authorized Township Official may inspect Rental Properties at reasonable times with notice to the Owner, Agent and/or Tenant (as applicable).
- E. Court Orders. If access to a Rental Property or area for the purpose of inspection is refused, or if the Owner, Agent and/or Tenant (as applicable) fails to cooperate, an authorized Township Official, upon showing that probable cause exists for the inspection, may seek the issuance of an order directing compliance with the inspection requirements of this Ordinance from a court with jurisdiction.
- F. Necessary Permits. Rental Property Owners shall procure all appropriate building permits from the Township for all construction work required to correct deficiencies/violations.
- G. Fees. All fees associated with the Rental Property (as outlined in the White Lake Township Fee Ordinance) shall be paid prior to the issuance of the Rental Property certification.

Section 7. Penalties.

A violation of this Ordinance shall be deemed a municipal civil infraction as described in Chapter 22, Article IV of the Township Code of Ordinances and shall be handled in accordance with the Municipal Civil Infraction policies and procedures adopted by White Lake Township.

Notwithstanding any provision of this Ordinance to the contrary, any Rental Property that is found to be in such condition as to preclude habitation or threaten the health, safety, or welfare

of the Tenants or community shall be considered a nuisance property and subject to abatement in any manner prescribed by law.

Section 8. Inspection Guidelines. Township Officials shall prepare inspection guidelines and minimum standards to be used in inspections required by this Ordinance. The inspection guidelines and minimum standards shall be approved by Resolution of the Township Board. The adoption of the inspection guidelines and minimum standards shall not be construed to relieve the Owner or Agent from compliance with any federal, state and local laws, codes, regulations and ordinances, and other requirements of codes adopted by the Charter Township of White Lake including, but not limited to: Housing, Electrical, Building, Plumbing, Mechanical, Fire Codes, and Zoning requirements.

Section 9. Appeals Process.

If an Owner disagrees with the opinion of the Township Official as to either the existence of the violation or the period of time that will be reasonably required for the Owner to correct the violation, the Owner may appeal the decision to the applicable Township Board of Appeals.

Section 10. Revocation of Certification.

If the Owner does not correct a violation of any provision of this Ordinance, the Building Official shall revoke any existing certification and may bring an action to seek the enforcement of this Ordinance in any manner prescribed by law.

Section 11. Vacating and Securing Buildings.

The Building Official may declare a Rental Property to be unfit for human occupancy or entry when:

1. A condition exists that constitutes an immediate threat to life or an immediate threat of serious injury to any occupant or invitee.
2. An emergency or hazardous condition has not been corrected as ordered.
3. A vacant dwelling or vacant unit has not been secured as ordered in a notice of violation.
4. Any other hazardous or dangerous condition exists as defined in any other code or ordinance adopted by the Charter Township of White Lake.

Section 12. Occupancy Prohibited.

No person shall occupy or permit or allow another person to occupy any Rental Property which has been declared to be unfit for human occupancy or entry.

Section 13. Notice to Vacate.

Upon declaring a Rental Property to be unfit for human occupancy and entry, the Building Official shall issue a notice to vacate to the Owner, Agent and Tenants by certified mail, and by posting the notice to vacate at the entry of each Rental Property. The notice shall order vacation of the affected property no later than 24 hours after such notice. Under circumstances where the property cannot be vacated, the Building Official shall order the violation corrected within the shortest reasonable time. The Owner or Agent shall notify the Building Official of having begun compliance within 3 days.

Section 14. Notice to Secure.

Upon declaring a Rental Property unfit for human occupancy and entry, the Building Official shall issue a notice to the Owner to secure the property. The notice to secure shall order the Owner to secure, within 48 hours of issuing the notice, the Rental Property against unwanted entry.

Section 15. Posting of Rental Property Unfit for Human Occupancy.

Upon issuing a notice to vacate or a notice to secure, the Building Official shall place a sign(s) upon or near the entryway to any Rental Property cited in the notice. The sign shall state the address or unit number of the building. It shall inform the public that it is a violation of this Ordinance to enter the property unless authorized in writing by the Building Official.

Section 16. Securing Rental Property.

If the Owner fails to comply with the notice to secure after the expiration of time shown in the notice, the Building Official may act to retain a contractor to secure and make safe the Rental Property in question. The cost of the work, plus a 15% administrative fee, shall be tallied in a bill of cost and submitted to the Owner of the property personally or by first class mail, and by posting on the building in a conspicuous location. If Owner fails to pay the bill of costs to the Township within (30) days of mailing, the bill of costs shall become a lien on the property, subject to filing with the Oakland County Register of Deeds, and reported to the Assessing Official who shall place the bill of costs on the tax rolls for the real property upon which the Rental Property is located, and collected in accordance with General Property Tax Law.

Section 17. Reliance on Certification.

Issuance of a certification shall not constitute a guarantee or warranty of the habitability or complete compliance of the property to code requirements, and the Tenant of any Rental Property shall not rely on any certificates as a guarantee or warranty.

Section 18. Transfer of Rental Property Certification and Change of Status.

- A. Transfer. A purchaser of a Rental Property shall cause a certification to be transferred upon the sale of a Rental Property. The new Owner shall complete a new registration application and provide a copy of the Property Transfer Affidavit from the Township Assessor. All of the above shall be provided to the Building Department by the new Owner within forty-five (45) days of closing the sale. There is no fee for transferring a Rental Property Certificate.
- B. Change of Status. If a Rental Property is no longer to be used as a Rental Property, an affidavit to this effect must be provided to the White Lake Township Building Department.

Section 19. Authority.

- A. This Ordinance shall not impair or diminish the authority of duly authorized Township Officials to employ any alternative action or corrective measure provided for under any other federal, state or local law, or any other ordinance or codes adopted by the Charter Township of White Lake.
- B. This Ordinance shall not be construed so as to limit the application and enforcement of the Township Zoning Ordinance or other ordinances or codes adopted by the Township

which address the maintenance of properties, residential dwellings, or the health, safety and welfare of Tenants residing in residential dwellings.

Section 20. 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, such selection, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of the Ordinance shall stand and be in full force and effect.

Section 21. Effective Date.

This Ordinance shall take effect following publication in the manner prescribed by law.

Section 22. Repealer.

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

Section 23. Adoption.

This Ordinance is hereby declared to have been adopted by the Township Board of this Charter Township of White Lake at a meeting thereof duly called and held on the 16th day of July, 2019, and ordered to be given publication in the manner prescribed by the Charter of the Charter Township of White Lake.

Rik Kowall

Township Supervisor