

# VILLAGE OF DECATUR

## ORDINANCE NO. 2019-003

Amendment NO. 2022-001

**TO PROVIDE FOR THE ANNUAL LICENSING OF RENTAL HOUSING WITHIN THE VILLAGE OF DECATUR AND TO CREATE A PROCEDURE FOR THE PROCUREMENT OF SUCH LICENSES; TO CREATE CERTAIN CONDITIONS FOR THE ISSUANCE OF THE LICENSE RELATING TO ITS DURATION, TO THE PROHIBITION OF UNLICENSED RENTAL HOUSING, TO PROVIDE FOR THE REVOCATION OF LICENSES FOR NONCOMPLIANCE OF THIS ORDINANCE; AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF.**

**THE VILLAGE OF DECATUR, MICHIGAN ORDAINS:**

### **SECTION 1: TITLE.**

This Ordinance shall be known and may be cited as the Village of Decatur Rental Housing Licensing Ordinance.

### **SECTION 2: DEFINITIONS.**

The following definitions shall apply to the terms used in the provisions of this Ordinance:

- A. AGENT. For the purposes of this article, the responsible local agent shall be an individual person who represents the owner, a real estate holding company, corporation, partnership or other legal entity and must have a place of residence in the state within 50 miles of the Village limits. The responsible local agent shall be designated by the owner as legally responsible for operating such premises in compliance with all the provisions of the Village codes and Ordinances. The owner may act as the responsible local agent, provided he or she resides in the state and within 50 miles of the Village limits. All official notices of the Village 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.
- B. BUILDING OFFICIAL. The Chief Inspector of the Village or authorized representative or other designated authority charged with the administration and enforcement of the building code.
- C. BOARDING HOUSE. A building or place where lodging and boarding is provided (or which is equipped regularly to provide lodging and boarding by prearrangement for definite periods), for compensation, for three (3) or more, but not exceed twelve (12) individuals. Such lodging house or boarding house shall not be open to transient guest, in contradistinction to a hotel as is herein defined.
- D. CODE. The International Property Maintenance Code, published by the International Code Council, Inc., or any other property maintenance code subsequently adopted by the Village Council of the Village of Decatur, Michigan.
- E. DWELLING UNIT. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. A dwelling unit for the purpose of this Ordinance shall also include the individual sleeping rooms or group of rooms of an apartment building, bed & breakfast building, **group home**, hotel, or motel to be occupied by a person or family. Each room or group of rooms so occupied or to be occupied shall constitute a separate dwelling unit.
- F. ~~IMMEDIATE FAMILY MEMBER. Any person who is the owner or the owner's current spouse, parent or grandparent, child or grandchild, brother or sister, mother in law or father in law, brother in law or sister in law, daughter in law or son in law, nieces or nephews, aunts or uncles. Adopted, half, and step members are also included in immediate family. Any other relative not mentioned in this definition is not considered immediate family. The definition of immediate family member for the purpose of this ordinance shall be father,~~

~~mother, parents' spouse (if a parent has remarried), child (by blood, adoption, or marriage), brother, sister, spouse, grandparent or grandchild.~~

- G. ~~RENTED. A dwelling unit legally occupied by a person other than the owner or other than the mother, father, or child of the owner.~~
- H. OWNER. Any person, agent, operator, firm, limited liability company or corporation having a legal or equitable interest in the property; or recorded in the official records of the County as holding title to the property; or otherwise having control of the property, including the guardian/conservator of the estate of any person, or the personal representative of the estate of a deceased individual.
- I. PARCEL. A separately described piece of land or a lot to which a property tax number applies.
- J. RENT. ~~Includes let, lease, barter or any other arrangement whereby one person pays a consideration to another for the privilege of residing in a residential rental unit for any period.~~ Means a dwelling unit legally occupied by a person other than the owner or other than the mother, father or child of the owner.
- K. GROUP HOMES. All dwellings, dwelling in a home where a small number of unrelated people in need of care, support, or supervision can live together, such as those who are elderly or mentally ill. The licensing process of a group home falls within the licensing process by which the Department of Licensing and Regulatory Affairs (LARA), Bureau of Community and Health Systems (BCHS) regulates adult foster care group homes. The process requires that adult foster care licenses are in compliance with the rules for adult foster care group homes.

### SECTION 3: PURPOSE.

The purpose of this Ordinance is to protect, preserve and promote the public health, safety and general welfare of the residents of the Village of Decatur, Michigan, and inhabitants in residential rental units; and to encourage the maintenance of residential rental units by requiring the licensure and inspection of same to insure compliance of said residential rental units with any property maintenance or existing structures code in effect and adopted by the Village of Decatur, Michigan at the time of said inspection. This Ordinance is adopted pursuant to the authority provided in MCL 125.525 et seq.

### SECTION 4: LICENSE REQUIRED.

- A. No person shall operate a residential rental unit containing one (1), two (2), or more dwelling units, multi-family dwellings, boarding house and other structures which are leased or ready for lease to the public unless that person first obtains a license as provided under the provisions of this Ordinance. The license issued under this Ordinance shall be effective through December 31<sup>st</sup> of the year in which it was issued.
- B. All owners and/or agents thereof shall license all residential rental units on forms provided by the Village of Decatur, Michigan, which registration shall include the following information:
  - 1. The address of the parcel of land upon which a residential rental unit is situated, and its property tax identification number.
  - 2. The name, address and telephone number of the owner of such dwelling unit.
  - 3. The name, address and telephone number of the local agent or manager charged with collecting rent and/or maintaining the residential rental unit.
  - 4. The number and types of units within the rental property (dwelling units or sleeping rooms).
  - 5. Name(s) of current tenant.
- D. Residential rental units required to be licensed pursuant to this Ordinance shall comply with the following:

1. All owners and/or agents of existing residential rental units shall file the annual Rental Housing License Application by January 15<sup>th</sup> of the effective year of the license.
2. It shall be the owners and/or agents of existing residential rental units to notify the Village of Decatur and Building Official when a change in occupancy and or use occurs. Upon notification of such change in occupancy and or use occurs, the Building Official reserves the right to reinspect the existing residential rental as deemed necessary, subject to the Inspection Incentives of the residential rental unit.
3. All newly constructed residential rental units shall be licensed prior to the issuance of the certificate of occupancy by the Village.
4. A residential rental unit(s) which is sold, transferred, or conveyed shall be relicensed by the new owner within 30 days of the date of the deed, land contract, or other instrument of conveyance with the Village. All documents of conveyance, including land contracts, shall be recorded with the Van Buren County Register of Deeds Office and a copy of the same or a memorandum of land contract shall be provided to the Village.
5. A residential rental unit(s) that is listed for sale do not exclude or exempted the unit(s) from compliance with this ordinance.
6. All existing nonrental dwellings which are converted to residential rental units shall be licensed, inspected, and certified prior to the date on which the property is first occupied for rental purposes.

E. Inspections shall be scheduled on a biyearly basis. The biyearly basis time period shall start once the residential unit has passed the first inspection after the date of this ordinance. Additional inspections shall be from time to time considered by the Building Official. The Building Official also reserves the right to extend the biyearly inspection time period with prior approval from the Village of Decatur authorized representative.

#### **SECTION 5: COMPLIANCE WITH ORDINANCES.**

No license to operate a rental unit shall be issued unless the residential rental unit, complies with all the Ordinances and codes of the Village.

#### **SECTION 6: VIOLATIONS.**

Operation of a residential rental unit without a license as provided under this Ordinance shall be a violation of this Ordinance.

#### **SECTION 7: INSPECTIONS.**

Residential rental units shall be inspected to ensure compliance of said residential rental units with the International Property Maintenance Code, or any other property maintenance code subsequently adopted by the Village Council of the Village of Decatur, Michigan, or any rules, regulations, laws or housing codes of the State of Michigan. Where six (6) or fewer residential rental units exist upon any given parcel, same shall be inspected by the Building Official annually. Where more than six (6) residential rental units exist upon any given parcel a minimum of seven (7) dwelling units, plus ten percent (10%) of the dwelling units over six (6), shall be inspected by the Building Official every year. For regular scheduled inspections as hereinbefore provided, the Building Official shall give written notice of the date and time of said inspection to the owner or local agent, mailed by first class mail, on or before ten (10) days prior to said inspection date. In addition, said Building Official shall inspect residential rental units, upon reasonable notice as required in any property maintenance code adopted by the Village Council of the Village of Decatur, under any of the following circumstances:

1. Upon receipt of a written, executed, and dated complaint based upon the personal knowledge of an owner, occupant, or other individual, that the premises are in violation of this Ordinance.
2. Upon receipt of a written report or complaint, or a referral from the police department, or other public agencies or departments, indicating that the premises is in violation of this Ordinance.
3. If an exterior survey of the parcel gives the Building Official probable cause to believe that the residential rental units are in violation of this Ordinance.
4. Upon receipt of information by the Building Official that a residential rental unit is not registered with the Village of Decatur, Michigan as required by this Ordinance.

#### **SECTION 8: ISSUANCE OF CERTIFICATE OF COMPLIANCE.**

After the initial inspection, if the residential rental unit is found to be in compliance with the rules, regulations, laws, and Ordinances of the Village of Decatur, Michigan, and/or the State of Michigan, the Building Official shall issue a Certificate of Compliance in the name of the owner.

#### **SECTION 9: PROCEDURE WHERE INSPECTION DISCLOSES VIOLATION(S).**

- A. Where an inspection by the Building Official discloses a violation of the International Property Maintenance Code or any other property maintenance code adopted by the Village Council of the Village of Decatur, Michigan, or the rules, regulations and laws or housing codes of the State of Michigan, the Building Official shall issue all necessary notices as provided in said code(s) to ensure compliance with said codes' requirements.
- B. A temporary Certificate of Compliance may be issued when any violation does not constitute a hazard to the health or safety of those who may occupy the premises. Said temporary Certificate of Compliance may be revoked by the Building Official if the owner or his agent fails to correct the noted violation(s).
- C. No residential rental unit shall be occupied unless a Certificate of Compliance has been issued by the Building Official.
- D. In the event the owner or his agent is in the process of evicting an occupant and/or tenant from a residential rental unit which is in violation of the aforesaid Ordinance and laws, then and in such an event, the owner thereof shall have a reasonable time to correct said violation after the eviction is completed and said owner or his agent shall promptly notify the Building Official of the completion of said eviction.

#### **SECTION 9: FEES.**

Residential rental unit licensing rates and charges shall be as set by resolution of the Village Council from time to time. The owner shall be responsible for notifying the Village of any change of address of either the owner or the responsible local agent.

- A. In the event that an occupant of a residential rental unit or a private individual shall make a written complaint concerning a violation at a residential rental unit, the Village of Decatur, at its discretion, may require an inspection deposit in the amount of the anticipated inspection fee from said occupant or private individual. If the inspection, which was made as a result of said complaint, discloses no legitimate violation, then and in such an event the individual making such complaint shall be liable to the Village of Decatur for the aforesaid inspection fee, and said deposit shall be applied thereto, otherwise said deposit shall be refunded.
- B. The Village of Decatur shall not release any information regarding the name address, or telephone number of any person who makes a written complaint concerning a violation at a residential rental unit, except: (a) by consent of the complainant; (b) pursuant to the Freedom of Information Act; or (c) by Court Order.

## **SECTION 10: REPEAL.**

Ordinance # 150, any amendments to Ordinance #150, and any Ordinance in conflict with the provisions of this Ordinance are hereby repealed.

## **SECTION 11: APPEALS.**

There shall be a Housing Board of Appeals consisting of five (5) members appointed by, and to serve at the pleasure of, the Village Council. Members of the Board shall meet the membership requirements of the Village Charter and such additional qualifications as the Village Council shall consider appropriate. The Board shall elect from its membership a Chairman, Vice Chairman and Secretary and such other officers as it may deem necessary.

The Housing Board of Appeals shall act as an advisory committee to the Village Council and shall have the following powers and duties. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or determination made by the Village Manager, or any other administrative or enforcement official in connection with the enforcement of this Chapter. Authorize a variance from the strict application of this Chapter where such application would result in practical difficulties or unnecessary hardship to the person owning or having the beneficial use of the property for which a variance is sought. A variance may be allowed only if, in the judgment of the Board, such variance would not violate the intent of this Chapter, nor jeopardize public health or safety.

To grant extensions of time to correct violations of this Chapter upon a showing that the responsible party has made a good faith effort to comply with an order of the Village Manager; or that the violation(s) could not have been reasonably accomplished with the time limit originally set, or that an unusual hardship exists. Requests for extensions of time shall be given priority over other Board matters and the procedure.

The Housing Board of Appeals shall meet at such times as the Board shall determine. The Board shall establish a fixed place of meeting, and all meetings shall be open to the public. The Board shall adopt its own rules of procedure and keep a written record of its proceedings, showing all action taken by the Board and the vote of each member upon each question considered. The presence of three (3) voting members shall be necessary to constitute a quorum. All decisions and actions of the Board shall be by majority of the voting members present and voting, a quorum being present.

Appeals from rulings, notices and orders of the Village Manager or any other official charged with the enforcement of this Chapter may be made to the Board by filing a notice of appeal with the Village Clerk, accompanied by an appeal fee within ten (10) days from the date of issuance of any such ruling, notice or order. The notice of appeal shall specify the particular grounds upon which the appeal is based. Where the appellant seeks a variance, the notice of appeal shall also specify the requirements from which a variance is sought and the nature and extent of such variance. The taking of an appeal shall not stay the imposition of penalties imposed by this Chapter. The Housing Board of Appeals shall fix a reasonable time for the hearing of appeals. The Board shall prepare an official record of each appeal and shall base its decision on this record.

## **SECTION 11: SEVERABILITY.**

Sections of this Ordinance shall be deemed severable and should any Section, clause, or provision of this Ordinance be declared 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.

