

ORDINANCE NO. _____ OF 2015

AN ORDINANCE TO AMEND THE PENNFIELD CHARTER TOWNSHIP CODE OF ORDINANCES SO AS TO REGULATE THE CONDITION OF RENTAL HOUSING UNITS; TO PROVIDE FOR THE REGISTRATION AND INSPECTION OF RENTAL DWELLINGS; TO PROVIDE CIVIL SANCTIONS AND REMEDIES FOR VIOLATION OF THIS ORDINANCE; AND TO REPEAL ANY ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

THE CHARTER TOWNSHIP OF PENNFIELD, Calhoun County, Michigan, ordains:

SECTION 1. Chapter 10, Article VII, of the Pennfield Charter Code of Ordinances is hereby added to read as follows:

Article VII. Registration and Certification of Rental Dwellings.

Sec. 10-181. Definitions.

For purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section.

***Rental Compliance Officer** shall mean the compliance official as assigned by the Pennfield Township Board.*

***Conditional Sale** shall mean the sale of a dwelling under a lease with option to purchase agreement or any other like form of conditional sales agreement.*

***Dwelling** shall mean any structure, yard or part thereof used for residential purposes, whether occupied or not. The terms and definitions of “dwelling unit”, “dwelling, multiple-family”, “dwelling, single-family detached”, “dwelling, two-family”, as set forth in the Pennfield Charter Township Zoning Ordinance (Appendix B to this Code) are incorporated herein by reference. Additionally, the term “dwelling” shall, for purposes of this Article, be deemed to include a mobile home.*

***Person** shall mean any individual, corporation, partnership, limited liability company, or other legal entity.*

***Rental Dwelling** shall mean a dwelling, containing one more rental housing units. An apartment complex consisting of one or more buildings under common ownership and on the same parcel of land shall be considered one rental dwelling for purposes of this Article.*

***Rental Unit** shall mean any dwelling, dwelling unit or mobile home in which one or more occupants thereof are not the owner(s) of the premises on which the unit is situated and consideration is paid in exchange for the right to reside therein. (i.e., a dwelling unit which is not solely occupied by the owner of the premises and his/her family).*

***Responsible Person** shall mean the person who is responsible for correcting all major or minor violation(s), or both, of the rental property in question.*

***Township** shall mean the Charter Township of Pennfield.*

Sec. 10-182. Registration Required.

All rental housing units, as defined by this Article, which are leased or otherwise made available for rental purposes, shall be registered by the owner with the Pennfield Charter Township Clerk. Following initial registration, the Township will arrange for inspection of the premises and, upon a successful inspection and payment of any and all fees, will issue a rental certificate of compliance. After passing an inspection and receiving a rental certificate of compliance which certifies that the rented space is in compliance with applicable codes, the property shall be kept in compliance as a property with a valid certification.

The occupancy of any dwelling under a lease with option to purchase agreement or other like form of conditional sales agreement shall likewise require that the owner register the property with the Pennfield Township Clerk if legal or equitable ownership is not transferred by valid deed or land contract to the occupant within ninety days of execution of the conditional sales agreement. Proof of the transfer of ownership shall be established by copy of a deed, land contract, or memorandum of land contract, which has been recorded with the Calhoun County Clerk/Register of Deeds, or filed with the Township Assessor.

Sec. 10-183. Time Periods for Registration.

Time periods for registration are as follows:

- (1) All rental units shall be registered within 30 days of occupancy by a tenant;*
- (2) All newly constructed or newly converted rental units shall be registered within 30 days of the issuance of the certificate of occupancy by the township;*
- (3) A rental unit, which is sold, transferred or conveyed, shall be reregistered by the new owner within 30 days of the date of the deed, land contract, lease with option to purchase or other instrument of conveyance;*
- (4) All existing non-rental dwellings, which are converted to rental units without issuance of a certificate of occupancy, shall be registered within 30 days from the date on which the property is first occupied for rental purposes; and*
- (5) Registration shall be submitted annually on a form provided by the township on or before **October 1st^h**.*

Sec. 10-184. Information Required.

The owner of a rental dwelling shall submit the following information to the Township Clerk on forms prescribed by the Township at the time of registration:

- (1) The address(es) of the rental unit(s);*

- (2) *The number of rental units within the structure;*
- (3) *The name, corporate name, residence address, business mailing address, business telephone, home telephone of the owner;*
- (4) *The name, residence address, business address and business telephone of the responsible party designated by the owner;*
- (5) *The date of registration of the rental unit, if previously registered;*
- (6) *The name of the person filing the registration; and*
- (7) *Any additional information relating to habitable rooms as required by the rules in order to make a determination of code compliance.*

Sec. 10-185. Registration Fees; Administrative Late Charge.

A registration fee as established by a resolution adopted by the Township Board shall be assessed to the owner of a rental unit by the Township at the time of registration. An administrative late charge shall also be paid by the owner if registration of a rental unit is not accomplished within the time periods described in Section 10-183. A violation of this Section shall be a civil infraction subject to the penalties as described under Section 10-192 of this Article.

Sec. 10-186. Incorrect and Outdated Registration Information.

An owner who fails to provide correct or current registration or outdated registration information shall be in violation of the provisions of this Article.

Sec. 10-187. Inspections.

*The **Township Rental Compliance Officer** or his/her designee shall inspect buildings and structures at the time of registration in order to secure the health, safety and welfare of the occupants and of the general public, and to obtain and maintain compliance with the standards of this Article and any applicable building and property maintenance codes. The **Rental Compliance Officer** or his/her designee may thereafter inspect residential units once a year without first receiving a complaint or without other cause and, in addition, may inspect buildings and structures under any of the following circumstances:*

- (1) *Upon receipt of a complaint from an owner or occupant that the premises are in violation of this Article;*
- (2) *Upon receipt of a report or a referral from a police agency, other public agency or department, or any individual indicating that the premises are in violation of this Article, which report or referral is based on the personal knowledge of the person making the report or referral;*

- (3) *If an exterior survey of the premises gives the enforcing officer probable cause to believe that the premises are in violation of this Article;*
- (4) *Upon the enforcing officer's receipt of information that a rental unit is not registered with the township as required by this Article;*
- (5) *As part of the rental certification program as required by Section 10-189.*
- (6) *In order to determine compliance with a notice or a housing order issued by the township;*
- (7) *If an emergency is observed or is reasonably believed to exist;*
- (8) *In accordance with requirements of law where a dwelling is to be demolished by the township or where ownership is to be transferred to the township; or*
- (9) *Upon the request of an owner of a rental unit for an advisory inspection. Such inspections shall be performed in accordance with the provisions of this section.*

*During the inspection, which shall be conducted to substantiate compliance with applicable building and property maintenance codes, the **Rental Compliance Officer** shall note any violations of this Article or other provisions of this code and shall issue a housing order notice of all violations to the responsible person. The housing order shall direct the responsible person to correct violations within the time set forth in the notice. A reasonable time for correcting violations shall be determined by the **Rental Compliance Officer** in light of the nature of the violations and all relevant circumstances, but shall not exceed 30 days. Upon request by the responsible person, the **Rental Compliance Officer** may extend the time for correcting minor violations, if the **Rental Compliance Officer** deems such action appropriate under all relevant circumstances.*

A responsible person who receives a housing order notice pursuant to this Article shall correct the identified violations within the time period set forth in the notice.

Sec. 10-188. Inspections--Fees; Administrative Late Charge.

The Pennfield Charter Township Board shall establish by resolution a schedule of inspection fees. The Township Board shall amend by resolution the fee schedule from time to time to reflect changes in the cost of inspections. The initial fee schedule and all amendments thereto shall not take effect until approved by a resolution of the Township Board.

The inspection fee shall be paid by the owner of the property, unless the inspection is based on a complaint filed by the owner for a major violation caused by the occupant, and the enforcing officer determines that such major violation does, in fact, exist. In such event, the inspection fee shall be paid by the occupant. A violation of this section shall be a civil infraction subject to penalties under Section 10-192 of this Article.

*If the **Rental Compliance Officer** determines that a complaint was filed without a factual basis, the inspection fee shall be charged to the complainant.*

An administrative late charge shall be paid to the Township by the person obligated to pay an inspection fee if such fee is not paid within 30 days from the billing date. The amount of the administrative late fees shall be established by resolution of the Township Board. A violation of this section shall be a civil infraction subject to the penalties described under Section 10-192 of this Article.

Sec. 10-189. Rental Certificate of Compliance – Generally.

*A property owner shall not lease, rent, or otherwise allow a rental unit to be occupied unless the Township **Rental Compliance Officer** has issued a rental certificate of compliance or a temporary rental certificate of compliance for each such rental unit. Each rental certificate of compliance or temporary rental certificate of compliance shall contain an expiration date. A violation of this section shall be a civil infraction subject to the penalties under Sections 10-192 of this Article and shall be deemed a nuisance per se.*

A property owner shall not lease, rent or otherwise allow a rental unit to be occupied if the rental certificate of compliance or the temporary rental certificate of compliance for such unit has been denied, suspended, or has expired. A violation of this section shall be a civil infraction subject to the penalties under Sections 10-192 of this Article and shall be deemed a nuisance per se.

A person shall not occupy a rental unit if the enforcing officer orders that it be vacated due to major violations of this code. A violation of this section shall be a misdemeanor subject to the penalties under Section 1-7 of this Code and shall be deemed a nuisance per se.

*The **Township** shall issue a six-year rental certificate of compliance to the owner of a rental unit which is determined to be in compliance with this code. Compliance shall mean the following:*

- (1) There are no violations existing at the time of the most recent inspection;*
- (2) The **Rental Compliance Officer** did not discover any violations at any time since the prior rental certificate of compliance or temporary rental certificate of compliance, if any, was issued;*
- (3) The property owner has paid all inspection fees assessed against the property.*

A newly constructed rental unit may be issued a six-year rental certificate of compliance from the date of initial certificate of occupancy.

At least 30 days before the expiration of a rental certificate of compliance, the Township shall notify the property owner, in writing, of the expiration date and advise the owner of the need to arrange for a compliance inspection. The property owner shall be responsible for arranging for a compliance inspection prior to the expiration date on the rental certificate of compliance. When a rental certificate of compliance is reissued in accordance with Section 10-191, it shall have a six-year or a three-year expiration date (if the certificate has been previously

suspended as called for by Sec. 10-191) with the same month and day as shown on the previous rental certificate of compliance, regardless of the date that the new rental certificate of compliance is actually issued.

Sec. 10-190. Rental Certificate of Compliance – Temporary Certificate.

When a rental certificate of compliance is required, the **Rental Compliance Officer** may issue a temporary rental certificate of compliance if all of the following circumstances exist:

- (1) The **Rental Compliance Officer** is unable to complete an inspection of a rental unit to verify compliance with this Article prior to the expiration date of an existing rental certificate of compliance;
- (2) The **Rental Compliance Officer** is not aware of any current major violations; and
- (3) The property owner has paid all inspection fees assessed against the property owner for all prior inspections of the premises;

The **Rental Compliance Officer** may issue a temporary rental certificate of compliance for a newly registered rental unit.

The **Rental Compliance Officer** may issue a temporary rental certificate of compliance for a rental unit subject to a housing order notice containing major violations if the property owner is in the process of correcting such violations and can show proof of same.

A temporary rental certificate of compliance shall be valid until the **Rental Compliance Officer** completes an inspection and issues an order granting or denying a rental certificate of compliance, (except in the initial stages of the rental inspection program where additional time will be needed to complete all the inspections) said inspection shall be conducted within 60 days of the expiration date of a rental certificate of compliance, within 60 days of the registration of a new rental unit, or within 60 days of the issuance of a temporary rental certificate of compliance.

Sec. 10-191. Rental Certificate of Compliance. Suspension and Expiration.

The provisions of this section shall govern the suspension and expiration of rental certificates of compliance.

(1) The **Rental Compliance Officer** may suspend a six-year or a three-year rental certificate of compliance for a rental unit if the responsible person fails to comply with a housing order notice issued under Section 10-187, or if the responsible person fails to pay any fee in accordance with Sections 10-188 and 10-193.

(2) In such event, the **Rental Compliance Officer** may placard the property and order that it be vacated until such time as the owner or responsible person complies with the housing order notice and/or pays the necessary fees. The **Rental Compliance Officer** shall reinstate a suspended six-year or three-year rental certificate of compliance upon a determination that all violations are corrected and upon payment of the re-inspection fees. The reinstated rental certificate of compliance shall be issued for a period of not

more than three years from the date of the original certificate.

(3) A rental certificate of compliance or a temporary rental certificate of compliance shall expire on the date stated on the certificate. Sixty days after such expiration date, no person shall occupy a rental unit unless a new rental certificate of compliance has been issued. A rental unit, which has not been previously certified, shall be deemed to have an expiration date on the date the property owner is notified to obtain certification for the rental unit.

*(4) If the **Rental Compliance Officer** suspends a six-year or a three-year rental certificate of compliance, or, if a six-year or a three-year rental certificate of compliance has expired, then the **Rental Compliance Officer** shall notify the occupant(s) of the suspension or expiration. The notice shall inform the occupant(s) that he or she may pay rent into a self-established escrow account until he or she vacates the unit, the rental certificate of compliance is reinstated or renewed, or a temporary rental certificate of compliance has been issued pursuant to Section 10-190, whichever occurs first. This subsection shall not apply if the property owner establishes that the suspension of the rental certificate of compliance is due to violations that were caused by the occupant(s) of the rental unit. Once the rental certificate of compliance is reinstated or a temporary rental certificate of compliance has been issued, the rent shall again become due and payable in accordance with the terms of the lease or other agreement between the property owner and the occupant(s) or as determined by a court of law.*

*(5) The **Rental Compliance Officer** shall immediately notify the owner and occupant(s) of any decision affecting the status of a rental certificate of compliance and advise the owner and occupant(s) of their right to appeal and the procedures therefore.*

Sec. 10-192. Lease of Unregistered Units Prohibited.

No property owner shall lease, rent, or otherwise allow a rental unit to be occupied unless the property owner has registered the unit.

Sec. 10-193. Penalties.

A violation of the provisions of this Article shall be deemed a municipal civil infraction punishable by a fine of Two Hundred (\$200.00) Dollars for the first offense and Four Hundred (\$400.00) Dollars for the second and each subsequent offense. A violation of this Article shall also be a nuisance per se and subject to abatement as provided in Section 2-31 of this Code or as otherwise provided in the Pennfield Charter Township Code. In addition to the fine and costs imposed for a violation of this Article, the owner shall pay the administrative late charge as set forth in the fee schedule adopted by the Township Board.

SECTION 2. SEVERABILITY OF INVALID PROVISIONS. If any provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provisions of this Ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

SECTION 3. 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 4. SAVINGS CLAUSE. A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

SECTION 5. EFFECTIVE DATE. This Ordinance shall take effect immediately upon its publication, or publication of a summary, which publication shall occur in a newspaper of general circulation in the Township within thirty (30) days after adoption.

This Ordinance is hereby declared to have been passed and adopted by the Charter Township of Pennfield, County of Calhoun, State of Michigan, at a regularly scheduled meeting thereof duly called and held on this _____ day of _____, 2014.

Rob Behnke, Supervisor

ATTEST:

Kathy Case, Clerk

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