

ORDINANCE NO. 74

AN ORDINANCE OF THE CHARTER TOWNSHIP OF LANSING, INGHAM COUNTY, MICHIGAN, PROVIDING THAT THE CODE OF ORDINANCES, CHARTER TOWNSHIP OF LANSING, MICHIGAN, BE AMENDED BY ADDING CHAPTER 69A (“REGISTRATION AND INSPECTION OF RESIDENTIAL RENTAL PROPERTY”) OF TITLE VI (“LICENSING”) TO: REQUIRE AND PROVIDE FOR THE REGISTRATION AND INSPECTION OF RESIDENTIAL RENTAL PROPERTY AND DWELLING UNITS; AUTHORIZE CERTAIN TOWNSHIP OFFICIALS TO ENFORCE THE ORDINANCE; DESIGNATE VIOLATIONS OF THE ORDINANCE AS MUNICIPAL CIVIL INFRACTIONS; REPEAL ORDINANCES AND PORTIONS OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE; AND PROVIDE AN EFFECTIVE DATE THEREOF.

THE TOWNSHIP BOARD OF TRUSTEES FOR THE CHARTER TOWNSHIP OF LANSING HEREBY ORDAINS:

1. The Charter Township of Lansing Code of Ordinances is hereby amended by adding Chapter 69A (“Registration and Inspection of Residential Rental Property”) to Title VI (“Licensing”) as follows:

Section 69A-1. Purpose.

The Charter Township of Lansing finds that the act of renting or leasing dwelling units 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 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 the Charter Township of Lansing, and to promote the public health, safety and general welfare of its citizens, the Township establishes these regulations which shall require the registration of rental dwelling units and provide for the enforcement of minimum rental housing standards.

This chapter supplements and augments the International Property Maintenance Code of 2012, as adopted by the Charter Township of Lansing, in protecting and promoting the health, safety and welfare of the citizens of the Charter Township of Lansing by requiring the registration of all rental dwelling units in the Township. This registration, combined with regular systematic inspections, will help prevent overcrowding, the incidence of communicable diseases, and will aid in the enforcement of the International Property Maintenance Code, which sets minimum allowable standards for adequate maintenance of habitable dwellings. This ordinance is not intended nor shall it be used for the purpose of including the Township in civil disputes between rental owners and tenants involving, but not limited to, non-payment of rent, evictions and/or personal disputes.

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Further, the provisions of this chapter shall not be construed as granting any person or property the right to use a property as a rental property unless such use is authorized pursuant to the Township's zoning ordinances.

Section 69A-2. Definitions.

For the purpose of this section, certain terms, phrases, words and their derivatives shall be construed as specified in section 202 of the International Property Maintenance Code, as adopted by the Charter Township of Lansing. If not specified in this section, or elsewhere in the Charter Township of Lansing Code of Ordinances, the term shall have its ordinary accepted meaning within the context used.

In addition, the following terms shall have the meanings ascribed to them as stated below:

Authorized Township Official shall mean the Code Compliance Official or Building Official, or such other Township official(s) or employee(s) as designated by resolution of the Board of Trustees of the Charter Township of Lansing.

Person shall mean any person, individual, firm, partnership, association, and/or corporation, or combination thereof.

Section 69A-3. Applicability.

This section shall apply to any person owning or exercising control over any building or premises used for dwelling purposes, or which subsequently may be constructed or so designated, which is in total or in part rented or leased, and which is located within the Charter Township of Lansing. An owner of any rental dwelling located within the Charter Township of Lansing shall not rent to another any rental dwelling, or rental unit, unless such rental dwelling or rental unit is registered pursuant to this section and is in compliance with all applicable Federal, State, and local laws, rules, and ordinances and regulations.

1. Ownership shall be demonstrated by:
 - a. A recorded "bona fide" deed; or
 - b. A recorded land contract or memorandum of land contract, or an unrecorded land contract with supporting evidence that it was not entered into in order to circumvent the requirements of this article including subsequent recordation. A property transfer affidavit must also be on file with the township assessing department.
2. Occupants of any dwelling, claiming any form of ownership in accordance with a land contract, option to purchase, exchange contract, or any other legal instrument shall provide proof that the transfer of ownership is supported by a substantial equity interest,

equivalent to at least one-half of the property's state equalized value, in the property by the person or persons claiming ownership.

Section 69A-4. Registration of Rental Properties.

a. *Initial Registration.* Within ninety (90) days following the effective date of this ordinance, all owners of existing rental properties shall register with the Charter Township of Lansing Building Department each rental property, rental complex, rental dwelling, and rental unit within the boundaries of the Township. Further, following the effective date of this ordinance, no person shall initiate the use of a building or premises, or cause a building or premises to be used, for dwelling purposes, which is in total or in part rented or leased, without first registering the property with the Township and satisfying the other requirements of this Chapter.

Newly constructed rental properties shall be registered by the Township at the time a certificate of occupancy is issued, and then must be subsequently re-registered and inspected as required by this Chapter.

b. *Registration Requirements.*

The registration of any rental property shall require at least the following information on forms provided by the Township:

1. The address of the rental property with each rental unit contained therein enumerated. If the rental units are within a rental complex, the property manager's address shall also be included.
2. If applicable, the number of buildings, including rental dwellings, in the rental complex.
3. The number of rental units per rental dwelling.
4. The individual square footage of each bedroom, the kitchen, the living room, the dining room and the total number of occupants currently residing in each rental unit.
5. The name, address and telephone number of the owner, registered agent or other responsible person designated by the owner, to receive official notices, legal processes, tenant concerns and correspondence from the Township.
6. The applicant shall sign the registration attesting to the truth and accuracy of its contents.
7. A parking plan diagram or site plan that evidences compliance with the off-street parking requirements established in this chapter and otherwise by the Township's Code of Ordinances.
8. Copies of the form(s) of lease agreement(s) used with respect to the rental property.

9. A list of the expiration dates for any and all leases currently in effect.

10. Payment of all applicable fees as established by resolution of the Township Board and published in the Township Schedule of Fees.

c. *Changes in Registration Information.* The owner or his/her agent shall provide written notification to the Charter Township of Lansing Building Department of any change in the above information.

d. *Agreement to Permit Inspections.* Included with the registration application shall be an agreement, signed by the owner, permitting inspections of his/her rental properties by officials or agents of the Township and affirming that all tenants of the subject properties have been informed of the regulations contained in this ordinance and of inspections of the rental properties, including common areas, by an Authorized Township Official. Owners shall provide, or cause to be provided, a copy of the agreement to all existing tenants, as well as tenants who enter into leases or come to reside on a rental property after the agreement takes effect. All leases executed after the effective date of this ordinance shall contain a provision requiring the tenant(s) to consent to such inspection upon notice as provided in Section 69A-5.

e. *Additional Requirements.* An Authorized Township Official may, with written notice, require additional information of any or all registrants in order to reasonably further the purposes of this Chapter.

Section 69A-5. Inspections.

a. *Scheduling Inspections.* The owner shall be notified of the date and time of a rental inspection via first class mail at least thirty (30) days prior to the inspection date. Owners shall be required to provide all notices of inspection to the tenant(s) as required by law. A list of inspection guidelines, prepared by the Charter Township of Lansing Building Department, shall be given to all owners at the time of rental property registration. However, it is the owner's sole responsibility to be informed of the applicable codes.

b. *Periodic Inspections.*

An Authorized Township Official may systematically inspect rental properties, including common areas, at the following intervals:

1. Those properties which rental units are found to contain no violations during the initial registration cycle inspection shall next be inspected approximately three (3) years later unless an Authorized Township Official shall have reasonable suspicion to believe the property is in non-compliance with the applicable ordinances of the Township.

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2. Those properties during the initial registration cycle inspection which are found to contain violations that require re-inspection shall be subject to inspection the following calendar year.

Exception: Any violations(s) discovered which are a direct result of a change in the code which has occurred in the previous sixty (60) days shall not constitute the need for an annual inspection.

3. Newly registered rental properties shall require an inspection be conducted to ensure compliance with the applicable codes and standards set forth for habitable dwellings within thirty (30) days of registration.

While this section authorizes an Authorized Township Official of the Township to inspect rental properties, it shall not be construed as creating a responsibility for the Township to inspect such properties.

c. Reasonable Suspicion Inspections. Any rental property, even though not previously scheduled for inspection, may be inspected without prior notice to the owner and/or tenant if an Authorized Township Official has reasonable suspicion to believe that there exists on the rental property any condition which makes such rental property or any portion thereof substandard or unsafe, or there is evidence that a violation of a code may exist.

d. Court Orders. If access to a structure, premises or area for the purpose of inspection authorized by this section is refused, an Authorized Township Official, upon showing that reasonable suspicion exists for the inspection and for the issuance of an order directing compliance with the inspection requirements of this section with respect to such rental dwelling or rental unit, may petition and obtain such order from a court which has jurisdiction.

e. Inspections in General. Except for reasonable suspicion inspections, rental property may only be inspected during reasonable hours upon presentation of proper identification by an Authorized Township Official. It shall be the rental property owner's responsibility to coordinate access to all areas of their rental property, including common areas.

f. Owner Inspections. Rental property owners shall conduct their own property inspections at a minimum of every six (6) months and shall ensure compliance with all applicable codes and ordinances.

g. Inspection of Rental Complex.

1. In a manner best calculated to secure compliance with this code, an Authorized Township Official may inspect a portion of a rental complex when conducting a periodic inspection.
2. In the event an Authorized Township Official inspects a portion of a rental complex as set forth in subsection (1), the following shall apply:

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- a. A minimum of 1/3 of the total number of rental units contained within a rental complex shall be inspected annually such that all rental units within any rental complex shall be inspected at least once every three year period.
- b. The rental units annually inspected which comprise 1/3 of the total number of rental units, as set forth within subsection (a), shall be selected at random.
- c. An Authorized Township Official reserves the right to increase the number of rental units inspected should significant code violations be found or if an Authorized Township Official has reasonable cause to believe other violations exist in the un-inspected rental units.

Section 69A-6. Registration, Expiration and Re-Registration.

All rental properties within the Charter Township of Lansing shall register with the Building Department within ninety (90) days from the effective date of this ordinance. Thereafter, all rental properties shall be registered once every three (3) years, or with change in ownership, at least thirty (30) days before the expiration date assigned by the Township, following the same requirements set forth in Section 69A-4.

Section 69A-7. Violations, Notices and Inspections.

- a. *Violations Not Imminently Dangerous.* Upon inspection by an Authorized Township Official, if a violation of a code is discovered, but the violation is deemed by an Authorized Township Official not to be immediately dangerous to health, welfare or safety, a violation notice shall be issued to the owner in accordance with the applicable codes and ordinances. The owner shall be advised of the time period to correct the violation.
- b. *Reinspection and Fees.* Reinspections of a rental property shall occur on the date specified on the violation notice, or sooner if requested by the owner and Township scheduling permits such inspection. It shall be the owner's responsibility to coordinate the access to all areas of their rental properties. A fee as established by resolution of the Charter Township of Lansing Board of Trustees shall be charged for each reinspection after the first reinspection.
- c. *Schedules.* Time schedules for the correction of violations shall be reasonable as determined by an Authorized Township Official. However, the violation correction period shall not exceed sixty (60) calendar days.
- d. *Extensions.* Upon written application from the person required to conform to any corrective order; upon agreement by such person that he/she will comply with the order without exception if allowed additional time; and if upon determination that such a time extension will not create or perpetuate a situation imminently dangerous to the public's health, welfare or safety; an Authorized Township Official may grant an initial time extension when compliance cannot be achieved within the initial correction period due

to (a) impractical weather conditions, (b) due to delays in obtaining supplies, materials or services beyond the owner's control that can be documented to an Authorized Township Official's satisfaction or, (c) an unoccupied unit which is under renovation.

Section 69A-8. Vacation of Rental Dwellings or Cause to Have Violations Remedied.

- a. *Violations That Threaten Life, Limb or Property.* If, upon inspection of a rental property, an Authorized Township Official determines that a violation is of such serious nature so as to immediately threaten the health, safety or welfare of the public or the occupants thereof, an Authorized Township Official shall demand that the violation(s) be corrected immediately and/or that the rental property be vacated immediately in accordance with applicable ordinances and codes.
- b. *Notices and Orders.* All notices and orders of the Building Department shall be in accordance with Section 107 of the International Property Maintenance Code, as adopted by the Charter Township of Lansing, and/or the applicable ordinances of the Charter Township of Lansing.

Section 69A-9. Transfer of Rental Property Registration and Change of Status.

a. *Registration Transfers and Fees.* A purchaser of a rental property shall cause a registration to be transferred upon the sale of a rental property. The new owner shall sign all appropriate agreements and affidavits for registration and shall complete a new registration application. All the above, along with the appropriate fee, shall be provided to the Township by the new owner or the real estate closing institution within thirty (30) days of closing the sale.

b. *Existing Violations.* It shall be unlawful to sell a rental property having outstanding violations unless the "Transfer of Ownership" requirements of the 2012 International Property Maintenance Code, as adopted by the Charter Township of Lansing, have been satisfied.

c. *Change of Status.* If a dwelling previously used as a rental property is no longer to be used as a rental property, a statement and affidavit to this effect must be provided to the Charter Township of Lansing Building Department. No inspections or transfer shall be required.

Section 69A-10. Parking Requirements.

a. All rental properties within the Charter Township of Lansing shall provide one (1) off-street parking space for each occupant of legal driving age. This parking requirement may be waived, in whole or in part, by the Township upon the demonstration by an occupant that one (1) off-street parking space for each occupant of legal driving age is not needed. An occupant may file a waiver request with the Township's Zoning Administrator, which waiver request shall identify the number of occupants of legal driving age and the basis for the waiver request. In the event that the Township grants a waiver of the parking requirement, said waiver shall specify the number of parking spaces that shall be required, as well as the number of vehicles owned, used or under the control of the occupants that may be parked on or in the vicinity of the rental property.

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b. Existing parking surfaces for registered rental properties or properties for which a permit application has been filed shall not be expanded following the effective date of this ordinance except as provided in this section.

c. An expansion of a rental property's parking surfaces that involves an increase of lot coverage of 5% or less shall require the filing of a site plan or other acceptable drawing or diagram of the property that depicts the existing and proposed lot coverage with the Township Clerk's office. The proposed expansion shall be approved by Township Staff as long as it complies with this chapter and other applicable Township ordinances. "Lot coverage" shall be measured by adding the areas of buildings, structures, paved areas, and impervious and pervious surfaces designed and/or used for parking (including driveways and site plan-approved parking lots) or driving, but excluding surfaces designed and/or used as outdoor patios, decks, swimming pools, sidewalks and paths for pedestrian travel.

d. An expansion of a rental property's parking surfaces that involves an increase of lot coverage greater than 5% shall require site plan review as provided in Section 85-10.

e. The maximum lot coverage for rental properties, including parking surfaces, shall not exceed 30% of the total lot area.

f. Rental properties shall comply with all other applicable Township ordinances regarding maximum lot coverage of impervious surfaces.

Section 69A-11. Miscellaneous Provisions.

a. *Building and Trade Permits.* Owners shall procure the appropriate building, mechanical, plumbing, and/or electrical permits from the Building Department for all corrections requiring such permits. Those violations discovered which require such permits shall require a re-inspection by a licensed and certified Charter Township of Lansing building or trade inspector. All State of Michigan and local licensing requirements must be observed.

b. *Code Changes.* Within thirty (30) days after the adoption, amendment or repeal of any individual section or the entire International Property Maintenance Code, as adopted by the Charter Township of Lansing, the Township shall notify all registered rental property owners in writing of said changes. Any repairs, alterations or additions required by said code amendment shall be completed within sixty (60) days after said notice is issued.

c. *Zoning Requirements.* No property shall be used or maintained as a rental property unless such use is authorized by the Township's zoning ordinances and the current zoning classification of such property.

d. *Fees.*

1. Owners shall be required to pay a fee for registration and for any inspections, including re-inspections. If an owner and/or his agent fail to coordinate access to a rental property for any reason for inspection or re-inspection, the owner may be subject to no show/re-inspection fees. The Township Board shall establish by resolution and publish a schedule of fees. Registration fees

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shall be paid at the time of registration. Inspection and re-inspection fees shall be paid within seven (7) days after the date which said inspection was scheduled. Unpaid fees, including penalty and interest, shall be assessed against the lands on which the rental property exists on the next general tax roll of the Township, and shall be collected in the same manner as other taxes are collected.

2. In the event an Authorized Township Official inspects or re-inspects a portion of a rental property as set forth herein, the fee associated with that inspection may be calculated to reflect the portion of rental units inspected.

3. All fees under this section must be paid at the Lansing Township Administration Building. An Authorized Township Official may not accept payment while conducting an inspection under this section.

4. A failure to pay any fee required by this section shall constitute a violation of this Ordinance and be subject to fines and costs as set forth herein. In addition, if any owner fails to pay any fees required by this Ordinance at the time said fees are due an administrative service fee as established by the Township Board by resolution may be assessed.

5. Any unpaid fee and/or cost under this Ordinance may be collected by the Township as allowed by law.

Section 69A-12. Violations and Penalties.

It shall be unlawful and punishable as provided herein for any person to violate any provision of this chapter and/or the International Property Maintenance Code of 2012, as adopted by the Charter Township of Lansing.

A person who violates any provision of this chapter and/or provision of the International Property Maintenance Code of 2012, as adopted by the Charter Township of Lansing, is responsible for a municipal civil infraction and shall be subject to a civil fine as established from time to time by resolution of the Board of Trustees of the Charter Township of Lansing. Nothing in this section shall be construed to limit the remedies available to the Township in the event of a violation by a person of this chapter and/or provision of the International Property Maintenance Code of 2012, as adopted by the Charter Township of Lansing. Each act of violation, and each day upon which a violation exists or continues, shall constitute a separate offense.

2. Severability. If a court of competent jurisdiction declares any provision of this Ordinance, or a statutory or regulatory provision referred to or adopted by reference herein, to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision of this Ordinance. Provided, however, that if a court of competent jurisdiction declares a penalty provision to exceed the authority of the Township, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the Township to impose.

3. Repeal. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed; provided that any violation charged before the

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effective date of this Ordinance under an ordinance provision repealed by this Ordinance shall continue under the ordinance provision then in effect.

4. Effective Date. This Ordinance shall take effect thirty (30) days following its adoption and publication as required by law.

Kathleen M. Rodgers, Supervisor
Charter Township of Lansing

I, Susan L. Aten, Clerk of the Charter Township of Lansing, hereby certify that the foregoing is a true copy of the original of Ordinance No. _____, enacted by the Charter Township of Lansing Board of Trustees at a regular meeting on _____, 2014.

Susan L. Aten, Clerk
Charter Township of Lansing