

ORDINANCE 196 – RENTAL HOUSING CERTIFICATION

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CHARTER TOWNSHIP OF SUPERIOR WASHTENAW COUNTY, MICHIGAN

ORDINANCE NUMBER 196

AN ORDINANCE TO ADOPT RENTAL HOUSING CERTIFICATION ORDINANCE NO. 196 AND TO REPEAL ORDINANCE NO. 106 AS AMENDED BY ORDINANCE NO. 170 AND NO. 175 ENTITLED INSPECTIONS OF MULTIPLE DWELLINGS

An Ordinance of the Charter Township of Superior to adopt Ordinance No. 196 entitled Rental Housing Certification to establish rules and regulations for the periodic and equitable registration, inspection, and periodic certification of all forms of rental housing including single-family, condominium, mobile home, two-family duplex, multifamily, and accessory dwelling unit style buildings and dwelling units; and in doing so, the Charter Township of Superior hereby repeals Ordinance No. 106 entitled Inspection of Multiple Dwellings effective on January 15, 1990 as amended by Ordinances No. 170 effective on January 22, 2008 and Ordinance No. 175 effective on October 6, 2008.

The Charter Township of Superior Board of Trustees does hereby ordain as follows:

Section 196.01 – Title. This Ordinance shall be known as the Rental Housing Certification Ordinance.

Section 196.02 – Purpose and Intent. The intent of the Rental Housing Certification Ordinance is to ensure that all rental properties within the Charter Township of Superior meet minimum standards of health, safety, and habitability. This ordinance represents a commitment to upholding established standards in rental housing and recognizing the importance of safe, clean, and well-maintained homes for all residents. By implementing this certification process, the Charter Township of Superior seeks to create a fair and equitable housing environment that benefits landlords, tenants, and the community as a whole. The purpose of this ordinance is multifaceted, encompassing the following objectives:

- 1) **Resident and Visitor Safety and Health:** To safeguard resident-tenants and transient visitors by ensuring that rental properties are free from hazards that could harm their health or safety. This includes adherence to property maintenance codes, and proper maintenance of electrical, plumbing, and heating systems to be verified through registration, inspection and biennial certification of eligible dwelling units.
- 2) **Housing Quality:** To maintain and improve the quality of all rental housing units through registration, periodic inspection, and periodic certification, and ensuring that properties are well-maintained and fit for occupancy.
- 3) **Neighborhood Stabilization:** To preserve the stable and attractive character of neighborhoods by preventing the deterioration of rental properties, which can negatively impact surrounding property values and community well-being.
- 4) **Rental Housing Stability:** To promote quality rental housing supply and price stability for resident-tenants by holding all landlords and property managers to the same property maintenance and inspection standards regardless of location, style, or funding source.

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- 5) **Transparency and Accountability:** To establish clear standards, procedures, and penalties that are equitably enforced for landlords and property managers, promoting transparency and accountability in the rental housing market.
- 6) **Promote Public/Private Regulatory Harmony:** To promote harmony and eliminate conflict between Township ordinance requirements and private homeowner association (HOA/COA) regulations by requiring notification to a subject HOA/COA upon registration of rental housing units situated on private property that is regulated by private rules, by-laws or deed restrictions.
- 7) **Community Health:** To contribute to the overall health of the community by reducing incidences of substandard living conditions, which can lead to broader public health issues.
- 8) **Economic Vitality:** To support the local economy by fostering a stable rental market, encouraging property investment, and ensuring that all rental units are safe and habitable.
- 9) **Public Safety and Services:** To assist the Township with information for the provision of adequate police, fire, and emergency response protection; more equal and equitable real and personal property taxation; better efficiency and economy in furnishing public utility services; and more comprehensive and informed planning and zoning for uses of land and structures within Superior Township.

Section 196.03 – Definitions.

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

Adult Foster Care Facility: Refer to Zoning Code Definitions Sec. 17.03.

Building Code: The provisions of the Michigan State Construction Code Act (act 230 of the public acts of 1972, as amended).

Building Official: The Building Official designated by the Superior Township Board of Trustees, or their authorized representatives, charged with the responsibility of enforcing this Ordinance.

Certificate of Rental Housing Compliance: A certificate issued by the Building Official indicating that the rental structure or rental unit identified on the certificate complies with all applicable provisions of this code on condition that the premises remain in safe, healthful and fit condition for occupancy. A certificate shall be valid for a period of twenty-four (24) months unless otherwise extended by the Building Official. A certificate may be immediately suspended or revoked if the Building Official determines that conditions exist which constitute a hazard to health or safety.

Certificate of Compliance Incentive Bonus: An additional twelve (12) month period of time that a Certificate of Rental Housing Compliance is valid.

Clean and Check Certification: Written certification by a licensed mechanical contractor indicating that a fuel-fired furnace or a wood-burning fireplace is safe and properly functioning.

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Condominium Unit: Refer to Zoning Code Definitions Sec. 17.03.

Department: The Superior Township Building Department.

Dwelling: Refer to Zoning Code Definitions Sec. 17.03 inclusive of the following terms:

- i) Apartment**
- ii) Accessory Dwelling**
- iii) Efficiency Apartment**
- iv) Attached Dwelling**
- v) Detached Dwelling**
- vi) Manufactured Dwelling**
- vii) Modular Dwelling**
- viii) Multiple Family Building**
- ix) Single-Family Dwelling**
- x) Stacked Flats Building**
- xi) Townhouse**
- xii) Two-Family or Duplex Dwelling**

Family: Refer to Zoning Code Definitions Sec. 17.03(73).

Fee: A monetary fee determined from time to time by resolution of the Township Board of Trustees.

Initial Phase-In Period: The period of time from the effective date of this article through completion of the first inspection cycle, a duration of approximately two (2) years, during which time all rental structures and rental units in existence on the effective date of this article shall be required to be inspected and issued a Certificate of Rental Housing Compliance. It shall be permissible for a tenant to continue to occupy an existing rental unit during the initial phase-in period prior to issuance of a Certificate of Rental Housing Compliance as long as the property owner has registered the unit as required by this code. Any order of the Building Official prohibiting occupancy of a unit shall override this provision.

Lease: Any written or oral agreement that sets forth conditions concerning the use and occupancy of rental structures or rental units between an owner and tenant.

Life/Safety Code Violation: Any physical condition or code violation that, in the opinion of the Building Official, poses a hazard, either imminent or looming, to the health and safety of occupants of a structure or the general public. Any *serious and imminent hazard* as defined in this ordinance and the Michigan House Law shall also constitute a life/safety code violation.

Manufactured Housing Park: Refer to Zoning Code Definitions Sec. 17.03.

Multifamily Accessory Facility: A mechanical room, boiler room, laundry room, storage area, pool, recreation facility, or other similar facility located within a multifamily structure or on the property of one or more multifamily structures.

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Occupant Notice of Life/Safety Code Violation: A written notice delivered to the occupant of a rental unit informing the occupant of the existence of a life/safety code violation in accordance with the Housing of Law of Michigan MCL 125.532 as amended.

Owner: A person or entity with legal or possessory interest in a property, structure, or dwelling unit.

Person: Refer to Zoning Code Definitions Sec. 17.03.

Posting: A placard affixed to a rental structure or rental unit by the Department to notify the owner and occupants of the existence of ongoing unresolved violations of this ordinance and/or the Property Maintenance ordinance. A posting is intended to be an intermediate step between a Notice of Violation and a citation to appear in court issued to the owner of a non-compliant rental structure or unit.

Rent: The consideration paid for the right to use and possess property, examples of which include, but are not limited to, the payment of money, the payment of property taxes, the payment of utility expenses, the exchange of goods or services, the performance of home improvements, the performance of routine maintenance, the occupancy of a dwelling to maintain its security, a form of employment compensation, the bartered or discounted exchange(s) of merchandise or services, labor, and the like.

Rental Housing Inspection Guidelines: The provisions of Ordinance No. 195 of the Code of Ordinances entitled Property Maintenance Code Ordinance.

Rental Housing Registration: Acceptance of an official application form and fee submitted by an owner to the Department reporting ownership of a rental structure including all required information regarding said structure, all dwellings and accessory facilities contained within said structure and upon said premises and the designation of a Responsible Local Agent where applicable.

Rental Structure: Any building that contains one or more rental units or one or more sleeping units that are occupied by non-owners regardless of whether one of the units is occupied by the owner. Adult foster care, senior housing, and transitional housing uses that are situated in residential neighborhoods or within multifamily buildings are considered to be rental structures and/or rental units for purposes of this article.

Rental Unit: Any apartment, room, dwelling, or portion thereof or any condominium unit for which a person or group of persons pays rent directly or indirectly to the owner thereof, or which is otherwise occupied by a non-owner, for the purpose of a person to reside therein. This definition includes dwellings situated in residential neighborhoods or within multifamily buildings that are used for adult foster care, senior housing, and transitional housing. This definition does not include: 1) owner-occupied single-family or duplex units in which the owner is assisting immediate family members in exchange for consideration; 2) hotels and motels licensed and inspected by the state, permitted bed and breakfast establishments, country-inn establishments, or any other similar facilities licensed and inspected by the State.

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Responsible Local Agent: An individual person, corporation, partnership, or other legal entity designated to represent the owner of a rental structure. The responsible local agent shall have a place of business or residence within one-hundred and fifty (150) miles of the Charter Township of Superior geographic boundaries. The responsible local agent shall be responsible for operating such premises in compliance with all the provisions of this Ordinance and shall be the sole point-of-contact with the Department to facilitate the administration of this Ordinance. The owner is, by default, the responsible local agent unless otherwise designated.

Senior Housing: Refer to Zoning Code Definitions Sec. 17.03.

Serious and Imminent Hazard: A dangerous condition in a premises that could reasonably be expected to cause death or serious bodily harm to the occupants of the premises if that dangerous condition is not immediately corrected by the owner. If an inspector determines that a violation constitutes a serious and imminent hazard to the health or safety of the occupants, the enforcing agency shall notify the occupants in writing and shall notify the Michigan Department of Health and Human Services within 48 hours in compliance with MCL 125.532 of the Housing Law of Michigan.

Temporary Certificate of Compliance: A certificate issued for a rental structure, unit, or accessory facility following an inspection, which is found to be in substantial compliance with this Ordinance and which, in the opinion of the building official, has no life/safety code violations. Such certificate shall state any remaining violations to be corrected and the date it expires at which time all remaining violations shall be corrected. A reasonable extension may be granted at the discretion of the building official. Failure by the owner to correct the violations within the specified time shall constitute a violation of this Ordinance.

Tenant: The person or persons entitled to the use and occupancy of a rental unit or any portion thereof as permanent residency.

Section 196.04 – Registration of Rental Structures Required.

No person shall engage, or be engaged, in the operation, rental or leasing of a rental unit without first registering the rental structure and reporting all rental units and multifamily accessory facilities, if any, contained therein with the Department in the manner provided herein.

- (a) **Existing Structures:** The owner of any existing rental structure(s) shall register each such structure with the Department within 60 days of the effective date of this Ordinance.
- (b) **New Structures:** All newly constructed rental structures shall be registered prior to the issuance of a certificate-of-occupancy by the Department.
- (c) **Converted Structures:** Structures not subject to the provisions of this Ordinance on the effective date of this Ordinance that later become rental structures shall immediately be registered and comply with all other provisions of this Ordinance prior to occupancy.

The registration shall include a description of all rental units and multifamily accessory facilities, if any, within each structure and upon said premises as indicated on the registration form provided by the Department as follows:

- 1) Each single-family structure shall require one registration.

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- 2) Condominiums and manufactured/mobile homes shall register as single-family structures.
- 3) Each two-family duplex structure shall require one registration.
- 4) Each multifamily structure shall require one registration, and every multifamily structure on a property shall require a separate registration.

The registration of one rental structure shall not relieve the owner from the necessity of registering all other rental structures that they/it owns in the Township.

Section 196.05 – Designation of a Responsible Local Agent.

The owner of a rental structure is, by default, the responsible local agent. An owner may designate another person or entity to be the responsible local agent. The responsible local agent shall be responsible for operating and providing the Department access to the rental structure and rental units. A tenant shall not be designated to function as the responsible local agent unless both the owner and the tenant have signed the appropriate Township form verifying their acceptance of responsibility.

All official notices and correspondence of the Township related to the administration of this Ordinance shall be issued to the responsible local agent, and any notice or correspondence so issued shall be deemed to have been issued to the owner.

Section 196.06 – Registration Forms.

- (a) Application for registration shall be made on a form provided by the Department and filed with the Department and shall include the following information:
 - 1) The assigned parcel address of the property upon which the rental structure is located, the type of structure, the number of dwelling units contained within the structure, and whether an owner occupies any portion of the structure.
 - 2) For duplex, multifamily, and mobile/manufactured home structures, the registration shall include the street address or unit number assigned to each dwelling unit, a description of each dwelling unit, the number of separate exterior dwelling entrances, and a listing of all multifamily accessory facilities as specified on the form.
 - 3) The owner's name, address, phone number, and email address. No post office box shall be accepted as a legal address, however, may be used as a mailing address upon written request of the owner.
 - 4) If the owner is a corporation, the registration shall include the name of the corporation, the Michigan corporate entity number, the corporate mailing address, phone number, and email address. Corporate registrations shall also include the name, address, phone number and email address of the resident agent responsible to receive legal service on behalf of the corporation.
 - 5) The owner's signature or alternate method of conveying consent by a person or entity lawfully authorized to do so representing the owner or owner's estate.
 - 6) If applicable, the designation of a responsible local agent, the agent's mailing address, phone number, and email address.
 - 7) The responsible local agent's signature (if applicable).
 - 8) A statement indicating whether the rental structure being registered is situated on private property that is regulated by private HOA/COA rules, by-laws or deed restrictions, including

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the name and contact information for the HOA/COA. The Department shall notify the HOA/COA of the registration in order to promote harmony and eliminate conflict between Township ordinance requirements and private homeowner association (HOA/COA) regulations. The Township shall not enforce HOA/COA regulations.

- 9) The applicable registration fees shall be submitted with the completed application form.
- (b) For multifamily structures, the owner shall provide a site plan or drawing depicting details of the property including the location of all structures, parking areas, and accessory facilities on the site, and a complete layout of each building showing building addresses, dwelling unit numbers and floor plans.

Section 196.07 – Certificate of Rental Housing Compliance Required.

- (a) The Department shall provide for the inspection of all rental structures, rental units, and multifamily accessory facilities pursuant to one (1) or more of the bases authorized pursuant to the Housing Law of Michigan MCLA 125.526 for the purpose of determining whether the structures, units, and facilities comply with all applicable provisions of this Ordinance. Those structures, units, and facilities that are determined to comply shall be issued a certificate of compliance.
 - 1) **Single-Family:** Each single-family structure, whether attached or detached, shall require a certificate of compliance.
 - 2) **Two-Family/Duplex:** Each two-family duplex structure shall require separate certificates of compliance for the exterior building/grounds and each separate interior dwelling unit.
 - 3) **Multifamily:** Each multifamily structure, each multifamily accessory facility, and each multifamily dwelling unit shall require separate certificates of compliance, none of which may be unreasonably withheld pending issuance of any other within the same structure.
 - 4) **HUD Multifamily Inspections:** The Building Official has sole discretion to accept an inspection report of individual multifamily structures and dwelling units conducted by the United States Department of Housing and Urban Development (HUD) under the real estate assessment center (REAC/NSPIRE) inspection process as a substitute for an inspection conducted by the Department as authorized pursuant to MCLA 125.526 of the Housing Law of Michigan. Such substitute inspection must have been completed within twelve (12) months of the required Township inspection, must include written verifiable proof that all cited deficiencies have been corrected, and must be deemed acceptable by the Building Official. Upon acceptance, individual rental units shall be issued a certificate of compliance with no inspection fees.
- (b) No person or entity, either the owner or the owner's responsible local agent, shall rent or lease a rental unit unless that owner or agent has first obtained certificates of compliance from the Department except during the limited period of time until the unit is first inspected during the initial phase-in period of this Ordinance. For new construction that occurs after the effective date of this Ordinance, the original certificate of occupancy shall serve as the certificate of compliance for a period of twenty-four (24) months, after which the owners of said units shall apply for a certificate of compliance renewal. Structures not subject to the provisions of this Ordinance on the effective date of this Ordinance that later become rental structures shall be registered, inspected, obtain a certificate of compliance, and comply with all other provisions of this Ordinance prior to occupancy of any dwelling unit.

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Section 196.08 - Issuance of Certificate of Compliance.

- (a) A certificate of compliance shall be issued for applicable structures, dwelling units and accessory facilities after all recorded code violations are corrected, verified as code compliant by reinspection, and after all fees have been paid in full.
- (b) A certificate of compliance shall be issued on the condition that the subject structure, dwelling unit, or accessory facility remain in compliance with this Ordinance and all other applicable ordinances and laws. If, after certification, the Department determines that violations exist, the certificate may be temporarily suspended as to the affected areas or the full certificate may be revoked. The building official may order the premises vacated until the subject structure, unit, or accessory facility is brought into compliance, and may seek other remedies authorized by law.

Section 196.09 - Term and Renewal.

- (a) **Registration** of a rental structure shall be valid for as long as ownership or designation of a responsible local agent remains unchanged.
- (b) **A Certificate of Rental Housing Compliance** shall be valid for a period of 24 months and shall be renewed on a biennial basis. Such certificates shall be valid until the expiration date recorded on the certificate unless administratively extended, suspended, or revoked by the Department. The period of time the certificate is valid shall begin on the date of the first scheduled inspection and shall expire at midnight 24 months later. If an owner or agent cancels or fails to appear for a scheduled inspection, the resulting time delay shall not serve to extend the period of time the certificate is valid. The date of issuance and expiration shall be recorded on the certificate.
- (c) **Certificate Renewal:** It is the duty of the owner or responsible local agent to arrange for the inspection necessary for the renewal of the certificate at least 60 days prior to its expiration date.
- (d) **Incentive Bonus:** Any owner or responsible local agent shall be afforded the opportunity to earn an *Incentive Bonus* that extends the period of time a certificate of compliance is valid from 24 months to 36 months. An additional twelve (12) months bonus time shall be granted when all of the following conditions are met:
 - 1) There are no more than four (4) non-life/safety code violations recorded during the initial inspection;
 - 2) All recorded code violations are corrected and verified no later than the first scheduled re-inspection date;
 - 3) There are no outstanding fees, fines, or taxes owed to the Township for the subject property; and
 - 4) All required building/trade permits for work done within the structure were properly obtained.
 - 5) For multifamily properties, the requirements listed in (1) through (4) above shall be met for a cumulative total of no less than seventy percent (70%) of all structures, units, and accessory facilities on the property.
- (e) If an owner or responsible local agent fails to arrange for the inspection necessary to renew the certificate of compliance at least 60 days prior to its expiration, the Department shall schedule the inspection and send notification to the owner or responsible local agent pursuant to Section 196.13.

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- (f) The Department may, in the absence of any known life/safety code violations, administratively extend the expiration date of a certificate of compliance due to circumstances beyond the control of an owner or responsible local agent, including but not limited to, the Department's inability to perform an inspection in a timely manner. No penalty shall be imposed upon the owner or responsible local agent under such circumstances.

Section 196.10 - Transfer of Ownership or Responsible Local Agent.

- (a) A certificate of compliance shall be transferable when the ownership of a rental structure changes provided that all certificates of compliance required for the subject property are valid at the time of transfer.
- (b) It shall be the duty of the new owner to immediately register the property with the Department consistent with Section 106.4 and pay a fee established by the Township.
- (c) It shall be unlawful for the owner of any rental structure or rental unit, who has received a Notice of Violation of any code or ordinance of the Township for that property, including zoning violations, building code violations, violations of rental inspection guidelines, fire code, or nuisance code violations, to transfer, convey, sell, including by land contract, ownership and/or interest in any way to another, unless such owner shall have first furnished to the grantee, vendee, or transferee a copy of any Notice of Violation and shall have furnished to the Department with a signed and notarized statement from the grantee, vendee, or transferee acknowledging receipt of such Notice of Violation and acknowledging legal responsibility for correction of the violation(s).
- (d) An owner may at any time designate a new responsible local agent to replace the responsible local agent on file with the Department by submitting a form provided by the Department and paying a fee established by the Township. The Transfer of Ownership or Responsible Local Agent form shall include all applicable identifying information and signatures as required on the registration form.

Section 196.11 - Initial Inspections.

- (a) The Department shall schedule initial inspections, at its discretion, of rental structures, units, and accessory facilities that are subject to provisions of this article to determine whether the structures and units qualify for a certificate of compliance. The owner or responsible local agent of the property shall receive no less than 30 days' prior notice of the Department's intent to inspect; the owner may voluntarily waive the notice period and consent to an inspection at an earlier date.
- (b) The owner shall notify the tenant of the Department's request to inspect their unit, shall make a good-faith effort to obtain the tenant's consent for an inspection, and, if the owner obtains the tenant's consent for an inspection, shall arrange for the inspection by the Department. The owner shall provide to the tenant a minimum of 72 hours' written notice of the Department's intent to inspect the unit.
- (c) The owner shall comply with provisions of the Housing Law of Michigan.
- (d) Inspection fees established by the Township shall be paid in full by the owner or responsible local agent prior to the date of inspection. An owner's failure to collect inspection fees in advance from tenants shall not be recognized as a valid reason to delay scheduled inspections. Inspections shall not be performed, and additional fees shall be incurred, when fees are not paid by the owner prior to the date of inspection resulting in missed inspections.
- (e) Scheduled inspections that are canceled less than 72 hours prior to the inspection date may incur additional fees as established by the Township to reschedule the inspection.

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- (f) In the event an inspector is unable to perform a scheduled inspection due to the inability to access a structure or dwelling unit or because the owner or responsible local agent failed to show up at the appointed time or failed to pay inspection fees prior to the date of inspection, additional fees shall be incurred as established by the Township.
- (g) After the initial phase-in period, all rental structures, units, and accessory facilities that are subject to provisions of this Ordinance shall be required to be inspected at not less than 24-month intervals nor more than 36-month intervals unless adjusted by the Department.
- (h) The Department shall inspect rental structures, units, or accessory facilities pursuant to any of the following circumstances:
 - 1) Upon receipt of a new rental registration application for a structure that was not previously registered.
 - 2) Upon receipt of any certificate of compliance renewal request for any structure, unit, or accessory facility that has been previously certified.
 - 3) Upon receipt of a complaint from an owner or tenant that a structure, unit, or accessory facility is in violation of the property maintenance code or any other ordinance or code of Superior Township, or is in violation of Michigan's Housing Law, being MCLA 125.401 et seq. of the Michigan Compiled Laws.
 - 4) Upon receipt of a report or referral from a law enforcement agency, a fire prevention agency, a public agency or department, or any individual indicating that the premises may be in violation of this Ordinance. The request shall be based on the personal knowledge of the person making the report.
 - 5) If a survey of the premises gives the Building Official probable cause to believe that the premises is in violation of this Ordinance.
 - 6) Upon receipt of information that a rental structure is not registered with the Department as required by this Ordinance.
- (i) If consent to enter a rental dwelling unit requiring inspection is refused by the tenant, the Building Official and/or their designee shall have recourse to the remedies provided by law to secure entry, including but not limited to obtaining an administrative search warrant to perform the required inspection. Inspections shall be limited to only the areas necessary to ascertain compliance with applicable ordinances, codes, and state law. Every reasonable effort shall be made to obtain consent to voluntarily enter the premises for the purpose of conducting a property maintenance inspection.

Section 196.12 - Reinspections Required; Presumptions.

- (a) **Reinspections required.** An owner or responsible local agent who receives written notice of a code violation(s), shall correct the code violation(s) within the period of time specified in the Notice of Violations and shall consent to a reinspection to verify compliance.
- (b) **Failure to Correct/Posting.** Failure to correct a code violation within the specified period of time constitutes a nuisance per se and may result in the rental structure or rental unit being posted for non-compliance with this Ordinance and/or any other applicable codes or regulations.
- (c) **Failure to have property timely reinspected.** Following inspection and Notice of Violations, should the owner or the owner's responsible local agent fail to facilitate a reinspection prior to the date specified for correction of the violations or by any extended date granted by the Department, it shall be presumed that any violations in the Notice of Violations that have not been previously reinspected

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and approved have not been corrected and the owner or responsible local agent shall be responsible for failing to repair those violations as if they had not been corrected.

- (d) ***Inability to conduct reinspection.*** Should the Department be unable to gain entry to a rental structure or rental unit for a scheduled reinspection then it shall be presumed that any violations in the Notice of Violations that have not been previously reinspected and approved have not been corrected and the owner or responsible local agent shall be responsible for failing to repair those violations as if they had not been corrected.

Section 196.13 - Notice of Intent to Inspect.

If the owner fails to register a rental structure, the Department will send notice by First Class mail to the owner at the mailing address of record with the Township Assessor's Office to register the subject structure. Owners shall have 14 days from the date of mailing to submit the completed registration forms and fees, and to schedule an inspection appointment. In the event an owner fails to comply, the Department may issue a citation for renting without a certificate of compliance and schedule a formal hearing before the presiding judge in the district court of authority.

Section 196.14 - Inspection Guidelines And Property Maintenance Standards.

The rental housing inspection guidelines shall be the provisions of Ordinance No. 195 of the Code of Ordinances entitled Property Maintenance Ordinance.

Section 196.15 - Notices and Orders

- (a) Official notices and orders issued pursuant to this article, including but not limited to inspection scheduling notices, inspection reports, notices of code violations, and invoices, shall be served upon the owner or designated responsible local agent by First Class mail to the address reported on the registration form, in person, or by email to the email address reported on the registration form upon written consent of the owner or responsible local agent.
- (b) Whenever the Building Official or their designee determines that there has been a violation of any section of this Ordinance, a Notice of Violation shall be issued to the Responsible Local Agent containing details of the alleged violation and order for correction of the violation as provided for in the Property Maintenance Ordinance, Ordinance No. 195, of the Code of Ordinances.
- (c) Whenever a Notice of Violation has been issued for any code violation that, in the Building Official's opinion constitutes a serious and imminent hazard to the health and safety of the occupants of a dwelling, the Department shall also provide a written copy of the Notice of Violation to the occupants of the dwelling and to the Michigan Department of Health and Human Services in accordance with State Housing Law MCL 125.

Section 196.16 - Appeal Process

(a) Appeal of Applicability of the Ordinance.

- 1) If the owner or responsible local agent disagrees with the written opinion of the Building Official or their designee as to whether the subject rental structure, unit, accessory facility, or exterior building/grounds is subject to provisions of this Ordinance, the owner or responsible local agent may appeal to the Township Board of Trustees.
- 2) Any owner or responsible local agent requesting such an appeal shall file a written request therefor to the Building Department within ten (10) days after the date of the written opinion

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of the Building Official. The appeal shall be made in writing and mailed or hand delivered to the Building Department.

- 3) As soon as practical, the Township Board of Trustees shall fix a time, date and place for a hearing and provide notice of the same to the owner or responsible local agent ten (10) days before the scheduled hearing date.
- 4) The Township Board of Trustees shall hear evidence and testimony by Township Departments and other concerned individuals regarding the appeal. The owner or responsible local agent, and/or their representatives, shall be allowed to present evidence and testimony at the hearing on the issues that are the subject of the appeal. After the hearing, the Township Board of Trustees shall decide by Resolution whether the subject structure or dwelling shall be regulated pursuant to provisions of this Ordinance. The decision of the Township Board of Trustees shall be final and shall be binding on the owner, responsible local agent, tenant, and the Township.
- 5) The owner may appeal the final decision of the Township Board of Trustees to the Washtenaw County Circuit Court within 21 days of the date of the final decision.

(b) Appeal of Notice of Violation of the Property Maintenance Code.

- 1) If the owner or responsible local agent disagrees with the opinion of the Building Official or their designee as to the existence of an alleged violation of the Property Maintenance Ordinance, or the period of time that will be reasonably required to correct the alleged violation as set forth in the Notice of Violation, the owner or responsible local agent may appeal as provided for in the Property Maintenance Ordinance, Ordinance No. 195, of the Code of Ordinances.

Section 196.17 - Fees.

- (a) Reasonable fees to receive and process registrations, to schedule and perform inspections, to post notices, to invoice and collect fees, to issue certificates of compliance, to investigate tenant complaints, and for other miscellaneous requirements to administer this Ordinance shall be established by resolution adopted by the Township Board of Trustees and shall be placed on file and made available to the public by the Township Clerk's Office.
- (b) Reasonable fees will be charged when an inspector is unable to conduct a scheduled inspection because the person responsible for facilitating access was not present to do so, when the inspector is effectively locked out of the area to be inspected, when fees have not been paid prior to the date of an inspection and the inspector is unable to proceed, and when an administrative search warrant is necessary to facilitate an inspection. Such fees shall be established by resolution adopted by the Township Board of Trustees and shall be placed on file and made available to the public by the Township Clerk's Office.

Section 196.18 - Right to Examine Certificate of Rental Housing Compliance; Certification Registry.

- (a) The owner or responsible local agent shall provide a copy of a valid certificate of compliance to the tenant or prospective tenant upon request.
- (b) The Building Department shall maintain a registry of all rental structures and rental units that have been granted certificates of compliance or have had a certificate of compliance denied, suspended, or revoked. Such registry shall be made available for public inspection or posted on the Township website.

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Section 196.19 - Harassment.

- (a) Any owner or responsible local agent who harasses or threatens a tenant or person who pays rent with loss of occupancy as a result of filing a valid complaint shall be responsible for a municipal civil infraction.
- (b) Any tenant or person who pays rent who shall maliciously or frivolously cause an inspection to be made for the purpose of harassing any individual, owner or responsible local agent, corporation, or governmental agency when no violation is present shall be responsible for a municipal civil infraction.
- (c) The Building Official and/or their designee shall not be harassed, stalked, threatened, hindered, assaulted, or otherwise interfered with in the performance of their duties. Notwithstanding any other section in this Ordinance, a violation of this subsection shall be a municipal civil infraction.

Section 196.20 - Penalties.

- (a) Any violation of this Ordinance is a nuisance per se and the Township can file suit to abate the nuisance if necessary, in addition to civil fines and penalties.
- (b) Any violation of this Ordinance shall be punishable as a municipal civil infraction. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
- (c) The civil fines shall be as follows:
 - 1) First offense: \$300 plus costs and other sanctions for each offense.
 - 2) Repeat offense within a 24-month period: \$500 plus costs and other sanctions for each offense.

Section 196.21 - Repealer. That the Charter Township of Superior Ordinance No. 106 entitled Inspection of Multiple Dwellings effective on January 15, 1990 as amended by Ordinances No. 170 effective on January 22, 2008 and Ordinance No. 175 effective on October 6, 2008 is hereby repealed in its entirety and all other ordinances or parts of laws in conflict herewith are hereby repealed.

Section 196.22 - Severability. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Charter Township of Superior Board of Trustees hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 196.23 - Preservation of Actions. That nothing in this legislation shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 196.21 of this law; nor shall any just of legal right or remedy of any character be lost, impaired or affected by this legislation.

Section 196.24 - Publication. That the Charter Township of Superior Clerk is hereby ordered and directed to cause this legislation to be published in the manner as required by law and except as otherwise provide by law, shall be effective on the day after final publication.