

**CHARTER TOWNSHIP OF YPSILANTI  
ORDINANCE NO. 2016-464**

*An Ordinance to Amend Chapter 48 Article III of the  
Ypsilanti Charter Township Code of Ordinances  
Regarding Rental Property Registration and Inspection*

The Charter Township of Ypsilanti hereby ordains that the Ypsilanti Township Code of Ordinances is amended as follows:

**DELETE:** in its entirety, Article III of Chapter 48 entitled “One and Two Unit Dwelling Rental Properties”:

**ADD:** the following new article to Article III of Chapter 48:

**Sec. 1 Definitions.**

The following words and phrases shall have the following meanings respectively given to them in this article:

*Apartment dwelling:* an attached dwelling unit with party or common walls, contained in a building with other dwelling units or sharing the occupancy of a building with other than a residential use. Apartments are commonly accessed by common stair landing or walkway. Apartments are typically rented to the occupants. Apartment buildings often may have a central heating system and other central utility connections. Apartments typically do not have their own yard space. Apartments are also known as garden apartments or flats.

*Certificate of compliance:* A certificate issued by the Township’s Office of Community Standards indicating that the dwelling unit identified on the certificate is in compliance with this article and other applicable state laws and township ordinances. The Certificate shall show the name and address of the property owner and the expiration date. It shall be valid until its expiration date, unless suspended by the Office of Community Standards upon a subsequent reinspection disclosing violations.

*Code:* The Township Property Maintenance Code

*Code Compliance:* the dwelling unit is in compliance with all applicable state law and township code requirements, including the Township’s Property Maintenance Code.

*Department:* Ypsilanti Township Office of Community Standards

*Dwelling Unit:* a structure containing single family detached residential dwelling unit, single family attached residential dwelling unit, a multi-family residential dwelling unit, an apartment dwelling, a duplex residential dwelling unit, or a manufactured dwelling unit.

*Duplex Dwelling:* A detached building, designed exclusively for and occupied by two families living independently of each other, with separate housekeeping, cooking and bathroom facilities for each family.

*Family:*

- (a) A single individual or a number of individuals domiciled together whose relationship is of a continuing nontransient, domestic character and who are cooking and living together as a single, nonprofit housekeeping unit. This shall not include any society, club, fraternity, sorority, association, lodge, coterie, hospice, organization, or group of students or other individuals whose relationship is of transitory or seasonal nature or for anticipated limited duration of school terms or other similar determinable period.
- (b) The functional equivalent of the domestic family, that is, persons living together in a dwelling unit whose relationship is of a permanent and distinct character and is the functional equivalent of a domestic family, with a demonstrable and recognizable bond which constitutes the functional equivalent of the bonds which render the domestic family a cohesive unit. This definition shall not include any rooming house, society, club, fraternity, sorority, association, lodge, coterie organization or group whose association is temporary or seasonal in character or nature. For the purposes of the enforcement, it is presumed that a functional equivalent of a domestic family is limited to six (6) or fewer persons.

*Manufacture Dwelling Unit:* A dwelling unit which is substantially built, constructed, assembled, and finished off the premises upon which it is intended to be located.

*Multiple-family dwelling:* A building designed for and occupied by three or more families living independently, with separate housekeeping, cooking, and bathroom facilities for each. Multiple-family dwelling units may also be known as apartments.

*Owner:* A person or entity with legal or possessory interest in a dwelling unit.

*Owner's agent:* Any employee, or any person with implied consent or apparent authority, or acting under color of authority, of the owner.

*Rental Agreement:* Any agreement or lease, written or oral, which establishes or modifies the terms, conditions, rules, regulations or any other provisions concerning the use and occupancy of residential premises.

*Single-family Attached Dwelling:* A self-contained single-family dwelling unit attached to a similar single-family attached dwelling unit with party or common walls, designed as part of a series of three or more dwelling units, each with:

- (a) A separate entryway with direct access to the outdoors at ground level;
- (b) Each dwelling shall comprise of a single unit from the lowest floor to the highest floor of the structure between the common walls (i.e. units shall not be stacked on top of each other);
- (c) A separate basement, if applicable;
- (d) A separate utility connection, and;
- (e) Defined front and rear yards.

*Single-family Attached Dwelling* units may also be known as townhouses, row houses, or clustered single-family dwellings. Any three or more attached dwellings not meeting the above criteria shall be considered a multiple-family dwelling.

*Single-family Detached Dwelling*: an independent, detached residential dwelling designed for and used or held ready for use by one family only.

*Temporary Certificate of Compliance*: A certificate issued for a dwelling unit, following an inspection, which is found to be in substantial compliance with the Code and which, in the opinion of the building officials, has no life-, health-, or safety-threatening violations. Such certificate shall state any remaining violations to be corrected and the date it expires. A reasonable extension may be granted at the discretion of the department. Failure by the owner to correct the violations within the specified time shall constitute a violation of this article.

*Tenant*: The person entitled under a rental agreement to the use and occupancy of a dwelling unit.

## Sec. 2 - Registry of owners and premises.

- (a) All persons owning dwelling units which are subject to rental agreements shall register the dwelling unit with the Department. Owners of new dwelling units which are subject to rental agreements shall register prior to the date of issuance of the first certificate of occupancy. The registration shall include: 1) the owner's name, 2) business address, 3) email address, 4) date of birth, 5) telephone number and 6) the address of the dwelling unit within the township owned by such persons which are rented in whole or in part, including the number and type of each unit in the structure.
- (b) If the dwelling unit is managed or operated by an agent, the owner shall supply the agent's name, business address, email address and telephone number and the name of that person's representative, and a statement that the agent is authorized to receive notices and process under this Article.
- (c) If the owner is a corporation, the names, addresses and telephone numbers of its officers shall be listed as shall the name, address and telephone number of the registered agent along with the state registration number. If the corporation is controlled in whole or in part by another corporation, the same information shall be provided for the other corporation.
- (d) Any change in the name or address of the owner or the owner's agent, or in the number of units, or in any other information required in this section shall be reported to the Department within 15 days.
- (e) Owners of single and duplex dwelling units who permit persons to occupy single and duplex dwelling units are exempt from the provisions of this Article provided:

- (1) No compensation is received by the owners for the use and occupancy of the premises by non-owners.
- (2) The owner pays the property taxes and homeowners insurance for the premises used and occupied by non-owners.
- (3) The owner signs an affidavit attesting under oath that:
  - a. No compensation is received for the use and occupancy of the single or duplex dwelling unit;
  - b. The property taxes and insurance are paid by the property owner;
  - c. The exemption automatically terminates when the owner receives compensation for the use and occupancy of the premises or the property taxes and/or homeowners insurance are paid by a non-owner.

Sec. 3. - Certificate of compliance required.

- (a) The Department shall provide for the systematic inspection of all dwelling units which are subject to rental agreements in the township for the purposes of determining whether the dwelling units are in compliance with the Code and this chapter. Those dwelling units that are in compliance shall be issued a certificate of compliance.
- (b) An owner shall provide the Department with a certificate of insurance, issued by an insurance company that certifies that the dwelling unit is insured against structural loss or damage, including, but not limited to, fire damage. The certificate of insurance shall state the name of each person named on the policy and its expiration date. The certificate of insurance shall be in force at the time a certificate of compliance is issued or at the time a renewed certificate of compliance is issued.
- (c) The Department shall schedule initial inspections, at its discretion, of dwelling units which are subject to rental agreements to determine if the units qualify for a certificate of compliance. The owner of the property shall receive not less than 30 days' prior notice of the Department's intent to inspect the property. The owner shall provide to the tenant a minimum of 72 hours' written notice of the Department's intent to inspect the property. After the initial phase-in period, all rental dwelling units which are subject to rental agreements shall be required to be inspected at not less than 24-month intervals nor more than four year intervals.
- (d) The Department shall inspect a dwelling unit when it receives a complaint from a tenant that the dwelling unit is being maintained in violation of Michigan's housing law. MCL 125.401 et seq. or the Township's Property Maintenance Code §48.26 et seq.
- (e) No person, either the owner or the owner's agent, shall rent or lease a dwelling unit after the initial inspection, to any tenant, unless that owner or agent has first obtained a valid certificate of compliance from the Department covering the dwelling unit. For new construction the original certificate of occupancy shall serve as the certificate of compliance for a period of 24 months.

(f) The Department shall advise the landlord and tenant that either has the right to refuse entry for purposes of inspection unless a search warrant is first obtained. If entry is refused, the Department shall apply to the appropriate judicial officer for a search warrant and shall not inspect until a valid search warrant is obtained. Inspections shall be limited to only the areas necessary to ascertain compliance with the Code and state law.

(g) An owner or owner's agent who is provided, during an inspection of a dwelling unit, with written notice of a code violation or violations, shall correct the code violations within the period specified in the notice of violations.

#### Sec. 4 – Fees

Reasonable fees for registration, inspections and re-inspections of a dwelling unit under this Article shall be established by resolution adopted by the Township Board and shall be placed on file and made available to the public by the Township Clerk's Office.

#### Sec. 5. - Issuance of certificate of compliance.

(a) A certificate of compliance shall not be issued until all required inspection and reinspection fees have been paid in full.

(b) A certificate of compliance shall be issued on the condition that the premises remain in compliance with the Code. If upon valid complaint the Department determines that violations exist, the full certificate may be suspended as to the affected areas, and the areas may be ordered vacated until the dwelling unit is brought into compliance.

#### Sec. 6 - Right to examine certificate of compliance, registry of certificate holders.

(a) The owners or the owner's agent shall provide a copy of a valid certificate of compliance to the tenant or prospective tenant at the tenant's request.

(b) The Department shall maintain a registry of all units that have obtained valid certificates. Such registry shall be available for public inspection.

#### Sec. 7 - Expiration of certificate of compliance.

Certificates of compliance shall be valid until the expiration date on the Certificate of Compliance unless suspended by the Department. The date of issuance and expiration shall be recorded on the certificate. It is the duty of the owner of the dwelling unit to arrange for the inspection necessary for the renewal of the certificate at least 30 days prior to its expiration.

Sec. 8 - Transfer of certificate of compliance.

Certificates of compliance shall be transferable when the ownership of a dwelling unit changes provided that a valid certificate of compliance is in effect for each dwelling unit the owner intends to rent or lease. It shall be the duty of the new owner to register with the Department consistent with section 2.

Sec. 9 - Scope of inspection authority.

Nothing in this article shall be construed to restrict the lawful authority of the Department to inspect any dwelling units in the township more frequently than such periodic inspection as outlined in this article.

Sec. 10 – Penalties; municipal civil infraction.

A violation of this article shall be a municipal civil infraction subject to prosecution and penalty under Section 42.21(3) of the Michigan Compiled Laws. The requirements of this article are in addition to, and not in lieu of any other rights and remedies provided by law. Violation of this article shall be a municipal civil infraction and for the first offense subject to a maximum \$250.00 fine and any of the penalties authorized un Section 600.8727 of the Michigan Compiled Laws and/or Section 600.8302 of the Michigan Compiled Laws. Second or subsequent offenses shall be subject to a maximum fine of \$500.00 and any of the penalties authorized under Section 600.8727 of the Michigan Compiled Laws and/or Section 600.8302 of the Michigan Compiled Laws. Each day that a violation continues shall be considered a separate offense.

Sec. 11 - Severability

Should any action, subdivision, sentence, clause or phrase of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

Sec. 12 - Publication

This Ordinance shall be published in a newspaper of general circulation as required by law.

Sec. 13 - Effective date

This Ordinance shall become effective upon publication in a newspaper of general circulation as required by law.

I, Karen Lovejoy Roe, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan hereby certify adoption of Ordinance No. 2016-464 by the Charter Township of Ypsilanti Board of Trustees assembled at a Regular Meeting held on September 20, 2016 after first being introduced at a Regular Meeting held on August 16, 2016. The motion to approve was made by member Roe and seconded by member Doe. Yes: Mike Martin, Eldridge, Stumbo, Roe, Doe, S. Martin ABSENT: Currie, NO: None. ABSTAIN: None.



Karen Lovejoy Roe, Clerk  
Charter Township of Ypsilanti