

RESOLUTION NO. 2013-35

Whereas, there have been a number of fires in rental single family dwellings which have resulted in major structural damage; and

Whereas, there have been an increasing number of fire damaged rental homes that have no insurance to cover the rehabilitation or demolition needed after a major house fire; and

Whereas, a growing number of landlords are choosing to walk away from fire damaged rental homes due to the lack of homeowner's insurance and the cost of repairing the fire damage; and

Whereas, when property owners without insurance choose to abandon fire damaged homes, the entire neighborhood is negatively impacted by the presence of the fire damaged structure; and

Whereas, requiring landlords of single family and duplex family rental properties to provide proof of insurance as a requirement before obtaining a rental Certificate of Compliance will decrease the number of fire damaged properties abandoned by the owners due to the absence of insurance coverage; and

Whereas, Ordinance 2013-433 requires all landlords prove proof of insurance coverage against loss or damage to single or duplex family residential units before a Certificate of Compliance will be issued by the Township.

Now Therefore, Be it resolved, that Ordinance No. 2013- 433 is hereby adopted by reference.

ORDINANCE NO. 2013-433

*An Ordinance to Amend the Code of Ordinances,
Chapter 48 entitled Property Maintenance, Article III,
One and Two Unit Dwelling Rental Properties*

The Charter Township of Ypsilanti **Ordains** that the Code of Ordinances Charter Township of Ypsilanti, Chapter 48 entitled **Property Maintenance**, Article III entitled One and Two Unit Dwelling Rental Properties, is amended as follows:

DELETE Section 48-42 in its entirety.

ADD: the following new provision as Section 48-42:

Sec. 48-42. Certificate of compliance required.

(a) The department shall provide for the systematic inspection of all single and duplex dwelling units which are subject to rental agreements in the township for the purposes of determining whether such units are in compliance with the Code and this chapter. Those 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 single and duplex 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 township's intent to inspect the property. After the initial phase-in period, all single and duplex rental dwelling units which are subject to rental agreements shall be required to be inspected at not less than 24-month intervals, or at the reasonable discretion of the building official.

(d) No person, either the owner or the owner's agent, shall rent or lease single or duplex dwelling units 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 unit. For new construction the original certificate of occupancy shall serve as the certificate of compliance for a period of 24 months.

(e) 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.

(f) An owner or owner's agent who is provided, during an inspection of a single or duplex 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.

(Ord. No. 2007-373, § 3, 11-6-07; Ord. No. 2011-411, § 1, 2-15-11)

ADD: the following new provision to Article III, *One and Two Unit Dwelling Rental Properties*

Proof of Property Insurance.

All persons owning single and duplex dwelling units which are subject to rental agreements shall maintain property insurance on each dwelling unit, at all times, against structural loss or damage, including, but not limited to, fire damage.

Upon request of the Department, all persons owning single and duplex dwelling units which are subject to rental agreements shall present valid proof of property insurance.

Failure to present, upon request, valid property insurance for a single family or duplex dwelling unit shall result in a suspension of a Certificate of Compliance.

Severability

Should any provision or part of the within Ordinance be declared by any court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the

validity or enforceability of the balance of this Ordinance which shall remain in full force and effect.

Effective Date and Repeal of Conflicting Ordinances

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance shall take effect after publication in a newspaper of general circulation as required by law.