

ARTICLE III. ONE AND TWO UNIT DWELLING RENTAL PROPERTIES

ARTICLE III. ONE AND TWO UNIT DWELLING RENTAL PROPERTIES

[Sec. 48-40. Definitions.](#)

[Sec. 48-41. Registry of owners and premises.](#)

[Sec. 48-42. Certificate of compliance required.](#)

[Sec. 48-43. Issuance of certificate of compliance.](#)

[Sec. 48-44. Right to examine certificate of compliance, registry of certificate holders.](#)

[Sec. 48-45. Expiration of certificate of compliance.](#)

[Sec. 48-46. Transfer of certificate of compliance.](#)

[Sec. 48-47. Scope of inspection authority.](#)

[Sec. 48-48. Fees.](#)

[Sec. 48-49. Collection of fees.](#)

[Sec. 48-50. Penalty.](#)

Sec. 48-40. Definitions.

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

Certificate of compliance means a certificate issued by the Township Community and Economic Development Department indicating that the dwelling unit identified on the certificate is in compliance with this article and other applicable township ordinances. The certificate shall show the name and address of the property owner and the expiration date. It shall be valid unless suspended by the department upon a subsequent reinspection disclosing violations, until its expiration date.

Temporary certificate of compliance means 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 official, 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.

Code means the Township Property Maintenance Code.

Department means the Community and Economic Development Department of the Township.

Dwelling unit means a structure containing a single residential unit or duplex providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Landlord means the owner, lessor, or sublessor of residential premises, or his agent, or any person authorized by him to manage the premises or to receive rent from a tenant under a rental agreement.

Owner means a person having an interest in the property as defined in the Code.

Owner's agent means any employee, or any person with implied consent or apparent authority, or acting under color of authority, of the landlord, housing cooperative board or other controlling entity.

Rental agreement means 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.

- CODE OF ORDINANCES
Chapter 48 - PROPERTY MAINTENANCE

ARTICLE III. ONE AND TWO UNIT DWELLING RENTAL PROPERTIES

Tenant means the person entitled under a rental agreement to the use and occupancy of rental or cooperative residential premises.

Unit means the same as dwelling unit.

(Ord. No. 2007-373, § 1, 11-6-07)

Sec. 48-41. Registry of owners and premises.

- (a) All persons owning single and duplex dwelling units which are subject to rental agreements shall register with the department within 60 days after the effective date of the ordinance from which this chapter is derived. Owners of new single and duplex 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 indicate their name, physical and mailing address, date of birth, telephone number and 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 premises are managed or operated by an agent, the owner shall supply the agent's name, address, 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 chapter.
- (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 ordinance 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.

(Ord. No. 2007-373, § 2, 11-6-07; Ord. No. 2007-377, 2-5-08)

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.

- CODE OF ORDINANCES
Chapter 48 - PROPERTY MAINTENANCE

ARTICLE III. ONE AND TWO UNIT DWELLING RENTAL PROPERTIES

- (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)

Proof of Property Insurance *(added 01/29/2014 and not yet codified)*

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.

Sec. 48-43. 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 unit is brought into compliance.

- CODE OF ORDINANCES
Chapter 48 - PROPERTY MAINTENANCE

ARTICLE III. ONE AND TWO UNIT DWELLING RENTAL PROPERTIES

(Ord. No. 2007-373, § 4, 11-6-07)

Sec. 48-44. 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.

(Ord. No. 2007-373, § 5, 11-6-07)

Sec. 48-45. Expiration of certificate of compliance.

Certificates of compliance shall be valid for 24 months after the date of issuance 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 property to arrange for the inspection necessary for the renewal of the certificate at least 30 days prior to its expiration.

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

Sec. 48-46. 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 single and duplex 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 48-41](#).

(Ord. No. 2007-373, § 7, 11-6-07)

Sec. 48-47. Scope of inspection authority.

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

(Ord. No. 2007-373, § 8, 11-6-07)

Sec. 48-48. Fees.

- (a) *Fee schedule.* The township board shall, by resolution, establish the fees to be charged by the department in the discharge of its duties pursuant to this article and reinspections required by this article. Fees adopted by resolution, unless otherwise provided for in the resolution, shall be effective upon publication in a newspaper having general circulation in the township.
- (b) *Applicable fees.* The following fees are applicable:
 - (1) *Initial inspection/registration.* The fee for the inspection of each dwelling unit that has not previously received a certificate of compliance or for which the certificate has been expired for 12 months or longer.
 - (2) *Reinspection.* Inspections required subsequent to an initial or renewal inspection, or a tenant complaint, for the purpose of determining that violations have been corrected.

- CODE OF ORDINANCES
Chapter 48 - PROPERTY MAINTENANCE

ARTICLE III. ONE AND TWO UNIT DWELLING RENTAL PROPERTIES

- (3) *Broken appointments.* Broken appointments shall be defined as situations where the owner or agent fails to honor an appointment scheduled by the department, or the owner or agent fails to provide proper notification to the tenant, and the tenant refuses to allow the inspection. Cancellation of the appointment shall not occur less than 4 business days prior to the scheduled appointment. Broken appointment fees may be waived at the discretion of the department upon showing of good cause.
- (4) *Renewal inspections.* Inspections for the purpose of renewing a certificate of compliance if the unit complies with the Code and the certificate is renewed after one inspection.
- (5) *Tenant complaints.* The department shall make an initial inspection after receiving a written complaint from the tenant. If a violation is found and reinspection is required, the owners shall be billed for all required inspections.
- (6) *Search warrants.* An additional charge shall be assessed over and above any inspection charges for each unit for which a search warrant is issued by the court because the owner or agent has failed to respond to the department's requests to gain admission to the unit.

(Ord. No. 2007-373, § 9, 11-6-07)

Sec. 48-49. Collection of fees.

The fees charged pursuant to [section 48-48](#) shall be payable as follows:

- (a) *Phase-in requirement.* The department shall schedule initial inspections at its discretion. The owner of the property shall receive not less than 30 days prior notice of the department's intent to inspect the property. All initial inspection fees shall be paid seven days prior to the scheduled inspection date.
- (b) *Renewal inspections.* All required fees for renewal inspections shall be paid upon application for such inspections as specified in [section 48-48](#)
- (c) Fees for all required reinspections shall be paid prior to the reinspections being scheduled.
- (d) *Other fees.* All other fees required under this article are due when incurred. No certificate of compliance shall be issued until all required fees are paid.

(Ord. No. 2007-373, § 10, 11-6-07)

Sec. 48-50. Penalty.

- (a) Persons who violate any section of this article shall be responsible for a municipal civil infraction as provided in [Chapter 40](#), Article II, of this Code of Ordinances for the Charter Township of Ypsilanti, and shall be subject to a maximum fine of not more than \$500.00.
- (b) The imposition of a fine for violation shall not excuse the violations or permit it to continue. All such persons shall be required to correct or remedy such situation or defects within a reasonable time and each act or violation and every day upon which such violation shall occur shall constitute a separate offense.
- (c) The application of the penalties of this section shall not be held to prevent the enforced removal of prohibited conditions by injunctive or other relief.

(Ord. No. 2007-373, § 11, 11-6-07)