

CHAPTER 842

Rental Housing

842.07 RENTAL PERMIT APPLICATION.

(a) Application process. The rental permit application is commenced by submitting to the City Clerk a completed application form as provided by this section. The application is not complete, and no permit decision can be made under Section [842.10](#), until the owner or owner's legal agent meets all requirements of this section. This includes, but is not limited to, the rental dwelling or rental unit being inspected ~~consistent with as required in~~ Section [842.08](#), and that all applicable fees have been paid. A completed application constitutes a request for certificate of compliance as provided for in 1967 PA 167, being MCL 125.401 *et seq.*

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(b) Rental permit application form. A rental permit application form shall require at least the following:

(1) The name, permanent home, business and email address, home and business telephone number, and date of birth of the owner and the legal agent, if any. In the case of a corporation, the corporate ID number shall also be provided.

(2) The street address(es) of the rental unit(s).

(3) The number of rental units in the rental dwelling.

(4) Signature(s) and date as required by this section.

(c) Effect of signature. By signing the rental permit application form the owner and the owner's legal agent, if any, is verifying that all information supplied by the owner or owner's legal agent on the form is accurate as of the date signed.

(d) Additional information. In addition to the information supplied by the applicant for the rental permit application the City Clerk shall also attach any recommendation(s) provided by a City department, office, board, or employee, on granting or denial of the rental permit and the basis for the recommendation. A copy of any adverse recommendation that is attached to the application shall be mailed by first class mail to the applicant. The applicant shall have ten business days from the date of mailing to provide a written response to the City Clerk. The written response shall be attached to the application.

(e) Deficiency in form. The City Clerk, within five business days of receipt of a rental permit application form, shall notify the applicant of any deficiencies in the application form, including the failure to pay any fee, which prevents its acceptance. Failure to cure the deficiencies set forth in the notice within thirty days from date of the notice will result in the application being deemed abandoned and the application file closed. Thereafter, an application initiated for the same property is deemed a new application requiring compliance with all initial permit application provisions, including any application fee.

(f) Renewal of rental permit. An application for the renewal of the rental permit shall be made as follows:

(1) City Clerk sends renewal reminder to permittee. A rental permit renewal reminder will be emailed to the permittee or the permittee's legal agent at the most recent email address on file with the City Clerk for that rental dwelling or rental unit, at least sixty days prior to the expiration of the current rental permit. The permittee remains responsible for timely renewal regardless of receipt of reminder.

(2) Contents of rental permit renewal application form. A rental permit renewal application form will require the same information as an initial application form. The permittee must provide all changes in information from the previous application form. Where there is no change in information from the previous application form the permittee shall indicate that there is no change on the renewal application form. In that case, the prior information is considered incorporated by reference.

(3) Filing time limits. The completed rental permit renewal application form must be filed by the permittee with the City Clerk no less than sixty days before the expiration of the current permit to obtain a decision on the rental permit renewal application prior to the expiration of the current rental permit and to avoid rental permit renewal late fees.

(g) Annual update. A permittee shall, on or before the tenth day of December of each year, file an annual update form with the City Clerk. The permittee must provide all changes in information from the previous application form. Where there is no change in information from the previous application form the permittee shall indicate that there is no change. This does not apply to a permittee who received an initial or renewal rental permit during the same calendar year.

(h) Effect of current rental registration. Any valid rental permit issued by the City from April 1, 2009 to April 1, 2011 will remain valid until its expiration, provided, however, such permit shall be subject to the rental permit sanctions set forth in this chapter if applicable.

(Ord. 03-2011. Passed 4-19-11.)

842.08 INSPECTION OF RENTAL UNITS.

(a) Permit application inspection. Upon the filing of a completed rental permit application form, whether initial or renewal, the proposed rental dwelling shall be inspected by a code official for compliance with the requirements of the Property MaintenanceHousing Code by consent or upon the issuance of an administrative search warrant.

(b) An all trades inspection. An all trades inspection can be scheduled and made when, during the course of an inspection provided for under this chapter, a code official concludes that there are violations, which considering the nature and/or severity of the violation, either poses a hazard to the health, safety or welfare of the occupants or that a trade inspection is needed either to properly determine the extent of the violations or the corrective action required to comply with the Property MaintenanceHousing Code.

(c) Additional inspections. Additional inspections may be scheduled and conducted on one or more of the following bases:

(1) Due to recurrent violations, such that any rental dwelling or the owner of any rental dwelling has been found to have a combined three or more substantiated recurrent or uncorrected

violations for a particular rental dwelling and/or rental unit(s) within a rental dwelling, within a twelve-month period from the date of the most recent violation.

(2) Whenever reasonable cause exists to believe that there is a violation of the Property Maintenance~~Housing~~ Code on any premises, or other condition(s) which make the structure or premises unsafe, dangerous, hazardous or a nuisance.

(3) For the purpose of auditing compliance with conditions on a permit.

(4) For the purpose of reinspection to ensure the correction of any violations in existence at a previous inspection.

(5) For all other purposes set forth in Section 1462.01.

(d) Inspection of certain multiple dwellings. For multiple rental dwellings having more than twenty rental units, a minimum of twenty percent of the units contained in those properties shall be inspected prior to renewal of a rental permit with a minimum of four units inspected per structure. The units to be inspected shall be randomly selected by the code official. The number of units inspected may be increased at the discretion of the code official should significant code violations be found or should the inspector have reasonable cause to believe other violations exist in the uninspected units.

(e) Notification and presence of owner at inspection. Except as provided in subsection (f), the owner, or the owner's legal agent if any, shall be notified of any initial or renewal inspections for the purposes of permitting. The failure of the owner or owner's legal agent to appear for the inspection after notification does not preclude the inspection if access to the rental dwelling or rental unit can otherwise be lawfully obtained.

(f) Entry for inspection. Except as otherwise provided by law, authorized inspections inside a dwelling will be made during reasonable hours with the consent of an owner, legal agent, tenant, or occupant. Entry without the consent of an owner, legal agent, tenant, or occupant, will be made only after obtaining an administrative or criminal search warrant for the premises, a court order allowing entry of the premises for inspection, or otherwise as provided by law.

(g) Failure to allow inspection during permit application process. The ~~refusal failure~~ of an owner or the owner's legal agent to allow an inspection of the rental unit ~~shall not provide a basis, in whole or in part, to deny the issuance of a rental permit under this chapter. The owner or the owner's agent retain the right to decline to consent to inspections under this chapter. The City, however, may issue rental permits absent an inspection on a conditional basis, subject to inspection of the proposed rental dwelling pursuant to either an administrative subpoena, an administrative search warrant, or any other order by a court having jurisdiction. A conditional permit under this section will automatically become a regular rental permit, subject to all other provisions of this chapter, after an inspection showing that the dwelling satisfies the requirements of the Property Maintenance Code or within 90-days after the conditional permit was issued unless uncorrected cited violations remain outstanding, whichever occurs first.~~ ~~after notice is given is a reason to deny the issuance of a rental permit.~~

(h) Inspection reports. If there are any violations noted on an inspection, within ten business days after an inspection has been conducted, the owner or the owner's legal agent shall be given

written notice of the results. The notice of the inspection results shall be given personally or by first class mail at the most recent address provided to the City Clerk.

(Ord. 03-2011. Passed 4-19-11.)

842.09 TYPES OF RENTAL PERMITS; CONDITIONS; STANDARD TERMS; CONTENTS.

(a) Types of rental permits. There will be two types of rental permits.

(1) Regular rental permit. A regular rental permit is issued when there is compliance with all requirements of the Property MaintenanceHousing Ceode.

(2) Conditional rental permit. A conditional rental permit may be issued to an applicant as provided above in 842.08(g) or when there are one or more violations of the Property MaintenanceHousing Code or other City ordinance that can be corrected, none of which pose a hazard to the health or safety of a tenant or the public, and none of which otherwise fall within the reasons to deny a rental permit as set forth in Section 842.10(e)(3). A conditional rental permit will contain one or more of the following conditions based upon the information contained in the rental permit application process documentation:

A. That corrective work be completed by a certain date or the permit expires on that date.

B. That neither the permittee, the permittee's legal agent, a tenant, occupant, or other person violate a City ordinance which results in entry by the District Court of a civil infraction order which finds responsibility on the part of the permittee or the permittee's legal agent for a violation of the City's Property MaintenanceHousing Code or junk vehicle ordinance, regarding the property which is the subject of the rental permit or the permit expires on the date the order is entered.

(b) Terms to which all rental permits are subject. All rental permits are granted subject to the following:

(1) Rental permits are transferable with approval of the City. The permit holder must submit a letter requesting a transfer along with the proposed transferee's complete rental permit application. The proposed transferee is subject to the same requirements and is reviewed under the same standards as any other person applying for a rental permit except as follows:

A. Unless there is reasonable cause to believe that there is an outstanding Property MaintenanceHousing Code violation at the time of the requested transfer, an inspection is not required;

B. If the rental permit transfer is approved, the new permit holder will have the same expiration date as the original permit holder.

(2) The owner and/or legal agent, if any, shall notify the City Clerk, in writing, of any change in ownership, name of ownership entity, mailing address, both regular and electronic, or telephone number of the owner and/or ownership entity, within ten business days of the date of the change.

(3) The owner shall notify the City Clerk, in writing, of any change in their designated legal agent, including the name, date of birth (or in the case of a corporation, the corporate ID

number), mailing address, both regular and electronic, and telephone number within ten business days of the date of the change.

(c) Contents of permit. The permit, when issued, shall contain the following information:

- (1) The address of the rental dwelling or rental unit for which the permit is issued;
- (2) The type of permit issued;
- (3) Any conditions on the permit; and
- (4) The expiration date of the permit.

(Ord. 03-2011. Passed 4-19-11.)

842.10 ISSUANCE OF RENTAL PERMITS; SUSPENSION; REVOCATION.

All rental permit applications shall be approved or denied and permits shall be issued in accordance with the following:

(a) Designated permitting authority. The authority to administer this is vested in the City Clerk or another person or official designated by the City Manager.

(b) Time limits for review of application and decision. The decision on issuance of the rental permit shall be made within seven days from the date that the application process is complete.

(c) City's failure to comply with time limits. A failure by the City to inspect or complete another requirement of this chapter within the time specified in this chapter does not give the owner any vested right to a regular rental permit. The City shall issue a conditional permit until such time as the failure is corrected or as provided in above 842.08(g).

(d) Standard of review. In determining whether to issue or deny a rental permit the City Clerk shall review the application and supporting documentation including that provided by the applicant, the inspection report(s), and the recommendation(s), if any, as provided for in Section 842.07(d), to determine whether the documentation shows:

- (1) The property is currently in compliance with the Property MaintenanceHousing Code.
- (2) If the property is not currently in compliance with the Property MaintenanceHousing Code, the nature of the violations, including whether the outstanding violations constitute a hazard to the health, safety, or welfare of the occupants of the property or the public.
- (3) Whether the owner or owner's legal agent has owned or managed rental property in the past where the rental permit has been suspended or revoked or has had entered against them court judgments for rental property violations.
- (4) Whether there has been any false material information provided on an application, in attachments to the application, or otherwise to a City employee in the course of their duties under the Property MaintenanceHousing Code or other City ordinance in relation to the subject rental dwelling.

(e) Possible actions on application. After reviewing the rental permit application form and other documentation provided in the rental permit application process, the City Clerk shall do one of the following:

(1) Grant a regular rental permit.

(2) Grant a conditional rental permit with the conditions as provided in Section [842.09\(a\)\(2\)](#).

(3) Deny the issuance of a rental permit for one or more of the following reasons:

A. There is a violation of the City ~~Property Maintenance~~Housing Code that is a hazard to the health, safety, or welfare of a tenant or the public.

B. The owner or the owner's legal agent, or the combination of either, has owned or managed rental property within the three preceding years and have, on two or more occasions, had a rental permit suspended or revoked or had entered against them court judgments for rental property violations.

C. The owner or owner's legal agent has failed to allow, or arrange for, an inspection that is required under the ~~Property Maintenance~~Housing Code.

D. False material information has been provided on an application, in attachments to the application, or otherwise to a City employee in the course of their duties under the ~~Property Maintenance~~Housing Code or other City ordinance in relation to the subject rental dwelling.

~~(f) Certificate of compliance. The granting of a regular rental permit or conditional rental permit constitutes a certificate of compliance as provided for in 1967 PA 167, being MCL 125.401 et seq.~~

~~(f)~~ Notice of action on rental permit application. Applicants shall be notified in writing, by first class mail sent to the address on the application, of the action taken on the application. If the action was to grant a regular or conditional rental permit, the permit shall be transmitted at the same time. If the action was to deny a rental permit the reasons for denial shall be included in the notice.

~~(g)~~ Suspension or revocation. Suspension or revocation of a rental permit will be in accordance with Section [802.16](#) and [802.17](#), except that any hearing requested by a permittee because of a suspension or revocation of his/her/its rental permit will be heard by the Board of Appeals in accordance with Section [842.13](#), rather than the City Commission.

(Ord. 03-2011. Passed 4-19-11; Ord. 08-2016. Passed 6-21-16.)

842.11 RENTAL PERMIT EXPIRATION.

(a) Expiration date. A rental permit shall expire 72 months from the effective date of the permit with the following exceptions:

(1) Inspection violations. A rental permit will expire no more than 36 months from the effective date of the permit if, at the last inspection, the rental property was cited for violations of the building and ~~Property Maintenance~~housing Ceode.

(2) In accordance with conditions. The permit expires in accordance with the conditions placed on the permit under this chapter.

(b) Effect of rental permit expiration. Upon expiration of a rental permit:

(1) Vacate. The rental dwelling is subject to being ordered vacated in accordance with this chapter until a valid rental permit is issued.

(2) Meet conditions before new application. If the rental permit expired for failure to comply with conditions placed on the permit, application for a new or renewal rental permit may be made only after the conditions have been met.

(3) Non-conforming use abandoned. Any prior legal non-conforming rental use is conclusively presumed abandoned if a rental unit is vacant and a valid rental permit application form or rental permit renewal application form is not filed with the City Clerk within 180 days after expiration of a valid permit.

(Ord. 03-2011. Passed 4-19-11.)

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