

ORDINANCE NO. 2004-15

RENTAL HOUSING REGISTRATION ORDINANCE

AN ORDINANCE to provide for the registration and regulation of rental housing located within the Township; to allow inspections; to provide penalties for violation; to repeal conflicting ordinances; and to provide for the effective date of this Ordinance.

THE CHARTER TOWNSHIP OF ALLENDALE, COUNTY OF OTTAWA, MICHIGAN ORDAINS:

Section 1. Purpose and Intent.

The Charter Township of Allendale recognizes the need for an organized inspection and registration program for residential rental units located within the Township in order to ensure rental units meet all applicable building, existing structures, fire, health, safety, and zoning codes, and to provide an efficient system for compelling both absentee and local landlords to correct violations and maintain, in proper condition, rental property within the Township. The Township recognizes that the most efficient system is the creation of a program requiring the registration and inspection of residential rental units within the Township as defined in this Ordinance, so that orderly inspection schedules can be made by Township officials.

Section 2. Definitions.

As used in this Ordinance, the following terms and words shall have the following meanings, unless the context clearly indicates that a different meaning is intended.

- (a) ***“ Dwelling unit ”*** means a building, or portion thereof, designed for occupancy for residential purposes and having cooking facilities and sanitary facilities.
- (b) ***“ Landlord ”*** means any person who owns or controls a dwelling, dwelling unit, or rental unit and rents such unit, either personally or through a designated agent, to any person.
- (c) ***“ Owner ”*** means the legal title holder of a rental unit or the premises within which the rental unit is situated.
- (d) ***“ Owner-Occupied Rental Unit ”*** means a rental unit that is occupied in whole or in part by an individual whose name specifically appears on the deed for the property where the rental unit is located.
- (e) ***“ Person ”*** means any natural individual, firm, partnership, association, joint stock company, joint venture, public or private corporation or receiver, executor, personal representative, trust, trustee, conservator or other representative appointed by order of any court.
- (f) ***“ Premises ”*** means a lot, plot or parcel of land, including the buildings or structures thereon, which also includes dwelling units and dwellings.
- (g) ***“ Rental unit ”*** means any dwelling unit or residential structure containing sleeping units, including but not limited to hotels, motels, bed and breakfast establishments, boarding houses, or sleeping rooms, which is leased or rented from the owner or other person in control of such units, to any tenant, whether by day, week, month, year or any other term.

- (h) ***“Responsible local agent”*** means a natural person having his or her place of residence in the county and designated by the property owner as the agent responsible for operating such property in compliance with the ordinances adopted by the Township.
- (i) ***“Tenant”*** means any individual who has the temporary use and occupation of real property owned by another person in subordination to that other person’s title and with that other person’s consent; for example, a person who rents or leases a dwelling, dwelling unit, or rental unit from a landlord.

Section 3. Requirements.

No person shall lease, rent, occupy, or otherwise allow a rental unit within the Township to be occupied, unless all of the following requirements have first been met.

- (1) The owner of the rental unit shall have registered the rental unit with the Department of Planning and Community Development by completing and filing a current registration form with the Department of Planning and Community Development, as provided in Section 4 of this Ordinance.
- (2) An inspection shall have been completed to the satisfaction of the Department of Planning and Community Development.
- (3) A valid certificate of compliance shall have been issued by the Department of Planning and Community Development.
- (4) The current certificate of compliance shall be posted conspicuously on the premises.
- (5) All fees charged by the Township for the registration and inspection of the rental unit shall be paid in full.
- (6) The owner or responsible local agent of the rental unit shall provide the Department of Planning and Community Development a document which states the names and telephone numbers of individuals who will occupy the unit. It shall also provide the length of their occupancy. Upon renewal of occupants’ lease if applicable, a notice of this information shall be furnished to the Department of Planning and Community Development.

Section 4. Registration.

No person shall lease, rent, occupy, or otherwise allow a rental unit within the Township to be occupied without first registering the rental unit with the Department of Planning and Community Development and designating a responsible local agent.

(a) *Registration Forms.*

Registration shall be made upon forms furnished by the Department of Planning and Community Development and shall require all of the following information.

- (1) The street address of the rental unit(s);
- (2) The number and types of rental units within the rental property;
- (3) Name, residence address, telephone number, and where applicable an e-mail address, mobile telephone number, and facsimile number of all property owners of the rental unit(s);

- (4) Name, residence address, telephone number, and where applicable an e-mail address, mobile telephone number, and facsimile number of the responsible local agent designated by the owner;
- (5) The maximum number of tenants permitted for each rental unit;
- (6) The name, address, telephone number, and where applicable an e-mail address, mobile telephone number, and facsimile number of the person authorized to collect rent from the tenants;
- (7) The name, address, telephone number, and where applicable an e-mail address, mobile telephone number, and facsimile number of the person authorized to make or order repairs or services for the property, if in violation of Township or State codes, if the person is other than the owner or the responsible local agent;
- (8) The name, address and telephone number of the person, if any exists, who holds a lien on the rental unit or the real property on which the rental unit is located.

(b) *Accurate and Complete Information.*

All information provided on the registration form shall be accurate and complete. No person shall provide inaccurate information for the registration of a rental unit, or fail to provide the information required for such registration. The registration form shall be signed by both the property owner(s) and the designated responsible local agent. Where the owner is not a natural person, the owner information shall be that of the president, general manager or other chief executive of the organization. Where more than one person has an ownership interest, the required information shall be provided for each such owner.

(c) *Change in Registration Information or Transfer of Property.*

Except for a change in the registered local agent, the property owner of a rental unit registered with the Township shall re-register within sixty (60) calendar days after any change occurs in the registration information. If the property is transferred to a new owner, the new property owner of a registered rental unit shall re-register the rental unit within sixty (60) calendar days following the transfer of the property. Property owners shall notify the Department of Planning and Community Development of any change in the designation of the registered local agent, including a change in name, address, e-mail address, telephone number, mobile telephone number or facsimile number of the designated registered local agent within five (5) business days of the change.

If a transfer of ownership occurs and there is a current certificate of compliance on file, then the new owner will only have to pay the registration fee upon the expiration of the current registration. It will still be required that the new owner fill out a new registration form.

(d) *Registration Term and Renewals.*

Registration of a rental unit shall be effective for one year. All registrations shall expire on October 15 of each year. The property owner shall re-register each rental unit with the department of Planning and Community Development, thirty (30) calendar days prior to the expiration of the registration of the rental unit (i.e., by September 15 of each year).

(e) *Responsible Local Agent.*

The designated responsible local agent shall be responsible for all of the following:

- (1) operating the registered rental unit in compliance with all applicable Township ordinances;

- (2) providing access to the rental unit for the purpose of making any and all inspections necessary to ensure compliance with the applicable Township Ordinances;
- (3) maintaining a list of the names and number of occupants of each rental unit for which he or she is responsible; and
- (4) accepting all legal notices or services of process with respect to the rental unit.

Section 5. Inspections.

All facilities, areas and rental units governed by this Ordinance shall be inspected and shall comply with the standards and provisions of the ordinances and codes adopted by the Township.

(a) *Biennial Inspections.*

Except as provided in subsection 5(a)(3), all rental units shall be inspected by the Department of Planning and Community Development at least once every two years. During the subsequent twelve (12) months after registration, the Department of Planning and Community Development shall notify half of all registered owners of rental units that an inspection must be completed. During the next following calendar year, the Department of Planning and Community Development shall notify the remaining registered owners that an inspection of the remaining registered rental units must be completed. Prior to conducting inspections of those occupied rental units existing as of October 15, 2004, the Department of Planning and Community Development may issue a temporary certificate of compliance as provided in Section 6(b). The Department of Planning and Community Development shall thereafter alternate inspections of rental units biennially. The biennial inspection shall not, however, eliminate an owner's responsibility to register such rental units on an annual basis.

- (1) If the first biennial inspection is in compliance with the Property Maintenance Ordinance and all other Township Ordinances, such rental units will have their next biennial inspection waived. If a complaint is filed with the Township and found to be valid, therefore making said unit not in compliance, the following biennial inspection shall not be waived.
- (2) Nothing in this section shall preclude the inspection of said dwellings more frequently than once every two years.
- (3) The following rental units shall be exempt from biennial inspections as provided below.
 - a) Rental units that were constructed prior to January 1, 1990, shall be exempt from all biennial inspections until there has been a change in occupancy of the rental unit. Nothing in this subsection shall preclude the inspection of said rental units pursuant to subsections 5(b) and/or 5(d) below.
 - b) New rental units that have been issued a certificate of occupancy after October 15, 2000, shall be exempt from the initial biennial inspection. If a valid complaint is not filed regarding the rental unit within the two years following the waived initial inspection, then the next biennial inspection of the rental unit shall also be waived. Nothing in this subsection shall preclude the inspection of said rental units pursuant to subsections 5(b) and/or 5(d) below.

(b) *Basis for Inspections.*

Inspections may be made to obtain and maintain compliance with the standards of this Ordinance based upon one of the following.

- (1) A complaint received by the Department of Community Development, the Allendale Township Community Policing Officers, or any member of the Ottawa County Sheriff's Department, indicating that there is a violation of the standards or the provisions of any Ordinance adopted by the Township or any state law;
- (2) An observation by the Department of Community Development, the Allendale Township Community Policing Officers, or any member of the Ottawa County Sheriff's Department, Allendale Township Staff, or Allendale Fire Chief, of a violation of the standards or the provisions of any Ordinance adopted by the Township or any state law;
- (3) A report or observation of a dwelling unit that is unoccupied and unsecured or a dwelling that is damaged by fire;
- (4) The registration, re-registration and certification of a rental unit as required by this Ordinance;
- (5) The need to determine compliance with a notice or an order issued by the Township;
- (6) An emergency observed or reasonably believed to exist;
- (7) A request for an inspection by the property owner; or
- (8) Requirements of law where a dwelling is to be demolished by the Township or where ownership is to be transferred to the Township.

(c) ***Inspection Procedures.***

(1) Once the Department of Planning and Community Development has determined that a rental unit is in compliance with all of the ordinances adopted by the Township and state law, the inspection required for issuance of a certificate of compliance shall be satisfied. The inspection shall then be valid for a period of two years from the date the certificate of compliance is issued.

(2) If, upon completion of an inspection, the premises are found to be in violation of one or more provisions of applicable Township and State codes and ordinances, the Department of Planning and Community Development shall provide the registered local agent and/or owner with written notice of such violations. The Department of Planning and Community Development shall set a re-inspection date before which such violation shall be corrected. If such violation has been corrected within that period, the inspection required for issuance of a certificate of compliance shall be satisfied. If such violations have not been corrected within that period, the Department of Planning and Community Development shall not issue the certificate of compliance and may take any action necessary to enforce compliance with applicable Township and State codes and ordinances.

(3) If there is a complaint filed on a property with the Department of Planning and Community Development, the owner and/or responsible local agent will be notified in writing. In the event that the complaint is of an emergency nature, as determined by the Department of Planning and Community Development or Allendale Township Community Policing Officers, it will require immediate compliance with adopted Property Maintenance Ordinance. If the complaint is not of an emergency nature, the owner will have fourteen (14) calendar days to correct such violation, after which a re-inspection or written verification from owner and/or responsible local agent and complaining party that the violation has been corrected, will be required.

(4) If an inspection is initiated by a complaint and no violation is found to exist, no inspection fee will be

assessed against the owner of the inspected rental unit in compliance.

(5) Where a re-inspection must be made to ensure conformity with this Ordinance or before a certificate of compliance is issued for those rental units that have been issued violation notices, the Township will charge a separate inspection fee for every inspection when the violation has not been abated or corrected.

(6) If an inspection is scheduled and the owner or responsible local agent fails to appear, an inspection fee shall be assessed against the owner and/or the responsible local agent, and no inspection shall be completed until the inspection fee is paid in full.

(d) *Transfer of Ownership Inspections.*

(1) When there is a transfer of ownership of any rental unit, including an owner-occupied rental unit, and a current certificate of compliance exists for the unit, then the Department of Planning and Community Development shall waive the inspection. The new owner shall comply with the requirements of Section 4(c) of this Ordinance by re-registering the rental unit within sixty (60) calendar days following the transfer of the property.

(2) When there is a transfer of ownership of any rental unit, including an owner-occupied rental unit, and a current certificate of compliance does not exist for the unit, then the Department of Planning and Community Development shall conduct an inspection within thirty (30) calendar days following the notification of the transfer of ownership as required by Section 4(c). If violations of this Ordinance or any other Township ordinance, code or State code or law are found, a notice of violation shall be issued to the owner.

(3) If ownership of any rental unit is transferred contrary to subsection (d)(1) or (2) of this Section, or if the new owner fails to re-register a rental unit as required by Section 4(c) of this Ordinance, the certificate of compliance and rental unit registration shall be deemed to expire within sixty days of the transfer unless appropriate steps are taken to obtain a rental unit registration and certificate of compliance.

(4) Within sixty (60) calendar days of the transfer of ownership of a rental unit, the new owner shall notify all residents of a rental unit which undergoes a transfer of ownership while the individuals are residing in that unit, including an owner-occupied rental unit, of the transfer of ownership.

Section 6. Certificate of Compliance.

No person shall own, operate, lease, rent, occupy, or otherwise allow a rental unit within the Township to be occupied unless there is a valid certificate of compliance issued by the Department of Planning and Community Development for the rental unit. A certificate of compliance shall be issued for each building containing a rental unit.

(a) *Requirements.*

A certificate of compliance shall be issued only after all of the following requirements have been satisfactorily completed.

- (1) Registration of the rental unit with the Department of Planning and Community Development;
- (2) Designation of the responsible local agent;
- (3) Payment in full of any and all required fees for registration, plus any penalties that may have been imposed on the property; and
- (4) Inspection by the Department of Planning and Community Development resulting in a determination that

the rental unit and the property complies with all Township Ordinances and state law.

(b) *Temporary Certificates.*

Temporary certificates of compliance may be issued without prior inspection by the Department of Planning and Community Development for those occupied rental units existing as of October 1, 2004. Such temporary certificates of compliance may be issued as of the effective date of the initial registration following October 1, 2004, to allow property owners to operate such rental units until such time as an inspection may be made by the Department of Planning and Community Development. At such time as an inspection is made and the Department of Planning and Community Development has determined that provisions of this Ordinance have been complied with, the temporary certificate shall expire.

(c) *Posting of the Certificate of Compliance.*

The certificate of compliance shall be displayed in a conspicuous place in each rental unit at all times, along with the name, address and telephone number of the responsible local agent.

Section 7. Fees.

The Township Board shall establish by resolution an appropriate fee for registration and inspections.

If an inspection is initiated by a complaint and no violation is found to exist, no inspection fee will be assessed against the owner of the inspected rental unit in compliance.

Where a re-inspection must be made to ensure conformity with this Ordinance or before a certificate of compliance is issued for those rental units that have been issued violation notices, the Township will charge a separate inspection fee for every inspection when the violation has not been abated or corrected.

Section 8. Maintenance of Records.

All records, files and documents pertaining to the Rental Registration and Licensing and Rental Unit Inspection Program shall be maintained by the Department of Planning and Community Development and made available to the public as allowed or required by State law.

Section 9. Penalty.

Any person who violates this Ordinance shall be responsible for a municipal civil infraction, subject to the procedures and sanctions contained in Ordinance No. 1995-1. Increased civil fines may be imposed for repeated violations, which means a second or subsequent municipal civil infraction violation committed by a person within any twelve (12) month period and for which a person admits responsibility or is determined to be responsible, as provided in Ordinance No. 1995-1.

Section 10. Severability and Captions.

This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, section, subsection, sentence, phrase or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby. The captions included at the beginning of each Section are for convenience only and shall not be considered a part of this Ordinance.

Section 11. Repeal.

All resolutions, ordinances, orders or parts thereof in conflict in whole or in part with any of the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

Section 12. Administrative Liability.

No officer, agent, employee or member of the Township shall render himself or herself personally liable for any damage that may occur to any person or entity as a result of any act or decision performed in the discharge of his or her duties and responsibilities pursuant to this Ordinance.

Section 13. Effective Date.

This Ordinance was approved and adopted by the Township Board of Allendale Charter Township, Ottawa County, Michigan, on October 25, 2004, after introduction and a first reading on September 27, 2004, and publication after first reading as required by Act 359 of the Michigan Public Acts of 1947, as amended. This Ordinance shall be effective immediately upon publication on _____, 2004, in The Ottawa Advance, a newspaper having general circulation in the Township.

Township Supervisor

Township Clerk

