



**Policy and Procedure Guidelines
in support of the
Rental Dwelling Registration and
Rental Dwelling Inspection Program**

City of Owosso, Michigan

August 2014



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1. GENERAL PROVISIONS

A. Statement of Purpose - Intent

The City of Owosso recognizes a compelling interest in establishing standards for the maintenance of sanitary and safe residential rental structures in the city as an important factor for the general health, safety and welfare of all of its citizens. (City Code, Ordinance No. 704, Sec. 8-152.) The intent of these guidelines is to document the policies and procedures that will be used to administer a citywide rental dwelling registration and inspection program.

B. Administration

The rental dwelling registration and inspection program will be administered under the supervision of the Director of Public Safety and the Building Official of the City of Owosso.

C. Goals

The goals of the rental dwelling registration and inspection program are to:

- Promote the safety, health and welfare of the residents of Owosso.
- Support the maintenance of quality rental dwelling units throughout the city.
- Reduce the number of code violations related to rental dwellings in the city.
- Maintain the property values of rental as well as owner-occupied dwellings.
- Support all property owners by enforcing health and safety standards for all rental dwelling units.

D. Applicable Laws, Codes, Ordinances and Standards

The following is a list of laws, codes, ordinances and standards that are applicable to the rental inspection program:

Michigan Housing Law (Act 167 of 1917)
International Property Maintenance Code
City of Owosso Code of Ordinances, Chapter 8: Buildings and Building Regulations
HUD Housing Quality Standards (HQS)
Federal Fair Housing Law Title VIII of the Civil Rights Act of 1968
Michigan Elliot-Larsen Civil Rights Act

E. Fair Housing Policy Statement

The City of Owosso has adopted a fair housing policy which is in compliance with both Federal Fair Housing Law (Title VIII of the Civil Rights Act of 1968) and the Michigan Elliott-Larsen Civil Rights Act (PA 453 of 1976). It is the policy of the City of Owosso to implement programs to ensure equal opportunity in housing for all persons regardless of religion, race, color, national origin, age, sex, height, weight, sexual orientation, familial status, or marital status.

Therefore the City of Owosso shall not discriminate in the sale, rental, leasing, or financing of housing because of religion, race, color, gender, physical or mental disabilities, national origin, age, height, weight, sexual orientation, familial status, or marital status.

The City of Owosso will assist all persons who feel they have been discriminated against because of religion, race, color, gender, physical or mental disabilities, national origin, age, height, weight, sexual orientation, familial status, or marital status to seek equity under federal and state laws by providing information to said persons on how to file a complaint with the Michigan Department of Civil Rights.

Individuals seeking assistance regarding matters of fair housing or of housing discrimination should contact the City of Owosso's Fair Housing Representative at Owosso City Hall.

F. Definitions

"Designated Inspector" means an individual employed by the city to inspect a rental unit or building for compliance with local maintenance codes, statutes, regulations and ordinances. A designated inspector must, at a minimum, meet any equivalent combination of education and experience which provides him or her with the knowledge, skills and abilities to perform the job, as established by the city.

"Landlord" means the owner, agent, lessor, or sublessor of the rental unit or the building of which it is a part.

"Owner" or "property owner" means one or more persons, jointly or severally, in whom is vested all or part of the legal title to property, or all or part of the beneficial ownership and a right to use and enjoyment of the premises, including a mortgagee in possession.

"Owner's Representative" means a person designated by the owner of a rental property as to represent the owner in matters regarding their property. The owner's representative must be designated in writing on the rental registration form filed with the city.

"Premises" means the rental unit and the structure of which it is part, and facilities and appurtenances therein, and grounds, areas, and facilities held out for the use of tenants.

"Rental Dwelling Unit" means a unit in a structure or part of a structure that is used as a home, residence, or sleeping place by one or more persons who maintain a household and a member or members of that household make payments to the landlord for the unit under a rental agreement. This definition includes, but is not limited to all rented single family homes, duplexes, multiple family dwellings, apartment units, rooming houses, boardinghouses and apartment complexes.

"Tenant" means a person entitled by a written or oral agreement, sub-tenancy approved by the landlord or by sufferance, to occupy a rental unit to the exclusion of others.

"Uninhabitable" means a rental unit or building which has an immediately hazardous, life-threatening defect which affects a tenant's health or safety insomuch as it makes the unit unfit for occupancy.

2. RENTAL DWELLING REGISTRATION

A. Background

On March 16, 2009 the Owosso City Council approved an ordinance requiring the registration of all residential rental properties. The purpose of this ordinance is:

- To track rental trends and know which properties are being rented.
- To maintain accurate and up to date contact information for property owners in case the City needs to contact the owner due to an emergency or a code violation.
- To provide educational material to property owners and tenants on City regulations.

The City recognizes the significance of residential rental property. Residential rental properties are an integral part of every community. They can help bring new people into the community that may ultimately purchase property and rental property can also be an essential starting point for young families moving into the area. However, the community recognizes the need to keep all properties maintained and to ensure the viability and value of our neighborhoods. This registration program is one tool to help promote the continued maintenance of quality and safe rental properties and to enhance and maintain property values throughout our community.

B. Registration Required

All rental dwelling units in the City of Owosso are required to be registered with the City. The City ordinance defines a rental dwelling unit as “any single structure, building or other facility promised and/or leased to a residential tenant for use as a home, residence, or sleeping unit.” This definition includes, but is not limited to, all rented single family homes, duplexes, multiple family dwellings, apartment units, rooming houses, boardinghouses and apartment complexes.

Rental Dwelling Registration forms are available at City Hall or on the city’s website. A completed rental dwelling registration form must, at minimum, include:

- The name, address and telephone number of the property owner (no post office box will be accepted) and
- The name, address and telephone number of the owner’s local representative/property manager, if the property owner has opted to use one.

Please review the Rental Dwelling Registration form for full information requirements.

C. Timeframes for Registration

The following timelines have been established for the registration of rental dwelling units:

1) Existing Rental Units - All existing rental units are required initially to register by October 2, 2009 and then will be required to register every five years thereafter.

2) Newly Constructed Rental Units - All newly constructed rental units are required to register prior to any use of occupancy and every five years thereafter.

3) Change of Ownership - A new owner of a rental unit, which is sold, transferred or conveyed, must register the change of ownership within 30 days of the date of closing. Any existing registration will be transferred to the new owner and will be valid until its expiration, after which the new owner will be required to register every five years.

4) Conversion to Rental Units - All existing nonrental units which are converted to rental dwelling units must register prior to the date which the property is occupied for rental purposes and then will be required to register every five years thereafter.

D. Fees for Registration

The fee for rental dwelling registration is \$25.00 per rental unit. This fee will be assessed every five years at the time of registration. The penalty fee for failing to register a rental unit is \$200.00 per occurrence for the first offense and \$400.00 per occurrence for every additional offense within a two year period.

3. LANDLORD AND TENANT PROPERTY MAINTENANCE OBLIGATIONS

A. Overview

Under Michigan law, both landlords and tenants have a responsibility in ensuring that a rental unit is maintained.

B. Landlord Obligations

Landlords are required to keep a rental property in reasonable repair. They are also required to ensure that the property complies with all health and safety laws and local housing and property maintenance codes. Landlords are also required to make necessary maintenance repairs in a reasonable timeframe once they are notified by the tenant.

C. Tenant Obligations

Tenants are required to maintain the premises that they occupy in a safe and sanitary condition. Tenants are also required to comply with local codes including the property maintenance code. Tenants are responsible for promptly notifying a landlord of maintenance problems that arise and for leaving the premise in good condition at the conclusion of the rental term.

4. RENTAL DWELLING INSPECTION PROGRAM

A. Scope of Inspection Program

The rental dwelling inspection program will apply to all residential rental dwelling units located within the City of Owosso. All properties which are deemed residential rental dwelling units shall be inspected by a designated inspector for compliance with City of Owosso housing and property maintenance standards.

1) Owner-Occupied Unit(s) Exempt from Inspection– In cases where the owner occupies a unit or unit(s) within a rental dwelling, the unit which is occupied by the owner

shall be exempt from the rental dwelling inspection program. The only exception to this exemption will be that the owner shall be required to allow access to inspect any items which must be inspected for other units when those items may only be accessed through the owner's personal unit.

B. Inspection Frequency Schedule

1) Standard Inspection Schedule – All residential rental dwelling units shall be inspected a minimum of one time every five years and a maximum of one time per year.

2) Complaint and Violation Inspections – Regardless of the standard inspection schedule, a rental dwelling unit inspection shall be scheduled immediately under any of the following circumstances:

(a) After the registration of the rental dwelling unit which shows the possibility of the not complying with local or state law.

(b) Upon receipt of a written or verbal complaint from an owner, owner's representative or occupant that the premises is in violation of any health, safety of property maintenance code.

(c) Upon receipt of a report or referral from the police department, fire department, public or private school, or another public agency, or a failure to comply with the rental registration ordinance.

(d) Upon evidence of an existing ordinance violation observed by a designated inspector.

(e) At the request of the owner to determine compliance with the International Property Maintenance Code.

(f) If the proposed rental dwelling unit is being converted from a single-family home, a designated inspector shall evaluate the property for public safety violations before first occupied for rental purposes.

Under any of the preceding circumstances, the inspector shall make an appointment with the owner or owner's representative and attempt to execute an inspection of the rental dwelling unit within 24 hours.

C. Scheduling Inspections

Property owners will be contacted in writing with an initial request to schedule an inspection on their rental dwelling unit(s). This request will include, at a minimum, a brochure which outlines the city's rental inspection program and a timeframe within which the property owner is expected to respond. A reasonable effort shall be made to schedule the inspection on a date and time which is convenient to the landlord and tenant.

1) Failure to respond to initial request– Upon failure by a property owner to respond to a request to schedule a rental dwelling inspection a second request will be mailed "Certified" with a signature of receipt requested through the United States Postal Service to the property owner.

2) Failure to respond to additional request(s) – Upon failure by a property owner to respond to a second request to schedule a rental dwelling inspection a citation shall be issued to the property owner. Any subsequent failure to respond may result in the city

seeking a search warrant to inspect the property.

Once an inspection is scheduled the owner or owner's representative must give the inspector at least 24 hours' notice when changing the scheduled appointment with an alternative date and time.

D. Inspection – Requested Presence of Landlord and Tenant

At the time that a rental dwelling is being inspected the property owner or the owner's designated representative and the tenant of the property are both requested to be present. It is in the best interest of both the landlord and tenant to be present while the inspection is being completed. In the event that one of these parties is unavailable to be present during a scheduled inspection, the inspection may be allowed to be completed with only one party present if all parties are agreeable to such arrangement.

1) Presence of an adult required - Under no circumstance will a rental dwelling inspection be completed without the presence of either the property owner (or the owner's representative) or the tenant of the property who is 18 years of age or older. Under no circumstance will a rental dwelling inspection be completed without either party present.

E. Inspection Process

On the scheduled inspection date a designated inspector will meet the property owner and tenant at the property and inspect the premises in a timely manner.

1) Reasonable concern for inspector's safety – cause for cancellation - If at the time of the scheduled inspection the designated inspector determines there is reasonable cause to be concerned for their personal safety the inspector shall leave the premises immediately and notify the Director of Public Safety or the Building Official. The following list represents examples of items which may cause reasonable concern for the inspector's personal safety:

- (a)** Presence of major health violation(s) which poses threat to inspector's safety (e.g. severe insect or rodent infestation, severe sewage backup).
- (b)** Evidence of structural deficiencies which pose imminent danger.
- (c)** Presence of threatening individuals.
- (d)** Presence of unrestrained and threatening animals.

F. Inspection Reports

A designated inspector shall conduct a thorough inspection of the premises and complete a rental dwelling inspection report form. On the report form every applicable item will be marked either "Acceptable" or "Unacceptable". If an item is marked as "Unacceptable" the inspector will state in writing on the report form the minimum repairs that are required to correct the deficiency. The completed report form will be placed in the property file. A copy of the inspection report noting any violations of the property maintenance code or any other provision of the city's ordinances shall be provided to the property owner or the owner's designated representative.

1) Presence of violations which require inspection by licensed building, plumbing, mechanical, or electrical inspector – refer to Building Official – Any noted deficiencies which require inspection by a licensed building, plumbing, mechanical or electrical inspector shall be noted on the inspection report form and referred to the Building Official. The Building Official shall determine which deficiencies require permits issued through the Building Department. Any repairs to deficiencies which require permits must be inspected and approved by a licensed inspector in that field.

(a) Examples of items that will need permits and inspection include, but are not limited to:

- (1) Repair or replacement of electrical panel or electrical wiring.
- (2) Repair or replacement of a furnace or heating unit.
- (3) Repair or replacement of a hot water heater.
- (4) Any new plumbing installation.
- (5) Any changes to venting.
- (6) Large repairs to or replacement of the roof.
- (7) Repairs to or replacement of stairs whether interior or exterior.
- (8) Any structural changes to the building.

2) Presence of violations which require additional investigation – refer to Building Official – Any potential deficiencies which the designated inspector finds to be in need of further investigation shall be noted on the inspection report form and referred to the Building Official for final determination of code compliance.

(a) Examples of items which should be evaluated by the Building Official include, but are not limited to:

- (1) Items which may be due to structural damage including major holes in walls, ceilings, floors and/or the roof.
- (2) Evidence of severe foundation deterioration or damage.
- (3) Presence of scorch marks near any of the following items: any electrical outlets, switches or fixtures; the electrical panel; the hot water heater; or the furnace/heating unit.

3) Presence of major violations – deeming property uninhabitable – In the event that the designated inspector identifies one or more major violations which may make a unit uninhabitable during a rental dwelling inspection, the Building Official shall be immediately notified. The Building Official shall inspect the property as quickly as possible in order to make a final determination of whether or not the property must be vacated.

(a) Major violations shall mean one or more of the following code violations:

- (1) Heating system not fully operational at any time between September 1st and May 1st.
- (2) Hazardous code violations, including any one or more of the following:
 - Exposed electrical wiring
 - Collapsed ceiling or walls caused by water leakage
 - Sewage leaking into walls, floors or onto the ground

- Structural damage causing the building to be determined by the Building Official to be unsafe
 - Lack of water service.
 - Lack of fully functioning plumbing system
 - Fire alarm system not fully functional (multi-family units)
 - Firewalls severely damaged or not maintained
- (3) Any other code violations as determined by the Building Official to be unsafe for occupancy.

(b) Process for vacating property – Upon determination of the Building Official that a property is uninhabitable, the following process for vacating the property shall be followed:

(1) The Building Official will authorize placement of a placard reading “Condemned” on the front door of the premises.

(2) The Building Official will determine the timeline for vacating the property based on the nature of the violation(s) present.

(2) Both the building owner and all tenants shall be provided written notice that the structure is unfit for human occupancy and informing them of the timeline for vacating the property.

(3) The Housing Program Manager shall be notified and will attempt to arrange for alternative temporary housing for the tenants that may need it.

G. Photographs

The designated inspector shall take color photographs of the deficiencies noted in the inspection report. The photographs will be placed into the property file. Property owners or the owner’s designated representative will be provided copies of any photographs upon request.

H. Timeline for Necessary Repairs

Whenever deficiencies are noted during an inspection the designated inspector shall direct the owner or owner's representative in writing to correct violations within the time set forth in the report. A reasonable time for correcting violations shall be determined by the inspector in light of the nature of the violations and all relevant circumstances, which shall not exceed 45 days, unless correction of the violation within a 45-day period is impossible due to seasonal considerations. Upon request of the person responsible for correcting violations, the inspector may extend the time for correcting violations, but not to exceed an additional 30 days.

I. Re-Inspection

Once the necessary repairs have been completed to correct deficiencies noted during the initial rental dwelling inspection, the property must be re-inspected. A re-inspection may be scheduled at any time once the repairs have been made, however, no later than the date established for correcting the violations. At the time that a rental dwelling is being re-inspected the property owner or the owner’s designated representative and the tenant of the property are both requested to be present. The designated inspector will re-inspect the noted

deficiencies using the inspection report form and mark inspected areas as “Acceptable” or “Unacceptable”.

1) Failure to schedule re-inspection– Upon failure by a property owner to schedule a re-inspection of a rental dwelling a city official will attempt to contact the owner by telephone. If contact with the owner cannot be made by telephone, a letter will be mailed “certified” with a signature of receipt requested through the United States Postal Service to the property owner requesting that they schedule the re-inspection.

2) Additional failure to schedule re-inspection – Upon failure by a property owner to schedule a re-inspection after being contacted both by telephone and through “certified” mail, a citation shall be issued to the property owner. Any subsequent failure to schedule may result in the city seeking a search warrant to re-inspect the property.

J. Failure to Make Repairs

Upon failure by a property owner to correct deficiencies in the time frame set forth, a citation shall be issued to the property owner and the property owner will be notified again in writing that the repairs must be completed within a timeframe specified. Any subsequent failure to correct deficiencies may result in the city seeking court-ordered compliance. In addition, the Building Official shall review uncorrected deficiencies to determine whether a property should be vacated until the repairs are made.

K. Final Approval

Upon completion of a rental dwelling inspection which finds the unit to have no deficiencies the property owner will be notified in writing that the property has been found in compliance with the city of Owosso’s minimum standards for rental units. The notification will include a copy of the approved inspection report form for the property owner’s records.

5. RIGHT TO APPEAL

The International Property Maintenance Code establishes the following means of appealing issues that arise from the enforcement of the code:

SECTION PM-111.0 RIGHT TO APPEAL

PM-111.1 Petition: Any person affected by any notice which has been issued concerning the enforcement of any provision of this code, or of any rule or regulation adopted pursuant thereto, shall have the right to request and shall be granted a hearing on the matter before the board; provided that such person shall file, in the office of the board, a written petition requesting such hearing and containing a statement of the grounds therefore within 20 days after the day the notice was served.

PM-111.2 Appeals board: In order to protect existing structures in the jurisdiction by vigorous enforcement of the provisions of this code, there shall be and is hereby created a code appeals board (hereafter referred to as the board) consisting of five members who shall be appointed by the chief executive officer of the jurisdiction.

PM-111.2.1 Membership: The Owosso Building Board of Appeals shall hear all appeals of

this ordinance.

PM-111.2.2 Vote: The board shall hear all appeals relative to the enforcement of this code, and by a concurring vote of the majority of its members shall reverse or affirm wholly or partly, or modify, the decision appealed from, and shall make such order or determination as in the opinion of the board ought to be made. Failure to secure such concurring votes shall be deemed a confirmation of the decision of the code official.

PM-111.2.3 Financial interest: A member of the board shall not participate in any hearings or vote on any appeal in which that member has a direct or indirect financial interest, or is engaged as a contractor, or is engaged in the preparation of plans and specifications, or in which that member has any personal interest.

PM-111.3 Records: The secretary of the board shall keep a record of each meeting so that the record shows clearly the basis for each decision made by the board.

6. PROGRAM ADMINISTRATION

A. Files

Permanent files containing rental dwelling registration forms and rental dwelling inspection reports and related information will be maintained in the Building Department of Owosso City Hall.

B. File Retention

The following schedule of file retention will be adhered to regarding documents pertaining to the rental dwelling registration and inspection program:

- 1) Rental Dwelling Registration Form(s)*** – All rental dwelling registration forms shall be retained for the life of the property.
- 2) Rental Dwelling Inspection Report Forms*** – All rental dwelling inspection report forms shall be retained for the life of the dwelling plus an additional ten years.

C. Use and Conflict

This policy is intended to supplement the 2012 International Property Maintenance Code for the purposes of administrating the City of Owosso rental inspection program. The 2012 International Property Maintenance Code is the official document to be used and referenced by the city to carry out and enforce the rental inspection program. Wherever there is a discrepancy regarding standards or procedures noted herein and those contained in zoning regulations, building code, the property maintenance code, or other official regulations or ordinances the most restrictive shall apply.