

CITY COMMISSION
CITY OF KENTWOOD

ORDINANCE NO. 7 -17

AN ORDINANCE TO AMEND SECTIONS 74-72, 74-73, 74-74, 74-75, 74-76, 74-77
AND 74-78 OF ARTICLE 3, CHAPTER 74 OF THE CODE OF ORDINANCES,
CITY OF KENTWOOD, MICHIGAN, ENTITLED
“RENTAL DWELLING INSPECTION PROGRAM”

THE CITY OF KENTWOOD ORDAINS:

Section 1. Amendment of Section 74-72. That Section 74-72 of the Code of Ordinances, City of Kentwood, Michigan, is amended to read in its entirety as follows:

Sec. 74-72. - Definitions.

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

Agent means any person authorized by the owner who has charge, care or control of a rental dwelling or rental unit which is let or offered for occupancy. The owner must officially notify the city of any agent authorized to act on his behalf. The owner may authorize a tenant to act as agent for a rental dwelling or rental unit.

Applicable codes means the current fire prevention, building and property maintenance codes adopted by the city, including definitions and applicable terms, and other city ordinances.

Building official means the director of the inspections department or his authorized representatives or designees who perform rental inspections under this article.

Let for occupancy or let means to permit, provide or offer possession or occupancy of a rental dwelling or rental unit by a person who is not the legal owner pursuant to an oral or written rental or lease agreement or other valuable compensation.

Occupancy means the purpose for which a dwelling unit is utilized or occupied.

Occupant means any individual living or sleeping in a dwelling unit or having possession of a space within a rental unit.

Owner means any person or legal entity having an equitable interest in a rental dwelling; or recorded in the official records of the county or city as holding title to the rental dwelling; or otherwise having control of the rental dwelling, including the

guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of a rental dwelling by a court.

Rental dwelling means any building or structure let for occupancy which is wholly or partly used or is intended to be used as habitable space. This shall include any area within the building that contains mechanical equipment for the rental unit, hallways or other spaces that serve the rental unit, and the premises of the rental dwelling.

Multiple family rental dwelling means a dwelling let for occupancy or let containing two or more rental units, each unit occupied as a single housekeeping unit by a single-family or functional family, as defined in the City of Kentwood Zoning Ordinance, chapter 2, section 2.02.F, as amended.

Single-family rental dwelling means a dwelling let for occupancy or let as a single housekeeping unit by a single family or functional family, as defined in the City of Kentwood Zoning Ordinance, chapter 2, section 2.02.F, as amended.

Rental unit means a single housekeeping unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Section 2. Amendment of Section 74-73. That Section 74-73 of the Code of Ordinances, City of Kentwood, Michigan, is amended to read in its entirety as follows:

Sec. 74-73. - Scope.

- (a) This article shall apply to any dwelling, in whole or in part, which is let for occupancy by persons pursuant to any oral or written rental or lease agreement or other valuable consideration, or to any occupant therein.
- (b) This article shall be governed by the applicable codes currently adopted by the city, including definitions and applicable terms, and other city ordinances.
- (c) This article does not apply to jails, hospitals, skilled care facilities, schools, assisted living facilities, retirement homes or foster care homes.
- (d) This article shall apply to the inspection of hotels and motels as permitted under applicable codes.
- (e) Compliance with the requirements imposed by this article shall not excuse compliance with other applicable laws, ordinances, rules or regulations and compliance with other applicable laws, ordinances, rules and regulations shall not excuse compliance with this article.

Section 3. Amendment of Section 74-74. That Section 74-74 of the Code of Ordinances, City of Kentwood, Michigan, is amended to read in its entirety as follows:

Sec. 74-74. - Rental registry.

- (a) Owners shall provide to the city in writing the information described in this section for the purpose of establishing and maintaining a rental registry. The city shall maintain a registry of all rental dwellings and rental units, upon such form as may be prescribed by the building official containing, at a minimum, the following information:
 - (1) Rental dwelling and rental unit address.
 - (2) Rental dwelling parcel number.
 - (3) Number and type of rental units in the rental dwelling.
 - (4) Name, address, telephone number and e-mail address of the owner. In a case in which the owner is not an individual, the owner information shall be that of the president, general manager or other chief executive officer of the entity.
 - (5) Name, address, e-mail address and telephone number of the owner and/or designated agent who is authorized to accept notices and calls from the city. A local agent is required for every rental unit where an owner does not reside in Kent County or any adjoining county.
- (b) It is a violation of this article for an owner to fail to provide information required by the city for the rental registry, or to provide inaccurate information.
- (c) Owners shall comply with the following rental registry requirements:
 - (1) All rental dwellings and rental units shall be registered under this article prior to use or occupancy as a rental dwelling or rental unit.
 - (2) All newly constructed rental dwellings shall register and receive a certificate of compliance prior to any use or occupancy as a rental dwelling.
 - (3) All existing non-rental structures which are converted to rental dwellings shall register and receive a certificate of compliance prior to any use or occupancy as a rental dwelling.
 - (4) Any change in the information required by this section shall be communicated in writing to the city within 30 days of the change. Failure to notify the City within 30 days of a change is a violation of this ordinance.
- (d) Subsequent to the registration of a rental dwelling, the owner or designated agent shall contact the building official to schedule an initial compliance inspection under section 74-76.

Section 4. Amendment of Section 74-75. That Section 74-75 of the Code of Ordinances, City of Kentwood, Michigan, is amended to read in its entirety as follows:

Sec. 74-75. - Certificate of compliance.

- (a) No rental dwelling, rental unit, or hotel or motel unit shall be let for occupancy or occupied unless there is a valid certificate of compliance issued by the city for that rental dwelling, rental unit, or hotel or motel unit. The City will issue a

certificate of compliance for a rental dwelling, rental unit or the equivalent where the City finds that the structure, unit(s), accessory buildings and yards are in compliance with the provisions of this article and the applicable codes, including but not limited to the applicable building code(s) and the International Property Maintenance Code, as adopted by reference by the City.

- (b) A certificate of compliance shall not be issued for rental dwellings with outstanding bills or liabilities to the city as required by section 2-1, including all fees as required by this article.
- (c) A certificate of compliance shall be valid in accordance with the following guidelines:
 - (1) Any rental dwelling or any dwelling containing at least one (1) rental unit, hotel unit or rooming unit, shall be in substantial compliance with the provisions of this Chapter. No rental dwelling, rental unit, hotel unit or rooming unit shall be occupied prior to the issuance of a Certificate of Compliance.
 - (2) The City shall issue a Certificate of Compliance for a rental dwelling where the City finds that the structure, rental dwelling, its units, accessory buildings and yards are in compliance with the provisions of this Chapter.
- (d) **Validity of Certificate of Compliance.**
 - (1) *Six-year Certificate of Compliance.* A Certificate of Compliance shall be valid for no more than six (6) years. Each Certificate shall contain an expiration date. For any rental dwelling containing at least one (1) rental unit, a six-year Certificate of Compliance shall be issued provided:
 - (a) The property has been owned by the same owner since the last certification.
 - (b) The property has no recorded or verified violations since the last certification.
 - (c) The property owner contacts the City for a Certificate of Compliance inspection within ninety (90) days prior to the expiration of the current Certificate of Compliance.
 - (2) *Four-year Certificate of Compliance.* For any rental dwelling containing at least one (1) rental unit, a four-year Certificate of Compliance shall be issued provided:
 - (a) The property owner contacts the City for a Certificate of Compliance inspection within ninety (90) days prior to the current Certificate of Compliance expiration date.
 - (b) The property is brought into compliance either prior to the Certification expiration date or within the time frame provided in the Notice of Violation, including deferred due dates. The Notice of Violation shall be issued before the Certificate of Compliance expires and shall serve as a temporary Certificate of Compliance.
 - (3) *Two-year Certificate of Compliance.* For any rental dwelling containing more than one (1) rental unit, or a non-owner occupied duplex, a two-year

Certificate of Compliance shall be issued if all of the conditions of either a six-year Certificate of Compliance or four-year Certificate of Compliance have not been met.

- (4) *Certification of newly-constructed rental dwellings.* A six-year Certificate of Compliance may also be granted for a newly-constructed rental dwelling, which has been granted a Use and Occupancy Permit by the City.
- (5) *Certification inspections.* All units shall be inspected in multiple dwellings that contain twenty (20) or less units within a building and/or each multiple dwelling containing four (4) or more buildings, except where:
 - (a) The property owner contacts the City for a Certificate of Compliance inspection within ninety (90) days prior to the expiration of the current Certificate; and
 - (b) The property owner registers the property prior to the current Certificate of Compliance expiration date. If both of the above conditions are met, only ten (10) percent of the units or 20 units (whichever is greater) shall be inspected. The units inspected shall be chosen at random by the inspector. For each unit where a violation is discovered, an additional unit may be added to the total number of units inspected.
- (6) *Condominiums.* For purposes of this Chapter, a condominium is defined as a building or buildings that contain individually owned apartments, units, or homes where the interior maintenance is the responsibility of the unit owner and the exterior environment responsibility remains with the condominium association.

For the purpose of certification, the following shall apply:

- (a) If the owner lives in the condominium unit of which he/she is the owner and occupant, no certification or registration is required.
 - (b) If the owner owns an individual unit of which he/she is not the occupant, the condominium will be considered a single family rental and shall comply with all registration and certification requirements as that of other single family rentals.
 - (c) When the developer has condominiums for sale that are not sold but are rented or vacant, for purposes of this Article, shall be considered a multiple unit property for certification and registration purposes.
- (7) *Transfer of Certificate of Compliance.* A Certificate of Compliance is valid only while the owner that is applying for the Certificate owns the property. A Certificate of Compliance may be transferred if:
 - (a) The sale occurs within ninety (90) days of the issuance of the Certificate of Compliance to the seller, and
 - (b) The buyer notifies the City of the transfer of ownership within thirty (30) days of the sale. Such transferred Certificate will expire upon the date stated on the Certificate. A six-year Certificate of Compliance shall not be transferred to a new owner. A six-year Certificate, when transferred to a new owner within ninety (90) days of the issuance of the

Certificate of Compliance, shall revert to a two-year Certificate of Compliance.

- (8) *Suspension of Certificate of Compliance.*
 - (a) A Certificate of Compliance may be suspended when the City has cited a substantial violation of the provisions of this Chapter, and shall be suspended if a hazard to health or safety is found to be present. If a Certificate of Compliance is suspended, the suspension shall be noted in the Notice of Violation.
 - (b) Failure of a buyer to notify the City of the change in ownership shall result in suspension of the Certificate of Compliance. A new Certificate issued subsequent to a suspension shall be retroactive to the date of sale, with the owner responsible for all applicable fees from that date.
 - (c) Where a Certificate of Compliance has been suspended, or when the premises have not been issued a Certificate of Compliance, the City may seek to suspend payments of rent, with such rents paid into an escrow account established pursuant to State law.
- (9) *Expiration of Certificate of Compliance.* A Certificate of Compliance shall expire on the date stated on the Certificate. It shall be a violation of this Chapter for any unit in a rental dwelling to be occupied sixty (60) days after the expiration of the Certificate of Compliance.
- (10) *Renewal of Certificate of Compliance.* The owner shall be responsible for registering a rental dwelling and arranging a compliance inspection prior to the expiration date on the Certificate of Compliance. When a Certificate of Compliance is reissued in accordance with this Chapter, it shall have a two-year, a four-year, or a six-year expiration date with the same month and day as shown on the previous Certificate regardless of the date that the new Certificate is actually issued at the discretion of the Building Official.
- (11) *Certificate of Compliance not required.* A Certificate of Compliance shall not be required for living or sleeping accommodations in jails, hospitals, skilled care facilities, school dormitories, assisted living facilities, foster homes, or where periodic inspections by the City are not otherwise required by law.

Section 5. Amendment of Section 74-76. That Section 74-76 of the Code of Ordinances, City of Kentwood, Michigan, is amended to read in its entirety as follows:

Sec. 74-76. - Compliance inspection.

- (a) Subsequent to the registration of a rental dwelling, the owner or designated agent shall contact the building official to request an initial compliance inspection as follows:
 - (1) For all newly constructed rental dwellings and rental units, the owner or designated agent shall contact the building official to request the

- compliance inspection at least one (1) day prior to the final inspection to obtain a certificate of occupancy as required under the building code.
- (2) For all existing non-rental structures that are converted to rental dwellings or rental units, and for all rental dwellings and units that are added to the rental registry, the owner or designated agent shall contact the building official to request an initial compliance inspection within fourteen (14) days after submitting the rental registry information.
- (b) The owner or designated agent shall contact the building official at least thirty (30) days before expiration of an existing certificate of compliance to schedule a periodic inspection. Failure of the building official to conduct a periodic compliance inspection prior to the expiration of a certificate of compliance, which failure is not due to any actions of the owner, agent or tenant, shall result in the owner or agent being permitted to let for occupancy the rental dwellings and rental units until the building official has conducted an inspection.
 - (c) Failure to contact the building official to request an initial or periodic inspection as required under this article shall result in a fee in accordance with the fee schedule adopted by the city commission from time to time, and no initial or periodic rental inspections shall be conducted for a rental dwelling or rental unit until such fee is paid.
 - (d) Non-periodic compliance inspections will be scheduled as soon as practical by the building official:
 - (1) Upon receipt of a written complaint from an owner, agent, occupant or citizen who would have occasion to be aware that the rental dwelling or rental unit is in violation of this article.
 - (2) Upon receipt of a report or a referral from any city department, public or private school or other public agency.
 - (3) Upon receipt of knowledge that a rental dwelling is not registered with the city as required by this article.
 - (e) Nothing in this article prohibits the building official from initiating or scheduling or conducting any inspection authorized under this article.
 - (f) No person shall cause a compliance inspection to be made for the sole purpose of harassing any individual, corporation, or governmental agency when a violation is not present.
 - (g) If the building official is unable to schedule an inspection due to the owner or agent's action, failure to act, or refusal to permit an inspection after reasonable notice of the intent to inspect, the owner or agent shall not let the rental dwelling or rental unit for occupancy and, if occupants are utilizing the rental dwelling or rental unit, the building official may require vacation of the rental dwelling or rental unit.
 - (h) Reasonable entry and access to rental dwellings and rental units shall be granted to the building official or the building official's designated inspector(s) as follows:

- (1) The building official is authorized entry and access to a rental dwelling or rental unit at reasonable times to inspect to ensure compliance with the terms of this article.
 - (a) If entry or access is not made available by the owner, the building official is authorized to revoke the existing certificate of compliance, pursue administrative warrants or pursue other recourse as provided by law.
 - (b) If entry or access is not made available by the tenant, the building official is authorized to pursue administrative warrants or pursue other recourse as provided by law.
 - (2) The owner or agent must accompany the inspector and allow full entry and access to the rental dwelling and rental unit.
- (i) If a rental dwelling or rental unit should fail a compliance inspection, a subsequent re-inspection will be required with an additional fee.
- (1) In the event an inspection discloses that a rental dwelling or rental unit is not in compliance with applicable codes, the building official will establish a record of the requirements that must be undertaken by the owner, and in what timeframe, in order to schedule a re-inspection. A certificate of compliance will be issued or confirmed only when those requirements have been met and all inspection fees are paid.
 - (2) In the event an inspection discloses that a rental dwelling or rental unit is not in compliance with applicable codes and the rental dwelling or rental unit is occupied, the building official will indicate whether the conditions are such that the rental dwelling or rental unit must be vacated, or whether steps to bring the rental dwelling or rental unit into compliance with applicable codes may continue while the rental dwelling or rental unit continues to be occupied.
 - (3) The city may revoke a certificate of compliance if a rental dwelling or rental unit fails any inspection.

Section 6. Amendment of Section 74-77. That Section 74-77 of the Code of Ordinances, City of Kentwood, Michigan, is amended to read in its entirety as follows:

Sec. 74-77. - Penalties.

- (a) Any violation of this article shall be a municipal civil infraction.
- (b) In addition to any penalties imposed by law, upon a finding of responsibility by the court for a violation of this article the city shall be entitled to immediately revoke an existing certificate of compliance and shall entitle the city to seek the issuance of a court order compelling the eviction of all persons and property upon the premises until a certificate of compliance is issued by the city.

Section 7. Amendment of Section 74-78. That Section 74-78 of the Code of Ordinances, City of Kentwood, Michigan, is amended to read in its entirety as follows:

Sec. 74-78. - Fees.

- (a) The owner of a rental dwelling and rental unit will be assessed a fee for compliance inspections and re-inspections as required in this article. The fees will be in an amount as specified by resolution adopted by the city commission.
- (b) A fee shall be assessed to cover the city's cost of handling an appeal as allowed in this article. That fee shall be waived if the committee of the whole of the city commission finds in favor of the appellant.
- (c) If the rental dwelling or rental unit that undergoes a non-periodic compliance inspection passes the inspection, the fee shall be waived for the inspection.
- (d) Fees as established by the city shall be paid prior to the issuance of a certificate of compliance.

Sec. 8. Effective date. This ordinance shall take effect 10 days after publication.

The foregoing Ordinance was offered by Commissioner Haas, supported by Commissioner Artz, the vote being as follows:

YEAS: Commissioners Artz, Brown, Coughlin, DeMaagd and Haas.

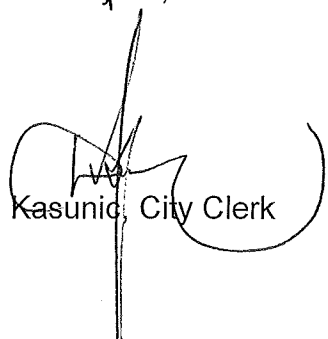
NAYS: None.

ABSENT: Commissioner Clanton and Mayor Kepley

ORDINANCE NO. 7 - 17 DECLARED ADOPTED.


Dan Kasunic, City Clerk

I hereby certify the foregoing to be a true copy of an ordinance adopted at a regular meeting of the Kentwood City Commission held July 10, 2017.


Dan Kasunic, City Clerk