

SUMMARY

This proposed ordinance amends Chapter 9, of the 1984 Detroit City Code, *Buildings and Building Regulations*, by amending Article I, *Detroit Property Maintenance Code*, Division 1, *In General*, to amend Sections 9-1-19 and 9-1-20; Division 2, *Administration and Enforcement*, to amend Sections 9-1-36 and 9-1-37; and Division 3, *Requirements for Rental Property*, Subdivision A, *In General*, to amend Sections 9-1-81 through 9-1-83, and to add Section 9-1-84; in order to (1) update penalties and fines for violations of the article; (2) update and expand the provisions relating to an appeal of a denial or suspension of a certificate of compliance, (3) amend requirements to obtain and maintain a certificate of compliance for a property, including a requirement to be substantially current on property taxes for that property; (4) update registration and inspection requirements for rental property; (5) establish a process by which existing tenants of non-compliant rental properties may escrow rent; (6) update provisions for lead inspection, risk assessment, and lead clearance for lead-based paint hazards in rental properties; and (7) permit the city, pursuant to the authority delegated by Section 126(3) of the Michigan Housing Law, 1917 PA 167, being MCL 125.526(3), to accept inspections for multiple dwellings and rooming houses conducted by the United States Department of Housing and Urban Development, or other governmental agencies.

1 **BY COUNCIL MEMBER _____:**

2 **AN ORDINANCE** to amend Chapter 9, of the 1984 Detroit City Code, *Buildings and Building*
3 *Regulations*, by amending Article I, *Detroit Property Maintenance Code*, Division 1, *In General*, to amend
4 Sections 9-1-19 and 9-1-20; Division 2, *Administration and Enforcement*, to amend Sections 9-1-36 and
5 9-1-37; and Division 3, *Requirements for Rental Property*, Subdivision A, *In General*, to amend Sections
6 9-1-81 through 9-1-83, and to add Section 9-1-84; in order to (1) update penalties and fines for
7 violations of the article; (2) update and expand the provisions relating to an appeal of a denial or
8 suspension of a certificate of compliance, (3) amend requirements to obtain and maintain a
9 certificate of compliance for a property, including a requirement to be substantially current on
10 property taxes for that property; (4) update registration and inspection requirements for rental
11 property; (5) establish a process by which existing tenants of non-compliant rental properties may
12 escrow rent; (6) update provisions for lead inspection, risk assessment, and lead clearance for lead-
13 based paint hazards in rental properties; and (7) permit the city, pursuant to the authority delegated
14 by Section 126(3) of the Michigan Housing Law, 1917 PA 167, being MCL 125.526(3), to accept
15 inspections for multiple dwellings and rooming houses conducted by the United States Department
16 of Housing and Urban Development, or other governmental agencies.

17 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:**

18 **Section 1.** Chapter 9 of the 1984 Detroit City Code, *Buildings and Building Regulations*, is amended
19 by amending Article I, *Detroit Property Maintenance Code*, Division 1, *In General*, Sections 9-1-19 and 9-
20 1-20; Division 2, *Administration and Enforcement*, Sections 9-1-36 and 9-1-37; and Division 3,
21 *Requirements for Rental Property*, Subdivision A, *In General*, Sections 9-1-81 through 9-1-83; and by
22 adding Section 9-1-84, to read as follows:

23 **CHAPTER 9. BUILDINGS AND BUILDING REGULATIONS**
24 **ARTICLE I. DETROIT PROPERTY MAINTENANCE CODE**

DIVISION 1. IN GENERAL

Sec. 9-1-19. Violations.

(a) In accordance with Section 4c(3) of the Michigan Home Rule ~~Cities~~ City Act, being MCL 117.41(4), and ~~Sections~~ Secs. 1-1-9(c) and 8.5-2-1, of ~~the 1984 Detroit City~~ this Code, a violation of this article is deemed to be a blight violation.

(b) Any person who violates any section of this article may be issued a blight violation notice pursuant to Chapter 8.5 of ~~the 1984 Detroit City~~ this Code for each day that the violation continues.

(c) In accordance with Chapter 8.5 of ~~the 1984 Detroit City~~ this Code, any person, firm, partnership or corporation, or anyone acting on behalf of said person, firm, partnership or corporation, who admits responsibility or is found to be responsible, through a blight violation determination, for violation of this article shall be subject to a civil fine.

Sec. 9-1-20. Civil fines for violations of article.

(a) The following schedule of civil fines shall be assessed and paid at the Department of Administrative Hearings for the specified violations of this article:

	<i>First Offense</i>	<i>Second Repeat Offense</i>	<i>Third and Subsequent Repeat Offense</i>
I. Failure to meet a requirement of this article, except as otherwise specified:			
One- or two-family dwelling	\$50.00	\$100.00	\$200.00
All other structures, except buildings with five			

		<i>First Offense</i>	<i>Second Repeat Offense</i>	<i>Third and Subsequent Repeat Offense</i>
1	(5) or more stories	100.00	200.00	500.00
2	Buildings with five (5) stories	200.00	500.00	1,000.00
3				
4	II. Failure of to comply with an emergency or			
5	imminent danger order concerning an unsafe or			
6	unsanitary structure or unlawful occupancy.			
7	One- or two-family dwelling	500.00	1,000.00	1,500.00
8	All other structures, except buildings with five			
9	(5) or more stories	1,000.00	1,500.00	2,000.00
10	Buildings with five (5) or more stories	1,500.00	3,000.00	5,000.00
11	III. Failure of the owner to obtain a certificate of			
12	compliance in violation of section <u>Sec. 9-1-36</u> of			
13	the 1984 Detroit City <u>this</u> Code.	250.00	500.00	1,000.00
14	IV. Failure of the owner to obtain a certificate of			
15	registration for vacant property in violation of			
16	section <u>Sec. 9-1-50</u> of this Code.	250.00	375.00	500.00
17	V. Failure of the owner to obtain a certificate of			
18	registration for rental property in violation of			
19	Section <u>Sec. 9-1-81</u> of the 1984 Detroit City <u>this</u>			
20	Code.	250.00	350.00	500.00

		<i>First Offense</i>	<i>Second Repeat Offense</i>	<i>Third and Subsequent Repeat Offense</i>
1	VI. Failure to obtain a lead clearance for rental			
2	property in violation of section <u>Sec. 9-1-83</u> of the			
3	1984 Detroit City <u>this</u> Code.			
4	One- or two-family dwelling	500.00	1,000.00	2,000.00
5	All other structures, except buildings with five			
6	(5) or more stories	1,000.00	2,000.00	4,000.00
7	Buildings with five (5) or more stories	2,000.00	4,000.00	8,000.00
8	VII. Failure to remove snow or ice in violation of			
9	Section <u>Sec. 9-1-103</u> of the 1984 Detroit City			
10	<u>this</u> Code:			
11	One- or two-family dwelling	50.00	125.00	250.00
12	All other buildings, premises, or structures.	100.00	250.00	500.00
13	VIII. Weeds or plant growth in violation of Section			
14	<u>Sec. 9-1-104</u> of the 1984 Detroit City <u>this</u> Code.	50.00	125.00	250.00
15	IX. Rodent harborage in violation of Section <u>Sec. 9-</u>			
16	<u>1-105</u> of the 1984 Detroit City <u>this</u> Code.	100.00	250.00	500.00
17	IX. Failure to remove inoperable or unlicensed motor			
18	vehicle from premises in violation of Section			
19	<u>Sec. 9-1-110</u> of the 1984 Detroit City <u>this</u> Code.	100.00	250.00	500.00
20	XI. Failure to maintain a vacant building or structure			

	<i>Second</i>	<i>Third and</i>
	<i>First</i>	<i>Subsequent</i>
	<i>Offense</i>	<i>Repeat Offense</i>

1 in accordance with the requirements of ~~Section~~
 2 Sec. 9-1-113 of this Code.

3	One- or two-family dwelling	500.00	750.00	1,000.00
4	All other structures, except buildings with five			
5	(5) or more stories	750.00	1,250.00	1,500.00
6	Buildings with five (5) or more stories	1,000.00	2,000.00	3,000.00

7 (b) In the case of a firm, or a partnership, the civil fine may be imposed upon the
 8 partnership or members thereof, and in the case of a corporation, the civil fine may be imposed
 9 upon the officers thereof.

10 (c) The imposition of a civil fine, or the payment of same, under this section shall not be
 11 construed as excusing or permitting the continuance of any violation of this article.

12 (d) A civil fine that is paid before the administrative hearing date shall be reduced by ~~ten~~
 13 ~~(10) percent~~ 10%.

14 (e) A civil fine that is paid after the administrative hearing date shall be increased by ~~ten~~
 15 ~~(10) percent~~ 10%.

16 (f) A civil fine that is paid on the administrative hearing date neither shall be reduced nor
 17 shall be increased.

18 (g) Pursuant to Section 4q(13) of the Michigan Home Rule ~~Cities~~ City Act, being MCL
 19 117.4q(13), and ~~Section~~ Sec. 8.5-3.5(a) of ~~the 1984 Detroit City~~ this Code, Department of
 20 Administrative Hearings ~~hearing~~ hearings officers shall impose a justice system assessment fee

1 for each blight violation determination.

2 (h) Pursuant to ~~section~~ Sec. 8.5-3.5(b) of the 1984 Detroit City this Code, each blight
3 violation notice shall be subject to an administrative processing and adjudication fee, established
4 by the Director of the Department of Administrative Hearings and approved by the City Council.

5 (i) Pursuant to Section 117.4q(3) of the Michigan Home Rules ~~Cities~~ City Act, being MCL
6 117.4q(4), and ~~section~~ Sec. 8.5-3-2(4) of the 1984 Detroit City this Code, a hearings officer from
7 the Department of Administrative Hearings may waive a fine for a blight violation at an owner-
8 occupied dwelling, or for an owner who is verified as “low income,” provided that such owner is
9 a first-time violator of the Code and where the violator has corrected the circumstances of the
10 violation. For purposes of this subsection, an owner shall qualify as “low income” if the owner
11 establishes that his or her household income is at or below 50% of the median household income
12 for the City of Detroit as determined by the most recent United States Census, if the owner has
13 been granted eligibility for the Detroit Homeowners Property Tax Assistance Program, or if the
14 owner meets criteria that the director of the buildings safety engineering and environmental
15 department may promulgate in his or her discretion.

16 DIVISION 2. ADMINISTRATION AND ENFORCEMENT

17 **Sec. 9-1-36. Certificate of compliance required; violation for failure to obtain; temporary**
18 **certificate and modifications.**

19 (a) The following buildings and structures shall be required to have a certificate of
20 compliance issued by the buildings, ~~and~~ safety engineering and environmental department:

- 21 (1) All buildings and structures required to be inspected pursuant to ~~section~~ Sec. 9-1-
22 35(d) of the 1984 Detroit City Code; and
23 (2) One- and two-family dwellings, or any part of a residential structure, which are

1 occupied by persons pursuant to an oral or written rental contract or lease
2 agreement for monetary compensation. This requirement shall not include one-
3 family dwellings which are occupied by the owner of the structure and the owner's
4 immediate family and those portions of a two family dwelling which are occupied
5 by the owner and the owner's immediate family.

6 (b) As required by this article, certificates of compliance for buildings and structures shall
7 be issued, upon inspection, by the buildings, ~~and~~ safety engineering and environmental
8 department, correction of any violations, ~~and~~ a determination by the buildings, ~~and~~ safety
9 engineering and environmental department that the building or structure is in compliance with
10 this article, including but not limited to the standards in Sec. 9-1-37(a).

11 (c) The certificate of compliance, ~~that is~~ issued by the buildings, ~~and~~ safety engineering and
12 environmental department pursuant to this article, shall be posted in a conspicuous place within
13 the building or structure and readily available for inspection with the exception of certificates of
14 compliance issued for one and two-family rental dwellings. Certificates of compliance for one-
15 and two-family rental dwellings shall be maintained by the owner and made available upon
16 request by the director of the buildings, ~~and~~ safety engineering and environmental department or
17 the public health director, or their authorized local officials or designees, or by any current or
18 prospective tenant.

19 (d) ~~It~~ Subject to Sec. 9-1-82, it shall be unlawful to occupy or use a building, premises, or
20 structure required to have a certificate of compliance under this article, or cause same to be
21 occupied, without the required certificate of compliance for the building, premises, or structure.
22 Upon the issuance of a blight violation notice and a finding that the building, premises, or
23 structure is unsatisfactory for human habitation, the director of the buildings, ~~and~~ safety

1 engineering and environmental department or public health director may order such building,
2 premises, or structure vacated.

3 (e) Whenever there are practical difficulties ~~Involved~~ involved in carrying out the
4 provisions of this article, the director of the buildings, ~~and~~ safety engineering and environmental
5 department shall have the authority to issue a temporary certificate of compliance or grant
6 modifications for individual cases, provided the director of the buildings, ~~and~~ safety engineering
7 and environmental department shall first find a specific reason that:

8 (1) Would make the strict letter of this article impractical;

9 (2) The modification from the requirement is in compliance with the intent and
10 purpose of this article; or

11 (3) Such modification does not lessen any health and safety requirements of any
12 provision of Michigan law, of this article, or of ~~the 1984 Detroit City~~ this Code as
13 determined by the appropriate city official.

14 (f) The details of any action granting a modification from this article shall be recorded,
15 entered, and maintained in the records of the buildings, ~~and~~ safety engineering and
16 environmental department.

17 **Sec. 9-1-37. Suspension or denial of certificate of compliance; revocation.**

18 (a) The director of the buildings, ~~and~~ safety engineering and environmental department
19 may suspend or deny a certificate of compliance or a temporary certificate of compliance for a
20 property where the owner either fails to comply with one-(1) or more blight violation notices on
21 that property, or owes property taxes on that property that have been delinquent for one year or
22 more. For purposes of this subsection only, taxes on a property shall not be considered
23 delinquent if the owner has a valid tax repayment plan for that property with the Wayne County

1 Treasurer, has made all scheduled payments in accordance with that plan, and provides the
2 buildings safety engineering and environmental department with documentation establishing that
3 the owner has made all scheduled payments in accordance with the plan. The suspension or
4 denial of a certificate of compliance shall be by written notice to the owner of the building,
5 premises or structure, or his or her legal representative, and contain the specific reason(s) for the
6 suspension or denial. A certificate of compliance may also be denied by the director of the
7 buildings, safety engineering and environmental department if an owner fails to respond within
8 60 days after written notice of a required inspection under Sec. 9-1-35(d).

9 (b) ~~It shall be unlawful for any rental dwelling to be occupied for more than sixty (60) days~~
10 ~~after the written notice of suspension of the certificate by the buildings and safety engineering~~
11 ~~department, provided, that where the notice of suspension states there is an immediate danger~~
12 ~~due to a violation or violations of this article, the dwelling may be ordered immediately vacated~~
13 ~~by the director of the buildings and safety engineering department, or his or her designee, and~~
14 ~~any occupancy shall therefore be unlawful.~~ An owner aggrieved by the suspension or denial of a
15 certificate of compliance shall be entitled to a hearing before a hearing officer designated by the
16 director of the City of Detroit's Department of Administrative Hearings. A request for a hearing
17 on the suspension of a certificate of compliance shall be in writing addressed to the director of
18 the department and must be made within seven days after the date of the notice of suspension or
19 denial of the certificate. A hearing pursuant to a timely request shall be scheduled at the earliest
20 possible date, but not sooner than 7 nor later than 30 days after the receipt of the request for a
21 hearing. The buildings, safety engineering and environmental department shall notify the owner
22 and the appropriate city departments of the hearing at least seven days prior to the hearing. The
23 hearing may be adjourned only by agreement of the parties or, upon cause shown, by order of the

1 director or hearing officer.

2 (c) At the hearing, the buildings, safety engineering and environmental department shall
3 present relevant evidence to show the owner's failure to comply with the requirements of this
4 article. The owner shall be given an opportunity at the hearing to present relevant evidence in
5 support of the continuation or issuance of the certificate of compliance. A decision based upon
6 preponderance of the evidence shall be issued in writing to the department and to the owner
7 within 10 days after the hearing.

8 (d) If the owner does not request a hearing within the seven day period after receiving
9 notice of suspension or denial of the certificate, the suspension or denial shall be deemed final
10 seven days after the date of notice of suspension or denial of the certificate. If the owner requests
11 a hearing but does not appear at the hearing, the suspension or denial of the certificate of
12 compliance shall be deemed final effective at the end of the business day on which the hearing
13 was scheduled. If a hearing is conducted but the decision sustains the suspension or denial of the
14 certificate of compliance, the suspension or denial of the certificate of compliance shall be
15 deemed final effective at the end of the business day on which the decision was issued. When
16 suspension of a certificate of compliance becomes final, the certificate of compliance shall be
17 considered revoked effective immediately.

18 (e) The hearing shall be conducted in accordance with the rules for conducting
19 administrative hearings adopted in accordance with Section 2-111 of the 2012 Detroit City
20 Charter.

21 (f) Upon final suspension or denial of a certificate of compliance, as defined in subsection
22 (d) of this section, the buildings safety engineering and environmental department shall deliver,
23 to any known tenant at the subject property, written notice that the owner's certificate of

1 compliance has been suspended or denied. Notice may be delivered via U.S. Mail, via electronic
2 mail, via text message, or in person. The notice shall specify that any rents due to owner shall be
3 paid into an escrow account, pursuant to Sec. 9-1-82(d), until a certificate of compliance has
4 been obtained by the owner.

5 DIVISION 3. REQUIREMENTS FOR RENTAL PROPERTY.

6 SUBDIVISION A. IN GENERAL

7 **Sec. 9-1-81. Registration of rental property.**

8 (a) The owners or agents of rental property shall register all such dwellings with the
9 buildings, ~~and~~ safety engineering and environmental department and obtain a certificate of
10 registration as provided for in this section. Application for the certificate of registration of a
11 rental property shall be made on forms provided by the department and shall contain:

- 12 (1) The location and use of the rental property;
- 13 (2) The name, address, telephone number, and driver license number, ~~or~~ state
14 identification number, or Detroit ID number of the rental property owner applicant,
15 ~~if an individual,~~ and the name and address of the resident agent, if a corporation or
16 other non-individual person;
- 17 (3) Information listed in subsection (a)(2) of this section for each partner, corporate
18 officer, or any other person having any interest in the rental property; ~~and~~
- 19 (4) The names, addresses, and telephone numbers of any persons or firms other than
20 the owner(s) who are responsible for property maintenance, or a person who is a
21 caretaker of the rental property pursuant to ~~section Sec. 9-1-85 of the 1984 Detroit~~
22 ~~City Code; and~~
- 23 (5) Whether the rental property is listed on the lead safe housing registry established

1 under Section 5474b of the Michigan Lead Abatement Act, Part 54A of the
2 Michigan Health Code, 1978 PA 368, being MCL 333.5457b.

3 (b) It shall be unlawful for any person to provide false information on an application for a
4 certificate of registration of a rental property required by this section.

5 (c) Certificates of registration of a rental property shall be renewed ~~annually~~ on the date
6 established by the buildings, ~~and~~ safety engineering and environmental department, according to
7 the following schedule:

8 (1) Subject to paragraph (2), if an owner has owned a rental property since January 1 of
9 the preceding calendar year and, since January 1 of the preceding calendar year, has
10 a. remained current on all taxes associated with that property, and
11 b. been issued no notices for violations of this article associated with that
12 property, that owner's certificate of registration for the rental property shall
13 thereafter be renewed once every three years if the rental property is a one- or
14 two-family dwelling, or once every two years if the rental property is other
15 than a one- or two-family dwelling.

16 (2) An owner in violation of any of the conditions set forth in subsections (c)(1)a. or
17 (c)(1)b. shall annually renew the certificate of registration for that property for
18 three years.

19 (3) In all other circumstances, the owner's certificate of registration shall be renewed
20 annually.

21 (d) The department shall maintain a registry of owners and rental property governed by this
22 section. The department may combine the registry with the registry required by Sec. 9-1-82(c).

23 ~~(d)~~ (e) Where rental property required to be registered under this section is sold or

1 otherwise transferred to a new owner, the certificate of registration issued the previous owner
2 shall expire on the date of the sale or transfer and, within ~~ninety (90)~~ days after the sale or
3 transfer of the rental property, the new owner shall apply for a certificate of registration in the
4 prescribed manner in this section.

5 **Sec. 9-1-82. Inspection of registered rental property; certificate of compliance required;**
6 **registry of certificates of compliance for rental properties; violations; occupancy.**

7 (a) The director of the buildings, ~~and~~ safety engineering, and environmental department
8 shall cause an inspection, ~~as closely as possible to once a year,~~ to be made of all rental property
9 required to have a certificate of registration under ~~Section~~ Sec. 9-1-81 of the 1984 Detroit City
10 Code, according to the schedule for registration renewal in Sec. 9-1-81(c).

11 ~~(b) It shall be unlawful for a rental property required to be registered pursuant to section 9-~~
12 ~~1-81 of the 1984 Detroit City Code to be occupied without a certificate of compliance issued by~~
13 ~~the buildings and safety engineering department in accordance with section 9-1-36 of the 1984~~
14 ~~Detroit City Code.~~

15 ~~(e)-(b)~~ The buildings, ~~and~~ safety engineering, and environmental department shall issue a
16 certificate of compliance for a rental property where the department determines that the owner
17 and the rental property, its units, accessory structures and the premises, including exterior areas,
18 comply with the standards and requirements of this article.

19 (c) The buildings, safety engineering and environmental department shall maintain a
20 registry of all rental properties for which a certificate of compliance has been issued, and shall
21 make the registry available on the city's website. The department may combine the registry with
22 the registry required by Sec. 9-1-81(d).

23 (d) Notwithstanding Sec. 9-1-36(d), and subject to subsections (e) and (f) of this section, it

1 shall be unlawful for an owner to allow any unoccupied rental property to be occupied, or to
2 collect rent from a tenant for occupancy of a rental property, during or for any time in which
3 there is not a valid certificate of compliance for that rental property. Tenants of an occupied
4 rental property which lacks a certificate of compliance shall pay the rent that would otherwise
5 have been due into an escrow account, established by the buildings safety engineering and
6 environmental department with a third party financial institution. If the owner of the rental
7 property obtains a certificate of compliance within the first ninety days in which payments are
8 made into the escrow account, the rent in the escrow account shall be paid to the owner, less the
9 actual administrative fee charged by the third party financial institution. If the owner fails to
10 obtain a certificate of compliance within those first ninety days, the rent in the escrow account
11 shall, at the end of those ninety days, be paid to the tenant, less the actual administrative fee
12 charged by the third party financial institution. Thereafter, the tenant shall continue paying rent
13 into the escrow account until the owner obtains a certificate of compliance. At the end of every
14 sixty days in which the owner fails to obtain a certificate of compliance, the rent in the escrow
15 account shall be paid to the tenant, less the actual administrative fee charged by the third party
16 financial institution. If the owner of the rental property obtains a certificate of compliance, all
17 rent then accrued in the escrow account shall be paid to the owner, less the actual administrative
18 fee charged by the third party financial institution. Nothing in this article shall be construed to
19 permit eviction of an existing tenant from a rental property or to deprive existing tenants of their
20 rights to possession of a rental property under the laws of the State of Michigan and the City of
21 Detroit, and such existing tenants shall have a right under the laws of the City of Detroit to retain
22 possession of a rental property notwithstanding an owner's inability to collect rent from such
23 tenants pursuant to this subsection.

1 (e) A tenant who retains possession of a rental property under subsection (d),
2 notwithstanding an owner's inability to collect rent, may nevertheless be evicted if an owner
3 establishes that the tenant is subject to eviction for reasons other than non-payment of rent.

4 (f) Sec. 9-1-36(d) shall not be construed to penalize the tenant or occupant of a rental
5 property for occupancy of a rental property that does not have a valid certificate of compliance
6 except as set forth in this subsection. Notwithstanding subsection (d) of this section, where an
7 inspection of a rental property or a notice of suspension or denial of a certificate of compliance
8 states there is an immediate danger due to a violation or violations of this article or other
9 applicable laws, codes or regulations, the dwelling may be ordered immediately vacated by the
10 director of the buildings, safety engineering and environmental department, or his or her
11 designee, and any occupancy shall thereafter be unlawful.

12 ~~(d)-(g)~~ It shall be unlawful for the owner of a rental property, as defined by section Sec. 9-
13 1-3 of the 1984 Detroit City Code, on which the original construction was completed prior to
14 January 1, 1978 and required to be registered pursuant to Section Sec. 9-1-81 of the 1984 Detroit
15 City Code, to allow that rental property to be occupied without a lead-clearance report being
16 obtained and provided to the Buildings and Safety Engineering Department buildings, safety
17 engineering and environmental department in accordance with Division 3, Subdivision B, of this
18 article, provided, that the owner shall not be required to obtain a lead clearance until the next
19 prescribed annual inspection date for the owner for the rental property occurring after the
20 effective date of the ordinance that added this section.

21 (h) Nothing in this section shall be interpreted as limiting or controlling the amount of rent
22 an owner may charge to a tenant pursuant to a lawful agreement with the tenant.

1 (i) Section 9-1-82(d) shall take effect by ZIP code according to a schedule promulgated by
2 the director of the buildings, safety engineering and environmental department and posted on
3 the city’s website. Such schedule shall be promulgated no later than 60 days following the
4 effective date of the ordinance that added this subsection, and may thereafter be amended
5 periodically at the discretion of the director of the buildings, safety engineering and
6 environmental department.

7 (j) The buildings, safety engineering and environmental department shall, in each of the
8 five years following the effective date of the ordinance that added this subsection, provide the
9 City Council with a report outlining the state of rental housing in the City. The report shall
10 include, by ZIP Code, the number and percentage of registered rental properties that are
11 currently occupied; the percentage of residents who are renters; the average monthly income
12 and average household size of renters; and the number and percentage of registered rental
13 properties that lack a certificate of compliance. The report shall also include, by ZIP code, the
14 median income of rental-property owners who are individuals; the average percentage of
15 individual rental-property owners’ income that is attributable to the owners’ rental-property
16 portfolio; the average number of rental properties in each owner’s rental-property portfolio;
17 and the average yearly profit on rental properties that are one-family dwellings, two-family
18 dwellings, and multi-family dwellings. The report shall also include the average costs, during
19 the preceding year, that rental-property owners expended to bring their properties into
20 compliance with this article. Where practicable, the report shall break down such repair costs
21 according to the type of repair made, and according to the type of rental property (one-family,
22 two-family, and multi-family). Any report issued pursuant to this subsection shall include
23 United States Census data regarding the demographics of each ZIP code subject to the report.

1 When preparing reports pursuant to this subsection, the buildings, safety engineering and
2 environmental department may use any data source, including, but not limited to, surveys of
3 property owners and tenants. The first report under this subsection shall be made no later than
4 one year following the effective date of the ordinance that added this subsection.

5 **Sec. 9-1-83. ~~Inspection and lead clearance risk assessment for lead-based paint hazards,~~**
6 **~~where required.~~ Lead inspection, risk assessment, lead clearance; when**
7 **required.**

8 (a) Lead inspection upon registration; risk assessment upon change of tenant. An owner
9 shall have a lead inspection performed on a rental property in accordance with Division 2,
10 Subdivision B of this article whenever an owner registers a rental property for the first time in
11 accordance with Sec. 9-1-81. If the lead inspection reveals a lead-based paint hazard, a risk
12 assessment shall be performed as well. Thereafter, until such time as all lead paint is removed
13 from the rental property in accordance with subsection (e), a risk assessment shall be performed
14 on that rental property each time a new tenant occupies that property. Provided, however, that an
15 owner shall not be obligated to have more than one lead inspection/risk assessment performed on
16 a property in accordance with this subsection per calendar year.

17 ~~(a)~~ (b) Inspections after interim controls. Where interim controls were used to reduce
18 lead-based paint hazards in a rental property, as prescribed in Division 2, Subdivision B, of this
19 article, or where a lead inspection reveals the presence of lead paint on the rental property, the
20 owner shall have an annual ~~lead inspection~~/risk assessment performed on the rental property, and
21 obtain an annual lead-clearance report in accordance with this section.

22 ~~(b)~~ (c) Inspections after abatement by encapsulation. Where abatement was used to
23 remove all identified lead-based paint hazards, as prescribed in Division 2, Subdivision B, of this

1 article, by permanent encapsulation of lead-based paint and permanent covering of soil lead
2 hazards, as indicated in the post-remedy clearance report, the owner shall have a risk assessment
3 performed on the rental property every ~~three (3)~~ two years, and the lead-clearance report shall be
4 valid for ~~three (3)~~ two years. If, as a result of such risk assessment, it is determined that the lead-
5 based paint hazard is no longer fully abated, the owner must immediately take any actions
6 necessary to remedy the lead-based paint hazard pursuant to Sec. 9-1-93. Provided, however, that
7 if an owner at any time becomes aware that the integrity of a permanent encapsulation or
8 permanent covering of soil lead hazards may have been damaged, that owner must immediately
9 schedule an inspection by a certified risk assessor and take any actions necessary to remedy the
10 lead-based paint hazard pursuant to Sec. 9-1-93.

11 (d) *Inspections after abatement by enclosure.* Where abatement was used to remove all
12 identified lead-based paint hazards, as prescribed in Division 2, Subdivision B, of this article, by
13 permanent enclosure of lead-based paint, as indicated in the post-remedy clearance report, an
14 owner shall have a visual inspection for risk assessment, as that term is defined in the Michigan
15 Lead Abatement Act, Part 54A of the Michigan Public Health Code, 1978 PA 368, being MCL
16 333.5451 through 333.5479, of the enclosure performed by a certified lead inspector or risk
17 assessor no less than once every 5 years to ensure that the lead-based paint hazards remain fully
18 abated. If, as a result of such visual inspection for risk assessment, it is determined that the lead-
19 based paint hazard is no longer fully abated, the owner must immediately take any actions
20 necessary to remedy the lead-based paint hazard pursuant to Sec. 9-1-93. Provided, however, that
21 if an owner at any time becomes aware that the integrity of a permanent enclosure may have
22 been damaged, the owner must immediately schedule an inspection by a certified risk assessor
23 and take any actions necessary to remedy the lead-based paint hazard pursuant to Sec. 9-1-93.

1 ~~(e)~~ (e) Inspections after abatement by removal or elimination. Where all lead-based paint
2 ~~was has been~~ fully abated ~~in by~~ removal or other permanent elimination from a rental property in
3 accordance with the Michigan Lead Abatement Act, Part 54A of the Michigan Public Health
4 Code, 1978 PA 368, being MCL 333.5451–et seq. through 333.5479, ~~and~~ as certified by a
5 certified lead inspector or risk assessor, or where a certified lead inspector or risk assessor
6 certifies that no lead-based paint exists on ~~the a~~ rental property, no further lead inspection, risk
7 assessment, or lead clearance shall be required in order to obtain a certificate of compliance or
8 certificate of registration for that rental property.

9 **Sec. 9-1-84. Reserved. Federal and other governmental agency inspections accepted.**

10 Pursuant to Section 126(3) of the Michigan Housing Law, 1917 PA 167, being
11 MCL 125.526(3), the buildings, safety engineering and environmental department may accept
12 inspections of multiple dwellings and rooming houses conducted by the United States
13 Department of Housing and Urban Development under the real estate assessment center
14 inspection process, or by other governmental agencies, so long as that inspection certifies that the
15 properties inspected comply with the standards and requirements of this article.

16 **Section 2.** All ordinances or parts of ordinances in conflict with this ordinance are repealed.

17 **Section 3.** This ordinance is declared necessary for the preservation of the public peace, health,
18 safety, and welfare of the people of the City of Detroit.

19 **Section 4.** If this ordinance is passed by a two-thirds (2/3) majority of City Council members
20 serving, it shall be given immediate effect and shall become effective upon publication in accordance
21 with Section 4-118 of the 2012 Detroit City Charter; if passed by less than a two-thirds (2/3)
22 majority of City Council members serving, it shall become effective no later than thirty (30) days
23 after publication in accordance with Section 4-118 of the 2012 Detroit City Charter; if this ordinance

- 1 specifies a certain date to become effective, it shall become effective in accordance with the date
- 2 specified therein, subject to the publication requirement in Section 4-118 of the 2012 Detroit City
- 3 Charter.

APPROVED AS TO FORM:

By _____
Melvin Butch Hollowell
Corporation Counsel