

ORDINANCE NO. 2021-38
CHAPTER 8
ARTICLE XV

AN ORDINANCE to amend Chapter 8 of the 2019 Detroit City Code, *Building Construction and Property Maintenance*, Article XV, *Property Maintenance Code*:

(1) By amending Division 1, *In General*, Section 8-15-5, *Definitions: D-F*, to amend the terms “emergency shelter” and “encapsulant” and to add the term “EPA RRP Certification”; Section 8-15-6, *Definitions: G-K*, to add the term “HUD Visual Assessment Certification”; and Section 8-15-11, *Civil fines for violations of article*, to provide a fine for failure to obtain a lead clearance of a dwelling in which a tenant under six has an elevated lead blood level;

(2) By amending Division 3, *Requirements for Rental Property*, Subdivision A, *In General*, Section 8-15-81, *Registration of rental property*, to provide for increased information on the registration of rental property; Section 8-15-82, *Inspection of registered rental property; Certificate of Compliance required; registry of Certificates of Compliance for rental properties; violations; occupancy*, to alter the frequency of submission for the Certificate of Registration of Rental Property; and Section 8-15-83, *Lead Inspection; risk assessment, lead clearance; when required*, to alter the manner and frequency for which the Buildings, Safety Engineering, and Environmental Department requires inspection on rental properties;

(3) By repealing Division 3, *Requirements for Rental Property*, Subdivision A, *In General*, Section 8-15-84, *Federal and other governmental agency inspections accepted* and adding substitute Section 8-15-84, *Landlords and staff required to obtain HUD Visual Assessment Certification; annual inspections*, to allow EPA and HUD self-inspections in certain circumstances;

(4) By repealing Division 3, *Requirements for Rental Property*, Subdivision A, *In General*, Section 8-15-85, *Caretaker; responsible person; warning devices*, and adding substitute Section 8-15-85, *Federal and other governmental agency inspections accepted*, which was moved from Section 8-15-84, to expand the acceptance of federal and other governmental agency inspections; and

(5) By adding Division 3, *Requirements for Rental Property*, Subdivision A, *In General*, Section 8-15-86, *Caretaker; responsible person; warning devices*, which was moved from Section 8-15-85; Section 8-15-99, *Required distribution of information*, to require distribution, and maintain proof thereof, of federal lead disclosure pamphlets, and Section 8-15-100, *Annual report required*, to require that the Directors of Buildings, Safety Engineering, and Environmental Department and the Health Department submit a joint annual report to the City Council, which identifies the number of tenants under the age of six who were hospitalized with an elevated blood level and the related Certificate of Compliance status for the preceding 12 months.

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

Section 1. Chapter 8 of the 2019 Detroit City Code, *Building Construction and Property Maintenance*, Division 1, *In General*, and Division 3, *Requirements for Rental Property*, Subdivision A, *In General*, be amended by amending Section 8-15-5, 8-15-6, 8-15-11, 8-15-81, 8-15-82, and 8-15-83; by repealing Sections 8-15-84 and 8-15-85 and adding substitute Sections 8-15-84 and 8-15-85; and by adding Sections 8-15-86, 8-15-99, and 8-15-100, to read as follows:

CHAPTER 8. BUILDINGCONSTRUCTION AND
PROPERTY MAINTENANCE
ARTICLE XV. PROPERTY MAINTENANCE CODE
DIVISION 1. IN GENERAL

Sec. 8-15-5. Definitions: D–F.

For purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Debris means the remains of an item broken down or destroyed.

Designated transitional housing means housing, which is defined by the United States Department of Housing and Urban Development, in 24 CFR 577.5 as “transitional housing” or in 24 CFR 583.5 as “supportive housing.”

Deteriorated paint means paint or other surface coating that is cracking, flaking, chipping, peeling, or otherwise damaged or separating from the substrate of a building component, unless the deteriorated paint surfaces total no more than:

- (1) 20 square feet on exterior surfaces;
- (2) Two square feet in any one interior room or space; or
- (3) Ten percent of the total surface area on an interior or exterior type of component with a small surface area.

Domestic solid waste means the solid waste resulting from the usual routine of housekeeping, but does not include commercial solid waste.

Dust-lead hazard means surface dust in a residential dwelling that contains a concentration of lead at or in excess of levels identified by the EPA pursuant to Section 403 of Title IV of the Toxic Substances Control Act, being 15 USC 2683, or as otherwise defined by rule.

Dwelling or dwelling unit means a single unit providing complete, independent living facilities occupied, or intended to be occupied, in whole or in part, by one or more persons, including permanent space and provisions for living, cooking, eating, sanitation, and sleeping.

Emergency means any condition in a building, premises, or structure that reasonably constitutes a threat to the public interest, safety, or welfare.

Emergency shelter means a facility which provides congregate-style temporary lodging either with or without meals and ancillary services on the premises to primarily the homeless for more than four weeks in any calendar year but does not provide such lodging to any individual:

- (1) Who is required because of age, mental disability or other reason to reside either in a public or in a private institution; or
- (2) Who is imprisoned or otherwise detained pursuant to either federal or state law, and excludes an adult foster care facility, designated transitional housing, a nursing home, home for the aged, a temporary emergency shelter, and a warming center.

Encapsulant means an ASTM compliant coating that forms a barrier between lead-based paint and the environment using a liquid-applied coating, with or without reinforcement materials, or an adhesively bonded covering material.

Encapsulation means the application of an encapsulant.

Enclosure means the use of rigid, durable construction materials that are mechanically fastened to the substrate in order to act as a barrier between lead-based paint and the environment.

EPA RRP Certification means the Lead Safe Certification for Renovation, Repair, and Painting Certification as provided by the United States Environmental Protection Agency.

Evaluation means a risk assessment, a lead-hazard screen, a lead-based paint inspection, paint testing, or a combination of these to determine the presence of lead-based paint hazards or lead-based paint.

Exterior property means the open space on the premises and on adjoining premises or property under the control of owners or operators of such premises and property.

Extermination means the control and elimination of insects, rats or other pests by eliminating their harborage places, or by removing or making inaccessible materials that serve as their food, or by fumigating, poisoning, spraying, trapping or any other approved pest elimination method, or by a combination thereof.

Final decision and order means a final decision by an administrative hearings officer that a blight violation does or does not exist and constitutes a judgment for purposes of judicial review which may be enforced in the same manner as a judgment entered by a court of competent jurisdiction.

Friction surface means an interior or exterior surface that is subject to abrasion or friction, including, but not limited to, certain window, floor, and stair surfaces.

Sec. 8-15-6. Definitions: G – K.

For purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Garbage means, as defined by Section 11503 of the Michigan Natural Resources and Environmental Act, being MCL 324.11503, rejected food wastes, including waste accumulation of animal, fruit, or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetable matter.

Good repair means to be properly installed, safe, stable, and maintained sufficiently free of defects or deterioration so as to be functional for current use.

Graffiti means any drawing, lettering, illustration, inscription, design, or other marking that is etched, painted, sprayed, drawn, or otherwise caused to be displayed on the exterior of any building, premises or structure, but does not mean an art mural or sign as defined in Section 4-1-1 of this Code, building identification under Section 8-15-202 of this Code, any sign permitted by Chapter 50 of this Code, *Zoning*, or any decoration that is part of the architectural design of the building entrance.

Guard means a building component, or a system of building components, located at or near the open sides of elevated walking surfaces that minimize the possibility of a fall from the walking surface to a lower level.

Habitable space means space in a structure for living, eating, cooking or sleeping, but does not mean bathrooms, closets, halls, storage or utility spaces, toilet rooms, or similar areas.

Hazard reduction means measures designed to reduce or eliminate human exposure to lead-based paint hazards through methods, including interim controls or abatement or a combination of both.

Hazardous condition means a condition which may result in the death, injury, or illness of a person or in severe damage to a building, premises, or structure.

Homeless means an individual who, or family which, lacks a fixed, regular and adequate nighttime residence, or whose primary nighttime residence is:

(1) A supervised publicly or privately operated shelter designed to provide temporary living accommodations; or

(2) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

Hotel means any building containing guest rooms, which are intended or designed to be used, rented, or hired out by transient persons or by a transient family.

Household units means the individual residences of the residents of the City.

HUD Visual Assessment Certification means the Lead Based Paint Visual Assessment Certification as provided by the United States Department of Housing and Urban Development.

Imminent danger means a condition which could cause serious or life-threatening injury, or death, to persons at any time due to the maintenance, or lack of maintenance, of a building, premises, or structure.

Impact surface means an interior or exterior surface that is subject to damage by repeated sudden force, such as certain parts of door frames.

Infestation means the presence of insects, rats, vermin or other pests, within, or contiguous to, a building, premises, or structure.

Interim controls means a set of measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, including, but not limited to, specialized cleaning, repairs, maintenance, painting, temporary containment, ongoing monitoring of lead-based paint hazards or potential hazards, and the establishment and operation of management and resident education programs.

Sec. 8-15-11. Civil fines for violations of article.

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

	First Offense	Second Repeat Offense	Third and Subsequent Repeat Offense
I. Failure to meet a requirement of this article, except as otherwise specified in this section:			
One- or two-family dwelling	\$50.00	\$100.00	\$200.00
All other structures, except buildings with five or more stories	\$100.00	\$200.00	\$500.00
Buildings with five or more stories	\$200.00	\$500.00	\$1,000.00
Collection Boxes	\$200.00	\$500.00	\$1,000.00

	First Offense	Second Repeat Offense	Third and Subsequent Repeat Offense
II. Failure to comply with an emergency or imminent danger order concerning an emergency condition, an imminent danger, an unsafe or unsanitary condition, or unlawful occupancy.			
One- or two-family dwelling	\$500.00	\$1,000.00	\$1,500.00
All other structures, except buildings with five or more stories	\$1,000.00	\$1,500.00	\$2,000.00
Buildings with five or more stories	\$1,500.00	\$3,000.00	\$5,000.00
Collection Boxes	\$1,500.00	\$3,000.00	\$5,000.00
III. Failure of the owner to obtain a Certificate of Compliance in violation of Section 8-15-35 of this Code.	\$250.00	\$500.00	\$1,000.00
IV. Failure of the owner to obtain a Certificate of Registration for Vacant Property in violation of Section 8-15-45 of this Code.	\$250.00	\$375.00	\$500.00
V. Failure of the owner to obtain a Certificate of Registration of Rental Property in violation of Section 8-15-81 of this Code.	\$250.00	\$350.00	\$500.00
VI. Failure to obtain a Lead Clearance for Rental Property in violation of Section 8-15-83 of this Code.			
One- or two-family dwelling	\$500.00	\$1,000.00	\$2,000.00
All other structures, except buildings with five or more stories	\$1,000.00	\$2,000.00	\$4,000.00
Buildings with five or more stories	\$2,000.00	\$4,000.00	\$8,000.00
VII. Failure to obtain a Lead Clearance for Rental Property in violation of Section 8-15-83 of this Code, and tenant under six years of age with elevated blood level as determined by the Detroit Health Department or Michigan Department of Health and Human Services.			
One- or two-family dwelling	\$2,500.00	\$3,500.00	\$4,500.00
All other structures, except buildings with five or more stories	\$3,500.00	\$4,500.00	\$5,500.00
Buildings with five or more stories	\$4,500.00	\$7,500.00	\$10,000.00
VIII. Failure to remove snow or ice in violation of Section 8-15-103 of this Code.			
One- or two-family dwelling	\$50.00	\$125.00	\$250.00
All other buildings, premises, or structures	\$100.00	\$250.00	\$500.00
IX. Weeds or plant growth in violation of Section 8-15-104 of this Code.			
X. Rodent harborage in violation of Section 8-15-105 of this Code.	\$100.00	\$250.00	\$500.00
XI. Failure to remove inoperable or unlicensed motor vehicle from premises in violation of Section 8-15-110 of this Code.			
	\$100.00	\$250.00	\$500.00

	First Offense	Second Repeat Offense	Third and Subsequent Repeat Offense
XII. Failure to maintain a vacant building or structure in accordance with the requirements of Section 8-15-113 of this Code.			
One- or two-family dwelling	\$500.00	\$750.00	\$1,000.00
All other structures, except buildings with five or more stories	\$750.00	\$1,250.00	\$1,500.00
Buildings with five or more stories	\$1,000.00	\$2,000.00	\$3,000.00
XIII. Failure to maintain a collection box or related premises in accordance with the requirements of Section 8-15-521 of this Code.	\$1,000.00	\$2,000.00	\$3,000.00
XIV. Failure to obtain a Certificate of Collection Box Maintenance in violation of Section 8-15-531 of this Code.	\$250.00	\$500.00	\$1,000.00

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

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

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

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

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

(g) Pursuant to Section 4q(13) of the Michigan Home Rule City Act, being MCL 117.4q(13), and Section 3-2-52(a)(6) of the 2019 Detroit City Code, Blight Administrative Hearings Bureau hearings officers shall impose a justice system assessment fee for each blight violation determination.

(h) Pursuant to Section 3-2-55(b) of the 2019 Detroit City Code, each blight violation notice shall be subject to an administrative processing and adjudication fee, established by the Director of the Department of Appeals and Hearings and approved by the City Council.

(i) Pursuant to Section 4q(3) of the Michigan Home Rules City Act, being MCL 117.4q(3), and Section 3-2-52(4) of the 2019 Detroit City Code, a hearings officer at the Blight Administrative Hearings Bureau may waive a fine for a blight violation at an owner-occupied dwelling, or for an owner who is verified as "low income," provided, that such owner is a first-time violator of the Code and the violator has corrected the circumstances of the violation. For purposes of this subsection, an owner shall qualify as "low income:"

(1) Where the owner establishes that his or her household income is at or below 50 percent of the median household income for the City of Detroit as determined by the most recent United States Census;

(2) Where the owner has been granted eligibility for the Detroit Homeowners Property Tax Assistance Program; or

(3) Where the owner meets criteria that the Director of the Buildings, Safety Engineering, and Environmental Department may promulgate, in his or her discretion, in accordance with Section 2-111 of the Charter.

DIVISION 3. REQUIREMENTS FOR RENTAL PROPERTY **Subdivision A. In General**

Sec. 8-15-81. Registration of rental property.

(a) The owners or agents of rental property shall register all such dwellings with the

Buildings, Safety Engineering, and Environmental Department and obtain a Certificate of Registration of Rental Property as provided for in this section. Application for the Certificate of Registration of Rental Property shall be made on forms provided by the Department and shall contain:

- (1) The location and use of the rental property;
- (2) The name, address, email address, telephone number, and, if an individual, the driver's license number or state identification number of the rental property owner applicant, and, if a corporation or other legal entity, the name, address, email address, and telephone number of the property manager and the resident agent;
- (3) Information listed in Subsection (a)(2) of this section for each partner, corporate officer, or any other person having any interest in the rental property;
- (4) The names, addresses, email addresses, and telephone numbers of any persons or firms, other than the owner or owners, who are responsible for property maintenance, or a person who is a caretaker of the rental property pursuant to Section 8-15-86 of this Code, and a 24-hour emergency number to contact a responsible person or caretaker of the rental property; and
- (5) Whether the rental property is listed on the lead safe housing registry established under Section 5474b of the Michigan Lead Abatement Act, Part 54A of the Michigan Health Code, being MCL 333.5474b.

(b) It shall be unlawful for any person to provide false information on an application for a Certificate of Registration of Rental Property required by this section.

(c) Certificates of Registration of Rental Property, once received, shall be valid until there is a change in ownership, or a change of use, of the rental property.

(d) The Buildings, Safety Engineering and Environmental Department shall maintain a registry of owners and rental property governed by this section. The Department may combine this registry with the registry required by Section 8-15-82(c) of this Code.

(e) Where rental property required to be registered under this section is sold or otherwise transferred to a new owner, the Certificate of Registration of Rental Property issued the previous owner shall expire on the date of the sale or transfer and, within 90 days after the sale or transfer of the rental property, the new owner shall apply for a Certificate of Registration in the manner prescribed in this section.

Sec. 8-15-82. Inspection of registered rental property; Certificate of Compliance required; registry of Certificates of Compliance for rental properties; violations; occupancy.

(a) In order to secure a Certificate of Compliance for rental property, the Building Official shall cause an inspection to be made of all rental property required to have a Certificate of Registration of Rental Property under Section 8-15-81 of this Code according to the schedule for registration renewal in Subsection (c) of the section. Each inspection shall strictly conform to Section 8-15-34(b) of this Code.

(b) The Buildings, Safety Engineering, and Environmental Department shall issue a Certificate of Compliance for a rental property where the Department determines that the owner and the rental property, its units, accessory structures and the premises, including exterior areas, comply with the standards and requirements of this article, and

(c) The Buildings, Safety Engineering, and Environmental Department shall maintain a registry of all rental properties for which a Certificate of Compliance has been issued, and shall make the registry available on the City's website. The Department may combine this registry with the registry required by Section 8-15-81(d) of the City Code.

(d) Notwithstanding Section 8-15-35(d) of this Code, and subject to Subsections (e) and (f) of this section, it shall be unlawful for an owner to allow any unoccupied rental property to be occupied, or to collect rent from a tenant for occupancy of a rental property, during or for any time in which there is not a valid Certificate of Compliance for the rental property. Tenants of an occupied rental property that lacks a Certificate of Compliance shall pay the rent that would otherwise have been due into an escrow account, which is established by the Buildings, Safety Engineering, and Environmental Department with a third-party financial institution. If the owner of the rental property obtains a Certificate of Compliance within the first 90 days in which payments are made into the escrow account, the rent in the escrow account shall be paid to the owner, less the actual administrative fee charged by the third-party financial institution. If the owner fails to obtain a Certificate of Compliance within those first 90 days, the rent in the escrow account shall be paid, at the end of those 90 days, to the tenant, less the actual administrative fee charged by the third-party financial institution. Thereafter, the tenant shall continue paying rent into the escrow account until the owner obtains a Certificate of Compliance. At the end of every 60 days in which the owner fails to obtain a Certificate of

Compliance, the rent in the escrow account shall be paid to the tenant, less the actual administrative fee charged by the third-party financial institution. If the owner of the rental property obtains a Certificate of Compliance, all rent accrued in the escrow account shall be paid to the owner, less the actual administrative fee charged by the third-party financial institution. Nothing in this article shall be construed to permit eviction of an existing tenant from a rental property or to deprive existing tenants of their rights to possession of a rental property under the laws of this state and this Code, and such existing tenants shall have a right under this Code to retain possession of a rental property notwithstanding an owner's inability to collect rent from such tenants pursuant to this subsection.

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

(f) Section 8-15-35(d) of this Code shall not be construed to penalize the tenant or occupant of a rental property for occupancy of a rental property that does not have a valid Certificate of Compliance except as set forth in this subsection. Notwithstanding Subsection (d) of this section, where an inspection of a rental property or a notice of suspension or denial of a Certificate of Compliance states that there is an immediate danger due to a violation or violations of this article or other applicable laws, codes or regulations, the dwelling may be ordered immediately vacated by the Building Official, or his or her designee, and any occupancy shall thereafter be unlawful.

(g) It shall be unlawful for the owner of a rental property on which the original construction was completed prior to January 1, 1978 and required to be registered pursuant to Section 8-15-81 of this Code to allow the rental property to be occupied without a lead-clearance report being obtained and provided to the Buildings, Safety Engineering, and Environmental Department in accordance with Subdivision B of this division.

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

(i) Subsection (d) of this section shall take effect by ZIP Code according to a schedule promulgated by the Director of the Buildings, Safety Engineering, and Environmental Department and posted on the City's website. Such schedule shall be promulgated no later than 60 days following the effective date of this subsection, which was November 24, 2017, and may thereafter be amended periodically at the discretion of the Director of the Buildings, Safety Engineering, and Environmental Department.

(j) In each of the five years following the effective date of this subsection, which was November 24, 2017, the Buildings, Safety Engineering, and Environmental Department shall provide the City Council with a report outlining the state of rental housing in the City. The report shall include, by ZIP Code, the number and percentage of registered rental properties that are currently occupied, the percentage of residents who are renters, the average monthly income and average household size of renters, and the number and percentage of registered rental properties that lack a Certificate of Compliance. In addition, the report shall include, by ZIP Code, the median income of rental-property owners who are individuals, the average percentage of individual rental-property owner's income that is attributable to the owner's rental-property portfolio, the average number of rental properties in each owner's rental-property portfolio, and the average yearly profit on rental properties that are one-family dwellings, two-family dwellings, and multi-family dwellings. Further, the report shall include the average costs during the preceding year that rental-property owners expended to bring their properties into compliance with this article. Where practicable, the report shall break down such repair costs according to the type of repair made, and according to the type of rental property: one-family, two-family, and multi-family. Any report issued pursuant to this subsection shall include United States Census data regarding the demographics of each ZIP Code subject to the report. When preparing reports pursuant to this subsection, the Buildings, Safety Engineering, and Environmental Department may use any data source, including, but not limited to, surveys of property owners and tenants. The first report under this subsection shall be made no later than one year following the effective date of this subsection, which was November 24, 2017.

Sec. 8-15-83. Lead inspection / risk assessment, lead clearance; length of Certificate of Compliance.

(a) *Initial lead inspection/risk assessment required upon rental registration.* An Owner shall have a lead inspection/ risk assessment performed on any property built prior to 1978 in accordance with Subdivision B of this division the first time such property is registered as a rental property in accordance with Section 8-15-81 of this Code. If the lead

inspection/risk assessment reveals a lead-based paint hazard, such hazard shall be addressed by interim control, abatement, or a combination of the two as identified in Subsection (b), (c), and (d) of this section. If neither lead paint nor lead hazards are identified in the lead inspection/risk assessment, no further compliance action shall be required.

(b) *Risk assessment after interim controls.* Where interim controls were used to reduce lead-based paint hazards in a rental property as prescribed in Subdivision B of this division, or where a lead inspection reveals the presence of lead paint on the rental property, the owner shall have a risk assessment performed on the rental property and obtain a lead-clearance report in accordance with this section. An owner shall have a risk assessment performed on such property within three years, plus or minus 60 days.

(c) *Risk assessment after abatement by encapsulation.* Where abatement was used to remove all identified lead paint hazards, as prescribed in Subdivision B of this division, by permanent encapsulation of lead-based paint and permanent covering of soil lead hazards, as indicated in the post-remedy clearance report, the owner shall have a risk assessment performed on the rental property every four years, and the lead clearance report shall be valid for four years. If, as a result of such risk assessment, it is determined that the lead-based paint hazard is no longer fully encapsulated, the owner must immediately take necessary action to remedy the lead-based hazard pursuant to Section 8-15-93 of this Code, provided, that, if an owner at any time becomes aware that the integrity of a permanent encapsulation or permanent covering of soil lead hazards may have been damaged, the owner must immediately take necessary action to remedy the lead-based paint hazard pursuant to Section 8-15-93 of this Code.

(d) *Risk assessment after abatement by enclosure.* Where abatement was used to remove all identified lead-based paint hazards, as prescribed in Subdivision B of this division, by permanent enclosure of lead-based paint, as indicated in the post-remedy clearance report, an owner shall have a risk assessment performed on the rental property every four years and the lead clearance report shall be valid for four years. If, as a result of such risk assessment, it is determined that the lead-based paint hazard is no longer fully enclosed, the owner must immediately take necessary action to remedy the lead-based paint hazard pursuant to Section 8-15-93 of this Code, provided, that, if an owner at any time becomes aware that the integrity of a permanent enclosure may have been damaged, the owner must immediately schedule an inspection by a certified risk assessor and take necessary action to remedy the lead-based paint hazard pursuant to Section 8-15-93 of this Code.

(e) *Risk assessment after abatement by removal or elimination.* Where all lead-based paint has been fully abated by removal or other permanent elimination from a rental property in accordance with the Michigan Lead Abatement Act, Part 54A of the Michigan Public Health Code, being MCL 333.5451 through 333.5479, as certified by a certified lead inspector or risk assessor, or where a certified lead inspector or risk assessor certified that no lead-based paint exists on a rental property, no further lead inspection, risk assessment, or lead clearance shall be required in order to obtain a Certificate of Compliance, or a Certificate of Registration of Rental Property, for the property.

(f) *Length of Certificate of Compliance.*

(1) With the exception of Subsection (f)(2) of this section, each Certificate of Compliance issued pursuant to this division shall be for a term of three years, and may be extended from three to five years when the Certificate of Compliance is approved for two consecutive periods prior to expiration.

(2) Certificates of Compliance issued after lead abatement by complete removal or elimination shall be for a term of seven years.

Sec. 8-15-84. Landlords and staff required to obtain HUD Visual Assessment Certification; annual inspections.

Every landlord shall procure the services of a person who has obtained a current HUD Visual Assessment Certification. Such landlord shall have completed a visual inspection annually, and, upon change of tenant, certify to the Buildings, Safety Engineering, and Environmental Department that a visual assessment has been completed for all units according to the HUD Visual Assessment Guidelines and that all noted hazards have been abated. If the visual inspection reveals cracked or peeling paint, significant dust on a windowsill, or bite marks on a windowsill, a risk assessment shall be performed for the property within one month.

Sec. 8-15-85. Federal and other governmental agency inspections accepted.

Pursuant to Section 126(3) of the Michigan Housing Law, being MCL 125.526(3), the Buildings, Safety Engineering, and Environmental Department may accept inspections of one- or two-family dwellings, multiple dwellings, and rooming houses conducted by the

United States Department of Housing and Urban Development under the Real Estate Assessment Center inspection process, or by other governmental agencies, as long as that inspection certifies that the properties inspected comply with the standards and requirements of this article.

Sec. 8-15-86. Caretaker; responsible person; warning devices.

(a) Where the owner of the rental property does not reside in the building, the owner shall designate a responsible person who resides in each building with a common entrance and eight or more dwelling units, seven or more sleeping rooms, or any combination thereof. The unit occupied by the responsible person shall be identified and the information posted in a visible place at the common entrance of the building, except for rental property that has a business office with posted regular office hours on site. Where there is no centralized business office and a number of buildings exist which are owned by the same rental property owner, the responsible person may be located in a remote location, provided, that the location of the responsible person is identified and posted in a conspicuous location at the common entrance of each building.

(b) In addition, all Group R-1 multiple rental properties that neither are of fire-proof construction nor are protected with an approved sprinkler system or an approved, self-supervised and properly maintained automatic fire alarm system, that has sleeping accommodations for over 50 persons above the first floor, shall have one employee, and more if necessary, on duty at all times able to notify the tenants and the Fire Department in case of a fire or other emergency. There shall be at least one employee on duty at all times for this purpose for each 100 persons and for each next fraction of 100 persons in the building.

Secs. 8-15-87 – 8-15-90. Reserved.

Subdivision B. Lead Clearance

Sec. 8-15-99. Required distribution of information.

An owner of rental property, or any person acting on the owner's behalf, shall provide the federal lead disclosure pamphlet to every tenant at the commencement of their lease, and shall keep a record of such distribution for inspection upon request by the Building, Safety Engineering, and Environmental Department.

Sec. 8-15-100. Annual report required.

The Public Health Director and the Director of the Building, Safety Engineering, and Environmental Department shall submit a joint report to City Council by October 31st of each year, identifying the number of tenants under the age of six who were hospitalized with an elevated blood level, as determined by the Detroit Health Department or the Michigan Department of Health and Human Services, and the related Certificate of Compliance status for the preceding 12 months.

Section 2. All ordinances, or parts of ordinances, that conflict with this ordinance are repealed.

Section 3. This ordinance is hereby declared necessary to preserve the public peace, health, safety, and welfare of the People of the City of Detroit.

Section 4. This ordinance shall become effective January 3, 2022 after publication in accordance with 4-118(3) of the 2012 Detroit City Charter.

(J.C.C. Page):
Passed:
Approved:
Published:
Effective:
Re-published:

September 28, 2021
October 26, 2021
November 1, 2021
November 8, 2021
January 3, 2022
August 19, 2022

JANICE M. WINFREY
City Clerk

