

ORDINANCE NO _____
COUNTY OF OTSEGO
LONG-TERM RESIDENTIAL RENTAL ORDINANCE

AN ORDINANCE TO ESTABLISH A STANDARD FOR THE MAINTENANCE OF SANITARY AND SAFE RESIDENTIAL RENTAL STRUCTURES IN THE COUNTY FOR THE GENERAL HEALTH, SAFETY, AND WELFARE OF ALL ITS CITIZENS. IT IS DESIGNED TO PROMOTE THE CONTINUED MAINTENANCE OF QUALITY AND SAFE RENTAL PROPERTIES AND TO ENHANCE AND MAINTAIN PROPERTY VALUES.

WHEREAS, Section 11(j) of the County Board of Commissioners Act, MCL 46.11(j), provides that a county board of commissioners, by majority vote of the members of the county board of commissioners, elected and serving, may pass ordinances that relate to county affairs and do not contravene the general laws of the State of Michigan or interfere with the local affairs of a township, city, or village within the limits of the county, and can further provide suitable sanctions for the violation of those ordinances.

NOW, THEREFORE, THE COUNTY OF OTSEGO, MICHIGAN, HEREBY ORDAINS:

ARTICLE 1 REGISTRATION OF RESIDENTIAL RENTAL DWELLING UNITS

Section 1 Title

This Ordinance shall be known as the Otsego County Long-Term Residential Rental Ordinance.

Section 2 Definitions

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

PROPERTY MANAGER/AGENT: An individual designated to oversee the operations of the rental unit in accordance with this Ordinance and to respond to calls and complaints from renters, citizens, and the County's representatives.

LONG-TERM RENTAL UNIT: A property that offers the rental of a dwelling unit for compensation for thirty-one (31) consecutive days or more to the same tenant.

OWNER: Any person holding legal or equitable title to a property or to real improvements upon a property solely, jointly, by the entireties, in common, or as a land contract vendee, trust, or other legal entity.

RESIDENTIAL RENTAL DWELLING UNIT: Distinct individual living quarters within a building intended for occupancy by a person or persons other than the owner and the family of the owner. A dwelling unit rented for thirty-one (31) consecutive days or more to the same tenant for which compensation of any kind is paid. Single family residences, duplexes, apartments, and rooming/boarding houses may all contain and be classified as rental units.

ROOMING/BOARDING HOUSE: A residential building where rooms or suites of rooms are rented with renters using common facilities, such as hallways and bathrooms. A rooming house shall not include hotels, motels, apartment houses, two and multi-family dwellings, or fraternity and sorority houses sanctioned by an institution of higher education.

Section 3 Initial registration

Within ninety (90) days of the effective date of this article, all buildings containing residential rental dwelling units within the limits of the county shall be registered with the Land Use Services Department on a form provided by the county. Units must be registered by the owner or the owner's property manager/agent as defined in this article.

Section 4 Follow-up registration

Following the initial 90-day registration period, residential rental dwelling units shall be registered as follows:

- Newly constructed residential rental dwelling buildings or units shall be registered prior to the issuance of a final certificate of occupancy;
- A residential rental dwelling/building/unit sold, transferred, or conveyed shall be re-registered by the new owner within thirty (30) days of the date of the deed, land contract, or other instrument of conveyance. At that time the units will be removed from the previous owner's registration;
- Any nonrental residential dwelling unit converted to a residential rental dwelling unit shall be registered prior to the date it is occupied for rental purposes.

Section 5 Registration information

The following information shall be provided by the owner or owner's property manager/agent at the time of registration:

- Owner's name, address, phone number, mobile number, and e-mail address (optional);
- Property Manager/Agent's (if applicable) name, address, phone number, mobile number, and e-mail address (optional);
- Address of each building owned (deeded or land contract) by the registrant containing residential rental dwelling unit(s) (includes multi-unit building in which the owner lives);
- The number and identifying address of each residential rental dwelling unit for buildings containing more than one (1) dwelling unit;
- Signature of owner or property manager/agent attesting to the truthfulness of the information provided. If signed by the owner, said owner being a company, corporation or governmental or private agency, only a duly authorized officer or administrator may sign the registration form.

Section 6 Changes in registration information

Changes in the registration information, other than those listed in this section, shall be provided in writing to the Land Use Services Department.

Section 7 Fees; late fees

There shall be an administrative fee per unit for the registration, re-registration or updating of registration information within the allotted time-period as established in the county's fee schedule. If a residential rental dwelling unit is not registered within the allotted time-period specified, in [Section 3](#) and [Section 4](#), then a late fee per rental dwelling unit shall be applied as established in the county's fee schedule and shall be paid by the owner of same as defined herein. Other fees shall be enforced per the requirements of other sections of this Ordinance. [Ref [Article 2 Section 9](#)]

Section 8 Maintenance of records

The Land Use Services Department shall be responsible for maintaining all residential rental dwelling unit registration data including the number of residential rental dwelling units in the county, type (single family, duplex, multi-unit, apartment complexes, rooming houses, etc.), and the number and type of units added to or deleted from the registration roster.

Section 9 Penalty for failure to comply

Failure to register a residential rental dwelling unit(s) within the applicable time period prescribed in this article shall constitute a misdemeanor, which upon conviction thereof, shall subject the violator to a fine of up to \$500.00 per unregistered residential rental dwelling unit and costs of prosecution, and/or imprisonment for a period not to exceed ninety (90) days for each offense, or both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.

The submission of false information on a residential rental dwelling unit registration form shall constitute a misdemeanor, which upon conviction thereof, shall subject the violator to a fine of up to \$500.00 per residential rental dwelling unit owned by the violator and costs of prosecution, or imprisonment for a period not to exceed ninety (90) days for each offense, or both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.

ARTICLE 2 MANDATORY INSPECTION OF RESIDENTIAL RENTAL PROPERTIES

INTENT

The county recognizes the importance of the rental housing segment of the overall county housing stock in as much as it provides housing options and opportunities to those citizens of the community who are unable to attain or do not desire home ownership. As the entity responsible for the enforcement of the building and housing codes, it is in the interest of the county to ensure that all rental residential units, structures and grounds leased for occupancy to the general-public are in compliance with the minimum property maintenance standards adopted and enforced by the county. Benefits to the county include:

- Protection of the health, safety, and welfare of residents of rental properties and adjacent properties. Existing structures and premises not in compliance will be repaired to provide a minimum level of health and safety as required herein;
- Maintenance of property values and "quality of life" within the immediate neighborhoods in which residential rental units are located;
- Enforcement of common minimum standards for all residential rental units, structures, and premises.

Section 1 Definitions

As used in this article, the following words shall have the meanings ascribed to them in this section, unless context clearly indicates otherwise:

BUILDING OFFICIAL/BUILDING OFFICIAL'S OFFICE: The department of the county responsible for the daily administration of the rental inspection program including scheduling of appointments, inspections, re-inspections, and record keeping. References to the building official or the building official's office are interchangeable and include the county building inspector(s).

CERTIFICATE OF COMPLIANCE: Official document stating that a residential rental dwelling unit and/or structure meets the minimum standards established by the county for occupancy.

PROPERTY MANAGER/AGENT: An individual designated to oversee the operations of the rental unit in accordance with this Ordinance and to respond to calls and complaints from renters, citizens, and the County's representatives.

OWNER: Any person holding legal or equitable title to a property or to real improvements upon a property solely, jointly, by the entireties, in common, or as a land contract vendee, trust, or other legal entity.

RESIDENTIAL RENTAL DWELLING STRUCTURE: Any building containing one or more residential rental dwelling units including any common areas accessible to residents of all residential rental units within the building, restricted or non-accessible portions of the structure and the building exterior.

RESIDENTIAL RENTAL DWELLING UNIT: Distinct individual living quarters within a building intended for occupancy by a person or persons other than the owner and the family of the owner. A dwelling unit rented for more than thirty-one (31) consecutive days or more to the same tenant for compensation of any kind. Single family residences, duplexes, apartments, and rooming/boarded houses may all contain and be classified as rental units.

RESIDENTIAL RENTAL PREMISES: The site upon which a residential rental dwelling unit or structure is located including, but not limited to, yards, walkways, driveways, patios, decks, accessory structures, fences and landscaping.

Section 2 Certificate of compliance required

No person shall lease, rent, or cause to be occupied a residential rental dwelling unit and/or structure unless a valid certificate of compliance is issued by the county in the name of the owner and/or property manager/agent for the specific rental structure and each residential rental dwelling unit. A certificate shall be issued only upon the successful completion of an inspection of the rental dwelling

unit and/or structure by the county building official and other inspectors as may be deemed necessary. The certificate shall be retained by the property owner or property manager/agent and produced upon request. A copy shall be provided to each lessee.

A certificate of compliance shall be valid for a period of three (3) years from the date of issuance unless revoked by the county.

A certificate of compliance cannot be issued for a residential rental unit unless it is registered with the county.

Section 3 Affected and exempt units/structures

All single, duplex, and multi-family rental units and structures, including rooming/boarding houses located within the county, shall comply with the requirements of this article except as specifically exempted below:

Exemptions:

One-time exception. Any rental unit listed above, which within the previous six-month period prior to a scheduled inspection has been:

- Inspected and approved by the county building official; or
- Issued a certificate of occupancy by the county building department.

Such units will be issued a three-year certificate of compliance without an additional inspection.

Permanent exemptions. The following are permanently exempted from the requirements of this article:

- All residential rental units and/or complexes currently inspected by the Federal Housing and Urban Development Department (HUD) or the Federal Housing Administration (FHA). Proof of inspection and compliance must be provided.
- Hotels, motels, and bed and breakfast establishments as classified in the Michigan Building Code, as amended.
- Homeless shelters.

Section 4 Basis for inspection

The county, through its building official, shall have the authority to inspect any residential rental dwelling unit or structure under the following situations:

- In the course of an initial scheduled inspection and tri-annual renewal inspection to receive and maintain a certificate of compliance;
- Upon request by the property owner or property manager/agent to inspect a unit(s) and/or structure;
- Upon a request by a tenant to inspect a unit or structure;
- Upon receipt of information that a unit or units are not registered with the county;
- Upon knowledge of an imminent life or safety danger.

Section 5 Inspection criteria

The county shall utilize the "International Property Maintenance Code," published by the International Code Council and adopted by the county as the established standards for the inspection of residential rental units.

The county building official shall prepare a standardized checklist of items to be inspected consistent with the standards of the "International Property Maintenance Code." The checklist shall be available to all residential rental property owners and tenants prior to an inspection.

Section 6 Inspection procedures

For the initial round of inspections, the building official's office shall prepare an inspection schedule for existing residential rental dwelling units and structures presently registered with the county. The schedule shall be based on a three-year inspection cycle and shall be developed so as:

- Not to concentrate on a single geographic area in a given year; and
- To limit the number of inspections for a single property owner with nine (9) or more residential rental units in separate structures to no more than one-third (1/3) of the units in a calendar year.

- Newly constructed and/or registered residential rental units shall be scheduled for an inspection at the time they are registered and shall be inspected and obtain a certificate of compliance prior to occupancy unless exempted under Section 3 one-time exemptions. In such case a certificate of compliance shall be issued without an additional inspection.

At least thirty (30) days prior to an inspection or inspections, the county building official's office shall send in writing, a notification to the property owner or property manager/agent including the date and the unit or units to be inspected. It shall be the responsibility of the property owner or property manager/agent to notify the affected tenant(s). The property owner or property manager/agent may request a change in the inspection appointment no less than ten (10) days prior to the scheduled inspection. In the event a property owner, property manager/agent, or tenant learns that he/she cannot be present at the scheduled appointment, the county building official must be notified at least 24-hours in advance. A new inspection appointment shall be scheduled no more than thirty (30) days from the original appointment. A missed appointment by a property owner or property manager/agent shall be rescheduled by the county, and a "missed appointment fee" as listed in the county's adopted fee schedule shall be imposed.

A property owner, property manager/agent, or tenant shall provide access to his/her residential rental dwelling unit(s) and/or structure(s). An individual refusing entry shall be notified of the county's authority to inspect the property and that it will take appropriate and necessary action, including but not limited to: issuance of a citation, obtaining a search warrant, posting the unit as uninhabitable and/or instituting other legal action as prescribed in Section 10, Failure to Comply.

A unit in compliance with the requirements included in the inspection checklist shall be issued a Certificate of Compliance valid for a period of three (3) years from the date of issuance unless revoked by the county (see Section 7, Revocation of Certificate of Compliance).

For units with code violations, the building official shall provide a written notice of the noted code violations to the property owner or property manager/agent, who shall have thirty (30) days from receipt of the notice to correct said code violations. More time may be granted by the building official in those situations in which the property owner or property manager/agent can demonstrate a justifiable need and the additional time will not result in conditions deteriorating further. Less time may also be specified for life or health threatening situations. If any violation remains uncorrected following the allotted repair time, an additional ten (10) days may be granted; however, a re-inspection fee shall be imposed for each subsequent re-inspection. The re-inspection fee shall be paid prior to the inspection.

Decisions of the building official may be appealed to the construction board of appeals serving as the housing appeals board (see Section 8, Appeal Process).

The county building official shall be responsible for scheduling renewal inspections at least forty-five (45) days prior to the expiration of a certificate of compliance.

Section 7 Revocation of certificate of compliance

A certificate of compliance may be revoked by the building official under the following circumstances:

- A residential dwelling unit or structure is not operated as a rental unit or structure for ninety (90) consecutive days and/or is removed by the property owner or property manager/agent from the county's rental registration list. A new certificate of compliance must be obtained including the required inspection prior to occupancy.
- A property owner or property manager/agent has failed to correct code violations within the required timeframe and has been officially cited by the county as a misdemeanor violation or by other legal action.

Section 8 Appeal process

A property owner or property manager/agent disagreeing with a decision of the building official relative to the existence of a violation or the timeframe in which to make corrections, may appeal that decision to the housing appeals board, hereby designated to hear such appeals. A tenant of a rental dwelling unit shall have standing to appeal a notice or order to vacate a residential rental dwelling unit.

The county construction board of appeals shall serve as the housing appeals board and shall meet on an as-needed basis. The housing board of appeals shall meet in compliance with the Michigan Open Meetings Act 267 of 1976.

A property owner, property manager/agent, or tenant requesting an appeal shall submit a written request on a form provided by the county building official with the appropriate fee within ten (10) days after receipt of a notice of violation, or within the time allotted for taking any action indicated on a notice or order, whichever is shorter. The decision or order of the building official shall be held in abeyance until it is acted upon by the housing appeals board.

The housing appeals board shall convene within fifteen (15) working days with notice served to the appealing party of the date, time and location of the hearing. The board shall hear testimony and argument from the appealing party and the building official and shall by majority vote, render a decision on the question at hand. The decision of the housing appeals board shall be binding on all parties.

Section 9 Fees

Fees for inspections, missed appointments, re-inspections, late fees, and appeals shall be as prescribed in the county fee schedule as adopted from time to time by the board of commissioners. All fees shall be paid at the office of the building official prior to inspections being performed. A late fee shall be charged for all inspection fees not paid prior to the inspection through ten (10) days after the inspection is performed. Fees remaining unpaid more than ten (10) days following an inspection shall be charged an additional late fee and all accumulative charges may be added to the tax rolls relative to the property(s), and such charges shall become a lien in the same manner as the regular taxes applied to such premises, until such charges are paid. Other fees shall be enforced for other sections of this Ordinance. [Ref [Article 1 Section 7](#)]

Section 10 Failure to comply

Failure or refusal to have residential rental units inspected in accordance with this article, or failure to comply with any provision of this article or notice given pursuant hereto, shall constitute a misdemeanor, which upon conviction may result in a fine of up to \$500.00 per violation, costs of prosecution and/or imprisonment for up to ninety (90) days.

Section 11 Enforcement authorization

The county building official, county building inspector, county fire marshal, law enforcement agencies and county planning/zoning officials are authorized to enforce the provisions of this article and issue misdemeanor citations pursuant hereto.

Section 12 Program implementation

The Land Use Services Department under the direction of the county administrator shall be responsible for the implementation and ongoing operation of the county rental housing inspection program.

RENTAL HOUSING INSPECTION CHECKLIST

Residential rental property inspections are conducted on a three-year cycle to ensure a minimum health, safety and welfare standard for rented residential structures and the associated property. Rental property owners are expected to maintain their units to the minimum standards between inspections for the safety of the tenants, inspections outside of the normal three-year cycle will be performed at either the occupant's or owner's request. The inspection criteria are based on the current edition of the "International Property Maintenance Code and the Housing Quality Standards guidelines.

The following checklist may be used prior to the scheduled inspection to help prevent a lengthy and potentially more expensive inspection process:

EXTERIOR AREAS

- The building must be addressed per the Otsego County Street Numbering Ordinance
- Detached accessory structures must be in good repair
- All stairs, porches, landings, and decks must in good condition and structurally sound. Hand and guard railings must be securely attached and of the appropriate height
- Exterior walks and driveway surfaces should be in good condition and free from tripping hazards
- Exterior walls, foundations, chimneys, and roofs must be weather tight and free from missing boards, bricks, blocks, or shingles. Rotted wood on door frames, window frames, soffit, and fascia should be replaced or repaired
- Exterior electrical outlets must be Ground Fault protected outlets
- No evidence of rodent/vermin infestation

INTERIOR AREAS

- **Windows:**
 - must operate as intended and be capable of holding themselves open without assistance from any other item
 - cracked or broken panes of glass must be repaired
 - operable windows must have screens that are not ripped or full of holes to keep insects out
 - frames, sashed, and sills must be in good condition
 - all sleeping areas require egress windows with an unobstructed path of travel
- **Doors:**
 - all exterior doors must be operable and lockable
 - all exterior doors must seal against weather infiltration
 - doors must open and close properly with minimal effort
 - screens and storm doors must be in good repair
 - fire door, if applicable, must be self-closing and latching
- **Walls, Floors, Ceilings:**
 - all floors should be sound and free from holes
 - walls/ceilings must be free from holes
 - floor coverings must be cleanable, especially in kitchen areas and bathrooms where mildew can form and free of tripping hazards
 - countertops must be in good condition, cleanable, and easy to maintain
 - interior stairways must be in good condition with no loose boards. Hand and guard railings must be present and secure
- **Electrical:**
 - all electrical outlets, light switches, and fixtures must be operable
 - all cover plates for electrical outlets, switches, junction boxes, fuse, and breaker panels must be on and unbroken

- areas near water sources in kitchens, bathrooms, and laundry rooms must be ground fault protected
- light fixtures and ceiling fans must be properly attached; cannot be hanging from wires
- breakers and fuses must be properly sized
- panel must be grounded and in good condition; service amps adequate for usage
- **Plumbing:**
 - all water and waste pipes must be free of leaks
 - all fixtures in good working order with no leaks or continuous running
 - all drains must have proper traps and covers
 - proper venting must be in place by operable window or vent fan
 - all units must have hot and cold water
 - water heaters must be operable with no rust holes or leaks, with shut-off valves and venting properly installed
- **Heating:**
 - a permanent heat source connected to the building's electrical system must be provided
 - shut-off valves, on/off switches and secured venting must be in place
 - heat of at least 65° must be available to all living spaces
 - fireplaces, wood stoves must be operable and maintained
- **General Health and Safety:**
 - smoke/carbon monoxide detectors must be properly installed in correct locations and maintained
 - laundry areas require proper plumbing and venting; washers must drain into a sink or the building's sanitary line and dryers must be vented outside

Note: It is recommended a fire extinguisher be provided for safety. Otsego County rental inspections do not include inspections for mold, contaminants, or pollutants

Note: Plumbing, Mechanical and Electrical Work: Any installation, modifications, replacement or service of any electrical equipment, plumbing or mechanical equipment including hot water heaters, furnaces, space heaters, water supply lines, drain and vent waste lines, electrical wiring, etc. require a permit and must be completed by a licensed trade contractor.