

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES BY AMENDING PART FOURTEEN – BUILDING AND HOUSING CODE, TITLE TWO – BUILDING STANDARDS, TO ADD NEW CHAPTER 1423 ENTITLED “MULTIFAMILY HOUSING CERTIFICATION” TO THE CITY OF SOUTHGATE CODE OF ORDINANCES.

Preamble

The City of Southgate City Council approved at their regular meeting of July 5, 2023 an ordinance to amend the code of ordinances by amending Part Fourteen-Building and Housing Code, Title Two-Building Standards, to Add Chapter 1423 Entitled “Multifamily Housing Certification” to the City of Southgate Code of Ordinances:

The City of Southgate ordains:

The City of Southgate Code of Ordinances, Part Fourteen, Title Two, is hereby amended by adding **Chapter 1433** entitled, “**Multifamily Housing Certification**” to read as follows:

Sec. 1423.01 – Purpose.

The purpose of this article is to establish certain responsibilities and duties of landlords and tenants essential to make such dwellings safe, sanitary, and fit for human habitation, to provide for registration with the Building Department, to provide for biennial property maintenance inspections, to require a certificate of compliance issued by the Building Department in order to occupy residential rental dwellings, and to designate penalties for violations of this chapter. Further, the purposes of this article are:

- (a) to ensure that all non-owner-occupied multifamily housing units are being maintained in conformance with all applicable building and safety codes, rules, and regulations for the protection of the public health and safety of the residents of the rental units and the community;
- (b) to proactively identify blighted and deteriorated rental housing stock and to ensure the rehabilitation or abatement of rental properties that do not meet minimum building and housing code standards, exterior maintenance standards, fire code standards, and site maintenance standards all in an attempt to create and maintain a healthy, safe and crime and nuisance free environment to further preserve and enhance the quality of life for the residents of the City living in multifamily dwellings, as well as the community as a whole;
- (c) to regulate multifamily housing through registration, inspection, and certification to protect the public health, safety, and welfare, and to achieve the goals of this Chapter; and
- (d) to assist the City with information to provide more adequate police, fire, and emergency protection; more equal and equitable real and personal property taxation; better efficiency and economy in furnishing public utility services; and more comprehensive and informed planning and zoning for uses of land and structures within the City.

Sec. 1423.02 – Definitions.

The following words and phrases shall have the following meanings respectively given to them in this article:

Apartment means an attached dwelling unit with party or common walls, contained in a building with other dwelling units or sharing the occupancy of a building with other than a residential use. Apartments are commonly accessed by common stair landing or walkway. Apartments are typically rented to the occupants. Apartment buildings often may have a central heating system and other central utility connections. Apartments typically do not have their own yard space. Apartments are also known as garden apartments or flats.

Apartment complex means one or more parcels of land containing a group of multifamily structures owned or managed by the same person or entity. Apartment complexes typically provide parking lots and other site amenities for tenants and guests.

Building Code means Chapter 1420, as amended, of the Code of Ordinances of Southgate, Michigan.

Building Official means the City employee or his/her designee responsible for conducting inspections under the building code, rental inspection guidelines, and property maintenance code for residential rental structures and residential rental units.

Certificate of compliance means a certificate issued by the City's Building Department indicating that the residential rental structure or dwelling unit identified on the certificate complies with all the applicable provisions of this code and other applicable state laws and City ordinances, particularly the property maintenance code and the fire prevention code.

Certificate of compliance incentive bonus means an additional twelve (12) months period of time that a certificate of compliance is valid.

Department means the City of Southgate Building Department.

Dwelling means a building or portion thereof which is used exclusively as a residence and provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Duplex dwelling means a detached building, designed exclusively for, and occupied by two families living independently of each other, with separate housekeeping, cooking, and bathroom facilities for each family.

Fee means a monetary fee determined from time to time by City Council resolution.

Initial phase-in period means the period from the effective date of this Chapter through completion of the first inspection cycle, a duration of approximately two (2) years, during which time all multifamily residential rental structures and residential rental units in existence on the effective date of this article shall be required to be inspected and issued a Certificate of Compliance. It shall be permissible for a tenant to continue to occupy an existing residential rental unit during the initial phase-in period barring any order of the Building Official or Fire Marshal to the contrary.

Inspection guidelines means the provisions of Chapter 1422 of the Southgate City Code entitled International Property Maintenance Code.

Lease means any written or oral agreement that sets forth conditions concerning the use and occupancy of residential rental structures or residential rental units between an owner and tenant.

Life/safety code violation means any physical condition or violation of the City's property maintenance code, fire code, building code, mechanical code, electrical code, plumbing code, blight ordinance, or county, state and federal health and safety regulations that, in the opinion of the Building Official or Fire Marshal, poses an immediate threat to the life, health, and safety of occupants of a structure or the general public.

Multifamily accessory facility means a common hallway or stairs, mechanical room, boiler room, laundry room, storage area, recreation facility, or other similar facility located within a multifamily structure or on the property of one or more multifamily structures.

Multifamily structure means a building consisting of three or more dwellings.

Owner means a person or entity with legal or possessory interest in a dwelling unit.

Registration means submittal of an official City application form and fee to the Building Department reporting ownership of a multifamily residential rental structure including all required data and information regarding said structure, dwellings, and accessory facilities contained within said structure, and upon said premises, and including the Responsible Local Agent where applicable.

Rent means the consideration paid for the right to use and possess property, examples of which include, but are not limited to, the payment of money, the payment of taxes, the payment of utilities, the exchange of goods or services, the performance of home improvements or routine maintenance, the occupancy of a dwelling to maintain security, a form of employment compensation, the bartered or discounted exchange(s) of merchandise or services, labor, and the like.

Responsible local agent means an individual person, corporation, partnership, or other legal entity that represents the owner and/or manages a residential rental structure and its residential rental units on behalf of the owner. The responsible local agent must have a place of business or residence in the United States within fifty (50) miles of the Southgate City limits. The responsible local agent shall be designated by the owner as

responsible for operating such premises in compliance with all the provisions of the City codes and ordinances. The owner may act as the responsible local agent provided that the owner resides or has a place of business in the United States within fifty (50) miles of the Southgate City limits.

Temporary certificate of compliance means a certificate issued for a residential rental structure or unit, following an inspection, which is found to be in substantial compliance with the Code and which, in the opinion of the building official, has no life/safety code violations. Such certificate shall state any remaining violations to be corrected and the date it expires. A reasonable extension may be granted at the discretion of the department. Failure by the owner to correct the violations within the specified time shall constitute a violation of this article.

Tenant means the person, under a lease or who pays rent, entitled to the use and occupancy of a dwelling unit or any portion thereof.

Sec. 1423.03 – Registration of multifamily residential rental structures required.

No person shall engage, or be engaged, in the operation, rental or leasing of a multifamily residential rental unit without first registering the residential rental structure and reporting all residential rental units and accessory facilities, if any, contained therein with the City in the manner provided herein.

- (a) The owner of any existing multifamily residential rental structure(s) shall register each such structure with the City within 30 days of the effective date of this article.
- (b) All newly constructed multifamily residential rental structures shall be registered concurrently with the issuance of a certificate of occupancy by the City. Newly constructed multifamily residential rental structures shall not be assessed a registration fee.
- (c) Structures not subject to the provisions of this article on the effective date of this article that later become multifamily residential rental structures shall immediately be registered and comply with all other provisions of this article prior to occupancy.
- (d) The registration shall include a description of all residential rental dwelling units and accessory facilities, if any, within each structure and upon said premises.
- (e) One registration is required for each structure even though multiple units occupied by multiple individuals may be contained within the structure.
 - 1) Duplex dwellings shall require one registration.
 - 2) Each multifamily structure/building shall require one registration.
- (f) The registration of one multifamily residential rental structure shall not relieve the owner from the necessity of registering all other multifamily residential rental structures that he/she/it owns in the City.

Sec. 1423.04 – Responsible local agent.

An owner of a multifamily residential rental structure may designate a person or entity as the responsible local agent. If the owner of a multifamily residential rental structure resides more than fifty (50) miles from the City of Southgate or outside of the United States, the owner shall designate a person or entity as the responsible local agent.

The responsible local agent shall maintain a place of business or residence in the United States within fifty (50) miles of the City of Southgate and shall be responsible for operating and providing access to the multifamily residential rental structure or residential rental unit.

All official notices and correspondence from the City related to administration of this article may be issued to the responsible local agent, and any notice or correspondence so issued shall be deemed to have been issued upon the owner.

Sec. 1423.05 – Registration forms.

- (a) Application for registration shall be made on a form supplied by the City and filed with the Building Department and shall include the following information:

- 1) The address of the structure, type of structure, number of dwelling units, and whether an owner occupies any portion of the structure.
 - 2) The individual owner's name, birthdate, driver's license number, address, phone number, and email address. No post office box shall be accepted as a legal address, however, may be accepted as a mailing address upon written request of the owner.
 - 3) If the owner is a corporation, the registration shall include the corporate name, Michigan corporate entity number, name and mailing address of the resident agent, corporate mailing address, phone number, and email address.
 - 4) The owner's signature or alternate method of conveying consent by a person or entity lawfully authorized to do so representing the owner or owner's estate.
 - 5) If applicable, the designation of a responsible local agent, the agent's birthdate if an individual, driver's license number if an individual, mailing address, phone number, and email address.
 - 6) The responsible local agent's signature (if applicable).
 - 7) The registration shall include the unit number and description of each dwelling unit, the number of separate exterior dwelling entrances, and all multifamily accessory facilities as requested on the form.
 - 8) A registration fee as established by City Council resolution.
- (b) The owner shall provide a site plan or drawing showing details of the property including locations of structures, parking areas and accessory facilities on the site, and a complete layout of each building showing building addresses, dwelling unit numbers and floor plans.

Sec. 1423.06 – Certificate of compliance required.

- (a) The Department shall provide for the systematic inspection of all multifamily residential rental structures, residential rental units, and multifamily accessory facilities, which are subject to provisions of this article for the purpose of determining whether the structures, units, and facilities comply with all applicable City codes and with provisions of this article. Those structures, units, and facilities that are determined to be in compliance shall be issued a certificate of compliance.
- 1) The exterior building/grounds and each interior dwelling unit of duplex dwellings shall require separate certificates of compliance.
 - 2) The exterior building/grounds of each multifamily structure, each multifamily accessory facility, and each residential rental unit within a multifamily structure shall require separate certificates of compliance.
- (b) An owner shall provide the Department with a certificate of insurance, issued by an insurance company, that certifies that the structure(s) and unit(s) is insured against structural loss or damage, including, but not limited to, fire damage. The certificate of insurance shall state the name of each person named on the policy and its expiration date. The certificate of insurance shall be in force at the time a certificate of compliance is issued or at the time a renewed certificate of compliance is issued.
- (c) No person or entity, either the owner or the owner's responsible local agent, shall rent or lease a residential rental unit unless that owner or agent has first obtained valid certificates of compliance from the Department except during the limited period of time until the unit is first inspected during the initial phase-in period of this article. For new construction the original certificate of occupancy shall serve as the certificate of compliance for a period of 24 months, after which the owners of said units shall apply for a standard biennial certificate of compliance renewal. Structures not subject to the provisions of this article on the effective date of this article that later become residential rental structures shall be registered,

obtain a certificate of compliance, and comply with all other provisions of this article prior to occupancy of any dwelling unit.

Sec. 1423.07 – Issuance of certificate of compliance.

- (a) A certificate of compliance shall not be issued until all cited code violations have been corrected and approved, and until all fees have been paid in full.
- (b) A certificate of compliance shall be issued on the condition that the subject structure, unit, or facility remain in compliance with the City's property maintenance code and all other applicable ordinances and laws. If, after certification, the Department determines that violations exist, the certificate may be temporarily suspended as to the affected areas or the full certificate may be revoked, and the areas of violation may be ordered vacated until the subject structure, unit, or facility is brought into compliance.

Sec. 1423.08 – Term and renewal.

- (a) *Registration* of a residential rental structure shall be valid for as long as ownership or designation of a responsible local agent remains unchanged.
- (b) *Certificates of compliance* shall be renewed on a biennial basis and are valid until the expiration date recorded on the certificate of compliance unless administratively extended, suspended, or revoked by the Department. The period of time the certificate is valid shall begin on the date of the scheduled first inspection and shall expire at midnight on 24 months following issuance. If an owner or agent cancels or fails to appear for a scheduled inspection or takes an unreasonable period of time to correct code violations, the time delay to certify the structure or unit shall not serve to extend the period of time the certificate is valid. The date of issuance and expiration shall be recorded on the certificate. It is the duty of the owner or responsible local agent of the subject property to arrange for the inspection necessary for the renewal of the certificate of compliance at least 60 days prior to its expiration.
- (c) Any owner or responsible local agent shall be afforded the opportunity to earn a *certificate of compliance incentive bonus* that extends the period of time a certificate of compliance is valid from 24 months to 36 months. An additional twelve (12) months bonus time shall be granted when all of the following conditions are met:
 - 1) There are no life/safety code violations cited during the initial inspection;
 - 2) There are no more than four (4) code violations cited during the initial inspection;
 - 3) All cited code violations are corrected and verified during the first scheduled re-inspection;
 - 4) There are no outstanding fees, fines, or taxes owed to the City for the subject property;
 - 5) All required permits for work done within the structure have been obtained.
- (d) If an owner or responsible local agent fails to arrange for the inspection necessary to renew the certificate of compliance at least 60 days prior to its expiration, the Department shall schedule the inspection and send notification to the owner or responsible local agent.
- (e) The department may, in the absence of any life/safety code violations, administratively extend the expiration date of a certificate of compliance of any residential rental unit due to circumstances beyond the control of an owner or responsible local agent including, but not limited to, the department's inability to perform an inspection in a timely manner.

Sec. 1423.09 – Transfer of Ownership or Responsible Local Agent.

- (a) Certificates of compliance shall be transferable when the ownership of a multifamily residential rental structure changes provided that all certificates of compliance required for the property are valid at the time of transfer.

- (b) It shall be the duty of the new owner to immediately register with the Department consistent with Sec. 1423.03 and pay a fee established by the City.
- (c) It shall be unlawful for the owner of any multifamily residential rental structure or residential rental unit, who has received a notice of violation of any code or ordinance of the City for that location, including zoning violations, building code violations, violations of rental inspection guidelines, fire code, or nuisance code violations, to transfer, convey, sell, including by land contract, ownership and/or interest in any way to another, unless such owner shall have first furnished to the grantee, vendee, or transferee a copy of any notice of violation and shall have furnished to the Department a signed and notarized statement from the grantee, vendee, or transferee acknowledging receipt of such notice of violation and acknowledging legal responsibility for correction of the violation.
- (d) An owner may at any time designate a new responsible local agent to replace the responsible local agent, if any, on file with the department by submitting a form provided by the department and paying a fee established by the City.

Sec. 1423.10 – Initial Inspections.

- (a) The Department shall schedule initial inspections, at its discretion, of multifamily residential rental structures, units, and accessory facilities which are subject to provisions of this article to determine if the structures and units qualify for a certificate of compliance. The owner or responsible local agent of the property shall receive prior notice of the Department's intent to inspect; the owner may voluntarily waive the notice period and consent to an inspection at an earlier date. The owner shall provide to the tenant(s) a minimum of 72 hours written notice of the Department's intent to inspect the unit he/she occupies.
- (b) Inspection fees established by the City shall be paid in full prior to the date of inspection.
- (c) After the initial phase-in period, all residential rental structures, units, and accessory facilities which are subject to provisions of this article shall be required to be inspected at not less than 24-month intervals nor more than 36-month intervals unless adjusted by the Department.
- (d) The Department shall inspect multifamily residential rental structures, units, or accessory facilities pursuant to any of the following circumstances:
 - 1) Upon receipt of a new rental registration application for a structure that was not previously registered.
 - 2) Upon receipt of any certificate of compliance renewal request for any structure, unit, or accessory facility that has been previously certified.
 - 3) Upon receipt of a complaint from an owner or tenant that a structure, unit, or accessory facility is in violation of the property maintenance ordinance or any other ordinance or code of the City of Southgate, or is in violation of Michigan's housing law, Section 125.401 et seq. of the Michigan Compiled Laws.
 - 4) Upon receipt of a report or a referral from the Southgate Police Department, Department of Public Works, Fire Department, other law enforcement agency, public agency or department, or any individual indicating that the premises may be in violation of this article. The request shall be based on the personal knowledge of the person making the report.
 - 5) If an exterior survey of the premises gives the building official probable cause to believe that the premises is in violation of this article.
 - 6) Upon receipt of information that the multifamily residential rental structure is not registered with the City as required by this chapter.
- (e) If entry to a multifamily residential rental structure, unit, or accessory facility requiring inspection is refused, the Building Official and/or their designee shall have recourse to the remedies provided by law to secure entry, including but not limited to obtaining a warrant for an administrative search. Inspections

shall be limited to only the areas necessary to ascertain compliance with applicable ordinances, codes, and state law. Every reasonable effort shall be made to obtain consent to voluntarily enter the premises for the purpose of conducting a property maintenance inspection.

Sec. 1423.11 – Reinspection required; presumptions.

- (a) *Reinspections required.* An owner or responsible local agent who is provided with written notice of a code violation or violations, shall correct the code violations within the period of time specified in the notice of violations. Failure to correct a code violation within the specified period of time constitutes a nuisance per se and may result in the residential rental structure or residential rental unit being posted for non-compliance with the City's property maintenance code and/or any other applicable codes or regulations.
- (b) *Failure to have property timely reinspected.* Following inspection and notice of violations, should the owner, the owner's responsible local agent, or the person responsible for the structure fail to facilitate a reinspection prior to the date specified for correction of the violations or by any extended date granted by the department, it shall be presumed that any violations in the notice of violations that have not been previously reinspected and approved have not been corrected and the owner or responsible local agent shall be responsible for failing to repair those violations as if they had not been corrected.
- (c) *Inability to conduct reinspection.* Should the department not be able to gain entry to a residential rental structure or residential rental unit for a scheduled reinspection then it shall be presumed that any violations in the notice of violations that have not been previously reinspected and approved have not been corrected and the owner or responsible local agent shall be responsible for failing to repair those violations as if they had not been corrected.

Sec. 1423.12 - Notice of intent to inspect.

If the owner or the owner's responsible local agent shall not register a residential rental structure or apply for a certificate of compliance for a residential rental structure, unit, or accessory facility, the department will send notice of its intent to inspect the subject structure, unit(s), and/or accessory facilities to the owner or responsible local agent at the mailing address of record with the Assessor's Office for the property owner and the mailing address provided on the registration form if different. Owners or responsible local agents shall have 14 days from the date of mailing to submit the completed registration forms, fees, and request for inspection appointment.

Sec. 1423.13 – Inspection guidelines and property maintenance standards.

The inspection guidelines and property maintenance standards required by this article shall be governed by those guidelines set forth in Chapter 1422 of the Southgate City Code entitled International Property Maintenance Code.

Sec. 1423.14 – Notices and Orders

- (a) Official notices and orders issued pursuant to this article, including but not limited to inspection scheduling notices, inspection reports, notices of code violations, and invoices, shall be served upon the owner or designated responsible local agent by first class mail to the address reported on the registration form, in person, or by email to the email address reported on the registration form upon written consent of the owner or agent.
- (b) Whenever the Building Official or his/her designee determines that there has been a violation of any section of this article, he/she shall give notice of such alleged violation and order for correction of the violation as provided for in the International Property Maintenance Code, Chapter 1422 of the Code of Ordinances.

Sec. 1423.15 – Appeal Process

- (a) Appeal of Applicability of the Article.

- 1) If the owner or responsible local agent disagrees with the opinion of the Building Official or his/her designee as to whether the subject property is subject to provisions of this Chapter other than the

International Property Maintenance Code, the owner or responsible local agent may appeal to the City Council.

- 2) Any owner or responsible local agent requesting such an appeal shall file a written request therefor to the Building Department within ten (10) days after the date of the opinion of the Building Official. The appeal shall be made in writing and mailed, or hand delivered to the Building Department.
- 3) As soon as practical, the City Council shall fix a time, date and place for a hearing and provide notice of the same to the owner or responsible local agent ten (10) days before the scheduled hearing date.
- 4) The City Council shall hear evidence and testimony by City Departments and other concerned individuals regarding the appeal. The owner or responsible local agent, and/or their representatives, shall be allowed to present evidence and testimony at the hearing on the issues that are the subject of the appeal. After the hearing, the City Council shall decide by Resolution whether the subject structure or dwelling shall be regulated pursuant to provisions of this article. The decision of the City Council shall be final and shall be binding on the owner, responsible local agent, tenant, and the City.
- 5) The owner may appeal the final decision of the City Council to the Wayne County Circuit Court within 21 days of the date of the final decision.

(b) Appeal of Notice of Violation of the International Property Maintenance Code.

- 1) If the owner or responsible local agent disagrees with the opinion of the Building Official or his/her designee as to the existence of an alleged violation, or the period of time that will be reasonably required to correct the alleged violation as set forth in the notice of violation, the owner or responsible local agent may appeal as provided for in the International Property Maintenance Code, Chapter 1422 of the Code of Ordinances.

Sec 1423.16 – Fees.

- (a) Reasonable fees to receive and process registrations, to schedule and conduct inspections and reinspections, to invoice and collect fees, to issue certificates of compliance, and for other miscellaneous requirements to administer this chapter shall be established by resolution adopted by the City Council and shall be placed on file and made available to the public by the City Clerk's Office.
- (b) A fee will be charged when an inspector is unable to conduct an inspection because the person responsible for facilitating access was not present to do so, when the inspector is effectively locked out of the area to be inspected, when an inspection is canceled less than 72 hours prior to its scheduled date/time of occurrence, and when an administrative search warrant is necessary to facilitate an inspection.

Sec. 1423.17 – Right to examine certificate of compliance; registry of certificate holders.

- (a) The owner or responsible local agent shall provide a copy of a valid certificate of compliance to the tenant or prospective tenant upon request.
- (b) The Building Department shall maintain a registry of all multifamily residential rental structures and residential rental units that have been granted valid certificates of compliance or have had a certificate of compliance denied, suspended, or revoked. Such registry shall be available for public inspection.

Sec. 1423.18 – Harassment.

- (a) Any owner or responsible local agent who harasses or threatens a tenant or person who pays rent with loss of occupancy because of filing a verified complaint shall be responsible for a municipal civil infraction.

- (b) Any tenant or person who pays rent who shall maliciously or frivolously cause an inspection to be made for the purpose of harassing any individual, owner or responsible local agent, corporation, or governmental agency when no violation is present shall be responsible for a municipal civil infraction.
- (c) Building Officials and/or his/her designees shall not be harassed, stalked, threatened, hindered, assaulted, or otherwise interfered with in the performance of their duties. Notwithstanding any other section in this article, a violation of this subsection shall be a municipal civil infraction.

Sec. 1423.19 – Penalties.

- (a) Any person who shall violate the provisions of this Chapter, or who shall fail to comply with any of the requirements thereof, shall be guilty of a municipal civil infraction. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues. The enforcing agency for the City shall be the Building Department.
- (b) The civil fines payable to the City's Municipal Ordinance Violations Bureau for admissions of responsibility shall be as follows:
- 1) \$100 for a first offense.
 - 2) \$300 for a second repeat offense within two years.
 - 3) \$500 for a third and each subsequent repeat offense within two years.

Authentication

This is to certify that the undersigned do hereby authenticate the foregoing record of the ordinance herein set forth.



Joseph G. Kuspa
Mayor
Adopted July 5, 2023



Janice M. Ferencz
City Clerk
Published by Posting: July 31, 2023