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March 6, 2018

Board of Trustees
Charter Township of Waterford
5200 Civic Center Drive
Waterford, MI 48329

RE: Proposed Amendment of Rental Certification Ordinance

Dear Township Board Members:

As you probably recall, back in November you introduced and adopted a comprehensive set of amendments to the Township's Rental Certification Ordinance. One reason for those amendments was to conform to changes in the State Housing Law. As it turns out, the Legislature was not done tinkering with that law. As adopted on November 21, 2017, with an effective date of February 19, 2018, Public Act No. 169 of 2017 further modified the standards for inspections of rental housing.

From our review of Public Act 169, the only change not adequately covered in the ordinance amendment you adopted back in November is a new tenant/lessee consent provision. Bringing the Ordinance into conformity with that aspect of the statute can be accomplished by some limited changes to Section 4-251(c). A proposed ordinance amendment showing those changes and a clean version of that ordinance is provided with this letter. If you are satisfied with this amendment we are recommending, the appropriate action would be the following motion:

Motion to introduce the rental certification ordinance amendment presented by the Township Attorney and schedule it for adoption at the Board's next regular meeting.

Sincerely yours,

JOHNSON, ROSATI, SCHULTZ & JOPPICH, P.C.

Gary L. Dovre

GLD:jah

Enclosures

cc: Rob Merinsky, Development Services Department Director

**CHARTER TOWNSHIP OF WATERFORD
ORDINANCE NO. 2018- 001**

RENTAL CERTIFICATION ORDINANCE AMENDMENT

An Ordinance to amend the Rental Certification Ordinance in Article IX of Chapter 4 of the Waterford Charter Township Code, to conform to changes in the State Housing Law for inspections.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

Section 4-251(c) of the Waterford Charter Township Code is amended to read as follows:

Sec. 4-251. Inspections.

(c) Unless a tenant has made a complaint to the Township regarding the condition of a residential rental unit, or the lease for that unit authorizes its inspection, The all tenants of a single family dwelling-residential rental unit or the tenants of residential rental units in a two-family dwelling may deny access for a rental inspection by completing and submitting an "Access Denied" form to the Building Official within ten (10) days of the notice described in subsection (b)(3). The Access Denied form shall be provided by the Building Official and shall describe the purpose of the requested inspection and contain a statement that by signing and submitting it each the tenant assumes all risks of injury and damage from conditions that may not comply with the housing and building codes. If that is done, the residential rental unit shall not be inspected without the a tenant's subsequent consent or pursuant to an administrative search warrant. A consent to inspection by one tenant shall be binding on any other tenants of a residential rental unit. If a tenant is not present during an inspection, the Building Official may rely on the owner's representation that a tenant has consented to the inspection. If no such consent or administrative search warrant is obtained the following procedures shall apply and be followed:

- (1) The Certification will be pulled, and the unit will be placed in an inactive file with a recheck scheduled for one year's time.
- (2) In the event that the unit becomes vacant, it is the property owner's responsibility to schedule an inspection and to obtain certification prior to allowing occupancy.
- (3) Failure of the owner to arrange for an inspection once the unit becomes vacant is a violation punishable as a civil infraction.
- (4) An owner allowing occupancy of a unit without a valid certification after a vacancy is a violation and punishable as a separate civil infraction.

Section 2 of Ordinance

Should any section, subdivision, sentence, clause or phrase of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

Section 3 of Ordinance

This Ordinance shall take effect immediately upon publication.

CERTIFICATION

I certify that this Ordinance was adopted by the Board of Trustees of the Charter Township of Waterford at a regular meeting held on _____, 2018.

CHARTER TOWNSHIP OF WATERFORD

Date

By: _____
Sue Camilleri, Township Clerk

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