



**EMERGENCY FINANCIAL MANAGER
CITY OF FLINT
GENESEE COUNTY MICHIGAN**

ORDER No. 7

**CITY COUNCIL ADOPTION OF AMENDMENT TO
RENTAL INSPECTION ORDINANCE IS NULL AND VOID**

BY THE POWER AND AUTHORITY VESTED IN THE EMERGENCY FINANCIAL MANAGER ("EMERGENCY FINANCIAL MANAGER") FOR THE CITY OF FLINT, MICHIGAN ("CITY") PURSUANT TO PUBLIC ACT 72 OF 1990, THE LOCAL GOVERNMENT FISCAL RESPONSIBILITY ACT, MCL 141.1201 *et seq* ("PUBLIC ACT 72"), EDWARD J. KURTZ, THE EMERGENCY FINANCIAL MANAGER, ISSUES THE FOLLOWING ORDER:

On May 15, 1990, the Local Government Fiscal Responsibility Act, Public Act 72 of 1990, ("Public Act 72") was enacted to provide for review, management, planning, and control of the financial operation of units of local government; to provide criteria to be used in determining the financial condition of a local government; to permit a declaration of the existence of a local government financial emergency and to prescribe the powers and duties of the governor, other state boards, agencies, and officials, and officials and employees of units of local government; and

On August 8, 2012, the Local Emergency Financial Assistance Loan Board appointed Edward J. Kurtz as the Emergency Financial Manager for the City of Flint; and

Pursuant to Public Act 72, the Emergency Financial Manager exercises the authority and responsibilities of the Mayor and City Council concerning the adoption, amendment, and enforcement of ordinances and resolutions affecting the financial condition of City of Flint; and

On October 8, 2012, Flint City Council adopted the attached Ordinance No. 3826 to amend the Flint City Code of Ordinances by amending Chapter 24 by adding Section 24-4, Adoption – Comprehensive Rental Inspection Code.

Ordinance No. 3826 affects the financial condition of the City of Flint. It will result in less revenue to the City. Among other things, the ordinance changes the rental property inspection period from 3 to 5 years.

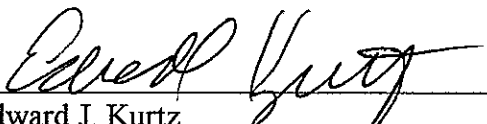
City Council adopted Ordinance No. 3826 without approval of the Emergency Financial Manger, as required under Public Act 72, and without approval of the Chief Legal Officer, as required under Flint City Charter § 4-602.

Based on the foregoing, it is hereby ordered that Flint City Council’s adoption of Ordinance No. 3826 is null and void. Ordinance 3826 shall not take effect.

The City Clerk shall not publish Ordinance No. 3826.

This Order may be amended, modified, repealed or terminated by any subsequent order issued by the Emergency Financial Manager.

Dated: 10-11-12

By: 
Edward J. Kurtz
Emergency Financial Manager
City of Flint

xc: State of Michigan Department of Treasury
Mayor Dayne Walling
Flint City Council
Inez Brown, City Clerk

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ORDINANCE NO. 3826

An ordinance to amend the Flint City Code of Ordinances by amending Chapter 24 by adding Section 24-4, Adoption - Comprehensive Rental Inspection Code.

Inez M. Brown, City Clerk

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

APPROVED AS TO FORM:

Sec. 1. That the Code of the City of Flint shall be amended by the ~~the~~ addition of Section 24-4; which shall read as follows:

Peter Bade, Chief Legal Officer

ARTICLE I. 2003 INTERNATIONAL PROPERTY MAINTENANCE CODE

§ 24-4 ADOPTION - COMPREHENSIVE RENTAL INSPECTION CODE.

(a) Pursuant to the provisions of MCLA § 117.3(k), the 2003 International Property Maintenance Code and any future additions and amendments as published by the International Code Council, Inc. and enforced by the City of Flint, together with City of Flint Administrative Amendments to the Property Maintenance Code, and the Comprehensive Rental Inspection Code, as are adopted by the City Council from time to time and filed in the office of the City Clerk are hereby adopted by reference and attached hereto.

§§ 24-5 - 24-97 RESERVED.

Sec. 2. This ordinance shall become effective immediately upon publication.

Adopted this 12th day of October A.D., 2012

Dayne Walling, Mayor

City of Flint

Comprehensive Rental Inspection Code

Adopted: _____

Published: _____

Effective Immediately upon Publication

Dayne Walling
Mayor

FORWARD:

These rules and regulations are to be followed in partnership with the 2003 International Property Maintenance Code adopted May 5, 2004, and represent the City of Flint Comprehensive Rental Inspection Code. This Code shall be enforced in conjunction with the 2003 International Property Maintenance Code, shall be made a part of the Property Maintenance Code of the City of Flint by reference herein, and shall have the full force and effect of the law.

**CHAPTER 9
RENTAL PROPERTIES**

**SECTION 901
REGISTRATION OF RENTAL PROPERTY**

901.1 Registry of Owner's Name.

a. Every owner of a rental dwelling, if rented or let to a lessee in whole or in part, shall file a notice with the City of Flint containing:

1. The owner's name.

2. The street address or P.O. Box number, city name and zip code at which the owner can be contacted, and/or served with process if the need should arise.

3. The owner's driver's license number.

4. Any information as requested to provide proof of ownership.

5. The number of rooms in each apartment or dwelling unit.

6. The number of persons occupying each apartment or dwelling unit.

b. Such notice may be filed by regular mail or personal delivery.

901.2 Registry of Agent's Name, Registered Agent.

a. Every owner of a rental dwelling shall file with the City of Flint a notarized notice containing the name and address of the agent of such property for the purpose of receiving process.

b. The name of the owner and the owner's agent shall be filed for the purpose of receiving process and such notice may be filed by regular mail.

901.3 Registry of Rental Dwellings Required.

a. Either the owner or the owner's registered agent shall register a rental dwelling with the City.

b. All rental dwellings shall be registered with the City.

901.4 Registry and Licensing of Existing Rental Dwellings.

- a. The City shall maintain a register of all rental dwellings and rental units containing the following information:
 1. The address and permanent parcel number of the rental dwelling.
 2. The number and type of rental units in the dwelling.
 3. The name, business and *residence.street [ELIMINATE PERIOD AND ADD A SPACE]* addresses, and driver's license number of the owner(s) and other information such as deed, etc., as requested to provide proof of ownership.
 4. The name, business and residence street addresses of the registered agent as designated in writing by the owners.
 5. The address and phone number where the owner and registered agent will accept notices and calls from the City.
 6. The currently assigned rental license number.
 7. The name, address and telephone number of the resident agent, if the owner is a corporation, LLC, partnership or non-profit entity.

901.5 Registry and Licensing of New Rental Dwellings. The owner or registered agent of a new rental dwelling, or of any dwelling newly converted to a rental dwelling, shall register the rental dwelling prior to allowing occupancy of any new rental units and secure the necessary license.

901.6 Change in Register Information. The owner or registered agent of rental dwellings already registered with the City shall re-register within sixty (60) days after any change occurs in registration information.

- a. A new owner of a registered dwelling shall re-register the dwelling.
 1. A rental license must be secured by the new owner or registered agent within thirty (30) days of assuming ownership.

901.7 Time to Register Existing Rental Dwellings.

- a. All rental dwellings existing as of the effective date of this Comprehensive Rental Inspection Code shall be registered immediately within thirty (30) days.
- b. Currently, registered units shall be registered no later than July 1st every five (5) years or as specified in Chapter 26 of the Flint City Code.
 1. The City shall order registration prior to that date for any dwelling cited in a notice required by this Chapter.

c. Failure to comply with such an order is a violation of this Comprehensive Rental Inspection Code.

901.8 Inaccurate or Incomplete Register Information.

a. It shall be a violation of the Comprehensive Rental Inspection Code for an owner or registered agent to provide inaccurate information for the registration of rental dwellings, or to fail to provide information required by the City for registration.

b. In those cases in which the owner is not a natural person, the owner information required by the City for registration shall be that of either: (1) the president, (2) the general manager, (3) the chief executive officer of the organization, or (4) the executor.

c. Where more than one natural person has an ownership interest, the required information shall be provided for each owner.

**SECTION 902
INSPECTION OF RENTAL PROPERTY**

902.1 Responsibility Before Occupancy. The owner or registered agent of any unit shall be responsible for meeting the Health and Safety Standards of *the* Property Maintenance Code of the City of Flint and its pertinent Administrative Amendments prior to allowing the unit to be occupied.

902.2 Application for Certificate of Inspection, Inspection and Issuance Procedures, Conditions for Issuance of Temporary Certificates, Time for Application, Application By Occupant in Default of Owner or Registered Agent, Fee.

a. An owner or registered agent shall apply for a certificate of inspection.

b. Inspection and issuance of certificate shall be in accordance with the requirements of this Comprehensive Rental Inspection Code and with procedures established by the enforcing agency.

c. The enforcing agency may issue such temporary certificates upon application in cases where inspections are not conducted within thirty (30) days.

d. Temporary certificates may also be issued for premises with violations of record, whether existing before or after the effective date of this Comprehensive Rental Inspection Code, when the owner or registered agent can show proof of having undertaken to correct such conditions, or when the municipality has been authorized to make repairs, or when a receiver has been appointed and/or when an owner rehabilitation plan has been accepted by the court.

e. In no event shall a temporary certificate be requested when conditions exist that constitute a hazard to the health or safety of those who may occupy premises prior to inspection, or re-inspection.

f. All inspection fees shall be paid by the applicant at the time of registration and application for inspection, in accordance with the schedule of fees in Chapter 26 of the Flint City Code.

902.3 Issuance of Certificate of Inspection: Violation Not To Prevent Issuance: Health or Safety Hazards, Non-Issuance.

a. No rental unit shall be occupied unless a certificate of inspection has been issued by the enforcing agency.

b. The certificate shall be issued only upon an inspection of the premises by the enforcing agency, except as provided in 902.2 hereof.

c. A violation of this Comprehensive Rental Inspection Code shall not prevent the issuance of a certificate, but the enforcing agency shall not issue a certificate when the existing conditions constitute a hazard to the health or safety of those who may occupy the premises.

d. Inspections shall be made prior to first occupancy of any rental property.

e. Where first occupancy will occur before the effective date of this Comprehensive Rental Inspection Code, inspection shall be made within one year after the effective date of this Comprehensive Rental Inspection Code.

f. Upon a finding that there are no violations of the 2003 International Property Maintenance Code or the Administrative Amendments thereto, and that the premises are otherwise fit for occupancy, the certificate shall be issued.

g. If the finding is of a condition that would constitute a violation of the 2003 International Property Maintenance Code or the Administrative Amendments thereto, no certificate shall be issued and an order to comply with the Comprehensive Rental Inspection Code shall be issued immediately and served upon the owner or registered agent in accordance with 902.2 *[NEEDS PERIOD]*

h. On re-inspection and proof of compliance, the order shall be rescinded and the certificate issued.

902.4 Withholding Certificates Pending Compliance, Continued Vacancy of Unoccupied Premises, Vacation of Occupied Premises Until Compliance, Conditions of Issuance, Suspension of Certificate and Vacation, Suspended Rentals, Conditions, Revival of Rental Obligations, Disposition of Rentals for Period of Suspension, Termination Prior to Repairs.

a. The issuance of approvals and a license does not grant a warranty, express or implied, as to the health, safety and welfare of life and property in conjunction with the property.

b. The City and its agents shall not be held liable for any damages in conjunction with inspections, approvals or licensing acts that are conducted in good faith and in the lawful discharge of duties in conjunction with this Comprehensive Rental Inspection Code.

c. When a certificate of inspection is withheld pending compliance, no premises which have not been occupied for dwelling or rooming purposes shall be so occupied, and those premises which have been or are occupied for dwelling or rooming purposes may be ordered vacated until re-inspection and proof of compliance, at the discretion of the enforcing officer.

d. A Certificate of Inspection shall be issued on condition that the premises remain in safe, healthful and fit condition for occupancy.

e. If upon re-inspection the enforcing agency determines that conditions exist which violate the 2003 International Property Maintenance Code or the Administrative Amendments thereto, the certificate shall be immediately suspended as to affected areas, and the areas may be vacated as provided in the preceding paragraph hereof.

902.5 Inspections.

a. **General.** The Development Division must inspect all properties held for residential rent every *five* years. All fees are paid in accordance with the Comprehensive Rental Inspection Code as reflected in the Fee Schedule attached hereto and made a part hereof as Attachment 1.

b. **Method for Conducting Inspections.** Inspections shall be conducted in a manner best suited to ensure compliance with this Comprehensive Rental Inspection Code. Neighborhood Enforcement Officials may request permission to enter any rental property during regular business hours to conduct an inspection. In case of emergency, the Official may enter the rental property at any time. In addition, inspections may be conducted on one or more of the following bases:

1. **By appointment.** The landlord, owner, or registered agent sets an appointment with the Development Division *[NEEDS PERIOD]*

2. **Area Basis.** Where all rental property within a predetermined geographical area will be inspected simultaneously, or within a specified period of time; *[REPLACE SEMI-COLON WITH PERIOD]*

3. **Complaint Basis.** Where a rental property is reported to be in violation of the Comprehensive Rental Inspection Code; *[REPLACE SEMI-COLON WITH PERIOD]*

4. **Violation Basis.** Where a Neighborhood Enforcement Officer, while conducting his or her duties, discovers a violation of the Comprehensive Rental Inspection Code.

5. **Recurrent Violation Basis.** Where a rental property has a high incidence of recurrent or uncorrected violations, requiring more frequent inspections to ensure compliance with this Comprehensive Rental Inspection Code.

c. **Five Year Period.** In no event will the period of time between inspections exceed *five* years for any rental property.

d. **Duties of Landlord.** Once notified by the Development Division that an inspection is required, the landlord, owner, or registered agent must:

1. Provide access to the rental property if the lease provides the owner, landlord, or registered agent a right of entry; **[REPLACE SEMI-COLON WITH PERIOD]**

2. Provide access to areas surrounding the rental property that are open to public view; **[REPLACE SEMI-COLON WITH PERIOD]**

3. Notify the tenants of the Development Division's request to inspect the rental property and make a good-faith effort to obtain permission for an inspection from them, and arrange for the inspection. If the tenant has vacated the rental property after the Development Division request for inspection, the landlord, owner, or registered agent must notify the Development Division within 10 days after the rental property is vacated.

4. Provide access to the rental property if a tenant of that property has made a complaint to the Development Division.

5. Pay any and all fees or fines necessary to comply with this Comprehensive Rental Inspection Code, as defined by the Master Fee Schedule, which is adopted from time to time by the Flint City Council.

902.6 Basis for Non-Cyclical Inspections. An inspection shall be conducted in the manner best calculated to secure compliance with this Comprehensive Rental Inspection Code. The following is a non-comprehensive list of bases upon which an inspection may be conducted:

a. An area basis, such the all regulated premises in a pre-determined geographical area will be inspected simultaneously, or within a specified period of time.

b. A complaint basis such that those premises which are reported to be in violation of this Comprehensive Rental Inspection Code.

c. A violation that is discovered by enforcement personnel during the execution of his or her duties.

d. A recurrent violation basis, those premises which are found to have a high incidence of recurrent or uncorrected violations will be inspected more frequently.

902.7 Ownership of Record Notification.

a. Any person owning, having an interest in or responsible for a building that is destroyed by fire, or which otherwise deteriorates to such a state that it is uninhabitable, must notify the City of Flint Development Division of his or her current address within seven (7) days of the fire or other event making said building uninhabitable.

b. Any person owning, having an interest in, or responsible for a building which is continuously vacant for a period of six (6) weeks must notify the City of Flint Development Division of his or her current address within seven (7) days of the expiration of the sixth week of vacancy.

c. Any such person required to give notice as specified above must also notify the City of Flint Development Division within seven (7) days of change of address.

d. The duties imposed by these notice requirements shall be effective for as long as damaged or deteriorated building remains in disrepair, and for as long as any unoccupied building remains.

902.8 Temporary Certificate Authorized. Where a license and certificate of registration is required, the City may issue a temporary license and certificate of registration for the following reasons:

a. For a newly registered rental dwelling until such time as the City is able to make a compliance inspection.

b. To enable the City to balance compliance inspection workloads.

c. To coincide with compliance time periods set forth in a notice citing violation of this Comprehensive Rental Inspection Code if such periods extend beyond the expiration date of a certificate.

902.9 Recording of Violation in Registry, Notice, Contents, Correction of Violations, Inspection.

a. If, upon inspection, the premises, or any part thereof, is found in violation of any provision of this Comprehensive Rental Inspection Code, the violation shall be recorded by the enforcing agency in the registry or owners and premises.

b. The owner or registered agent, and in the discretion of the enforcing agency, the occupant, shall be notified in writing of the existence of the violation.

c. The notice shall state the date of inspection, the name of the inspector, the nature of the violation, and the time within which the correction shall be completed.

d. A violation, which is determined by the inspector to constitute a hazard to the health and safety of the occupants, under circumstances where the premises cannot be vacated, shall be ordered corrected within the shortest reasonable time.

e. Compliance shall be obtained and notice given the enforcing agency by the owner or registered agent immediately.

f. The enforcing agency shall re-inspect after such reasonable time for the purpose of ascertaining whether the violations have been corrected, and if not, take appropriate action to obtain immediate compliance.

902.9 Continuity of Inspection Procedures and Documents. With the adoption of additional codes or regulations, all existing forms, letters, and printings shall continue in effect until existing stock is used, regardless of changes in §, subsection or chapter number changes.

902.10 Fees to Be Charged on Complaint Inspection.

a. Inspection fees as set forth in Chapter 26, Flint City Code will be due and payable by the owner and/or registered agent under any of the following conditions; *[REPLACE SEMI-COLON WITH COLON]*

b. When a “complaint” inspection results in a “Violation Notice” being issued and upon re-inspection, after the expiration date of such notice of written time extension, violations have not been corrected; ~~and/or~~ *[REPLACE SEMI-COLON WITH PERIOD AND STRIKE AND/OR]*

c. When a “complaint” inspection is made upon a property that is not current in License and Registration requirements; ~~and/or~~ *[REPLACE SEMI-COLON WITH PERIOD AND STRIKE AND/OR]*

d. When property is occupied contrary to a violation notice, which prohibits occupancy.

902.11 Licensing of Rental Property and/or Dwellings.

a. Rental property shall be licensed and fees paid as outlined in Chapter 26 of the Flint City Code.

b. Licenses will be issued upon receipt of the license fee and registration information, as required by this Comprehensive Rental Inspection Code.

c. Licenses are not transferable to subsequent owner, regardless of relationship to the current licensed owner.

902.12 License and Certificate of Registration Required. Rental dwellings containing one (1) or more rental unit(s) shall not be occupied for more than sixty (60) days without a license and certificate of registration or a temporary license and certificate of registration.

902.13 Issuance of License and Certificate of Registration.

a. The City shall issue a license and certificate of registration for a rental dwelling where the City finds that the rental dwelling and accessory buildings and yards *does* not have outstanding violations on file in the *Development Division* office that would prevent occupancy of the property.

b. The owner or registered agent must have paid all fees and debts to the City resulting from the provisions of this Comprehensive Rental Inspection Code prior to the issuance of a license and certificate of registration.

902.14 Validity of License and Certificate of Registration.

a. A license and certificate of registration shall be valid for such time period as established by ordinance, unless suspended as set forth below.

b. The building official may authorize up to six (6) additional months on the first certificate for a dwelling for the sole purpose of balancing inspection workloads for the city or for the owner or registered agent.

c. Each license and certificate of registration shall contain an expiration date.

d. Where ownership of a dwelling changes during the period of a certificate's validity, the new owner or registered agent shall obtain a new license and certificate of registration which shall expire on the same date as the certificate originally issued.

e. The issuance of such a new certificate shall be conditioned upon the new owner's and the registered agent's compliance with the provisions of this Comprehensive Rental Inspection Code.

902.15 Suspension of License and Certificate of Registration.

a. The building official shall suspend a license and certificate of registration if the owner or registered agent has not complied with a violation notice to repair.

b. The building official shall issue a notice of suspended license and certificate of registration to the owner or registered agent making note of the suspension in the registry of rental dwellings.

c. The notice of suspended license and certificate of registration will inform the owner or registered agent.

d. That the license and certificate of registration has been suspended as of the date of the notice.

e. Of the reason for the suspension.

f. That it is unlawful for any rental unit to be occupied after the date of suspension of the license and certificate of registration.

g. That any rental unit which is vacant at the time of suspension or which becomes vacant during the period of suspension shall not be rented or reoccupied until the license and certificate of registration is issued.

h. The license and certificate of registration is to be returned to the building official within ten (10) days.

i. That the tenants may be entitled to establish an escrow account for rent monies as provided for under State law.

j. Failure to comply with the terms of suspension as set forth above shall be a violation of this Comprehensive Rental Inspection Code.

902.16 Notifying Tenants of Suspended Certificate.

a. The City shall send a copy of a notice of suspended license and certificate of registration to each dwelling unit within a certified rental dwelling; *[REPLACE SEMI-COLON WITH PERIOD]*

b. The copy shall be addressed "Occupant" and shall be sent by regular mail; *[REPLACE SEMI-COLON WITH PERIOD]*

c. Failure of an occupant to receive a copy shall not invalidate any other proceedings authorized by this Comprehensive Rental Inspection Code.

902.17 Appeal of Suspension of License and Certificate of Registration. Suspension and/or denial of a license and certificate of registration may be appealed to the Construction Board of Appeals as outlined in this Comprehensive Rental Inspection Code.

902.18 Reinstatement of Suspended License and Certificate of Registration.

a. A suspended license and certificate of registration shall be reinstated if the enforcing agency determines that the rental dwelling has been brought into compliance with the standards of this Comprehensive Rental Inspection Code.

b. The City shall notify the owner or registered agent by regular mail, noting the reinstatement in the registry of rental dwellings.

c. Reinstatement of the Certificate shall not extend or change the expiration date of the Certificate.

d. A reinstatement fee of twenty-five dollars (\$25) and all inspection fees shall be paid by the owner or registered agent prior to the reinstatement of the Certificate.

902.19 Expiration of License and Certificate of Registration.

a. A license and certificate of registration may not be extended beyond its expiration date.

b. No unit within a rental dwelling, either single-family, multiple dwelling, rooming house, or hotel, shall be occupied for more than sixty (60) days after the expiration of a license and certificate of registration.

902.20 Notification of Owner. At least sixty (60) days prior to the expiration of a license and certificate of registration, the City *shall* notify the registered owner or registered agent to re-register.

902.21 Limits on Remedy.

a. It is the duty of the owner of a rental dwelling to ~~tri-annually~~ acquire and maintain a license for such rental dwelling in order to be entitled to rents and/or to evict tenants and/or occupants residing or located on the premises of the rental dwelling.

b. When the license for the rental dwelling has been suspended, or has not been issued, and the rents thereafter withheld are not paid into an escrow account established pursuant to state law, actions for rent and for possession of the premises for nonpayment of rent may be maintained, subject to such defenses as the tenant or occupant may have upon the lease or ~~contact~~. [*contract*]

902.22 Re-Issuance of License and Certificate of Registration. Any new license and certificate of registration issued to an owner or registered agent for a rental dwelling shall have an expiration date *five (5)* years after the expiration date that was shown on the previous certificate, regardless of when the new certificate is issued, or as outlined in Chapter 26 of the Flint City Code.

**SECTION 903
COMPLAINTS**

903.1 Tenant/Landlord Property Complaints.

a. When an alleged violation of the 2003 International Property Maintenance Code or the City of Flint's Administrative Amendments is reported on a registered rental property, a Neighborhood Enforcement Officer shall investigate, and if *aq* ~~{DELETE 'Q'}~~ violation is detected, the Neighborhood Enforcement Officer shall post a copy of a Notice of Violation on the property, and *send* a Notice of Violation to the owner or registered agent.

b. The Notice of Violation may be sent by certified mail or by regular mail and shall state:

1. That a complaint has been made.
2. The nature of the alleged violation.

3. The provision of the 2003 international Property Maintenance Code or the City of Flint's Administrative Amendments indicated as being violated.

4. When a verification inspection will be conducted to see if the reported violation exists.

c. Emergency complaints will be investigated as soon as possible upon receipt of the complaint.

d. Emergency complaints shall include, but are not limited to:

1. No heat.

2. No water.

3. Major electrical problems.