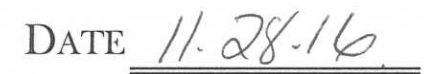




AGENDA
AD HOC COMMITTEE ON RENTAL AND
LAND CONTRACT HOUSING CONDITIONS
Monday, November 28, 2016 @ 4:30 p.m. (note day/time)
Council Conference Room, 10th Floor

Councilmember Kathie Dunbar, Chair
Councilmember Judi Brown Clarke, Member
Councilmember Tina Houghton, Member
Councilmember Carol Wood, Member

1. Call to Order
2. Minutes:
 - March 24, 2016
 - October 28, 2016
 - November 4, 2016
3. Public Comment
4. Discussion & Action:
 - A. Ordinance - Amendment to City Ordinance Chapter 1460
 - B. Discussion – Assessor Role in Requirements of Obtaining Land Contracts
5. Other
6. Adjourn





**AD HOC COMMITTEE ON RENTAL AND
LAND CONTRACT HOUSING CONDITIONS
Thursday, March 24, 2016 @ 8:30 a.m.**

Council Member Brown Clarke called the meeting to order at 8:39 a.m.

Councilmember Kathie Dunbar, Chair-arrived at 8:42 a.m.
Councilmember Judi Brown Clarke, Member –left at 9:30 a.m.
Councilmember Tina Houghton, Member
Councilmember Carol Wood, Member.

Others Present:

Sherrie Boak, Council Office Manager
Scott Sanford, Code Compliance
Mark Dotson, Deputy City Attorney
Teresa Bowers, Assessing
Robin Wright, Assessing
Eric Schertzing, Ingham County Treasurer
Derrick Quinney, Ingham County Register of Deeds
Angie Bennett, City Finance Director
Gary Caulkins

Minutes

MOTION BY COUNCIL MEMBER HOUGHTON TO APPROVE THE MINUTES FROM OCTOBER 2, 2015 AS PRESENTED. MOTION CARRIED 3-0.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM NOVEMBER 5, 2015 AS PRESENTED. MOTION CARRIED 3-0.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM DECEMBER 14, 2015 AS PRESENTED. MOTION CARRIED 3-0.

MOTION BY COUNCIL MEMBER HOUGHTON TO APPROVE THE MINUTES FROM JANUARY 14, 2016 AS PRESENTED. MOTION CARRIED 3-0.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE MINUTES FROM FEBRUARY 11, 2016 AS PRESENTED. MOTION CARRIED 3-0.

DISCUSSION

Multi-Unit Maintenance & Facility Operations

No discussion.

Land Contract Process and Registration Process

The discussion continued on processes taken by the Ingham County Register of Deeds and City Assessing on Land Contracts. Ms. Bowers started by stating Assessing informs buyers they should register their land contract, however they aren't required and they do accept unregistered deeds. Ms. Bennett confirmed from the last meeting that the City does download information from the County Register of Deeds every two weeks. Mr. Quinney reiterated what was stated when the Deputy Register presented to the Committee, which was that Michigan does not require it to be recorded but if they do, there are guidelines they do have to follow. If the buyer seeks advice or guidance they are encouraged to seek legal consultation to what covers them in the provisions of the document they want to record. The Register of Deeds does not look at the content of the document; it is record the submission itself. Council Member Brown Clarke asked who can present the document, and what identification is needed to ensure they can present it. Mr. Quinney stated that if it is notarized and they have the ID's of the parties. Mr. Schertzing added to the conversation stating that there could be multiple land contracts, and Mr. Quinney agreed noting that it is the sequence they are recorded in that is the priority. Council Member Dunbar asked if anyone at the Register of Deeds checks the land contract or document before the buyer leaves to make sure there are no other land contracts on file. Mr. Quinney stated it could take 2-3 days before it is recorded. And then if there are issues the buyer is referred to seek their own legal consultation. It was stated again, the Register of Deeds only records, does not provide advice. Mr. Schertzing reminded the Committee that the difference between a land contract vs a mortgage is consumer protections on mortgages. Council Member Brown Clarke asked if the County had a way to flag the property for reconciliation. Mr. Quinney stated no. Council Members acknowledged they are aware no jurisdiction does because Michigan is a non-recording state. Mr. Quinney agreed and added that if they record something it does have to meet the required recordable form.

The Committee then discussed what occurs at the Assessing office, noting that they do not receive any information when a land contract is in default. They do have a field that notes LC (Land Contract) WD (Warranty Deed), etc. Also, since they do not know when a land contract goes into default and new land contract is signed immediately it is best for them to use 0% homestead exempt, then once they turn in paperwork for 100%. Ms. Wright noted they have been told by the State it is better to deny then to give.

Council Member Houghton went back to the comment by Ms. Wright about the field where it is noted land contract and warranty deed, and if that can be required to be completed. Ms. Wright stated she would have to inquire with the software provider because the program is purchased and updated from them, but not sure if they would customize. Ms. Wright did admit that in the notes area staff can see they can make notes of "unrecorded or no document". Council Member Wood stated she would provide examples to Assessing for interpretation to the Committee.

Council Member Dunbar asked if someone goes to county and not City how is information referred. Ms. Wright noted they do not have the information until they download the deeds. The City is current/live and the County tax side is the prior year. Mr. Schertzing added that if it is a land contract recorded at the Register of Deeds, which is recommended it has to have a tax certificate showing there are no outstanding taxes owed.

Mr. Caulkins added to the conversation stating it is not unusual to have multi land contracts on property. Ms. Wright informed him that BSA does not have room for both land contracts.

Council Member Brown Clarke encouraged the Committee to work on a tool kit to put in the hands of people signing land contract. Mr. Sanford stated that as part of housing, we require them to file with the County or file a transfer affidavit with the City

Mr. Schertzing informed the Committee that Clark Hill is currently working with the County on a County wide ordinance that would cover every municipality in the County that would require them to record the land contract at the Register of Deeds if they want a principal residential exemption. If the Ad Hoc Committee and Council could endorse that, then Mr. Schertzing stated he could take that to the County board to pass a County wide ordinance. Council Member Wood encouraged Mr. Schertzing to speak to Eaton County and the southwest corner of the City to make sure the whole City is taken care of.

Council Member Dunbar handed out the draft County brochure and asked for recommendations at the next meeting and then the Committee will send to council. Council Member Brown Clarke noted there appeared to be a lot of text, and it should be designed with less text and include check boxes so they can determine what they have done as buyers. The Committee was encouraged to forward suggestions to Council staff before the next meeting and they will then provide to the County.

Council Member Wood noted that by the next meeting she will accumulate examples for Assessing so they can pull them up and explain.

Council Member Houghton asked Mr. Quinney if his office has an option for a computer for the public to see, and if Council puts something together would the Register of Deeds hand it out. Mr. Quinney reminded the Committee that they encourage residents to seek legal counsel, and the provide legal resources, information, if we see something questionable, offer legal aid, 60 plus, legal law options.

Council Member Dunbar set the next meeting for April 12th, 2016 at 8:30 a.m. in the 3rd Floor Conference Room, and Mr. Schertzing was invited to attend.

Council Member Houghton asked what else can be down at the County, and Mr. Schertzing confirmed that the buyer would have to file the entire land contract to get the exemption, and Council Member Wood added that if the City changes the City Ordinance to requires they have to file the land contract not the memorandum to be a rental it would help.

ADJOURN

Adjourn at 9:41 a.m.

Submitted by,

Sherrie Boak, Recording Secretary

Lansing City Council

Approved by the Committee on _____



**AD HOC COMMITTEE ON RENTAL AND
LAND CONTRACT HOUSING CONDITIONS
Friday, October 28, 2016 @ 1:00 p.m.
Council Conference Room**

The meeting was called to order at 1:00 p.m.

Councilmember Kathie Dunbar, Chair
Councilmember Judi Brown Clarke, Member –left at 2:47 p.m.
Councilmember Tina Houghton, Member- excused
Councilmember Carol Wood, Member.

Others Present:

Sherrie Boak, Council Office Manager
Billie O'Berry, Assistant City Attorney
Elaine Womboldt
Gary Calkins
Richard Williams
Eric Schertzing, Ingham County Treasurer
Darren Carter, City Assessor
Robin Wright, City Assessor

Minutes

Minutes will be addressed at the next meeting.

DISCUSSION

Land Contract Process and Registration Process

Mr. Schertzing distributed brochures and booklets from his office on "A Guide to Land Contracts". Council Member Brown Clarke noted that after her review most of the discussion of this committee was addressed in it. Council Member Dunbar asked Mr. Schertzing how this will change the situation. Mr. Schertzing noted that they need legislation to require land contracts to be recorded, currently they only get what is recorded and there are few ways to find out what isn't. Council Member Dunbar pointed out that the City has never had an ordinance that requires it to be recorded at that city. Council Member Wood pointed out that Code Compliance considers it a rental if there is no land contract filed. In that case they are trying to inspect rentals. Ms. O'Berry added to the conversation clarifying that land contract grantors stand in place of a bank. The issue the City sees is that people said it was a land contract, when it was actually a rental agreement. In those cases if there are no payments then the owner tells the buyers to move. It was also noted that Code Compliance has a concern because they are not recording the land contract in its entirety but under the State Statue they only have to record a

memorandum. Ms. O'Berry could not cite the statute in its exact wording. Council Member Dunbar asked Law if the Committee could craft an ordinance that requires them to be recorded in the City and dictate the type of instrument they record. Ms. O'Berry stated she could look at the option and what instrument they can require. It could be beyond the City authority and Mr. Schertzing added it could contradict State law, because the State only requires a memorandum. Council Member Dunbar asked if not required by the State, can the City still require. Ms. O'Berry stated that the City has to have the authority to enact the ordinance so she would have to refer back to the Charter and confirm it addresses health, safety and welfare. Council Member Brown Clarke asked if by not saying it is a rental they can then loop the land contract since it is an exchange of finances, and therefore the land contract aligns closer to a rental instead of aligning with a sale. Mr. Williams told the Committee that someone who owns a land contract can also rent it, and that is very common. Council Member Dunbar pointed out that if it is recorded as a land contract is the excuse they are using for no inspection. Council Member Wood added that if it is determined that the owner is not living there, then they can inspect because it is deemed a rental. Mr. Calkins stated his opinion that he believed Code Compliance was looking through records for non-homestead and targeting those for rental.

Council Member Dunbar asked if there is any benefit to record it in the City. Mr. Schertzing confirmed the memorandum does accomplish what is required, but behind the memorandum is not the true land contract agreement. The memorandum cloaks the terms. Council Member Dunbar asked what they are looking for at the State level, if recording of an instrument is mandatory, and Mr. Schertzing confirmed. Council Member Dunbar then asked for an opinion on what can be done at the City. Mr. Schertzing stated they could be blocked with options because the State says you only have to record the memorandum. Council Member Dunbar then asked Law if the City could require more. Ms. O'Berry stated that currently through the rental program they could enact an ordinance that states all land contracts have to be recorded at the Register of Deeds, which goes back State law. However based on the Statute currently, if you record memorandum, you have done everything you need to do. Council Member Wood asked if it could be changed for rentals in the Ordinance to note state memorandum, but they have to formally register the instrument or change the status of the property. Ms. O'Berry stated it would have to be consistent with State law, but the State says "memorandum" or contract, so if the City makes the changes to state "contract" that is contrary to State law. Ms. O'Berry noted that the Code Compliance ordinance states that the burden is on the property owner to prove that it is not a rental. To do this they have to provide a property transfer or land contract recorded memorandum. She noted the key word is "or". Council Member Dunbar asked if Committee could remove "memorandum" from that phrase. Ms. O'Berry stated it would need to expand the detail and they need to look into the legal form from that the State allows. Mr. Schertzing added that the details could be broad, and could state that welfare be defined to have economic welfare, if they do that then they can see the terms of the land contract. Council Member Dunbar suggested writing the earlier proposed ordinance and put in it that all the things that contribute to this requirement are being an economic welfare issue.

There was a question as to why people do not list the sale price or want the sale price listed. Mr. Schertzing noted that it is guided by the legislature, and with no sale price there is no money interest so the Assessor is clueless on the value. Council Member Dunbar asked if the City can require it. Ms. O'Berry stated there are no legal bases to, and the reason for the State statute has to do with recording of ownership, not disclosing the terms of the sale or value. Council Member Brown Clarke acknowledge it appeared the City's hands were tied with the State, and know there is new information out there now, is it better to wait. Also the question was asked how many land contracts are there. Mr. Schertzing stated that there is roughly 100/yr. in the City, County wide there are 500, but the majority of those are vacant land. Council Member

Brown Clarke asked what the Committee considered for addressing the issue at the local level and focus on the roughly 200 properties of violators. Mr. Williams suggested creating a penalty. Mr. Schertzing asked by Code Compliance does not require land contracts to be placed on file. Ms. O'Berry referred back to the current ordinance that states "or". Council Member Dunbar suggested changing that ordinance but that would only address rentals. They could state they have to register and record the entire land contract. Ms. O'Berry stated they cannot require it be recorded but could require they provide the entire document to the City, stating that if they do not want it registered as a rental, they should prove it. Instead of "or" in that statement they could put the word "and".

Mr. Carter and Ms. Wright from the Assessor office arrived and outlined the process the Assessor's office has for a land contract. Ms. Wright distributed a copy of a letter that the Assessor sends out when a property transfer affidavit is filed and it notes the sale was land contract. The language in the letter mirrors the ordinance. Council Member Dunbar asked if the ordinance is changed, can Assessing ask for a transfer affidavit and recorded land contract. Ms. O'Berry stated she would have to check if both items can be requested, stating again currently it states memorandum "or" land contract. Council Member Dunbar asked if they could change it and require the land contract as part of the City policy, and it would not have to be recorded. Mr. Schertzing asked if a document is required to be notarized then they can check the land contract.

Council Member Wood asked how the Assessor evaluates the value. Mr. Carter stated if they question the amount noted on the document they can deny it, then the buyer has to go to the State and prove it. The Assessor cannot raise the assessment because they paid more money than what the Assessor thinks they should have. On land contracts if there is no price, the State says the Assessor has the right to ask for it.

Council Member Dunbar asked Law if the item can be addressed in two places, one in Code Compliance and one in the general City Ordinances. The suggestion would be remove "or" in the code language (Chapter 1460) to demonstrate no rental, then remove "property transfer" and "register of deeds".

The Committee briefly discussed the upcoming Council meeting options to address the adoption of the ordinance change. It was the goal of the Committee to introduce and set a public hearing on November 14, 2016, then have the hearing on November 28th with adoption on December 12, 2016.

Ms. O'Berry referred back to the early statement and question why the need to remove "Register of Deeds". Council Member Dunbar clarified that the Register of Deeds does not require the land contract be recorded in its entirety, but the City wants to see the land contract and property transfer affidavit. The goal is to make sure people who get land contracts are not getting punished. Under Section 1460.44 (e) it should be amended to state they have 15 days of the change to provide a copy of the land contract in its entirety which has been recorded with the Register of Deeds and a property transfer affidavit filed with the City Assessor. Council Member Brown Clarke suggested using the final language that Law believes would be upheld.

The Committee set the next meeting for Friday, November 4, 2016 @ 2:00 p.m.

Council Member Dunbar reminded the group that once this amendment to the ordinance is made, the City will no longer accept the memorandum, but we will require the buyers to record the land contract in its entirety at the Register of Deeds. Once Code Compliance denies the

rental registration due to unrecorded land contract in its entirety, they will send a memo to the Assessor telling them it was denied, and the in turn once denied, and then the owner cannot file a principal property exemption. Mr. Schertzing informed the Committee that Assessing has to grant it under State Law, but once they receive evidence it was not accurate information they can audit it and deny the principal property tax exemption.

ADJOURN

Adjourn at 3:14 p.m.

Submitted by,

Sherrie Boak, Recording Secretary

Lansing City Council

Approved by the Committee on _____



**AD HOC COMMITTEE ON RENTAL AND
LAND CONTRACT HOUSING CONDITIONS
Friday, November 4, 2016 @ 2:00 p.m.
Council Conference Room**

The meeting was called to order at 2:09 p.m.

Councilmember Kathie Dunbar, Chair
Councilmember Judi Brown Clarke, Member
Councilmember Tina Houghton, Member- excused
Councilmember Carol Wood, Member.

Others Present:

Sherrie Boak, Council Office Manager
Billie O'Berry, Assistant City Attorney- arrived at 2:20 p.m.
Gary Calkins
Richard Williams
Eric Schertzing, Ingham County Treasurer
Darren Carter, City Assessor
Robin Wright, City Assessor
Sharon Frischman, City Assessor
Elaine Womboldt
Harold King
Teressa Bowers, City Assessor
Scott Sanford, Code Compliance

Public Comment

Mr. King spoke on an issue in his neighborhood with a rental and the red tagging of that property. Council Member Wood invited Mr. King to stay for the next meeting, Committee on Public Safety.

DISCUSSION

RESOLUTION – Introduction & Set Public Hearing Amendment to City Ordinance Chapter 1460

Council Member Dunbar outlined the work of the Committee on the amendments which are to change the language of the ordinance to require a copy of the land contract. This will be addressed in the Ordinance that regulates what Code Compliance requires for rental registration. The language change would require the entire land contract not the “memorandum”. Currently without the land contract language, the city cannot see the conditions under which the sale is being made and it is the opinion of the Committee that residents are being taken advantage of.

The City Attorney was not present so Council staff left the meeting to call the Attorney.

The Committee and others present held discussions on different scenarios of rentals, where tenants sign the land contracts under the assumption it will remain a rental, and legally who is responsible. Ms. Frischman acknowledged they see it several times where a seller will sell the same properties multiple times. Mr. Sanford added to the conversation his belief the issues are civil cases between buyer and seller. Ms. Wright informed the Committee that when these situations occur the buyer can do a quit claim deed back to the seller/landlord.

Council Member Brown Clarke asked Ms. Frischman if they buyer does not quit claim it back to the seller/landlord, does Assessing look to see if the seller/landlord records another land contract on the property. Council Member Dunbar asked how they relay to the buyers that once it is sold on a land contract there is no longer a rental inspection required. Mr. Sanford states they research with the County Register of Deeds and the City Assessor.

Once Ms. O'Berry arrived with the draft ordinance, it was distributed to the Committee and Council Member Dunbar confirmed that the changes they made the last time were to strike out "or property transfer affidavit". And the Committee does no longer want to accept the memorandum. Mr. Sanford suggested they include "recorded with Liber and Page". Council Member Dunbar requested they include the word "entire" in line 16 after "that" and before "land". The question then was asked of Mr. Sanford if someone tries to submit only the memorandum what Code Compliance will do. Mr. Sanford stated his office will only accept what the County legally accepts. Council Member Dunbar asked Mr. Schertzing why the County even wants it. Mr. Schertzing stated it is so the records are updated, and Ms. O'Berry stated it is also so the buyers are protected as having an interest in the property. Mr. Schertzing added that by requiring this, will now also open the door to allow the Assessor audit under the principal exemption to justify the exemption. Ms. O'Berry added that the memorandum of a land contract is just a notice of a land contract sale is on the property and evidence that someone has an interest in it. The property transfer is a reporting tool from Proposal A and does not convey the property.

The group continued discussions on the inter-office processes of information gathering between Assessing and Code Compliance. Ms. O'Berry reminded the group that the "memorandum" is not a transfer document, but proof there has been a transfer, but just an interest of title. The property transfer is required by law to file with the Assessor whenever a transfer of ownership has occurred. Ms. Frischman confirmed that the memorandum was a shortened document that a land contract exists.

Council Member Dunbar reminded everyone that the idea behind this discussion is that the City wants to see the recorded land contract to show it has been transferred. The City is trying to protect the ones who are being taken advantage of with these land contracts.

Council Member Brown Clarke added that the Council needs to look at the exiting process, of buyer beware and get information into the hands of the vulnerable population. One aspect is to educate and the second is to consider what the City can and are currently asking for. Council Member Dunbar added that there needs to be "teeth" within the City request that says we only want the recorded land contract.

Ms. Bowers reminded the Committee that they cannot tell people what to record because the State does not require it. Council Member Dunbar confirmed that statement however added

that if they do it is not considered a rental anymore, so they are not protected by inspections anymore.

Ms. Frischman asked what requirements can be made since the State does not require it. Ms. O'Berry stated that whatever the State requires is under State statute to show they qualify for a transfer. It could be placed in the ordinance. Mr. Sanford asked what they were going to do with the complete land contract. Mr. Schertzing stated that once it is out there it allows them the information they need to audit for the future.

Mr. Calkins asked Mr. Sanford if his office received a copy of the land contract to determine it was not a rental, would they review the whole document, and Mr. Sanford stated no, they would just verify it is recorded.

Council Member Wood reminded everyone present that once they make the ordinance change they then need to create a policy. Ms. Frischman asked for time to pull up the East Lansing Ordinance as a template. The question was asked on what steps would be taken if they find out the buyer is getting taken advantage of. Mr. Schertzing stated one avenue could be addressed if they have delinquent taxes, opening the door for his resources to do something. Council Member Dunbar stated that the Planning and Neighborhood Development Department has Ameri-Corp volunteers doing neighborhood resourcing, that they could review the land contracts. Mr. Schertzing encouraged the Committee to get the media involved to tell the story of the ordinance amendment and policy changes to educate the public.

Council Member Dunbar asked the Assessor to print a report of all sales listed as "Land Contract" to see how many are out there, and Ms. Frischman stated she could perform that task then also run a report for those in that group that have the tax exemption.

Council Member Brown Clarke asked what can be done with repeat offenders, and addressing how they are reaching the most vulnerable, and stopping that practice. Council Member Wood suggested they continue to enforce no rental registrations, which require inspections and fees, and if they do not follow those guidelines, then they can't rent them, and they will then not receive income from those properties.

Ms. Frischman left the meeting at 3:20 pm, but supported the proposed language change. Ms. Frischman stated she will also work on stronger language in her assessing policies.

Mr. Calkins stated his opinion that Code Compliance should refer land contracts to the Attorney office for determination on validity, and then they can be denied or granted based on that. Mr. Sanford stated he can interfere with a civil issue between two parties.

Council Member Dunbar asked Ms. O'Berry where in the Ordinances it speaks to the language of recording with the Assessor. Ms. O'Berry stated that it was under the State law, and the Assessor has to comply with the State law. Council Member Dunbar asked if the City can say in order to receive the Principal Exemption you have to have the entire land contract submitted. Ms. Wright noted that it would depend on if the State would that to be allowed, and if the Assessor can ask for more information. Ms. Bowers stated her understanding that the State currently says "land contract". Ms. O'Berry stated that the City currently accepts the Memorandum because it is a legal document. Council Member Dunbar asked if Council can ask the Assessor to change their operations to accept the entire land contract or if it needs to be an Ordinance. Council Member Brown Clarke asked if the Ordinance can define "land contract" locally to not accept the memorandum. Ms. O'Berry stated that there is nowhere the City can say

the Assessor has to accept the land contract. Council Member Wood asked for an interpretation of what a "land contract" is.

MOTION BY COUNCIL MEMBER WOOD TO APPROVE THE RESOLUTION TO INTRODUCE AND SET THE PUBLIC HEARING FOR ORDINANCE AMENDMENTS TO SECTION 1460.44 (E). MOTION CARRIED 3-0.

The Committee set the next meeting date for Friday, December 2, 2016 @ 2:00 p.m. This meeting will address the ordinance amendments for 1460.44 after the hearing, and also law will provide determinations on the definitions on the terms at the State level, and based on that look at what can be done in the Assessing office for their policies.

ADJOURN

Adjourn at 3:35 p.m.

Submitted by,

Sherrie Boak, Recording Secretary

Lansing City Council

Approved by the Committee on _____

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11/22/16

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND SECTION

1460.44(e) **OF THE CODIFIED ORDINANCES OF THE CITY OF LANSING, MICHIGAN;**

THE CITY OF LANSING ORDAINS:

Section 1. That Section 1460.44(e) of the Codified Ordinances of the City of Lansing,
Michigan, be and is hereby amended as follows:

CHAPTER 1460. BUILDING AND HOUSING CODE.

1460.44(e). Rental Registry.

THE PURPOSE HEREIN IS TO CLARIFY THE DOCUMENTATION THAT WILL BE

ACCEPTED TO VERIFY OWNERSHIP OF REAL PROPERTY TO DETERMINE

APPLICATION OF THE RENTAL REGISTRY INSPECTION REQUIREMENT.

(e) *Transfer of Ownership*. If there is a transfer of ownership for any rental dwelling or unit
required to be registered under this section, the registered owner or agent shall, within 15 days of
such transfer or change, notify, in writing, the office of Code Compliance thereof and provide the

name(s) and address of the new owner(s). If the registered owner or agent sells OR

TRANSFERS the property on a land contract **OR SIMILAR REAL ESTATE INSTALLMENT**

SALES CONTRACT, the registered owner or ~~fr~~ agent shall provide a copy of that ENTIRE land

contract **OR AGREEMENT** which has been recorded with the County Register of Deeds ~~or a~~

~~property transfer affidavit~~, to the Office of Code Compliance and the City Assessor's office

within 15 days of ~~so~~ such ~~change~~ **SALE OR TRANSFER**. The registered owner or agent shall

provide **SUCH ADDITIONAL** ~~such~~ information as may be required by the Office of Code

Compliance. **THE PROPERTY SHALL BE PRESUMED TO BE A RENTAL IF THE**

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**DOCUMENTAION REQUIRED PURSUANT TO THIS SUBSECTION IS NOT FILED AS
PROVIDED HEREIN.**

Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules inconsistent with the provisions hereof are hereby repealed.

Section 3. Should any section, clause or phrase of this ordinance be declared to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 4. This ordinance shall take effect on the 30th day after enactment, unless given immediate effect by City Council.

Approved as to form:

City Attorney

Dated: _____

I think the changes (absent a few spelling and punctuation typos) are good. One thing to address, which I found while researching MCL on this issue, is that state law requires BUYERS, not sellers, to file the PTA with the local assessor. Many municipalities are accepting PTAs from sellers, often in the mail, but the state says, in multiple places, that the BUYER is responsible for notification.

PA 415 states ... **"Buyers" of properties which have experienced a "transfer of ownership" must notify the assessor when a "transfer of ownership" has occurred.**

MCL 211.27a(10) states ...**the buyer, grantee, or other transferee of the property shall notify the appropriate assessing office in the local unit of government in which the property is located...**

The Michigan State Tax Commission's Transfer of Ownership Guidelines state ...**the ultimate responsibility for filing a properly completed PTA rests with the purchaser.**

I'd like this included in language we craft today to guide the assessor AND reflected in the language below that we are considering for adoption tonight.

Transfer of Ownership.

If there is a transfer of ownership for any rental dwelling or unit required to be registered under this section, the registered owner or agent shall, within 15 days of such transfer or change, notify, in writing, the Office of Code Compliance thereof and provide the name(s) and address of the new owner(s). **Per MCL 211.27a(10), the buyer, grantee, or transferee of the property must notify the City Assessor's office of the change in ownership by filing a Property Transfer Affidavit. If the property is sold or transferred on a land contract or similar real estate installment sales agreement, the buyer, grantee, or transferee must provide a copy of that entire land contract or agreement which has been recorded with the County Register of Deeds to the Office of Code Compliance and the City Assessor within 15 days of such change. The seller and buyer shall provide such ADDITIONAL information as may be required by the Office of Code Compliance and the City Assessor. THE PROPERTY SHALL BE PRESUMED TO BE A RENTAL IF THE DOCUMENTATION REQUIRED PURSUANT TO THIS SUBSECTION IS NOT FILED AS PROVIDED HEREIN.**

Submitted @ mtg.

5pm

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LANSING, MICHIGAN, TO AMEND SECTION 1460.44; SUBSECTION (e) OF CHAPTER 1460 TO PROVIDE DOCUMENTATION REQUIRED TO BE FILED WITH THE OFFICE OF CODE COMPLIANCE AND CITY ASSESSOR FOR VERIFICATION OF OWNERSHIP FOR RENTAL REGISTRATION PURPOSES.

THE CITY OF LANSING ORDAINS:

Section 1. That Subsection 1460.44(e) of the Codified Ordinances of the City of Lansing, Michigan, be and is hereby amended as follows:

CHAPTER 1460. BUILDING AND HOUSING CODE.

1460.44. - Registry.

(a) *General.* All rental properties in the City of Lansing, except owner-occupied single-family dwellings, are subject to Sections 1460.44 through 1460.51 of this Code. Owners and agents of rentals subject to this Code shall register their names, telephone numbers and place of residence or usual places of business, and the location of the premises regulated by this Code, with the Office of Code Compliance, all absentee landlords shall have a registered agent in Lansing. An absentee landlord is the owner of property that is leased, assigned or rented to another and who lives more than 40 miles from the Lansing City Limits.

(b) *Identification Required.* The owner of any rental properties shall provide proof or verification of his or her driver's license or State of Michigan Personal Identification Card to the Office of Code Compliance. A corporation, limited liability company, trust, partnership, or D.B.A. registered with the State of Michigan or county shall provide such other information as may be required by the Office of Code Compliance. If the premises are

1 managed or operated by an agent, the owners shall provide proof or verification of the
2 agent's driver's license or State of Michigan Personal Identification Card to the Office of
3 Code Compliance which shall be placed with the owner's name in the registry.

4 (c) *Time Allowed to Register Rental Property.* The owner(s) shall be responsible for registering
5 a rental property within 30 days following the day on which the owner offers the premises,
6 dwelling or unit for occupancy. If there is a transfer or change in any owner or agent
7 required to register under this section, the new owner or agent shall, within 30 days of such
8 transfer or change, notify, in writing, the Office of Code Compliance and provide the
9 information required under this section.

10 (d) *Change of Owner or Agent's Address or Phone.* After registration, if the registered owner or
11 registered agent changes residence or his or her usual place of business or his or her
12 (telephone number(s). The registered owner or agent shall provide, in writing, the new
13 address(es) and/or telephone number(s) to the Office of Code Compliance within 15 days of
14 such change. If there is a new agent or there is no longer an agent, the registered owner shall
15 provide, in writing, the required information to the Office of Code Compliance within 15
16 days of such change.

17 (e) *Transfer of Ownership.* If there is a transfer of ownership for any rental dwelling or unit
18 required to be registered under this section, the registered owner or agent shall, within 15
19 days of such transfer or change, notify, in writing, the Office of Code Compliance thereof
20 and provide the name(s) and address of the new owner(s). If the registered owner or agent
21 sells OR TRANSFERS the property on a land contract OR SIMILAR REAL ESTATE
22 INSTALLMENT SALES CONTRACT, ^{Agreement} the registered owner or agent shall provide a copy
23 of that ENTIRE land contract OR AGREEMENT which has been recorded with the County

1 Register of Deeds ~~or a property transfer affidavit~~, to the Office of Code Compliance and the
2 City Assessor's office within 15 days of ~~so~~ such change SALE OR TRANSFER. The
3 registered owner or agent shall provide such ADDITIONAL information as may be required
4 by the Office of Code Compliance. THE PROPERTY SHALL BE PRESUMED TO BE A
5 RENTAL IF THE DOCUMENTATION REQUIRED PURSUANT TO THIS
6 SUBSECTION IS NOT FILED AS PROVIDED HEREIN.

7 (f) *Application for Certificate of Compliance.* An owner or agent shall apply for a Certificate of
8 Compliance. Inspection and issuance of certificates shall comply with the requirements of
9 this Code and with the procedures established by the Office of Code Compliance. If any
10 owner or agent fails to make an application for a Certificate of Compliance, the occupant of
11 the dwelling may apply for a certificate.

12 (g) *Certificate of Compliance Withheld.* When a certificate is withheld pending compliance or
13 the rental dwelling is not registered, or premises is not occupied for dwelling purposes, the
14 premises shall not be occupied until a Certificate of Compliance is obtained. Those premises
15 which are occupied for dwelling purposes may be ordered vacated until reinspection and
16 proof of compliance has been obtained.

17 (h) *Lack of Certificate of Compliance.* If a rental dwelling unit lacks a current Certificate of
18 Compliance or is not registered within the required time stated in subsections (c) and (d)
19 hereof, the dwelling may be ordered vacated and the occupants may pay the rent into an
20 escrow account until a Certificate of Compliance is issued. The Office of Code Compliance
21 may notify occupants when the Certificate of Compliance is issued. A nonrefundable
22 administrative service fee as established by City Council Resolution shall be assessed in

1 instances where the lack of a current certificate of compliance necessitates investigation by
2 the Office of Code Compliance and noncompliance is found to exist.

3 (i) *Certificate Issued on Condition.* A Certificate of Compliance shall be issued on the
4 condition that the premises remain in a safe, healthful and fit condition for occupancy. If,
5 upon reinspection, the Manager of Code Compliance determines that conditions exist which
6 are in violation of this Code. The certificate shall be immediately revoked and the premises
7 may be vacated as provided in Section 1460.08 (Substandard structures, or premises) and/or
8 Section 1460.09 (Unsafe premises or structure).

9 Section 2. All ordinances, resolutions or rules, parts of ordinances, resolutions or rules
10 inconsistent with the provisions hereof are hereby repealed.

11 Section 3. Should any section, clause or phrase of this ordinance be declared to be
12 invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof
13 other than the part so declared to be invalid.

14 Section 4. This ordinance shall take effect on the 30th day after enactment, unless given
15 immediate effect by City Council.

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18 Approved as to form:

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Dated: _____ City Attorney