

AGENDA

Ad Hoc on Housing and Resident Safety AGENDA FOR JUNE 3, 2022 AT 8:30 AM



Lansing City Hall, City Council Conference Room
124 W. Michigan Avenue, 10th Floor

To provide input or ask questions on any item that is listed on the agenda,
members of the public may contact the City Council at city.council@lansingmi.gov or (517) 483-4177 prior to the meeting.

Councilmember Spitzley, Chairperson
Councilmember Wood, Vice Chairperson
Councilmember Brown, Member

1. **Call to Order**
2. **Roll Call**
3. **Minutes**
 - A. May 13, 2022
4. **Public Comment on Agenda Items (Up to 3 Minutes)**

Presentation

- B. "Community Court" - Judge Kristen Simmons (54-A District Court)
5. **Discussion/Action:**
 - C. ORDINANCE - Tenant Relocation Assistance
6. **Other**
7. **Adjourn**

Persons with disabilities who need an accommodation to fully participate in these meetings should contact the City Council Office at 517-483-4177 (TTY 711) 24 hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodation requests.

DRAFT



Minutes
Ad Hoc on Housing and Resident Safety
Friday, May 13, 2022 @ 8:30 a.m.
City Council Conference Room

CALL TO ORDER

Council Member Wood called the meeting to order at 8:31 a.m.

PRESENT

Council Member Spitzley, Chair- arrived at 8:32 a.m./stepped away at 8:36 a.m.
Council Member Wood, Vice-Chair
Council Member Brown, Member

OTHERS PRESENT

Sherrie Boak, Council Office Manager
Tony Gant, Nation Outside
Lisa Hagen, OCA
Jim Smiertka, OCA
Eric Gaines, Moms Demand Action on Gun Sense

MINUTES

MOTION BY COUNCIL MEMBER BROWN TO APPROVE THE MINUTES FROM APRIL 8, 2022 AS PRESENTED. MOTION CARRIED 2-0.

PUBLIC COMMENT

No public comment on this time.

PRESENTATIONS

Nation outside Organization

Mr. Gant spoke went through a presentation on Fair Chance Housing and their policy reform to limit discrimination that people with criminal histories face when accessing housing. This included the homelessness rates among former incarcerated people, and the need for a policy of the form of a City ordinance.

Mr. Smiertka asked if when applying for housing, shouldn't it be released in the interview, and Mr. Gant stated they are trying to get these people to the interview process.

Ms. Flores stated that a landlord cannot ask about incarceration, and what they use is a program they use for background check criminal records, credit checks, etc. Mr. Gant spoke on blanket denials and with an ordinance would instruct landlords to just do credit score check, not a criminal background, stating that there are no data to show that people who have been incarcerated that are bad tenants.

Council Member Wood informed Mr. Gant that when talking about landlord/tenants, since it is their contract, Council cannot legislate them. Mr. Smiertka confirmed they have to follow the State statute. Mr. Gant provided municipalities that have already passed ordinances such as Ann Arbor, Jackson, Detroit, and East Lansing is working on it. Council Member Wood asked how the City can enforce something, in knowing what their mindset is. Mr. Gant stated the ordinance would require a complaint process, investigate and determine a violation. An ordinance would also allow for the person that was denied to prove they are not that person they once were. Council Member Wood asked Ms. Hagen if that same protection is under the Human Rights ordinance. Ms. Hagen stated that the ordinance does not address criminal records. Ms. Flores stated the Rental Property Owners Association are being told not to consider criminal records. Ms. Hagen stated the State of Michigan has a Fair Housing Statute and process for complaints, and it does indicate further restrictions can be imposed by local does prohibit on the application. It is not saying you can't inquiry, but putting limits on when is the time to ask the questions, and OCA has issues on enforceability and who the enforcing body is. Mr. Smiertka added that the City needs statutory authority to enact. Council Member Wood asked for Ms. Hagen to outline the human rights ordinance and what it covers, and Ms. Hagen read the ordinance to the group.

Mr. Gaines spoke on the organization her represents and the support they offer to victims of gun violence. Asking for support of a fair chancing housing initiative.

Council Member Wood asked Ms. Hagen to pull up ordinances that have passed in the surrounding municipalities, be prepared for a discussion on enforcement, and possibly look at working with current boards vs. creating a new board. Materials would be provided on June 3, 2022.

Discussion/Action

Ordinance – Relocation Ordinance

Ms. Hagen distributed a memo on the recommendation which included a resolution from this Committee to encourage the State legislation to establish a tenant relocation payments. A second recommendation would be to address red tags with the international property maintenance code to general civil infractions. Council Member Wood stated there is already a team that if there is a penalty for the monitoring fee. Ms. Hagen this would specifically add a civil infraction on top of the monitoring fee. With option 2, she added this could have a significant cost. Council Member Wood stated the established Team, every month there is a 360 walk around on the property to make sure there are no improvements before a monitoring fee. Ms. Hagen if go for the civil infraction, would need more detailed inspection to make sure no improvements, and they would have to show improvements that were cited in red tag, and Code Enforcement would have to make the determination. Before moving on this, there should a cost analysis performed to determine the fee. Council Member Wood asked if the intent for the ticket, was for the fines to be put in the fund to support relocation of tenants. Ms. Hagen stated this is separate from relocation, and the OCA has evaluated that option and they would not recommend at this time a relocation of tenant without a State statute in place. The hope, she added is that this would encourage the landlords to make the repairs and move on. Council Member Wood asked if this would have helped the situation with previous issues with apartments. Ms. Hagen stated it depends on the level of process at any given time. They might have to fine tune on how it works towards multi- units. She then moved onto option 3, which spoke to multiple red tags per calendar, they could consider criminalize a multiple tag a misdemeanor. Council Member Wood gave an example for landlord with bas experiences with bad tenants and why to penalize the landlord. Ms. Hagen stated that could be identified as an exception, if damage by tenant, then penalty could not apply. Council Member Brown had no additional questions.

Ms. Flores noted it is still on the landlord, they are responsible for who they put in the house as a tenant, and the tenant should not be given any civil infraction. Council Member Wood stated it would cite the landlord. Ms. Hagen the recommendation would have framework where if it is the tenant, the landlord can be excused. Mr. Smiertka stated once it is in an ordinance, it opens the door for that every time. Council Member Wood referred back to option 2, and there are ordinances that state tickets can be written daily, and the courts then dismiss and only issue for one ticket; therefore has this been discussed with the courts to see what their enforcement be. Mr. Smiertka stated they have not, but would have that discussion.

Council Member Brown stated that with community agencies where the City gives funds, they are struggling with housing stock, and they are working with tenants into residents where there might issues, and so where could this work into that. Council Member Wood asked for a response at the next meeting. Mr. Smiertka asked if this was to do with the City offering incentive, and Council Member Brown provided an example. Mr. Smiertka stated they could draft up something like a program for the non-profits do some of those. Council Member Wood gave an example from LHC where they are giving a discount in rent if the tenant signs up for Section 8. Mr. Smiertka stated this would an HRCS issue, and a program that should be administered by that program.

OTHER

Ms. Flores referenced a property on Otto that she brought up at Committee on City Operations. Mr. Smiertka stated the Chief confirmed it was addressed and followed, and the neighbors have been informed to call 911. Ms. Flores stated there are still people entering the boarded up house. Council Member Wood stated when people call 911 it is with Ingham County and they disburse, and LPD does not have enough staffing and based on priority calls, but encouraged her to continue to move things forward.

Ms. Gleason asked about a discussion on home ownership and asked future discussion on ratio on rental to owned homes. Ms. Gleason spoke in support of home ownership, affordability, stance on the codes that currently exist, and look at a way to increase home ownership.

Adjourn

Adjourned at 9:30 a.m.

Submitted by,

Sherrie Boak, Recording Secretary

Lansing City Council

Approved by the Committee



City of Lansing

OFFICE OF THE CITY ATTORNEY

James D. Smiertka, City Attorney

MEMORANDUM

TO: Ad Hoc on Housing and Resident Safety Committee

FROM: Lisa K Hagen, Deputy City Attorney – City Council Liaison

DATE: May 11, 2022

RE: Requested recommendations for consideration

The Office of the City Attorney has had several internal meetings to discuss recommendations for possible changes to the City's Housing Ordinances, per the request of the Committee. Below are three recommendations regarding same.

RECOMMENDATION #1

- Draft a resolution to the State Legislature requesting a state statute either authorizing tenant relocation payments or authorizes local governmental units to establish a procedure for tenant relocation payments
 - The State of California has a statute that allows tenant relocation payments to be made for tenants of a dwelling that is condemned due to code enforcement activities. The statute places specific requirements on local governments in determining eligibility and issuing payments for same. A copy of the State of California's applicable statute is attached, for your consideration.
 - Local city ordinances are predicated on a statute that grants the local governmental units' authority – Michigan does not have such a statute.
 - This Committee could advance a resolution to City Council for passage that encourages the Michigan Legislature to adopt a similar tenant relocation framework.

RECOMMENDATION #2

- Amend the international property maintenance code (IMPC) to specifically tie red tagging to the general civil infraction penalties contained in the Code of Ordinances. In addition, an option is to specifically create a sliding scale of penalties and adjust the civil infraction penalty for properties that are red tagged without corrections for periods of time longer than 90 days.
- Regarding a potential sliding scale of civil infractions, the fines could periodically increase for properties with a continued failure to correct violations.

*Submitted @
msh*

- For example: \$150 dollar civil infraction for properties that have been red tagged for longer than 90 days, \$250 for properties red tagged for 180 days, and \$500 for properties that are red tagged for longer than 270 days, with an additional fine each 90 days thereafter. (Note: these amounts are simply demonstrative – City Council may set their own fine, and the number of days for which fines are imposed and increase)
- It is important to note that if this amendment of the IMPC does go into effect, the City would likely have a significant increase cost (especially for enforcement personnel and activities.) The City would be committed to ensure that inspections can take place each 90 days (or other number of days set by Council) to determine if the violations have been corrected. For multi-family dwellings, red tags are applied to each unit, and require specific inspection to remove the tag.
- In addition, for those units that are not granted access for inspection, the City must have the personnel to prepare and request administrative search warrants.
- Because this may require an increased workload and personnel costs for inspection of multi-family dwellings, a financial impact study may be beneficial to identify the full personnel costs of this potential change in enforcement and ensure sufficient funds are budgeted.

RECOMMENDATION #3

- For properties that incur multiple red tags per calendar year (or other time period determined by Council), change the penalty to a misdemeanor offense.
 - For example, City Council could amend the ordinance to indicate that for properties/units that are red tagged more than 3 times per calendar year, the penalty is a misdemeanor, rather than a civil infraction.
- This recommendation would need to be phased in over a period of time – and for multi-family dwellings, would need to be specified whether the misdemeanor would relate to a per unit penalty, or for the property as a whole.



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Section: 17975


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HEALTH AND SAFETY CODE - HSC**DIVISION 13. HOUSING [17000 - 19997]** (*Division 13 enacted by Stats. 1939, Ch. 60.)***PART 1.5. REGULATION OF BUILDINGS USED FOR HUMAN HABITATION [17910 - 17998.3]** (*Part 1.5 added by Stats. 1961, Ch. 1844.)***CHAPTER 5. Administration and Enforcement [17960 - 17992]** (*Chapter 5 added by Stats. 1961, Ch. 1844.)***ARTICLE 2.5. Tenant Relocation Assistance [17975 - 17975.10]** (*Article 2.5 added by Stats. 2004, Ch. 473, Sec. 1.)*

17975. Any tenant who is displaced or subject to displacement from a residential rental unit as a result of an order to vacate or an order requiring the vacation of a residential unit by a local enforcement agency as a result of a violation so extensive and of such a nature that the immediate health and safety of the residents is endangered, shall be entitled to receive relocation benefits from the owner as specified in this article. The local enforcement agency shall determine the eligibility of tenants for benefits pursuant to this article.

(*Added by Stats. 2004, Ch. 473, Sec. 1. Effective January 1, 2005.*)

17975.1. (a) The relocation benefits required by this article shall be paid by the owner or designated agent to the tenant within 10 days after the date that the order to vacate is first mailed to the owner and posted on the premises, or at least 20 days prior to the vacation date set forth in the order to vacate, whichever occurs later.

(b) If there are fewer than 10 days between the first posting and mailing of the order to vacate and the vacation date, the relocation benefits shall be paid by the owner or designated agent to the tenant within 24 hours after the notice is posted and mailed. The local enforcement agency shall attempt to provide telephonic or written notice to the owner to notify the owner that the benefits are payable immediately. Failure to provide the notice as specified in this section shall not relieve the owner of any obligations imposed by this article.

(c) If a tenant is entitled to relocation benefits pursuant to Section 17975, the local enforcement agency shall provide either telephonic or written notice to the tenant of his or her entitlement to the benefits. Written notice may be satisfied by posting a written notice on the premises stating that tenants may be entitled to relocation benefits.

(*Added by Stats. 2004, Ch. 473, Sec. 1. Effective January 1, 2005.*)

17975.2. The relocation payment shall be made available by the owner or designated agent to the tenant in each residential unit and shall be a sum equal to two months of the established fair market rent for the area as determined by the Department of Housing and Urban Development pursuant to Section 1437f of Title 42 of the United States Code. In addition, the relocation payment shall include an amount, as determined by the local enforcement agency, sufficient for utility service deposits. The relocation benefits shall be paid by the owner or designated agent in addition to the return, as required by law, of any security deposits held by the owner. The relocation benefits shall be payable on a per residential unit basis.

(*Added by Stats. 2004, Ch. 473, Sec. 1. Effective January 1, 2005.*)

17975.3. (a) Any owner or designated agent who does not make timely payment as specified in Section 17975.1 shall be liable to the tenant for an amount equal to $1\frac{1}{2}$ times the relocation benefits payable pursuant to Section 17975.2.

(b) Subdivision (a) shall not apply when relocation benefits are payable fewer than 10 days after the date the order to vacate is first mailed and posted on the premises, if the owner or designated agent makes the payment no later than 10 days after the order is first mailed and posted.

(*Added by Stats. 2004, Ch. 473, Sec. 1. Effective January 1, 2005.*)

17975.4. (a) No relocation benefits pursuant to this article shall be payable to any tenant who has caused or substantially contributed to the condition giving rise to the order to vacate, as determined by the local enforcement agency, nor shall any relocation benefits be payable to a tenant if any guest or invitee of the tenant has caused or substantially contributed to the condition giving rise to the order to vacate, as determined by the local enforcement agency. The local enforcement agency shall make the determination whether a tenant, tenant's guest, or invitee caused or substantially contributed to the condition, giving rise to the order to vacate at the same time that the order to vacate the tenants is made.

(b) An owner or designated agent shall not be liable for relocation benefits if the local enforcement agency determines that the unit or structure became unsafe or hazardous as the result of a fire, flood, earthquake, or other event beyond the control of the owner or the designated agent and the owner or designated agent did not cause or contribute to the condition.

(c) In the situations described in subdivisions (a) and (b), the tenants of units within a multiunit structure who did not cause or substantially contribute to the uninhabitable condition shall be eligible for relocation benefits from the local enforcement agency that elects at its discretion to pay relocation payments in accordance with Section 17975.2 to those tenants.

(d) An owner or designated agent shall not be liable to make any payment as prescribed by this section if the local enforcement agency does not provide for an appeals process for the order to pay relocation benefits.

(Added by Stats. 2004, Ch. 473, Sec. 1. Effective January 1, 2005.)

17975.5. (a) If the owner or designated agent fails, neglects, or refuses to pay relocation payments to a displaced tenant or a tenant subject to displacement, except in the situations described in Section 17975.4, the local enforcement agency may advance relocation payments as specified in Section 17975.2. If the local enforcement agency, pursuant to locally adopted policies, offers to advance relocation payments in accordance with Section 17975.2, the local enforcement agency shall be entitled to recover from the owner any amount paid to a tenant pursuant to this section except payments made pursuant to subdivision (c) of Section 17975.4. The local enforcement agency shall also be entitled to recover from the owner or designated agent an additional amount equal to the sum of one-half the amount so paid, but not to exceed ten thousand dollars (\$10,000), as a penalty for failure to make timely payment to the displaced tenant, and the local enforcement agency's actual costs, including direct and indirect costs, of administering the provision of benefits to the displaced tenant.

(b) Any amounts paid by the local enforcement agency, except pursuant to subdivision (c) of Section 17975.4, and any applicable penalties and actual costs may also be placed as a lien against the property by the local enforcement agency by recording the lien in the county recorder's office of the county in which the real property is located.

(c) Any local enforcement agency that elects, at its own option pursuant to subdivision (a), to advance relocation payments to displaced tenants when the owner or designated agent fails, neglects, or refuses to pay relocation payments to displaced tenants, shall prior to instituting any action to collect from the owner or designated agent relocation benefits paid pursuant to this section, or to impose a lien therefor, send to the owner or designated agent by first-class mail, postage prepaid, at the owner's address as shown on the last equalized assessment roll, an itemized accounting of all benefits paid by the local enforcement agency to the owner's tenants, and any penalties or costs the local enforcement agency is seeking to recover as authorized pursuant to subdivision (a). If the owner or designated agent contends that not all of the benefits are chargeable to the owner or designated agent because the recipients were not displaced tenants, no benefits were payable pursuant to Section 17975.4, or on other grounds, the owner or designated agent shall submit a written appeal to the director of the local enforcement agency within 20 days after receipt by the owner or designated agent of the itemized accounting. The director, or the director's designee, shall hold an administrative hearing for the purpose of determining the amount of benefits paid that are chargeable to the owner or designated agent, and any penalties or costs the local enforcement agency may recover pursuant to subdivision (a). The local enforcement agency shall provide an administrative appeal process for any appeal of a decision of the director or the director's designee. The final decision of the local appellate body shall be subject to Section 1094.5 of the Code of Civil Procedure. If the owner fails to obtain a more favorable decision than that set forth in the itemized accounting, the owner or designated agent shall be liable to the local enforcement agency for the costs of the administrative hearing and appeal, not to exceed five thousand dollars (\$5,000). The failure to receive the itemized accounting shall not relieve the owner of any obligation to the city or county.

(d) Nothing in this article shall be construed to require the local enforcement agency to pay any relocation benefits to any tenant, or assume any obligation, requirement, or duty of the owner pursuant to this article.

(Added by Stats. 2004, Ch. 473, Sec. 1. Effective January 1, 2005.)

17975.6. Notwithstanding subdivision (b) of Section 17975.1 and subdivision (a) of Section 17975.5, if there are fewer than 10 days between the first posting and mailing of the order to vacate and the vacation date, and if the local enforcement agency advances relocation benefits to any tenants, prior to the expiration of the 10-day period, the owner shall not be required to reimburse the local enforcement agency for a charge identified on the itemized accounting described in subdivision (c) of Section 17975.5 if the owner contests the charge within 30 days after the itemized accounting is mailed to the owner or designated agent pursuant to subdivision (c) of Section 17975.5. The owner or designated agent shall pay the charge that was the subject of the appeal pursuant to subdivision (c) of Section 17975.5 within 30 days after an adverse decision by the director of the local enforcement agency on the appeal is mailed to the owner.

(Added by Stats. 2004, Ch. 473, Sec. 1. Effective January 1, 2005.)

17975.7. The remedies under this article are cumulative and in addition to any other remedies available under federal, state, or local law.

(Added by Stats. 2004, Ch. 473, Sec. 1. Effective January 1, 2005.)

17975.8. Any order by a local agency that requires a tenant's displacement and is issued to an owner, designated agent, or tenant, shall be accompanied by a summary of the provisions of this article. Failure to provide a summary shall not relieve any person of the obligations imposed by this article.

(Added by Stats. 2004, Ch. 473, Sec. 1. Effective January 1, 2005.)

17975.9. While it is the intent of the Legislature in enacting this article to provide an expedient means by which to provide relocation funds to tenants, nothing in this article shall be construed to limit the rights available to owners, designated agents, or tenants under any other provision of law. Furthermore, nothing in this article shall be construed to deprive an owner of procedural due process rights guaranteed by law, including, but not limited to, a right to file a judicial action against a local enforcement agency that has failed to proceed in a manner required by law.

(Added by Stats. 2004, Ch. 473, Sec. 1. Effective January 1, 2005.)

17975.10. When seeking reimbursement under an optional local program intended to advance relocation payments to displaced tenants when the owner fails, neglects, or refuses to pay relocation payments to displaced tenants pursuant to the provisions of this article, the local code enforcement agency shall first explore the potential of using funds from any available federally funded program that provides tenant relocation assistance in cases of local code enforcement activities.

(Added by Stats. 2004, Ch. 473, Sec. 1. Effective January 1, 2005.)

ANN ARBOR CITY APPROVAL NOTICE

ORDINANCE NO. ORD-19-19

HOUSING CODE

AN ORDINANCE TO AMEND SECTIONS 8:513, 8:516, 8:517, 8:519, 8:525, 8:528, and 8:530 OF CHAPTER 105 (HOUSING CODE) OF TITLE VIII OF THE CODE OF THE CITY OF ANN ARBOR.

The City of Ann Arbor Ordains:

Section 1. That Section 8:513 of Chapter 105 of Title VIII of the Code of the City of Ann Arbor be amended to read as follows:

8:513. - Notices and orders.

- (1) *Form of notice.* Whenever the Building Official determines that there has been a violation of any provisions of this chapter or any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation and orders for correction of violation to the person or persons responsible therefor, as hereinafter provided. Such notice shall:
 - (a) Be in writing;
 - (b) Include a statement of the conditions that constitute violations of this chapter and what must be done to correct same;
 - (c) State the date of the inspection, the name of the inspector, and the address of the dwelling;
 - (d) Specify a time limit for the performance of any act it requires. Said time limit shall be a reasonable time, not to exceed 60 calendar days unless:
 - (i) The work is major exterior work including but not limited to work such as painting, gutters, foundations, or roof work, weather dependent, and therefore, could not reasonably be completed within 60 calendar days based on the period of the year in which the inspection is done. In such cases, the time limit for the weather dependent work shall be 60 calendar days after a date when favorable weather conditions could be expected. All said time limits shall commence from the date of the inspection report;
 - (ii) The owner or agent intends to make substantial renovations which must be directly linked to the correction of the violation(s), and he/she applies for permits, submits required plans, and a schedule of proposed renovations as per section 8:518.

- (e) Notify the owner or agent, the occupant, or the complainant as the case may require, of the right to appeal;
 - (f) Be served within 10 working days upon the owner or his agent, or the occupant, as the case may require, provided that such notice shall be deemed to be properly served upon such owner or agent or upon such occupant if a copy thereof is served upon him personally, or if a copy thereof is sent by certified mail to his last known address, or if he is served with such notice by any other method authorized or required under this Code or the laws of this state;
 - (g) A duplicate shall be sent to the occupant in cases where the owner or his agent are the appropriate parties to be served, and be sent to the owner or his agent in cases where the occupant is the appropriate party to be served. If the violation or violations concern a common area rather than an individual dwelling unit or rooming unit, the notice shall be sent to all occupants of the dwelling, or may also be posted in a conspicuous location in said dwelling if, in the judgment of the Building Official, such posting is necessary to provide adequate notice. If the violation is a major one, posting shall be mandatory, whether the violation concerns a common area or an individual dwelling unit or rooming unit. ~~Any person removing such posted notice without authorization of the Building Official shall be fined \$50.00.~~ No person shall remove a posted notice without authorization of the Building Official. Notice to occupants by mail or posting shall be given within 10 working days after the date of inspection;
 - (h) Include a statement that any full certificate of compliance has been suspended and that rent may be paid into the escrow fund maintained by the Building Department if the repair of conditions is not made within the time limit set in the notice of violation or lawful extensions thereto, and a statement that civil actions for compelling the repairs and for damages may be available.
- (2) *Appeal when no violation found.* If the inspection is based upon a complaint and it is determined upon inspection that no violation exists, the complainant may appeal said determination to the Housing Board of Appeals, and the complainant shall be notified of this right to appeal.
 - (3) Failure to complete work within the time limits specified in subsection 8:513(1)(d) shall constitute a separate violation of this chapter.

Section 2. That Section 8:516 of Chapter 105 of Title VIII of the Code of the City of Ann Arbor be amended to read as follows:

8:516. - Certificate of compliance.

(1) *Definitions:* The following definitions shall apply to this chapter:

- (a) *Full certificate:* A certificate of compliance issued for a dwelling with no violations of this Code, which certificate shall be valid unless suspended by the Building Official upon a subsequent reinspection, disclosing violations, or upon expiration of the certificate.
- (b) *Temporary certificate:* A certificate of compliance issued for a dwelling displaying on its face any remaining violations to be corrected, prior to the expiration date on the certificate.
- (c) *Partial certificate:* The Building Official may issue a partial certificate of compliance for dwelling units without code violations. The certificate shall designate the units certified. It shall only be issued if violations in the remainder of the building do not affect the health and safety of the certified units.

(2) *Application:*

- (a) An owner or agent shall apply for a certificate of compliance. Inspection and issuance of certificates shall comply with this Code and regulations of the Building Official. If any owner or agent fails to make such application, any occupant of the dwelling may apply for a certificate.

(3) *Issuance:*

- (a) A certificate shall be issued only upon inspection of the premises by the Building Official, except as provided in subsection (b) below. If a dwelling conforms to this Code at the time of the application, a certificate of compliance shall be issued within 1 week.
- (b) The Building Official shall authorize the issuance of temporary certificates, upon application, without inspection for those premises in which:
 - (i) There are no violations of record; and
 - (ii) An inspection has been scheduled; and
 - (iii) The requested inspection cannot be conducted prior to the expiration of the present certificate because of service unit scheduling.
- (c) Temporary certificates shall also be issued for premises with violations of record only when:

- (i) The owner has been ordered to make repairs and the time limit, including lawful extensions, has not expired; or
 - (ii) When the city has been authorized to make repairs; or
 - (iii) When a receiver has been appointed; or
 - (iv) When an owner's rehabilitation plan has been accepted by the court; or
 - (v) When a scheduled reinspection cannot be conducted prior to the expiration of a temporary certificate and if the owner has not delayed the reinspection for more than 2 days.
- (d) A full certificate of compliance shall be issued for a dwelling when no violation is found and the dwelling is in compliance with the Code.
- (4) No person shall lease or otherwise make a dwelling or rooming unit available for occupancy if a certificate of compliance is not in effect for the unit. ~~Violators of this subsection who the city has notified at least 10 days prior to prosecution shall be punished by a fine of not less than \$200.00.~~
- (5) If a dwelling or rooming unit lacks a current certificate, instead of paying rent to the owner, tenants may pay the rent into the escrow account established by section 8:522. The Building Official shall notify tenants of the lack of a certificate and its effect on rental payments.
- (6) The lack of a certificate will not justify the removal of a tenant without court action following notice under MCR 4.201.
- (7) If a dwelling is ordered vacated because of violations of this chapter, the landlord must pay relocation costs except in cases where state law shifts the burden to the tenant.
- (8) The owner or agent of a dwelling shall permit a tenant or prospective tenant to examine the certificate of compliance. The Building Official shall permit any person to examine the city copy of every certificate of compliance.
- (9) Certificates of compliance shall expire 2½ years after the expiration of the previous full certificate. The date of expiration shall be on the certificate. It is the responsibility of the owner of a dwelling to arrange an inspection prior to the expiration of the certificate of compliance.

Section 3. That Section 8:517 of Chapter 105 of Title VIII of the Code of the City of Ann Arbor be amended to read as follows:

8:517. - Registry of owners and premises.

- (1) *Registry maintained by Building Department.* A registry of owners and premises shall be maintained by the Building Department.
- (2) *Registration of owners.* The owners of all rental dwelling units and abandoned dwellings, shall register their names, date of birth, both the street address and the mailing address of the business, the location of the dwellings and the number of dwelling units or rooming units to be offered to let prior to leasing. If a dwelling registered as an occupied dwelling becomes abandoned or vacant, it shall be re-registered as abandoned or vacant. Owners of properties which are rented, yet are owner-occupied per the definition in section 8:500(23) shall also register their properties to be offered for let prior to leasing.
- (3) *Registration of agent.* If the premises are managed or operated by an agent, the agent's name, date of birth and both the street address and mailing address of the business shall be placed with the name of the owner in the registry.
- (4) *Residence requirement.* The owner, representative, or the agent who was to receive notices and process under this chapter, shall reside or have an office within 25 miles of Ann Arbor.
- (5) *Corporation owned property.* If the owner is a corporation, the name and address of its registered agent shall be listed.
- (6) *Registration of changes.* Any change in address of owner or agent, and any change in number of units offered, shall be noted in the registry by said owner or agent.
- ~~(7) *Failure to register.* Any person failing to register as required by this section shall be fined not less than \$100.00, nor more than \$500.00, unless that person voluntarily registers the property prior to being identified by the bureau.~~

Section 4. That Section 8:519 of Chapter 105 of Title VIII of the Code of the City of Ann Arbor be amended to read as follows:

8:519. - Remedies for correction of violations.

- (1) *Action by Planning and Development Services Unit on noncompliance.* If the owner or occupant fails to comply with the order contained in the notice of violation, the Building Official may bring an action to enforce the provisions of this chapter and to abate or enjoin the violation; in the case of an emergency violation, the city may cause the necessary repairs to be made, and the charges may be collected as a special assessment against the property in accordance with section 1:292 of this Code.

(2) Penalties.

(a) ~~Violations of this chapter, for which no penalty is otherwise provided, shall be punishable by a fine of not less than \$50.00 plus court costs. Legal proceedings shall commence against violators with the issuance of a ticket by the department. The service unit shall indicate on the ticket, when issued, the amount of the fine, should the violator plead guilty without a court appearance. In the event there is a court appearance and a conviction results, the prosecutor shall recommend, after consultation with the service unit, a fine of not less than \$50.00 nor more than \$500.00 for each ticket.~~ shall be civil infractions punishable by a civil fine of no less than \$200.00 and no more than \$1,000.00, plus costs and all other remedies available by statute.

(b) The service unit shall issue tickets under this chapter when violations of the chapter are found by any method of discovery, and are not corrected within the time period provided by the service unit and/or the Housing Board of Appeals.

(c) When an imminently hazardous situation exists which endangers the health or safety of tenants, the service unit shall shorten the time given to correct the problem to a reasonable period of time.

(d) When the imminently hazardous situation involves inadequate heat in the winter, flood, sewage backup, or any situation that requires tenants to vacate the premises, the owner or agent is required to provide alternative housing until the repair is made unless clauses in the lease by operation of the law terminate the tenancy. This subsection does not preclude the tenant from exercising other remedies provided by law or equity.

(e) In the event the owner or agent does not complete the repair within the time allowed, the service unit shall issue a ticket each week until the repair is completed, or for 8 weeks which ever occurs sooner.

(f) In the event the repair is not made after 8 weeks of tickets, or the time allowed by the service unit, or a shorter time if it is a hazardous situation, the service unit shall suspend the owner's certificate of compliance and notify the owner's tenants that the obligation to pay rent is suspended.

(g) In the event the repairs are not made 90 calendar days after the suspension of the certificate of compliance, the City Attorney shall institute receivership proceedings. Any occupant, tenant's group, or any other person may initiate such proceedings.

(h) Each day of violation of a provision of this chapter relating to the physical condition of any dwelling shall constitute a separate violation.

(i) A violation proved to exist on a particular day shall be presumed to exist on each subsequent day unless it be proved that the violation no longer exists.

(j) If a provision of this chapter is found to be violated in more than 1 dwelling unit or rooming unit in a multiple dwelling or rooming dwelling, each such violation shall constitute a separate violation.

(k) Abandonment of a dwelling shall not constitute a defense to the imposition of fines under this section.

(l) In the event any decision to impose penalties under this section is appealed to the Housing Board of Appeals, the penalties imposed after the appeal are held in abeyance until the Housing Board of Appeals has made its decision. Then either the fee will be paid including interest, or not paid depending on its decision.

(3) Receivership.

(a) When a suit has been brought to enforce this chapter against the owner, the court may appoint a receiver of the premises.

(b) When the court finds that there are adequate grounds for the appointment of a receiver, it shall appoint the municipality or a proper local agency or officer, or any competent person as receiver. The court shall give first priority to appointment of a qualified non profit receivership. In the discretion of the court, no bond need be required. The receivership shall terminate at the discretion of the court.

(c) The purpose of a receivership shall be to repair, renovate and rehabilitate the premises as needed to make the building comply with the provisions of this chapter, and where ordered by the court, to remove a building. The receiver shall promptly comply with the charge upon him in his official capacity and restore the premises to a safe, decent and sanitary condition, or remove the building.

(d) Subject to the control of the court, the receiver shall have full and complete powers necessary to make the building comply with the provisions of this chapter. The court may collect rents and additional revenue, subject to other legal remedies, hold them against the claim of prior assignees of such rents and other revenue, and apply them to the expenses of making the building comply with the provisions of this chapter. The court may manage and let rental units, issue receivership certificates, contract for all construction and rehabilitation as needed to make the building comply with the provisions of this chapter, and exercise other powers the court deems proper to the effective administration of the receivership.

(e) When expenses of the receivership are not otherwise provided for, the court may enter an order approving the expenses and providing that there shall be a lien on the real property for the payment thereof. The provisions of subsection (7) of section 8:519 as to the contents and filing of an order are applicable to the order herein provided for.

(f) In ordering receivership for a specified premise, the court shall, if necessary to enforce this provision, seek receivership on other units within the building that may currently carry a valid certificate.

(4) Actions for damages.

(a) When the owner of a dwelling regulated by this chapter permits unsafe, unsanitary, or unhealthful conditions to exist, unabated in any portion of the dwelling, whether a portion designated for the exclusive use and occupation of residents or a part of the common areas, where such condition exists in violation of this chapter, any occupant, after notice to the owner and a failure thereafter to make the necessary corrections, shall have an action against the owner for such damages he has actually suffered as a consequence of the occupation of the premises. The occupant shall also have injunctive and other relief appropriate to the abatement of the condition.

(b) Remedies under this section shall be in addition to such other relief as may be obtained by seeking enforcement of the section authorizing suits by the Building Official. The remedies shall be concurrent. When several remedies are available hereunder, the court may order any relief not inconsistent with the objectives of this chapter, and calculated to achieve compliance with it.

(5) Additional legal remedies. Nothing contained herein shall be deemed to abolish or impair existing legal remedies of the City of Ann Arbor or its officers or agencies, or of any individual, even though such remedies may not be specifically enumerated or mentioned herein.

Section 5. That Section 8:525 of Chapter 105 of Title VIII of the Code of the City of Ann Arbor be amended to read as follows:

8:525. - Information concerning tenants rights.

(1) The city shall provide the City Clerk with booklets explaining the rights of tenants under city and state law. The City Clerk shall make such booklets available to local landlords and their agents to pick up at the Clerk's office without charge for distribution by local landlords to tenants and prospective tenants. In the event the Clerk makes available to local landlords sufficient copies of the booklet to permit those landlords to comply with this section, no owner of rental property located in Ann Arbor or agent of such an owner shall lease or contract to lease such property without furnishing to the tenant, before the time of leasing or contracting, a copy of

said booklet. In the event a housing unit is being leased to more than 1 tenant, it shall be sufficient to offer a single booklet for each housing unit. In the event the lease or contract to lease is accomplished by mail, rather than face to face, the booklet shall be furnished to the tenant by mail. A landlord shall be deemed to have furnished a tenant a copy of the booklet if the landlord mails it to him or proffers a copy of the booklet to the tenant face to face, whether or not the tenant chooses to receive the booklet. For purposes of this section, the renewal of a lease shall be considered the same as the making of a new lease; however, if a landlord has previously furnished the tenant or tenants of a unit with a copy of the booklet, the landlord is not required to furnish another copy upon lease renewal. This section shall only apply to leasing and contract to lease transactions entered into 30 calendar days after the City Clerk has published in a newspaper of general circulation in Ann Arbor a notice to landlords informing them of this section and of the availability of said booklets at the Clerk's office. The Clerk shall publish such notice promptly upon receipt of such booklets from the City of Ann Arbor.

- (2) At the same time an owner or agent of an owner furnishes a tenant with the booklet explaining the rights of tenants under city and state law required in subsection (1) above, each tenant shall also be provided by the landlord with specific information on how to register to vote and the requirements to register, notice that election information and further registration information is available on the Secretary of State's website as well as the city's website through the City Clerk's webpage and a copy of the State of Michigan Voter Registration Application. The City Clerk shall make available without charge for distribution by local landlords to tenants and prospective tenants copies of State of Michigan Voter Registration Application and the above election information on registration. The City Clerk may incorporate the election information as part of the above tenants' booklet or it may be produced separately.
- (3) This section shall apply only to residential leases. ~~Violations of this section shall be punishable by a fine up to \$500.00 but may not be punished by jail.~~
- (4) The failure of an owner or owner's agent to do any act required by this section shall not be construed to affect the validity of the lease or the enforcement of any of the lease provisions.

Section 6. That Section 8:528 of Chapter 105 of Title VIII of the Code of the City of Ann Arbor be amended to read as follows:

8:528. - Basic winterization in rental housing.

- (1) *Weatherization requirements.* In order to help reduce the high cost and ecological harm of excess energy use, it is hereby ordained that no person shall let to another for occupancy any dwelling or dwelling units which are not equipped with weatherization in safe, good order as follows:

(a) All cracks or gaps in or between building materials which are used on exterior building surfaces or on surfaces which interface between heated and unheated spaces within the building, which allow loss of heat from the interior to exterior of the dwelling, or from heated to unheated spaces, including as well, where necessary, cracks or gaps in the interior or exterior walls, shall be sealed with weatherstripping or caulking or other insulation device or system so as to assure reasonable weatherization. Such weatherization shall include but not be limited to the following: All cracks at window frames where glass meets frame, and where frame meets wall, shall be applied with sealant material or weather resistant caulking outside the dwelling as needed. Cracks at door frames of doors providing access from unheated to heated space where any glass meets frame and where frame meets wall shall be applied with a sealant material or weather resistant caulking, both inside and outside the dwelling as needed. Cracks in windows or doors where sliding or swinging windows or doors meet their frames shall be sealed with spring steel, rubber, foam or other weatherstripping or insulation device, except where such window or door fits so tightly in its frame that such insulation is not useful to prevent heat leakage. Cracks at locations where the building structure is penetrated by utility connections, pipes, wires, dryer vents, exhaust fans or other objects, devices or systems, shall be applied with a sealant material or weather resistant caulking as needed. Accessible cracks where building foundation and structure meet, and where exterior siding material meets trim, and where exterior siding boards or pieces have separated due to warping, and at all fixed joints on the building, shall be repaired, if needed, and applied with a sealant material or weather resistant caulking.

(b) In every unheated attic or other unheated top story directly under the roof, the floor shall be fitted with insulation of such quality and grade that the insulation material alone, exclusive of the floor material, provides an R insulation value of not less than R-30.

(c) In every heated attic or other heated top story directly under the roof, the roof shall be fitted on its underside with insulation material of such quality and grade that the insulation material alone, exclusive of the roof material provides an R insulation value of not less than R-30.

(d) In the case of an unheated attic or other unheated top story, a variance may be granted in the proper circumstances for insulation under the roof rather than on or in the floor.

(e) If prior to December 1, 1985 the attic floor or roof has been insulated such that the insulation R value of the installed insulation alone, disregarding the insulating value of the structural elements is at least R-19, then the R-19 insulation shall remain sufficient and in compliance with this section.

(2) *Exceptions.* This section does not apply in the case of:

- (a) An owner-occupant landlord;
 - (b) A bona-fide nonprofit cooperative;
 - (c) A bona-fide tenant subletting his or her residence;
 - (d) A homemaker on sabbatical or temporary leave or whose personal home is rented up to 2 years while it is for sale;
 - (e) A landlord who pays all of the utility heat bills for the dwelling and does not charge the tenant for heat or increases in utility heat bills;
 - (f) Where due to the unusual structural characteristics of the building or unit, the required weatherization cannot possibly be installed without extraordinary and unusual structural change, or would have no weatherization or insulating value, or is unnecessary because the respective floor or roof is so constructed as to continuously and at all places exceed without insulation the R value of the required insulation.
 - (g) Buildings constructed later than 1977, with the exterior envelope in compliance with Model Energy Code requirements, shall be exempt from the R-30 insulation provisions provided the exterior envelope and component materials are maintained.
- (3) *Effective date.* The effective date for this section (8:528) shall be December 1, 1985. Required weatherization shall be kept in good order.
- ~~(4) *Violations.* Violations of this section shall be punishable by a fine of \$1.00 to \$100.00 at the discretion of the court, but no more than \$50.00 for a person's first offense, and shall not be punishable by jail.~~

Section 7. That Section 8:530 of Chapter 105 of Title VIII of the Code of the City of Ann Arbor be amended to read as follows:

8:530. - Entry to show premises and time for rental agreements.

- (1) Notwithstanding any other provisions of this chapter, a landlord of residential premises shall not:
 - (a) Enter the leased premises for the purpose of showing the premises to prospective tenants until 70 days of the current lease period has passed; or
 - (b) Enter into an agreement to rent the leased premises to another tenant for a subsequent lease period until 70 days of the current lease period has passed.
- (2) This section does not apply under any of the following conditions:

- (a) The entry is for the purpose of subletting;
 - (b) The current lease period is less than 9 months in its entirety;
 - (c) A summons and complaint to recover possession of the premises has been filed and served on the current tenant in accordance with all laws and rules applicable to summary proceedings to recover possession of premises;
 - (d) The tenant, of his or her own will, has terminated his or her occupancy of the leased premises and his or her right under the lease to possession of the premises.
- (3) Except as otherwise provided in this section, at the time of entering into a written lease agreement a landlord shall provide to each tenant a copy of this entire Code section separate from the written lease agreement, until such time that this ordinance is incorporated into the "Rights and Duties of Tenants" booklet.
- (4) If there is no written lease, then the landlord shall provide a copy of this entire code section, upon which is written the term of the current unwritten lease, to each tenant, until such time that this ordinance is incorporated into the "Rights and Duties of Tenants" booklet.
- ~~(5) — A violation of this section shall be a civil infraction punishable by a civil fine of up to \$1,000.00, plus costs and all other remedies available by statute.~~

Section 8. This Ordinance shall take effect ten days after passage and publication.

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of June 17, 2019.

Jacqueline Beaudry, Ann Arbor City Clerk
Christopher Taylor, Mayor

Published: 6/20/19 on the City Clerk's Webpage

ORDINANCE NO. 2019-02

An ordinance amending Chapter 14 of the City of Jackson, Michigan Code of Ordinances, to provide safe replacement housing for tenants displaced from their homes as a result of the dwelling being declared unfit for human habitation by the Chief Building Official pursuant to Section 14-47 of the Code.

THE PEOPLE OF THE CITY OF JACKSON ORDAIN:

Section 1. Purpose.

The City Council adopts this Ordinance to create a provision establishing property owner obligations with respect to tenants displaced from dwellings that have been vacated by Chief Building Official due to violations of Chapter 14 of the Jackson Code of Ordinances.

Section 2. That Chapter 14 be amended to add an article providing for relocation assistance for displaced tenants as follows:

Article VII – RELOCATION ASSISTANCE FOR DISPLACED TENANTS

Sec. 14-500 – Title.

This article shall be known as the “Relocation Assistance for Displaced Tenants Ordinance.”

Sec. 14-501 – Findings and Purpose.

The city council finds that tenants who are required to vacate structures rented for residential purposes due to a Notice to Vacate issued pursuant to Chapter 14, Article II, Division 2, often encounter difficulty in finding suitable or affordable, temporary or replacement housing due to the short notice necessitated by the Notice to Vacate. Such difficulties create a financial hardship for said tenants and may result in homelessness. The city council also finds that those property owners who do not properly maintain non-owner occupied residential properties and who allow said dwellings to become unsafe or hazardous should bear responsibility for the hardships their actions create for their tenants. Additionally, the city will often spend time and resources assisting tenants displaced by a Notice to Vacate. These costs and expenses are not reimbursed by the property owner. Therefore, the city council finds and declares it necessary to enact this chapter to protect the public health, safety and welfare and to permit the city to seek reimbursement for the costs and expenses incurred. Nothing herein shall limit or preclude other remedies available to tenants under Michigan law.

Sec. 14-502 – Definitions.

Unless the context indicates otherwise, the following words used in this article shall have these meanings:

Landlord means an owner, lessor or sublessor or any other person entitled to receive rent for the use and occupancy of any rental unit, or the agent, representative, predecessor or successor of any of the foregoing.

Lease means an agreement, whether oral or written, or implied, between a landlord and a tenant for use or occupancy of a rental unit and for housing services.

Property means all rental units on a parcel or lot or contiguous parcels or contiguous lots under common ownership.

Relocation assistance means a relocation payment and the right of first refusal to reoccupy a residential structure.

Relocation payment means:

- (1) The payment of one month's fair market value rent for a unit of comparable size, as established by the most current Federal Department of Housing and Urban Development schedule of fair market rents, or one month of the tenant's actual rent at the time of relocation, or total rent due for one month to the landlord under Section 8 of the Housing Act of 1937, whichever is greater, for a maximum of three months' rent payments, paid in monthly installments as is necessary, or other arrangements of equal benefit which are agreeable to the tenant as evidenced by a written agreement between the tenant and the property owner. Such agreement shall at a minimum contain each of the following components:
 - (a) The names of the current occupants of the rental unit being vacated, and an indication of who is considered the head of the household therein;
 - (b) The address and the number of the unit from which the tenant is being displaced;
 - (c) A statement indicating the amount of relocation payment to which the tenant is entitled, according to the most current Federal Department of Housing and Urban Development schedule of fair market rent for the size of the subject unit;
 - (d) A statement that the tenant has waived the right to such relocation payment, and describing what, if any, alternative arrangements of equal benefit the landlord has agreed to provide the tenant, which is acceptable to the tenant in lieu of relocation payment; and
 - (e) The address, if known, of the location to which the tenant plans to move.
- (2) A relocation payment shall be a separate requirement and obligation in addition to the refund of any security deposit pursuant to Michigan law.
- (3) The relocation payment must include the actual costs associated with the tenant's moving expenses, in an amount not to exceed \$1,000.00.
- (4) A relocation payment shall also include an additional amount consisting of any administrative costs incurred by the city including but not limited to, the hourly rate of any city employees that took any action in connection with assisting a tenant under this article, any inspection fees incurred pursuant to Sec. 14-43 for the property plus the costs incurred by the city related to the issuance of the notice to vacate of the rental unit.

Rental unit means any building, structure or part thereof, and land appurtenant thereto, or any other rental property rented or offered for rent for residential purposes together with

all housing services connected with use or occupancy of such property, such as common areas and recreational facilities held out for use by the tenant.

Right of first refusal means the right of a tenant to reoccupy a residential structure on the site formerly occupied by said tenant, once the residential structure is repaired and becomes habitable, or once housing is redeveloped on the site.

Tenant means a tenant, subtenant, lessee, sublessee or any other person entitled under the terms of a lease to the use or occupancy of any rental unit.

Sec. 14-503 – Relocation Assistance Requirements.

- (1) **Relocation Payment Due.** A landlord of a rental unit rented pursuant to a lease shall provide to the tenant a relocation payment as defined in Sec. 14-502 as follows unless one of the exceptions described in Sec. 15-504 applies: within one week of the notice to vacate or prior to the time the tenant vacates the unit, whichever occurs first, for any order requiring a tenant to vacate any rental unit due to unsafe or hazardous living conditions or due to illegal use of the structure as a residence.
- (2) **Proof of Compliance.** In order to provide proof of compliance by the landlord with the relocation payment requirements of this code, the landlord shall make the payment to the city, at the Department of Neighborhood and Economic Operations; or a copy of the written agreement executed by the landlord and the tenant providing for and describing alternative arrangements shall be provided to the Chief Building Official and the director of the Department of Neighborhood and Economic Operations within five days of the date that the unit is vacated by the tenant. The landlord may make the rental payment directly to the owner of the alternative rental unit but must provide proof of such payment to the director of the Department of Neighborhood and Economic Operations.
- (3) **Action by the City.** The city will make reasonable efforts to locate suitable alternative rental unit of the same or similar type, size, and location as to the vacated rental unit whether or not the landlord has provided the relocation payment, and which is acceptable to the tenant. The alternative rental unit shall be in a condition acceptable to the Chief Building Official and satisfy the minimum room requirements contained in Section R304 of the Michigan Residential Code. Upon the request of the city, the landlord is required to provide the following information: the address of each rental unit being displaced, the number of bedrooms and bathrooms of each unit, the names of the tenant(s) and the other members occupying the rental unit and the amount of the monthly payments due under the lease and the length of the rental term. The city will locate temporary housing and pay the first five days' worth of rental for a suitable alternative rental unit and such payment shall be reimbursed by the landlord within ten days after issuance of an invoice by the city to the landlord. After the first five days after the vacating of the unit, the landlord shall be responsible for locating a suitable alternative rental unit of the same or similar type, size and location as the vacated unit.
- (4) **Right of First Refusal.** Any tenant evicted or required to vacate any rental unit pursuant to the provisions of this chapter shall be given the right of first refusal to reoccupy a rental unit on the site once said property becomes habitable, or once housing is redeveloped on the site.

- (a) The landlord shall, at the time the tenant vacates, provide written notice advising the tenant of the right of first refusal. Said notice shall include a current address and telephone number which can be used by the tenant to contact the owner.
- (b) It shall be the tenant's responsibility to provide the landlord with contact information consisting of the tenant's current address and/or telephone number to be used for future notification, and to provide updated contact information to the owner upon change of said information.
- (c) Thereafter, when the rental unit, or a redeveloped structure on the property, becomes habitable, the landlord shall give written notice to the tenant advising said tenant that the structure is ready for occupancy. Said written notice shall be made by certified mail, return receipt requested. Proof of compliance under this subsection must be provided by the landlord to the Director of Neighborhood and Economics Operations.
- (d) If the landlord cannot locate a previous tenant after two attempts over a period of two weeks, the landlord shall be deemed to have complied with the right of first refusal provision of this chapter, and the tenant's right of first refusal shall thereafter be forfeited. The landlord must provide notice to the Neighborhood and Economics Operations in the event that it is the landlord's determination that the tenant's right of first refusal has been forfeited.

Sec. 14-504 – Exceptions.

- (1) Any tenant evicted or required to vacate as a result of unsafe or hazardous living conditions or illegal use, who refused to vacate after the provision of the relocation payment is made, or who the Chief Building Official has determined has caused or substantially contributed to the condition(s) giving rise to the abatement or whose guest or invitee has caused or substantially contributed to the condition(s) giving rise to the abatement, shall not be entitled to receive relocation assistance from the landlord.
- (2) Landlords are not required to provide relocation assistance to any tenant evicted or required to vacate a rental unit that becomes unsafe or hazardous as a result of a natural disaster, fire, flood, or civil disturbance.
- (3) The Chief Building Official or his or her designee may make a determination as to whether any of the exceptions provided in subsections (1) or (2) are applicable and the Director of Neighborhood and Economic Operations may waive the landlord's obligations as to the specific tenant only for good cause shown.
- (4) If the landlord has already provided a suitable alternative rental unit of the same or similar type, size, and location as to the vacated rental unit to the tenant, and such replacement unit was accepted by the tenant as evidenced by a written agreement described in this article, and the landlord has agreed to pay the actual costs associated with the tenant's moving expenses, in an amount not to exceed \$1,000.00, the relocation payment shall no longer be required.
- (5) Landlords are not required to provide relocation assistance to any tenant who has been served with an order of eviction requiring the tenant to move from the rental unit.

- (6) Landlords are not required to provide relocation assistance to a tenant if the tenant and the landlord have entered into a consent judgment filed with the Court requiring the tenant to move from the rental unit.

Sec. 14-505 – No Waiver Permitted.

No landlord shall attempt to secure from a tenant any waiver of any provision of this Article. Any agreement, whether written or oral, whereby any provision of this Article is waived, is against public policy and is void. No person shall intentionally secure a waiver of any of the provisions, rights or benefits of this ordinance from a tenant by false pretenses or fraud. A violation of this section shall be punishable against the landlord as a misdemeanor.

Sec. 14-506 – Violation and Penalty.

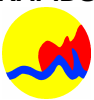
Any violation of this Article, other than Sec. 14-505, is subject to the remedies and penalties provided in Chapter 2.5 of this Code and an administrative civil penalty of up to \$1,000.00 per day may be assessed for each day during which a landlord fails to provide relocation assistance required by Sec. 14-503 following issuance of a written order or notice of violation by the city, in addition to the hourly rate of any city employees that took any action in connection with the property under this article, plus the city's reasonable attorney's fees and court costs. Nothing herein shall limit the right of a tenant to enforce the obligations provided herein by civil action or by any other legal remedy which may be available to said tenant.

Sec. 14-507 – Severability.

If any provision of this article is determined to be unenforceable by a court, the remainder of this article shall be deemed severable and is to remain in full force and effect.

Section 3. This Ordinance takes effect thirty (30) days from the date of adoption.

CITY COMMISSION POLICY

GRAND RAPIDS  MICHIGAN	NUMBER: 900-16	HISTORY	
	DATE: January 27, 1976	FILE #	DATE
	FILE NUMBER: 29916	40080	3/16/82
	DEPARTMENT: COMM DEV.	41379	1/25/83
		51148	3/07/89

SUBJECT: GUIDELINES FOR RELOCATION ASSISTANCE IN CONJUNCTION WITH CODE ENFORCEMENT ACTIVITIES

PURPOSE: To provide guidelines for the administration of relocation assistance to low and moderate income persons when relocation is required in conjunction with code enforcement activities.

POLICY:

1. Eligibility for Assistance. If the person's income is low or moderate as determined in accordance with Department of Housing and Urban Development (HUD) regulations, they may be eligible for relocation assistance under the following circumstances:
 - a. If the person is an owner-occupant of a building which is condemned as unfit for human habitation by the City of Grand Rapids;
 - b. If the person or household is a tenant of a dwelling which is either condemned or declared by the City to be unfit for human occupancy and entry;
 - c. If the person or household has applied for emergency repair assistance and been denied that assistance because the dwelling is in such disrepair as to warrant its demolition under Chapter 135 of the code of the City of Grand Rapids;
 - d. If a person or household is displaced as a result of an inspection pursuant to a complaint or routine code enforcement.

CITY COMMISSION POLICY

NUMBER: 900-16

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Before a relocation benefit payment can be awarded, an owner-occupant shall sign a Consent to Demolish agreement pursuant to Chapter 135 of the City Code of Grand Rapids

In addition, in order for a household to be eligible, the owner or tenant must have been an occupant of the property in question for no less than six (6) months.

2. Persons Ineligible for Assistance. A person or household who is displaced as a result of a fire, act of God, or other catastrophic event is specifically excluded from the relocation benefits afforded by the Policy.
3. Relocation Payment. Relocation benefits available to a household under the circumstances described above shall be based on the U.S. Department of Transportation's schedule of "fixed payments" for moving expenses under the federal Uniform Relocation Act, as it may be amended or updated from time to time. The relocation payment shall be a lump sum amount disbursed after approval of the eligibility of the individual or household.
4. Relocation Services. Pursuant to Public Act 227 of 1972 (MCLA 213.322), the City of Grand Rapids shall provide advisory services to an individual or household required to move under the circumstances described above. The advisory services shall include the following:
 - a. A determination of the needs of the displaced persons.
 - b. Assistance to the displaced individuals in finding other suitable facilities and in minimizing the hardship to the persons to be displaced, and
 - c. The City shall, pursuant to Michigan law, assure that a person or persons to be displaced secures decent, safe, and sanitary facilities, suitably located and at a price within the financial means of the family or individual displaced, and free from discrimination of any kind.

Pursuant to Michigan law, a person lawfully occupying a dwelling shall not be required to relocate until a replacement dwelling is available as provided. A person shall be given at least 90 days written notice to vacate unless modified by Court order for good cause.

655.03. - Definitions.

As used in this chapter:

Emergency Situation. "Emergency situation" means any situation involving a hazardous condition, nuisance or obstruction wherein there exists a reasonable possibility of imminent or immediate danger or harm to the public health, safety or welfare, or to any individual.

Enforcement Official. "Enforcement Official" means the officer or employee of the City or Health Officer charged with the responsibility of enforcing any aspect of these Codified Ordinances with respect to the department, agency or division in which he or she is employed. Enforcement Officials include, but are not limited to, the Mayor, the Director of Public Service, the Director of Parks and Recreation, the Director of Planning and Municipal Development, the Executive Director of Emergency Services, the Director of Building Safety, the Fire Chief and the Chief of Police.

Noxious Weeds or Plants. "Noxious weeds or plants" means those weeds or plants defined as such by statute or established as such by resolution of Council.

Nuisance. "Nuisance" means any public nuisance, known as such at common law or in equity jurisprudence, and whatever is dangerous to human life or detrimental to health. Further, "nuisance" means any condition or activity which is unwholesome, dangerous, offensive or unhealthy, which constitutes a menace to the health and safety of the public, or any structure which, due to a structural defect or dilapidation, has become dangerous to life or property. "Nuisance" includes, but is not limited to:

- (1) Unsanitary disposal of litter, including garbage, waste, peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, oil of an unsightly or unsanitary nature, or anything else of an unsightly or unsanitary nature;
- (2) Unburied dead animals;
- (3) The accumulation of water causing mosquito or other vector breeding or proliferation;
- (4) Rodent or insect infestation;
- (5) The accumulation of bees, fowl, bats, wasps or other venomous pests or animals in such a manner as to create a condition that may be injurious to the public health or safety;
- (6) Hazards, such as open excavations, open wells, pits, trees or parts thereof in danger of falling on any street, sidewalk or portion of a public right of way, discarded refrigerators and freezers with doors attached, unsecured vacant structures or habitation for bats, wasps or other venomous pests;
- (7) Allowing bird infestation within a dwelling or bird roost conditions that are conducive to an unhealthful or disease-causing condition;
- (8) The growth of noxious weeds or plants which are about to spread or mature seeds;
- (9) A condition for which a correction order requiring immediate compliance has been issued pursuant to Section 2.204 of the Uniform Fire Code, as adopted in Chapter 1610 of the Fire Prevention Code;
- (10) Obstructions, as defined in subsection (e) hereof;
- (11) A prolonged violation, intermittent or continuous, violation of any of the provisions of Chapter 654

(Noise);

- (12) A violation of any of the provisions of Sections 676.01 (Littering), 676.02 (Unlawful Deposits on Public and Private Property), or 676.025 (Scattered Trash in Public Right of Way);
- (13) A violation of Section 840.09 (Outdoor Gatherings);
- (14) A violation of any of the provisions of Chapter 1040 (Sewers Generally), as provided in Section 1040.16;
- (15) A violation of any of the provisions of Chapter 1060 (Garbage and Rubbish Collection and Disposal);
- (16) A violation of any of the provisions of the Zoning Code, as provided in Section 1242.01(e);
- (17) A violation of any of the provisions of the Lansing Housing Code, as provided in Section 1460.07, 1460.20, 1460.21 or 1460.24; and
- (18) A public nuisance, as defined in Section 1460.04(23) of the Lansing Housing Code.

Obstruction. "Obstruction" means any structure, vessel, vehicle, tree, bush, shrub, hedge, vine or other plant growth or any other object, or any collection of debris, litter or other objects or substances, which endangers the public health or the safety of any person, or which constitutes an interference or hazard to the lawful use of the waters, railroads, streets, sidewalks or other public ways in the City.

Owner. "Owner" means and includes both the owner or part owner of property on which a nuisance is located, and the occupant or lessee of such property if the property is leased, where such occupant or lessee is responsible, in whole or in part, for creating or maintaining the nuisance. The legal owner of such property shall, in all events, be responsible for the cost of removing, repairing, abating or obviating such nuisance, and, where applicable, a lessee or occupant shall share mutual responsibility with the owner for such costs.

Person. "Person" means and includes any individual, partnership, firm, corporation or other legal entity.

(Ord. No. 791, 9-26-88)

655.04. - Nuisances prohibited.

No person shall cause, harbor, commit or maintain, or suffer to be caused, harbored, committed or maintained, any nuisance, as defined by the statutes or by the common law of this State or as defined in this chapter or in any ordinance of the City, at any place within the City.

(Ord. No. 791, 9-26-88)

655.05. - Inspections.

The Enforcement Official is hereby authorized to inspect occupied or vacant land or premises to ascertain the existence of nuisances on such land or premises. The Enforcement Official shall inspect the land or premises at reasonable daylight times in a reasonable manner and in compliance with all applicable provisions of law. If the owner or occupant of the land or premises refuses or denies access for such purpose, the Enforcement Official

shall have recourse to every remedy provided by law to secure entry. If the condition that is believed to exist creates an emergency situation in that it imminently endangers human life or health no search warrant shall be required.

(Ord. No. 791, 9-26-88)

655.06. - Procedure for abatement of nuisances.

- (a) *Commencement of Proceedings.* If, at any time, the Enforcement Official finds that a condition exists or that a practice or activity is occurring in the City, which condition, practice or activity constitutes a nuisance, he or she shall commence proceedings to cause the abatement of such nuisance.
- (b) *Notice of Violation.*
 - (1) *Issuance.* The Enforcement Official shall issue a written notice to the person responsible for the creation, commission or maintenance of such nuisance.
 - (2) *Content.* The notice shall describe in detail the location and nature of the nuisance and the corrective action to be taken to abate it. The notice shall specify a time limit for compliance with the order to abate such nuisance, which shall be a reasonable time, but not to exceed fifteen days from the time the notice is served.
 - (3) *Service.* Notice shall be served upon any person entitled to notice by personal service or by first class mail, addressed to such person at his or her last known address, sent in an envelope containing thereon the return address of the Enforcement Official.
- (c) *Failure to Comply With Notice; Hearing by Council.* If the person responsible for the creation, commission or maintenance of the nuisance neglects or refuses to take the steps required to abate the nuisance, the Enforcement Official shall file a copy of his or her findings, and a copy of the order previously served, with Council, requesting that necessary action be taken to abate the nuisance. Council shall fix a date for a hearing, which date shall not be later than ten days from the date the findings and order are filed with Council, and shall give notice to the person responsible for the creation, commission or maintenance of the nuisance of the time and place of the hearing. At the hearing the person responsible for the creation, commission or maintenance of the nuisance shall be given an opportunity to show cause why the nuisance should not be abated, and Council shall issue an order which either approves, disapproves or modifies the order for abatement of the nuisance.

(Ord. No. 791, 9-26-88)

655.07. - Noncompliance with order of council; recourse of city.

- (a) If the person responsible for the creation, commission or maintenance of the nuisance does not comply with the order for abatement of the nuisance issued by Council, within three days of its issuance, Council shall forthwith direct the appropriate City officer to remedy the condition which is the subject of such notice.
- (b) The expense, including the administration cost to the City, incurred by the City in so doing shall be a lien

against the real property and shall be reported to the City Assessor who shall assess the same against the property on which the nuisance was located.

- (c) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified of the amount of such cost by first class mail at the address shown on the records. If he or she fails to pay the same within thirty days after mailing by the City Assessor of the notice of the amount thereof, the City Assessor shall add the same to the next tax roll of the City and the same shall be collected in the same manner in all respects as provided by law for the collection of taxes by the City.
- (d) Abatement by the City of any condition which constitutes a nuisance and reimbursement to the City of expenses incurred thereby shall not bar prosecution for maintenance of the nuisance.

(Ord. No. 791, 9-26-88)

655.99. - Penalty.

Editor's note— See Section 202.99 for general Code penalty if no specific penalty is provided.

City of Lansing

CHAPTER 1060. - **GARBAGE** AND **RUBBISH** COLLECTION AND DISPOSAL^[16]

1060.99. - Penalty.

(a) Any **violation** of this [Chapter 1060](#) shall be deemed to be a civil infraction pursuant to Code [Chapter 203](#).

(b) The following schedule of civil fines payable to the Municipal Ordinance **Violations** Bureau for admissions of responsibility to civil infraction **violation** notices is established under this chapter:

First offense\$ 25.00

Second offense\$ 50.00

Third (or any subsequent) offense\$250.00

These ticketed fees could be changed from time to time by Council resolution.

(c) The Director of the Public Service Department or the Director's designee is hereby named as an authorized city official to issue municipal civil infraction citations or municipal civil infraction **violation** notices pursuant to [Section 203.01](#).

June 3, 2022

Dear City Council Members of the Ad Hoc Housing & Resident Safety Committee

As a Citizen of Lansing and Nation Outside I am encouraging this committee to move forward a Fair Chance Housing Ordinance for the City Lansing residence in need of equality in housing. Such an ordinance will assist individuals who have been previously incarcerated and have record to be provided a more just process to obtain housing a universal human right.

Nation Outside is a grassroots and advocacy organization entirely led by the formerly incarcerated. Our mission is to drive policy and practice reforms that build transformative systems of support for justice impacted people, their loved ones, and their communities.

Two key factors, supported by ongoing study and data, to avoid a return to incarceration in the criminal justice system, formerly incarcerated must have stable and appropriate housing and employment. Without stable and secured housing employment opportunities and security is often compromised without housing.

The Fair Chance Housing Ordinance allows people with criminal records to complete an initial screening process before disclosing their conviction history. Landlords would retain the right to conduct background checks after a conditional lease is offered, and to deny applicants whose record would impact public safety, property, or other tenants. However, people would be given the chance to offer evidence of rehabilitation prior to final denial by a landlord.

I ask that the City of Lansing show leadership and progress and join the other communities across the state of Michigan who have taken on this issue by adopting similar ordinances.

Mitch Rice

*Submitted
@mtg*

Good Housing for All

A plan to secure affordable, safe housing for
every person in Ingham County, MI

Draft for discussion

Contact: 517cantwait@gmail.com

William Lawrence: 517-648-4556

*Submitted
@ mtg*

The Good Housing for All Platform: Summary

- **Build 15,000 new homes** over the next 10 years that are affordable, safe, and strengthen our neighborhoods
- **Protect tenants** from exploitation through a Tenants Bill of Rights
- **Support the unhoused population** with solidarity, rather than stigma and criminalization
- **Fight racism in housing policy** through targeted investment to redress historic housing exclusion and destruction of Black and brown wealth
- **Break patterns of displacement** by transferring Land Bank properties tended by Indigenous, LGBTQIA+, Black, and refugee farmers to grower-ownership and control
- **Stop corruption in development deals** by banning back-room dealing and campaign contributions by private developers
- **Invest in climate resiliency** and create good local jobs by designing and building to the highest standards of sustainability and longevity in a warming world

Our Rules

It's plain that currently, the rules of the game are rigged. But we aren't going to settle for that anymore. Any housing policies we get behind will have to follow our rules:

Universality. Our purpose is to make good, safe, affordable housing available to every person in the Lansing area, no exceptions. We know people are being excluded from housing because of their race, past convictions, being queer or trans, and countless other reasons. Any policy must make sure that every single person who needs housing is served, with no one left out.

Racial justice. Any housing policy must be crafted with explicit racial justice outcomes in mind. We must pursue reparations for decades of racist policy including redlining, housing discrimination, intimidation and terror, and wealth extraction and destruction. Black, Brown and Indigenous communities must have representation when shaping housing policy, and we must adopt a racial justice impact assessment for each housing policy.

Workforce and economic development. Green social housing can be the tip of the spear of a stronger, unionized, manufacturing economy in our region, if we deliberately go about it in a way that strengthens worker skills, the industrial base, and material transportation corridors. Materials and labor should be procured from union firms in our region.

Full funding. We cannot pass a visionary housing policy, only to condemn it to failure by skimping on funding. Housing plays a fundamental role in our communities. It should be a top priority for municipal and county governments, and it will require a corresponding investment of political and financial capital, in the order of millions.

Neighborhood focused. A city- or countywide housing strategy cannot be one-size fits all — it should focus on the character and needs of each specific neighborhood in the county. Housing investments should go alongside integrated plans for transit, parks, schools, community centers, and business development. Neighborhoods that have suffered the most from decades of disinvestment and displacement should receive particular focus.

Participatory process. Everyone deserves a say in decisions that affect our lives. Any housing policy must include active, free, and meaningful participation from those communities affected by it. This participation must be accessible, including access to information in a form and language that can be understood.

Accountability. The City of Lansing has tied major developer tax breaks to metrics of “affordability” for years, and yet no one has ever checked whether those developers are meeting their stated affordability goals. Any housing policy must include a mechanism for redress and penalties if the above principles are being violated in practice.

Build 15,000 new homes

As long as housing is built and managed at the whims of a few developers and private landlords, we will have a shortage of quality, affordable housing. Housing will boom and bust following market cycles, and all but the wealthiest among us will suffer the consequences.

Experts estimate a national housing supply shortage of approximately 12 million units.¹ Here in Ingham County, we have abundant evidence of a housing shortage:

- Average rent in Lansing has increased 20% over the last 5 years,² including 9.3% from 2021 to 2022³
- Ingham County home purchase prices increased 18% in a single month from March to April 2022⁴
- Residents with Section 8 affordability vouchers are being pushed out of their former homes and can't find anyone else to accept them⁵
- Refugee resettlement agencies have been unable to secure safe and legal housing for recently arrived Afghan refugees⁶
- Local business leaders have called the lack of affordable housing the “number one issue preventing business growth” in the area⁷

In Ingham County, approximately 15,000 new units⁸ over the next 10 years would meet our growing needs. These homes will not only help affordably house the residents we have now, but the residents soon to arrive in a warming 21st century, in which climate change and geopolitical conflict will be pushing more people to the relatively temperate and hospitable Great Lakes region. We will either provide good housing for all including the poorest among us, or be left with soaring costs for everybody, growing inequality, homelessness and poverty.

These new units should be built according to the principles of *social housing* — housing shielded from the inflationary, exclusive, boom-and-bust cycles of the housing market. Social housing can take several forms:

- Publicly-owned and managed housing
- Cooperatively-owned and managed housing
- Nonprofit-owned and managed housing

¹ "A National Homes Guarantee." People's Action: 2019.

²<https://www.lansingstatejournal.com/story/news/2022/04/14/apartment-rent-price-high-downtown-lansing/7277379001/>

³<https://www.point2homes.com/US/Average-Rent/MI/Lansing.html>

⁴<https://www.lansingstatejournal.com/story/news/2022/05/18/lansing-area-homes-for-sale-20220518-mi-plsj/65356210007/>

⁵<https://www.lansingstatejournal.com/story/news/2022/04/20/evicted-section-8-tenants-look-for-housing/7318666001/>

⁶<https://www.lansingcitypulse.com/stories/afghan-refugees-lodged-in-uncertified-rentals-across-lansing.20608>

⁷ <https://twitter.com/BobTrezise/status/1528089318006341632?s=20&t=PwRniT2b6GGploJzeC6LnQ>

⁸ This is a roughly proportional share of the national 12 million unit need, by population.

- Housing owned by individuals, with underlying land owned by a community land trust

Multi-family developments should be built according to the best practices of social housing, including:

- Cross-subsidization of rent based on income brackets, meaning that market-rate apartments within a development subsidize low-income and very-low-income apartments within the same development. This establishes mixed-income communities, avoids the perils of “concentrating poverty,” and helps ensure that buildings have the funding to remain adequately maintained without being dependent on unreliable grant funds, which was the downfall of 20th century public housing systems.⁹
- Housing authorities should fight racism in social housing with best practices such as mandating racially and economically diverse resident governing boards¹⁰, considering “right to return” policies to prioritize displaced Black families¹¹, and overhauling all policies, including tenant selection and assignment, waitlist management, and criminal records policies, to eliminate areas that contribute to racist impacts.
- The portion of new housing intended for private ownership should be focused on providing ownership opportunities for poor people and people of color who would otherwise be deprived of the opportunity to build wealth through homeownership. Future affordability of these properties, regardless of future developments in the housing market, can be ensured by placing the land under the homes in a community land trust, while the homeowner owns the home itself.¹²

New construction may be funded by the Ingham County Housing Trust Fund via a millage and bond issuance, payments from MSU, Sparrow and other anchor institutions, and/or a housing speculation tax.

Who can get it done? Most power here is concentrated at the County level. The County Treasurer has the most authority due to their leadership role in the Land Bank and Housing Trust Fund. The Housing Trust Fund is best poised to play a coordinating role in this issue, though we may want to establish a new social housing development agency such as the one currently under consideration in Seattle.¹³ Approval from other county, city and township officials throughout the region will be necessary on certain aspects owing to the large scope of this development.

⁹ “Social Housing in the United States” People’s Policy Project.

<https://www.peoplespolicyproject.org/wp-content/uploads/2018/04/SocialHousing.pdf>

¹⁰ <https://shelterforce.org/2016/05/04/addressing-diversity-segregation-in-mixed-income-communities/>

¹¹ <https://nextcity.org/urbanist-news/austin-residents-have-right-to-return-in-new-development-for-the-first-time>

¹² “Community+Land+Trust: Tools for Development without Displacement.” Baltimore Housing Roundtable.

<https://community-wealth.org/content/community-land-trust-tools-development-without-displacement>

¹³ “House Our Neighbors” ballot initiative <https://www.houseourneighbors.org/initiative-overview-and-text>

Protect tenants' rights

41% of Ingham County households are renters, including 49% Lansing residents. Our mission of Good Housing for All requires strong protections for tenants. Safe housing conditions, adequate repairs, and freedom from arbitrary eviction are basic conditions of a dignified life for tenants.

Our Tenants Bill of Rights is as follows:

- **Right to Counsel.** While every defendant in criminal court is entitled to a public defender, most tenants have no legal representation when they appear in landlord-tenant court for an eviction claim. Right to counsel helps tenants get a fair day in court.
- **Right to Safe and Accessible Housing.** All residential rental property units must meet minimum health and safety standards of basic utilities and facilities, ventilation and heating, safety from fire, and safe and sanitary maintenance. For accessibility, reasonable modifications of premises must be allowed, as well as accommodations in rules, policies, practices, or services. Design and construction of covered multifamily dwellings must be accessible to disabled persons.
- **Freedom from Discrimination and Retaliation.** Federal and municipal law prohibits discrimination in rental of housing because of race, color, national origin, religion, sex, familial status, disability, marital status, sexual orientation, gender identity, being a victim of domestic violence, sexual assault or stalking. No person can retaliate against a tenant for complaining regarding a violation of housing code. Municipalities should pass "source of income" protection laws that outlaw discrimination based on where a tenant earns their money.
- **Freedom from Forcible Eviction.** No person can enter another person's residence by force, with weapons, through threats, by taking away property, or by breaking open doors or windows, regardless of if anyone is inside or not. A landlord cannot evict or remove someone from the premises by force or threat.
- **Right to Fair Compensation.** Landlords found guilty of an illegal eviction must pay double the sum of the damages to the evicted person. If a landlord wrongfully withholds all or any portion of a security deposit, the tenant may recover twice the amount wrongfully withheld.
- **Right to Organize and Bargain.** Landlords may not retaliate against tenants who become a member of a tenants union or similar group. If there is a condition in a property that detrimentally affects its habitability, sanitation, or security, violates a municipal housing or building code, and was not caused by tenant, tenant may be able to deduct repair costs from their rent.¹⁴

The City of Lansing/Ingham County should develop a Rental Housing Assistance Unit to educate tenants of their rights and resources. The Unit will establish a Rental Housing Center, operate a Rental Housing Hotline, and publish a regularly-updated Tenant Bill of Rights Document enumerating legal protections.

Who can get it done? This bill of rights and Rental Housing Assistance Unit could be administered on a City or County level. Ingham County, being the largest jurisdiction, might be the best level on which to do this, though the City of Lansing and other local municipalities could also pass it on their level.

¹⁴ See: KC Tenants Bill of Rights (<https://www.kcmo.gov/home/showdocument?id=5360>) and KC rights enforcement ordinance (<https://kctenants.org/assets/uploads/kc-tenants-bill-of-rights-executive-summary-1-.pdf>)

Support the unhoused population

512 people experience houselessness in Ingham County on a given night¹⁵ — and that doesn't count the dozens who are between shelters and hotels, cars, and friends' couches. Black and Brown residents face the highest eviction rates¹⁶, which can quickly spiral into long-term houselessness. Because they're often forced out of their homes, queer and trans youth are disproportionately represented in the houseless population, making up 5-10% of the youth population but 40% of the youth houseless population¹⁷. When you're a low-wage worker or struggling with disabilities, there's no room for unexpected expenses like sickness or your car breaking down. The truth is, many of us in the Lansing area are one emergency away from losing our homes.

The most immediate task is to decriminalize the activities of houseless people who are simply going about their daily business. Cities in Ingham County should ban all sweeps and confiscations of houseless people and their property. Nobody should be arrested or hassled for trying to get some sleep; encampments where people look after each other and build community should not be broken up by police. The government should also fund more services to improve quality of life for houseless people, like clean temporary shelters and public restrooms. Homeless shelters must be truly inclusive and safe spaces for queer and trans youth and adults.

Long-term, the solution is to have more affordable housing, and make sure that a portion of it is specifically earmarked for housing and supporting those experiencing houselessness. A substantial amount of new social housing units should be Permanent Supportive Housing, which combines affordable housing assistance with free, voluntary onsite support services like healthcare and employment services to address the needs of people experiencing chronic homelessness. The houseless community must have agency in the development and design of the housing built to serve them.

Who can get it done? Much of this can be accomplished through strengthening the the Capitol Region Continuum of Care program, which is designed to integrate and coordinate services for unhoused people. Decriminalization of unhoused people can be enacted through policy at the city and county level.

¹⁵ [National Alliance to End Homelessness](#)

¹⁶ ["Racial and Gender Disparities in Evicted Americans."](#)

¹⁷ ["Homelessness for Unaccompanied Youth."](#) Michigan League for Public Policy:

Fight racism in housing policy

Our area has a history of housing discrimination through redlining that segregated neighborhoods and barred Black and Brown families from wealth-building homeownership. The construction of Interstate 496 in the mid-1960s also demolished a total of 890 homes, businesses, and churches in the former heart of Black Lansing southwest of the Capitol.

As we make historic investments for the 21st century, we must use this opportunity to redress and repair the legacy of racism in housing policy. Targeted housing and neighborhood investment initiatives should focus on housing residents and building wealth in Black and brown communities. Some best practices include:

- Use new social housing to desegregate existing high-income, primarily white areas, and change exclusionary zoning in areas currently zoned for single-family housing.
- Provide meaningful support to Black and brown households through grants and zero interest capital so they may pursue self-determination in securing housing that meets their needs, while redressing the harmful consequences lack of access to conventional loan products has had in communities of color
- Reassess the disproportionately high property taxes in Black and Brown neighborhoods¹⁸ and extend property tax relief, tax credits and grants to homeowners to rehabilitate homes in communities of color
- Invest in Black, Indigenous and Latino-owned institutions like credit unions, neighborhood anchors, cooperatives, and land trusts¹⁹
- Pass legislation providing capital for loan funds to support people of color-led cooperative development, and direct municipal contracts to such cooperatives²⁰

Municipal and county governments should perform data analysis to identify housing policies with racist outcomes whether or not they explicitly state racist intent, and create public plans to undo these harms.²¹ One such policy is the legalized housing discrimination against formerly incarcerated people, this must be ended as was done in Jackson, MI.²²

Who can get it done? Local tax assessors can reassess property tax, municipal governments can extend property tax relief, grants and contracts, and invest in local institutions. County government can prioritize anti-racist investment at the highest level of its social housing development program.

¹⁸ <https://www.washingtonpost.com/business/2020/07/02/black-property-tax/>

¹⁹ "Community Land Trusts with lower transaction costs, affordability protections, and supportive services provide Black communities the much deserved opportunity to obtain financing, build equity, and sustain their investments in neighborhoods." [Baltimore Housing Roundtable](#)

²⁰ "Finance Black Institutions." Movement for Black Lives

²¹ In line with the Affirmatively Furthering Fair Housing (AFFH) rule established in 2015

²² <https://www.wilx.com/2021/03/10/jackson-city-council-passes-fair-chance-housing-ordinance/>

Break patterns of displacement

Community gardens are among the most vibrant spaces in our region and help anchor neighborhoods. As we build Good Housing for All and invest in thriving neighborhoods, we should support garden leaders who have been leading on this work in neighborhoods. Most acutely, it is urgent to halt and reverse a troubling pattern of exclusion of LGBTQ, Black and Indigenous groups from equitable access to Ingham County Land Bank land transfer programs.

For instance Giitigan²³, an Indigenous community garden and educational project, has been unable to secure permanent legal rights to its land. Tender Heart Gardens, a trans-inclusive garden and one of the only safe and free public gathering spaces for LGBTQ residents in the Lansing region, has been moved by the city twice and turned away for permanent locations.

The Ingham County Land Bank must follow its stated policies of giving priority to next door residents when transferring vacant properties, and must prioritize Black, brown and Indigenous-run farms, gardens, businesses and organizations when making decisions on Land Bank transfers of ownership. Giitigan, Tender Hearts, and similar initiatives should be celebrated and supported by local governments, not driven into an adversarial relationship by red tape and mixed messages.

City and county-owned plots rented to refugees through the Garden Project and/or through the Land Bank should be offered or sold to the community-run Capitol United Land Trust or directly to two-or-more year renters to reward the minority gardeners and farmers who have tended to plants and communities on the same plots for years. Current and former Garden Project garden leaders should be able to purchase garden plots at low cost.

Who can get it done? The Ingham County Land Bank, and the Garden Project.

²³ <https://www.giitigan.org/>

Stop corruption in development deals

Real estate developers are among the largest contributors to city and county candidates for office in Ingham County and municipalities around the country. They have been repaid with millions in favorable tax breaks and land deals. This small and elite donor class means that candidates are less likely to prioritize the needs of poor people, people of color, and young people.

The Developer Dollars Ban prohibits developers who are seeking contracts with the city/county or have done so in the last 4 years from donating or bundling money to local elected officials or their campaigns. Ingham County, the City of Lansing, and other city and township governments should ban office-seekers from accepting donations from developers. Candidates should voluntarily decline such donations until the ban is passed.

Who can get it done? This can be accomplished at the county, city and/or township level, pertaining to office-seekers in that jurisdiction.

Invest in Climate Resiliency

Housing policy is a major area of opportunity in the fight against climate change. Residential buildings account for 21% of our overall carbon pollution, and we have all the technology needed to build more energy-efficient homes that reduce pollution and provide savings on utility bills.

All new housing built or financed by local governments should be built to a zero-carbon standard. “Green construction drives deep decarbonization and develops workers’ skills in low-energy construction. New buildings should also be located to maximize residents’ mobility and low-cost transit access.” For existing properties, the county should invest in a program of green retrofits for capital repairs, health, safety and comfort upgrades, and to eliminate carbon emissions. This program should be affordable and accessible to renters as well as homeowners.²⁴

Our existing housing stock is also overdue for green renovations. Investing in weatherization, clean appliances, and other green retrofits are a win-win solution that save on energy bills, improve health and safety, and reduce carbon emissions. Ingham County should create a one-stop “whole-home repairs” office that can aggregate available funding from federal and state grants, plus incentives through BWL and Consumers, and connect residents with the right programs to meet their needs.²⁵

The climate crisis is the biggest displacement threat, worldwide. Experts are suggesting that Michigan may become a leading destination for climate migrants and refugees.²⁶ We must strengthen our status as a welcoming area and prepare refugee-friendly transitional and permanent housing for the refugees who are already here, and those who are still to come. Ingham County, and all localities, must affirm our sanctuary status for immigrants and refugees. We must build housing and neighborhoods with the needs of immigrants and refugees in mind and with their input and participation.

Who can get it done? The whole home repairs office could be implemented at a city or county level, with a preference for county because it’s a larger jurisdiction. Green building standards should be applied to all projects funded by every local government and housing agency.

²⁴ A National Homes Guarantee. People’s Action.

<https://homesguarantee.com/wp-content/uploads/Homes-Guarantee--Briefing-Book.pdf>

²⁵ The gold standard model for such a program is under consideration in Pennsylvania

<https://www.pasenatorsaval.com/wholehomerepairs/>

²⁶

<https://www.bridgemi.com/michigan-environment-watch/water-could-make-great-lakes-climate-refuge-are-we-prepared>

Additional resources

Housing Platforms

"A National Homes Guarantee." People's Action: 2019.

Kansas City Tenants People's Housing Platform.

House Our Neighbors: Seattle social housing initiative.

Fighting Racism in Housing Policy

Movement for Black Lives "Vision for Black Lives" policy platforms:

"A Right to Restored Land, Clean Air, Clean Water and Housing"

"Finance Black Institutions"

"End Money in Politics"

"An Anti-Racist Agenda for State and Local Housing Agencies." Poverty and Race Research Action Council: July 2020.

Social Housing

The Vienna Model:

"Housing as a basic human right: The Vienna model of social housing." The New Statesman: Sept 2019.

"Vienna's Unique Social Housing Program." HUDUser.gov

Why we need fully funded social housing:

"How Public Housing was Destined to Fail." Greater Greater Washington: June 2020.

Paying for it:

How to Fund a Public Developer. Paul Williams

Montgomery County, MD Housing Production Fund. Press release.

Montgomery County Housing Production Fund Staff Packet. Operational details.

Community Land Trusts

"Community+Land+Trust: Tools for Development without Displacement." Baltimore Housing Roundtable.

Transforming Eastern North Philadelphia's Vacant Land. Philadelphia Women's Community Revitalization Project.

Capital United Land Trust