

# Village of Pinckney Ordinance No. \_\_\_\_

## RENTAL HOUSING HEALTH AND SAFETY ORDINANCE

AN ORDINANCE to ensure the health, safety, and welfare of tenants by establishing minimum habitability standards for rental housing, requiring registration and inspection of rental properties, and providing procedures for reporting and addressing unsafe living conditions.

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### Section 1. Purpose

The purpose of this Ordinance is to protect the public health, safety, and welfare of residents of the Village of Pinckney by:

- - Establishing minimum standards for rental housing conditions.
- - Requiring routine inspections and registration of rental properties.
- - Providing a formal complaint process for tenants to report habitability issues.

#### Section 1A. Authority / Enabling Law

[ADD: This Ordinance is adopted pursuant to the Michigan Constitution, the Village's police powers, and applicable state law including, without limitation, the Housing Law of Michigan (MCL 125.401 et seq.) and the landlord covenants of habitability and repair (MCL 554.139). The Village Council hereby adopts by reference the minimum housing and maintenance standards of the Housing Law of Michigan for all rental properties within the Village, including private dwellings and 2-family dwellings, as authorized by MCL 125.401(2).]

[NOTE] This is the big legal "shield" for Pinckney if you're under the 100k/10k thresholds.

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### Section 2. Definitions

"Rental Property" means any building, dwelling unit, or part thereof leased or rented to a tenant for residential occupancy.

"Rental Property" includes, without limitation, single-family dwellings, duplexes, multifamily dwellings, accessory dwelling units, and rooming units rented for residential occupancy.]

"Rental Property" does not include hotels, motels, or other transient lodging, nor facilities licensed and regulated by the State of Michigan as adult foster care, nursing homes, or similar uses.]

"Landlord" means the owner, lessor, or person(s) responsible for the management of a rental property.

"Local Agent" means a person residing or maintaining an office within \_\_\_\_ miles of the Village who is authorized to accept legal notices and arrange repairs on behalf of an owner.

"Habitability Violation" includes, but is not limited to:

- - Lack of safe and operable heating, plumbing, water, or electrical systems;
- - Structural deterioration or leaks;
- - Nonfunctional or absent HVAC systems;
- - Infestation or unsanitary conditions caused by property neglect.

"Routine Inspection" means a periodic inspection conducted for licensing purposes under Section 4.]

"Complaint Inspection" means an inspection triggered by a tenant or other person's complaint under Section 5.

**“Emergency Condition” means a condition posing an immediate threat to life, health, safety, or the security of the premises, including loss of heat, water, electricity, sewage service, fire hazards, or structural failure.**

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### **Section 3. Minimum Housing Standards**

All rental properties must meet the following minimum standards:

#### **A. Heating and Cooling**

- - Furnaces must provide heat of at least 68°F from October 1 to April 30.
- - Air conditioning (if provided) must be in operable condition from May 1 to September 30.

#### **B. Water and Plumbing**

- - Hot and cold running water must be available in kitchens and bathrooms.
- - Plumbing fixtures must be leak-free and sanitary.

#### **C. Electrical and Structural**

- - All electrical outlets, wiring, and fixtures must be safe and functional.
- - The structure must be free from leaks, mold, major cracks, or broken windows.

#### **D. Emergency Maintenance**

- - Landlords must respond to emergency maintenance issues within:
- - 24 hours for heat, water, sewage, electrical, or life/safety risks.
- - 48 hours for all other critical repairs.

**“Respond” means to commence corrective action within the stated time and thereafter diligently pursue completion as soon as reasonably possible.**

#### **E. Smoke / Carbon Monoxide Alarms and Egress**

- - **Rental properties shall maintain operable smoke alarms and carbon monoxide alarms as required by state law and code.**
  - - **Bedrooms shall have safe means of egress and windows/doors that open and close properly.]**
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### **Section 4. Rental Property Registration & Licensing**

#### **A. Registration Required**

- - All landlords must register each rental property with the Village Clerk.
- - A registration must include the property address, owner contact information, and local agent (if absentee owner).
- - **Registration shall be submitted on a Village form and accompanied by a registration fee established by resolution of the Village Council.**

#### **B. License Required**

- - Rental properties shall be inspected and issued a Rental License every 2 years.
- - Inspections shall be conducted by the Village or a designated inspector.
- - **No rental property may be occupied by a tenant unless a valid Rental License has been issued for that property, except for a 60-day grace period following initial adoption of this Ordinance.**

The Village may adopt by resolution an inspection checklist and administrative rules consistent with this Ordinance and state law.

### C. Routine Inspections

Routine inspections shall occur at least once every two (2) years for licensing purposes.

- - The Village or designated inspector shall provide the landlord and tenant not less than 10 days written notice of a routine inspection unless the tenant consents to a shorter period.
- - Landlords shall provide access to all areas reasonably necessary for inspection.

• - A license may be denied, suspended, or revoked for:

- - Refusal to permit inspection;
- - Repeated or unresolved habitability violations;
- - Unpaid fines related to code violations.

**Refusal to permit inspection after proper notice shall constitute a municipal civil infraction and grounds for immediate license suspension.]**

### E. Reinspection / Correction Period

When violations are found, the Village shall issue an Inspection Report and a correction deadline.

- - Reinspection's shall be conducted to verify compliance.
- - Reinspection fees may be charged as established by Council resolution.

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## Section 5. Habitability Complaint Process

### A. Filing a Complaint

- - Tenants may submit a complaint via a written or online form provided by the Village.
- - The form must describe the problem and when the landlord was notified.
- - Tenants may remain anonymous if they choose.

**Complaints under this Section shall be limited to habitability, health, or safety conditions, and not to private lease disputes.**

### B. Village Inspection and Enforcement

- - The Village shall inspect the property within 7 business days of receiving a complaint.
- - If violations are found, a written notice shall be issued to the landlord, requiring repairs within a set timeframe.

**If an Emergency Condition is alleged, the Village may inspect sooner as resources allow.**

### C. Enforcement and Penalties

- - **A violation of this Ordinance is a municipal civil infraction. Civil fines shall be as set forth in a schedule adopted by resolution of the Village Council, not to exceed \$500 per day per violation after the correction deadline.]**
- - **Each day a violation continues after notice and the correction deadline constitutes a separate offense.]**
- **Continued non-compliance may result in license suspension or revocation and enforcement in a court of competent jurisdiction.]**
- - **The Village may recover actual costs of enforcement, including inspection and reinspection costs, and reasonable attorney fees if authorized by law.**

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## **Section 6. Appeals**

Landlords may appeal a notice of violation, license denial, or suspension within 10 business days to the Village **Rental Housing Appeals Board / Construction Board of Appeals (as designated by Village Council resolution)**.

**The appeal shall be in writing on a Village form and shall state the grounds. Filing an appeal stays enforcement of the contested item(s) unless an Emergency Condition exists.**

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## **Section 7. Severability**

If any section or provision of this ordinance is found to be unlawful, such invalidation shall not affect the remaining provisions.

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## **Section 8. Effective Date**

This ordinance shall take effect upon publication and adoption as required by law.

### **Section 9. Transition / Initial Compliance]**

- - Within 60 days of the effective date, all landlords shall register rental properties with the Village Clerk.**
- - Within 12 months of the effective date, all rental properties shall complete an initial licensing inspection.]**