




TO: All Property Maintenance Staff

FROM: David Bell, Director 
Buildings, Safety Engineering & Environmental Department

DATE: January 16, 2018

RE: Review of the basis for Rental Inspections

Pursuant to my authority under Detroit City Code 9-1-32—which permits me “to adopt and promulgate rules and procedures to govern certain procedures for resolving matters in dispute under this article”—I am hereby promulgating the following procedures to be followed whenever an owner of a property subject to inspection under the Code wishes to obtain a neutral decisionmaker’s review of the basis for the inspection. *See City of Los Angeles v. Patel*, 135 S. Ct. 2443 (2015).

When an owner of a property subject to inspection under Section 9-1-35 of the Detroit City Code declines to allow an inspector entry onto that property, the inspector shall offer the owner an opportunity to schedule an inspection, and to allow entry onto the property, within thirty (30) days. If the owner (1) declines the opportunity to schedule an inspection during those thirty days, or (2) provides an inspector and/or the department seeking to conduct the inspection notice that the owner wishes to obtain review of the basis for the inspection, the department seeking to conduct the inspection shall provide the owner with the mailing address and email address of the City of Detroit’s Department of Appeals and Hearings. The owner may then, within seven (7) days of receiving that information, provide the Department of Appeals and Hearings a written request for review of the basis for the inspection. If the owner does not provide such a request within that the seven day period, the owner shall be deemed to have waived the right to pre-compliance review of the inspection.

If, however, the Department of Appeals and Hearings receives a written request to review the basis for inspection within those seven (7) days, the department seeking to conduct the inspection shall provide, in writing, its basis for conducting the inspection, the proposed scope of the inspection, and any other reasons why the inspection should take place. A Department of Appeals and Hearings hearing officer shall review all documents submitted, and, within seven (7) days of receiving the foregoing information from the department seeking to conduct the inspection, shall issue a written determination as to whether the inspection may proceed. If the inspection is approved, that written determination shall include the approved scope of the inspection (including address, areas to be inspected, and restrictions on the time in which the inspection may be conducted). The owner and the department seeking to conduct the inspection shall comply with the written determination of the hearing officer.

The procedures outlined in this memorandum do not apply in situations where exigent circumstances require immediate inspection of a property.

Cc: Charlie Beckham, Group Executive-Department of Neighborhoods
Eli Savit, Senior Advisor and Council of the Mayor
Raymond A. Scott, MPH, Deputy Director, BSEED
Miriam –Blanks Smart, Director the Department of Appeals & Hearings