



**LAW DEPARTMENT**

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November 22, 2024

Detroit City Council  
1340 Coleman A. Young  
Municipal Center  
Detroit, Michigan 48226

Re: Amendment of Chapter 8 of the 2019 Detroit City Code, *Building Construction and Property maintenance*, Article XV, *Property Maintenance Code*.

Honorable City Council:

The Law Department has prepared the attached amendment at the request of Council Member Santiago Romero. The proposed ordinance amends Chapter 8 of the 2019 Detroit City Code, *Building Construction and Property Maintenance*, Article XV, *Property Maintenance*, Division 3, *Requirements for Rental Property*, by amending Subdivision A, by amending Section 8-15-82, *Inspection of rental property; Certificate of Compliance required; registration of Certificates of Compliance for rental properties; violations; occupancy; length of Certificate of Compliance*, in order to increase the effectiveness of the City of Detroit's oversight of rental housing and improve the quality of rental housing available to tenants.

We are available to answer any questions that you may have concerning this proposed ordinance.

Respectfully submitted,

Graham Anderson  
Assistant Corporation Counsel  
Municipal Section

*Enclosure*

cc: Malik Washington, City Council Liaison

## SUMMARY

This ordinance amends Chapter 8 of the 2019 Detroit City Code, *Building Construction and Property Maintenance*, Article XV, *Property Maintenance*, Division 3, *Requirements for Rental Property*, Subdivision A, *In General*, by amending Section 8-15-82, *Inspection of rental property; Certificate of Compliance required; registration of Certificates of Compliance for rental properties; violations; occupancy; length of Certificate of Compliance*, to increase the effectiveness of the City of Detroit's oversight of rental housing and improve the quality of rental housing available to tenants.

1           AN ORDINANCE to amend Chapter 8 of the 2019 Detroit City Code, *Building*  
2 *Construction and Property Maintenance*, Article XV, *Property Maintenance*, Division 3,  
3 *Requirements for Rental Property*, Subdivision A, *In General*, by amending Section 8-15-82,  
4 *Inspection of rental property; Certificate of Compliance required; registration of Certificates of*  
5 *Compliance for rental properties; violations; occupancy; length of Certificate of Compliance*, to  
6 increase the effectiveness of the City of Detroit’s oversight of rental housing and improve the  
7 quality of rental housing available to tenants.

8           **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**  
9 **THAT:**

10           **Section 1.** Chapter 8 of the 2019 Detroit City Code, *Building Construction and Property*  
11 *Maintenance*, Article XV, *Property Maintenance*, be amended by amending Division 3,  
12 Subdivision A, Section 8-15-82, to read as follows:

13           **CHAPTER 8. BUILDING CONSTRUCTION AND PROPERTY MAINTENANCE**

14                   **ARTICLE XV. PROPERTY MAINTENANCE CODE**

15                           **DIVISION 3. REQUIREMENTS FOR RENTAL PROPERTY**

16                                   **Subdivision A. In General**

17           **Sec. 8-15-82. Inspection of ~~registered~~ rental property; Certificate of Compliance required;**  
18 **registry of Certificates of Compliance for rental properties; violations; occupancy; length of**  
19 **Certificate of Compliance.**

20           (a) In accordance with Subsection 8-15-34(d) and Section 8-15-35 of this Code, the  
21 owner of any rental property or properties required to register their property pursuant to Section  
22 8-15-81 of this Code must secure a Certificate of Compliance before the owner may lawfully allow  
23 the property to become occupied and collect rent from an occupant.

1 (b) In order to secure a Certificate of Compliance for rental property, the Building  
2 Official shall cause an inspection to be made of all rental property required to be registered  
3 pursuant to Section 8-15-81 of this Code according to the schedule for registration renewal in this  
4 section. Each inspection shall strictly conform to both Subsection 8-15-34(b) of this Code and the  
5 requirements of this section.

6 (c) The Buildings, Safety Engineering, and Environmental Department shall issue a  
7 Certificate of Compliance for a rental property where the Department determines that the owner  
8 or its agent(s) and the rental property, its units, accessory structures and the premises, including  
9 exterior areas, comply with the standards and requirements of this article.

10 (d) For purposes of rental property inspections conducted pursuant to this section, all  
11 paint on the interior or exterior of any residential rental property is presumed to be lead-based and  
12 any deteriorated paint in rental property is a deteriorated paint violation.

13 (e) On an annual basis, the Detroit Health Department, in consultation with the  
14 Building, Safety Engineering, and Environmental Department, shall identify high-risk geographic  
15 areas that exhibit disproportionately high rates of elevated blood lead levels among children or  
16 disproportionate risk of lead poisoning to children. Such geographic areas may include ZIP codes,  
17 Census Tracts, or other geographic units of measure. High-risk geographic areas must include, at  
18 a minimum, 25 percent of geographic areas in the city, provided that, beginning on January 1,  
19 2031, high-risk geographic areas must encompass the entire geographic area of the City.

20 (f) All inspections performed pursuant to Subsection (1) or Subsection (2) of this  
21 section shall utilize the following protocol:

- 22 (1) For rental properties located outside of high-risk geographic areas:  
23 a. All inspections performed shall include a visual assessment.



1 (3) Notwithstanding the foregoing, a visual assessment or dust wipe samples shall not  
2 be included in a rental property inspection when the owner can demonstrate that  
3 one or more of the following apply:

4 a. Original construction on the rental property was completed after January 1,  
5 1978; or

6 b. All lead-based paint has been fully abated by removal or other permanent  
7 elimination from a rental property in accordance with the Michigan Lead  
8 Abatement Act, MCL 333.5451 through 333.5479, and the property has  
9 passed a lead clearance exam, as certified by a certified lead inspector or  
10 risk assessor; or

11 c. A lead inspection conducted by a certified lead inspector has certified that  
12 no lead-based paint exists on a rental property.

13 (g) The Buildings, Safety Engineering, and Environmental Department shall maintain  
14 a registry of all rental properties for which a Certificate of Compliance has been issued, and shall  
15 make the registry available on the City's website. The Department may combine this registry with  
16 the registry required by Subsection 8-15-81(d) of this Code.

17 (h) Notwithstanding Subsection 8-15-35(d) of this Code-it shall be unlawful for an  
18 owner or its agent to allow any unoccupied rental property to be occupied, or to collect rent from  
19 a tenant for occupancy of a rental property, during or for any time in which there is not a valid  
20 Certificate of Compliance for the rental property. Tenants of an occupied rental property that lacks  
21 a Certificate of Compliance may pay the rent that would otherwise have been due the owner or its  
22 agent into an escrow account established in accordance with Section 8-15-86 of this Code Nothing  
23 in this article shall be construed to permit eviction of an existing tenant from a rental property or

1 to deprive existing tenants of their rights to possession of a rental property under the laws of this  
2 state and this Code, and such existing tenants shall have a right under this Code to retain possession  
3 of a rental property notwithstanding an owner's inability to collect rent from such tenants pursuant  
4 to this subsection.

5 (i) A tenant who retains possession of a rental property under Subsection (h) of this  
6 section, notwithstanding an owner's inability to collect rent, may nevertheless be evicted if an  
7 owner establishes that the tenant is subject to eviction for non-retaliatory reasons other than  
8 nonpayment of rent in accordance with MCL 600.5714 and MCL 600.5720.

9 (j) Section 8-15-35(d) of this Code shall not be construed to penalize the tenant or  
10 occupant of a rental property for occupancy of a rental property that does not have a valid  
11 Certificate of Compliance except as set forth in this subsection. Notwithstanding Subsection (h) of  
12 this section, where an inspection of a rental property or a notice of suspension or denial of a  
13 Certificate of Compliance states that there is an immediate danger due to a violation or violations  
14 of this article or other applicable laws, codes or regulations, the dwelling may be ordered  
15 immediately vacated by the Building Official, or his or her designee, and any occupancy shall  
16 thereafter be unlawful.

17 (k) Nothing in this section shall be interpreted as limiting or controlling the amount of  
18 rent an owner may charge to a tenant pursuant to a lawful agreement with the tenant.

19 (l) Nothing in this section shall be interpreted as limiting the ability of the Buildings,  
20 Safety Engineering, and Environmental Department to exercise its discretion or to establish  
21 policies or procedures to focus the enforcement of this article on a particular geographic area based  
22 on a range of criteria that may include but is not limited to, geographic areas where there may be  
23 high risk to the health and safety of tenants or occupants of rental property.


1 (m) Each Certificate of Compliance issued pursuant to this division shall be for a term  
2 of three years, and may be extended from three years to five years when the Certificate of  
3 Compliance is approved for two consecutive periods prior to expiration. Nothing in this section  
4 shall limit the ability of the Buildings, Safety Engineering, and Environmental Department to limit  
5 or otherwise reduce the term for which a Certificate of Compliance is valid where, either before  
6 or after a Certificate of Compliance is granted, the property owner demonstrates a repeated  
7 inability to comply with the requirements of this article.

8 **Section 2.** This ordinance is hereby declared necessary to preserve the public peace, health,  
9 safety, and welfare of the People of the City of Detroit.

10 **Section 3.** All ordinances, or parts of ordinances, that conflict with this ordinance are  
11 repealed.

12 **Section 4.** This ordinance shall become effective immediately in accordance with Section  
13 4-118 of the 2012 Detroit City Charter.

Approved as to form:

  
Conrad L. Mallett  
Corporation Counsel