



CITY OF LUDINGTON

400 SOUTH HARRISON STREET
LUDINGTON, MICHIGAN 49431
PHONE (231) 845-6237
FAX (231) 845-1146

RYAN M. COX, MAYOR
JOHN E. SHAY, CITY MANAGER
DEBORAH L. LUSKIN, CITY CLERK
LINDA J. ROGERS, CITY TREASURER

COPY

May 19, 2015

Dear Property Owner / Landlord / Property Management Representative:

RE: Proposed Residential Rental Property Inspection Program

For the past several years, the City of Ludington has discussed the idea of implementing a rental-inspection program in order to ensure that the condition of rental properties meets basic health and safety criteria. The Building & Licenses Committee is proposing that the Ludington City Council adopt an ordinance that would establish such a program.

Attached you will find a copy of a sample general information letter, the proposed ordinance, registration forms, inspection form, compliance form and a proposed fee schedule. The Committee will be holding a meeting on Thursday, June 4, 2015 at 3:30 p.m. at City Hall to explain the proposed ordinance and the overall rental-inspection program. This meeting is also being held to allow owners of rental properties an opportunity to provide input and voice any of their concerns.

If you are unable to attend, please feel free to write a letter or send an e-mail to me at ishay@ci.ludington.mi.us. The letters and e-mails will be provided to the Committee for the meeting.

In order to accommodate any potential changes to the program based on input received at the June 4th committee meeting, the City anticipates presenting the proposed ordinance to City Council for first presentation at the City Council meeting on June 22, 2015. The City Council would then be expected to vote on the proposed ordinance at its meeting on July 13, 2015. If approved, rental units would need to be registered with the City of Ludington in 2015, and inspections would begin in 2016.

Sincerely,

John Shay
City Manager

On the Shores of Lake Michigan

**CITY OF LUDINGTON
BUILDING DEPARTMENT
RENTAL REGISTRATION**

400 S. HARRISON ST.

LUDINGTON, MI 49431

Phone: (231)843-2956...Fax: (231)845-1146

Email: cafoote@ci.ludington.mi.us

05/13/15

SHIP R LLC/ PATH R LLC/ARAT
327 S JAMES ST
LUDINGTON MI 49431

Dear Property Owner:

The City of Ludington has adopted a City Ordinance (XXXX) to establish a Residential Rental Dwelling Unit Inspections Program in an effort to improve the rental housing market within the City limits. You are receiving this letter because you have been identified as an owner of what appears to be rental property within the City limits. If your property is not a rental, please sign the attached rental registration disclaimer and return it to our office.

Property owners who have rental property within the city will be required to register their property with the City. A registration form is included as an attachment, which must be returned to the Building Department within XXXX days from the date of this letter. Following registration, the City will contact you to schedule an initial inspection. Initial inspections of all dwelling units will be conducted to determine if the dwelling units are in compliance with the Ludington Property Maintenance Code, City Code and all other related codes. Once the unit has been found complaint, a three-year Certificate of Compliance will be issued. Thereafter, properties will be registered once every three (3) years, or with change in ownership, at least thirty days prior to the expiration date.

We have attached a general guideline for rental property inspections. If you own rental property and know there are areas of non-compliance, we ask you to voluntarily address them during the XXXXX day registration period.

If you have additional questions, please feel free to call the Building Department at 231-843-2956.

Thank you for your cooperation.

City of Ludington
Building Department
Rental Registration

CITY OF LUDINGTON ORDINANCE NO. ____

An ordinance to add Article VI to Chapter 6 of the City Code, being Section 6-175 through Section 6-182, to establish a residential rental properties inspections program.

THE CITY OF LUDINGTON ORDAINS:

Section 1:

Section 6-175 through Section 6-183 shall be added to the City Code for the City of Ludington and shall read as follows:

Sec. 6-175. Purpose.

- (a) The purposes of this chapter are to establish minimum standards for dwellings offered for rent or lease, to authorize inspections of such dwellings, to establish certain responsibilities and duties of landlords and occupants essential to make such dwellings safe, sanitary and fit for human habitation, provide for registration with the Building Inspector, to require a certificate of compliance issued by the Building Inspector and to designate penalties for violations of this chapter.

Sec. 6-176. Definitions.

- (a) "Boarding House/Rooming House" shall be as defined in the City of Ludington Zoning Ordinance.
- (b) "Certificate of Compliance" means a document issued by the Inspector stating the dwelling has passed inspection and complies with local codes and requirements.
- (c) "Dwelling" means any house, room, boarding house/rooming house or apartment, which is wholly or partly used or intended to be used for living, sleeping, cooking and eating. Hotels, motels, bed & breakfasts and resorts shall not be defined as a dwelling for purpose of this chapter.
- (d) "Fee" means a fee determined from time to time by Council resolution. Such fee shall be charged each time the inspector makes an on-site inspection of any dwelling that comes within the meaning of this chapter.
- (e) "Landlord" means any person, firm, partnership, association, corporation, company or organization of any kind offering for rent or leases any dwelling or dwelling unit within the City.
- (f) "Ludington Property Maintenance Code" shall be the Ludington Property Maintenance Code as adopted by the City of Ludington as Ordinance 24-00 as amended.
- (g) "Rental Dwelling" means any dwelling which is rented, leased or offered for rent or lease within the City.
- (h) "Rental Dwelling Unit" a portion of a rental dwelling for an individual, couple, a single family, or other living unit.
- (i) "Smoke Detector Ordinance" is section 6-86 through 6-91 of the City Code.
- (j) "Transfer of Ownership" shall have the meaning ascribed to it as set forth in MCL 211.27a, or any subsequent sections or statutes of the same import.

Sec. 6-177. Minimum Standards for Rental Dwellings

The minimum standards for any rental dwelling maintenance shall be those contained in the Ludington Property Maintenance Code as adopted by the City of Ludington.

Sec. 6-178. Registration of Rental Dwellings

- (a) All rental dwellings shall be registered with the City by the owner.
- (b) All rental dwellings existing as of the effective date of this Ordinance shall be registered no later than 60 days from the adoption of this Ordinance.
- (c) The owner of a new rental dwelling or of any dwelling newly converted to a rental dwelling shall register the rental dwelling prior to allowing occupancy of any new units.
- (d) Upon a transfer of ownership of a rental dwelling, the new owner of rental dwellings already registered with the City shall re-register within sixty (60) days of assuming ownership.
- (e) An owner of a rental dwelling shall re-register if the owner adds any additional dwelling units in or to the rental dwelling.
- (f) Failure of the landlord to register his or her rented or leased dwelling is a violation of this chapter.
- (g) It shall be unlawful for any landlord or owner to rent any dwelling or dwelling unit that is not registered.

Sec. 6-179. Certificate of Compliance

Every rental dwelling within the City of Ludington, other than exempt rental dwellings as described in subsection 6-180(f), must receive a certificate of compliance. Such certificate shall be issued upon passing an inspection. Such certificate of compliance must be displayed in the rental dwelling unit or made available to any tenant upon request. Such certificate of compliance must be renewed in accordance with the schedule for inspections as provided in section 6-180.

Sec. 6-180. Inspections by building inspector prior to permit issuance

- (a) The Building Inspector or his or her agent, shall make the necessary inspections required for the purpose of enforcing this chapter. He/She shall determine if the dwelling meets the minimum standards set forth in the Ludington Property Maintenance Code.
- (b) Inspections will be conducted on a three-year cycle.
- (c) The Building Inspector shall establish an inspection schedule. Notice shall be mailed to each rental owner at least 10 calendar days prior to the scheduled inspection. It shall be the responsibility of the owner to notify and make arrangements with the tenant. If the inspection as scheduled creates undue hardship, the inspection can be rescheduled by notifying the building inspector at least 48 hours prior to scheduled inspection.
- (d) After the first year of inspections, all rental dwelling units that have been inspected must have certificates of compliance prior to occupancy of a rental dwelling unit. After the second year, all rental dwelling units that have been inspected in the first two years must have certificates of compliance prior to occupancy of a rental dwelling. Effective three years after ordinance adoption, all rental dwellings units within the City shall have certificates of compliance prior to occupancy of a rental dwelling unit.

(e) Nothing in this Ordinance shall prevent the Building Inspector from making additional inspections either based upon complaints, referrals from other governmental agencies, or otherwise, to enforce the Ludington Property Maintenance Code or other applicable laws, ordinances or regulations.

(f) In the event that the Building Inspector finds violations of the Ludington Property Maintenance Code or Smoke Detector Ordinance, the Building Inspector shall make re-inspections to ensure compliance with the Ludington Property Maintenance Code and the Smoke Detector Ordinance.

Sec. 6-181. Fees

There shall be imposed, pursuant to these sections, various fees as established from time to time by the City Council by resolution.

Sec. 6-182. Additional inspections

If the Building Inspector, based upon his/her inspection finds that there is reasonable cause to believe that additional inspections are necessary, for which the Building Inspector is not qualified to inspect, such as mechanical, plumbing or electrical inspections, the Building Inspector may require the owner to have such additional inspections at the owner's expense and to provide the Inspector with proof that such identified items are not in violation of any applicable codes, or with proof that such items have been repaired so that they comply with such codes.

Sec. 6-183. Penalty

Any person (as defined in Section 1-2 of the City Code) who violates any provision of this chapter, including failure of a landlord or owner to register a rental dwelling, failure or refusal to allow an inspection or re-inspection, failure to pay any fee required or failure to obtain an additional inspection and provide proof of compliance with applicable codes, shall be guilty of a municipal civil infraction as provided in Section 1-7 of the City Code. The Building Inspector or any other City employee or official designated by the City Manager, in writing, is authorized to issue citations for violations of this chapter.

Section 2: Severability: Should any provisions of this Ordinance or any part thereof be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions hereof or of any other provisions of the Code of Ordinances of the City of Ludington.

Section 3: Effective Date: This Ordinance shall be effective 20 days after publication.

Ayes _____

Nays _____

Deborah L. Luskin, City Clerk

Certification

I, Deborah L. Luskin, being the Clerk of the City of Ludington, certify that the above is a true and accurate copy of the Ordinance adopted by the City Council at their regular meeting on the ____ day of _____, 2015.

CITY OF LUDINGTON

RENTAL REGISTRATION

400 S. HARRISON ST.

LUDINGTON, MI 49431

Phone: (231)843-2956...Fax: (231)845-1146

Email: cafoote@ci.ludington.mi.us

DISCLAIMER OF RENTAL REGISTRATION AFFIDAVIT

PROPERTY ADDRESS: _____

OWNER: _____

OWNER'S ADDRESS: _____

OWNER'S PHONE: _____

WHY SHOULD THIS PROPERTY NOT BE DEEMED A RENTAL UNIT (CHECK ONE):

_____ **OWNER OCCUPIED**

_____ **VACANT**

_____ **OTHER (EXPLAIN)** _____

I HEREBY CERTIFY THAT I AM THE OWNER OF THE ABOVE IDENTIFIED PROPERTY(IES) AND ATTEST THAT THE PROPERTY IS NOT A RENTAL UNIT AS DEFINED BELOW:

PRINTED NAME: _____

SIGNATURE: _____

DATE: _____

- Definitions:**
- * **Owner:** Any individual holding legal or equitable title to a property or to real improvements upon a property solely, jointly, by the entireties, in common or as a land contract vendee. Any individual, association of individuals, corporation, firm or partnership. Owner shall not mean tenant.
 - * **Owner Occupied Dwelling:** A dwelling which a person both owns as a title holder or land contract purchaser and lives in as his or her true, fixed and permanent home to which, whenever absent, the person intends to return.
 - * **Rental dwelling:** Any dwelling containing a rental unit or rooming unit, including single family homes, occupied by a tenant or tenants.
 - * **Rental property:** All rental complexes, dwellings and units.
 - * **Rental Unit:** Living quarters within a dwelling intended for occupancy by a person other than the owner and the family of the owner, including single family homes, apartments, and rooming units for which a remuneration is paid.
 - * **Tenant:** A person living in a rental dwelling or rental unit not holding any equitable title to the property.

Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards

Lead Warning Statement

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, lessors must disclose the presence of known lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.

Lessor's Disclosure

(a) Presence of lead-based paint and/or lead-based paint hazards (check (i) or (ii) below):

(i) _____ Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

(ii) _____ Lessor has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) Records and reports available to the lessor (check (i) or (ii) below):

(i) _____ Lessor has provided the lessee with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

(ii) _____ Lessor has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Lessee's Acknowledgment (initial)

(c) _____ Lessee has received copies of all information listed above.

(d) _____ Lessee has received the pamphlet *Protect Your Family from Lead in Your Home*.

Agent's Acknowledgment (initial)

(e) _____ Agent has informed the lessor of the lessor's obligations under 42 U.S.C. 4852d and is aware of his/her responsibility to ensure compliance.

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

| | | | |
|--------|-------|--------|-------|
| _____ | _____ | _____ | _____ |
| Lessor | Date | Lessor | Date |
| _____ | _____ | _____ | _____ |
| Lessee | Date | Lessee | Date |
| _____ | _____ | _____ | _____ |
| Agent | Date | Agent | Date |

**CITY OF LUDINGTON
 RENTAL REGISTRATION
 400 S. HARRISON ST.
 LUDINGTON, MI 49431
 Phone: 231-843-2956 Fax: 231-845-1146**

RENTAL REGISTRATION FEE SCHEDULE
 (Per Ordinance # _____ dated _____)

| | |
|---|---|
| Initial Registration | \$30.00 per dwelling unit |
| Renewal Registration | \$30.00 per dwelling unit (every three years) |
| Transfer of Ownership | \$10.00 per dwelling unit |
| Initial Inspection including one follow-up Inspection | \$75.00 per dwelling unit |
| Third and subsequent inspections | \$75.00 per dwelling unit per inspection |
| Inspection "No Show" <i>(cancellations must be made 24 hr. in advance)</i> | \$75.00 per dwelling unit per no show |
| Failure to register | \$60.00 per dwelling unit |
| Construction Board of Appeals | \$100.00 per dwelling unit |

CITY OF LUDINGTON

400 S. Harrison St.

Ludington, MI 49431

Phone: 231-843-2956

Fax: 231-845-1146

Rental Registration Application

Please Check:

New Registration

Renewal

Transfer

Please Print

| OWNER INFORMATION | | | |
|------------------------------|-----------------|-----------------------------------|-------|
| Name of Owner: | | | |
| Address: | | | |
| Phone # | Cell # | email: | |
| PROPERTY MANAGER INFORMATION | | | |
| Name of Property Manager: | | | |
| Address: | | | |
| Phone# | Cell# | email: | |
| RENTAL INFORMATION | | | |
| Property Address | Number of Units | Mailing Address of Units (Unit #) | Notes |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

FEE: Total number of units _____ @ \$30.00 per unit = \$ _____

Make checks payable to City of Ludington

Return form and fee to:

City of Ludington
Rental Registration
400 S. Harrison St.
Ludington, MI 49431

I, the undersigned, do hereby attest to the truth and accuracy of the information contained in this application and understand that falsification of this application may result in application denial. I do hereby grant the City of Ludington permission to conduct any and all inspections required and affirm that all tenants of the subject property will be informed of required and scheduled inspections.

Signature of Owner/Agent: _____ Date: _____

CITY OF LUDINGTON RENTAL REGISTRATION

PREPARING FOR INSPECTION

This list is a **guide** that contains commonly found violations.

This is **not** a complete list of violations that could be found.

1. EXTERIOR PROPERTY

| | |
|--------------------------|--|
| <input type="checkbox"/> | House numbers must be visible from the street and at least 3 inches high and ½ inch apart. |
| <input type="checkbox"/> | Remove all trash and debris from the exterior property. |
| <input type="checkbox"/> | Cut all grass and weeds in excess of ten inches. |
| <input type="checkbox"/> | Garages, sheds and fences must be structurally sound, waterproof and in good condition. |
| <input type="checkbox"/> | Chimney must be in good condition (no rust/loose bricks). |
| <input type="checkbox"/> | Windows must be properly glazed and sealed. Storm doors/windows in good condition, no broken/missing glass, torn/missing screens and all hardware intact and operable. |
| <input type="checkbox"/> | Foundation must be structurally sound and weatherproof, no open cracks or breaks. |
| <input type="checkbox"/> | Steps, decks, porches, and landings weatherproof in good/ safe condition. |
| <input type="checkbox"/> | Handrails/guardrails sturdy, weatherproof, at least 30" high, spindles less than 4" apart. |
| <input type="checkbox"/> | Roofs, shingles, eaves, soffits, and fascia in good repair (painted, weatherproof, not rotted) |
| <input type="checkbox"/> | Siding, trim, and paint in good condition (not missing, peeling, or chipped) |

2. INTERIOR

| | |
|--------------------------|--|
| <input type="checkbox"/> | Minimum of 70 sq. ft. for one person bedroom or 50 sq. ft. per person (including children) where 2 or more occupy one bedroom. |
| <input type="checkbox"/> | Seven (7) ft. minimum ceiling height in all rooms. |
| <input type="checkbox"/> | All sleeping areas must have proper egress. |
| <input type="checkbox"/> | Interior shall be maintained in a sanitary condition free from rubbish and garbage and free from rodent and insect infestations. |
| <input type="checkbox"/> | Interior walls, ceilings and floors shall be structurally sound, in good repair, clean, painted or properly maintained. |
| <input type="checkbox"/> | Heating that is properly installed and maintained in safe working condition to heat at a temperature of 70° when outside is -10° |
| <input type="checkbox"/> | Properly installed and maintained water heating device. |
| <input type="checkbox"/> | Minimum sanitary facilities maintained in a sanitary/ working condition include: Toilet, Lavatory, Bathtub/ Shower and Kitchen sink. |
| <input type="checkbox"/> | All sanitary facilities shall be properly connected to the public water and sewer system. |
| <input type="checkbox"/> | Smoke detectors shall be provided as required by Building Code. |
| <input type="checkbox"/> | Cover plates for outlets, switches and junction boxes shall be in place. |

IF YOU HAVE ANY QUESTIONS PLEASE CONTACT THE BUILDING DEPARTMENT

400 S. Harrison St., Ludington, MI 49431 Phone: (231)843-2956 Fax: (231)845-1146

www.ludington-mi.gov

**CITY OF LUDINGTON
RENTAL INSPECTION**

Parcel # 051-- --00

PROPERTY OWNER:

PROPERTY ADDRESS:

INSPECTION DATE/TIME

LUDINGTON

MI 49431

APT/UNIT # _____

| ✓ Approved X NOT Approved | LR | KITC | BATH 1 | BATH 2 | STRS | BDRM 1 | BDRM 2 | BDRM 3 | OTHR | BSMT | BATHROOM FIXTURES | | | | | |
|------------------------------|----|------|-----------|-----------|------|-----------|-----------|-----------|------|------|-------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | | | | | | | | | | | 1 | 2 | 1 | 2 | | |
| Walls | | | | | | | | | | | Flushing | <input type="checkbox"/> | <input type="checkbox"/> | Sink | <input type="checkbox"/> | <input type="checkbox"/> |
| Ceiling | | | | | | | | | | | Tub | <input type="checkbox"/> | <input type="checkbox"/> | Ventilation | <input type="checkbox"/> | <input type="checkbox"/> |
| Floors | | | | | | | | | | | Shower | <input type="checkbox"/> | <input type="checkbox"/> | Hot/Cold Water | <input type="checkbox"/> | <input type="checkbox"/> |
| Light Fixtures | | | | | | | | | | | KITCHEN FIXTURES | | | | | |
| Light Switches | | | | | | | | | | | Drain | <input type="checkbox"/> | Faucet | <input type="checkbox"/> | Refridgerator | <input type="checkbox"/> |
| Receptacles | | | | | | | | | | | Hot/Cold Water | <input type="checkbox"/> | Disposal | <input type="checkbox"/> | Stove | <input type="checkbox"/> |
| Window s Egress/operable | | | | | | | | | | | EXTERIOR | | | | | |
| Window Screens | | | | | | | | | | | Roo f/Drainage | <input type="checkbox"/> | | Chimney | <input type="checkbox"/> | |
| Door | | | | | | | | | | | Foundation | <input type="checkbox"/> | | Exterior Walls | <input type="checkbox"/> | |
| Door glass | | | | | | | | | | | Windows | <input type="checkbox"/> | | Steps/Guards/Porches | <input type="checkbox"/> | |
| Smoke Detectors | | | | | | | | | | | House #s | <input type="checkbox"/> | | Sidewalks/Driveways | <input type="checkbox"/> | |
| | | | | | | | | | | | Garage/Shed | <input type="checkbox"/> | | Garbage/Junk/InOp | <input type="checkbox"/> | |

Furnace Electrical Panel Sanitary Insects/Rodents Steps/Handrails Hot Water Heater Dryer Miscellaneous

NO VIOLATIONS FOUND

VIOLATIONS _____

The above violations must be corrected before _____ . Call the Building Department at 231-843-2956 to schedule a re-inspection. If no violations were found, a Certificate of Compliance will be issued when all fees are paid.

Inspected by: _____ **Date:** _____