

SUMMARY

This proposed ordinance amends Chapter 9, of the 1984 Detroit City Code, *Buildings and Building Regulations*, by amending Article I, *Detroit Property Maintenance Code*, Division 1, *In General*, to amend Sections 9-1-19 and 9-1-20; Division 2, *Administration and Enforcement*, to amend Sections 9-1-36 and 9-1-37; and Division 3, *Requirements for Rental Property*, Subdivision A, *In General*, to amend Sections 9-1-81 through 9-1-83, and to add Section 9-1-84; in order to (1) update penalties and fines for violations of the article; (2) update and expand the provisions relating to an appeal of a denial or suspension of a certificate of compliance, (3) amend requirements to obtain and maintain a certificate of compliance for a property, including a requirement to be substantially current on property taxes for that property; (4) update registration and inspection requirements for rental property; (5) update provisions for lead inspection, risk assessment, and lead clearance for lead-based paint hazards in rental properties; and (6) permit the city, pursuant to the authority delegated by Section 126(3) of the Michigan Housing Law, 1917 PA 167, being MCL 125.526(3), to accept inspections for multiple dwellings and rooming houses conducted by the United States Department of Housing and Urban Development, or other governmental agencies.

1 **BY COUNCIL MEMBER _____** :

2 **AN ORDINANCE** to amend Chapter 9, of the 1984 Detroit City Code, *Buildings and Building*
3 *Regulations*, by amending Article I, *Detroit Property Maintenance Code*, Division 1, *In General*, to amend
4 Sections 9-1-19 and 9-1-20; Division 2, *Administration and Enforcement*, to amend Sections 9-1-36 and
5 9-1-37; and Division 3, *Requirements for Rental Property*, Subdivision A, *In General*, to amend Sections
6 9-1-81 through 9-1-83, and to add Section 9-1-84; in order to (1) update penalties and fines for
7 violations of the article; (2) update and expand the provisions relating to an appeal of a denial or
8 suspension of a certificate of compliance, (3) amend requirements to obtain and maintain a certificate
9 of compliance for a property, including a requirement to be substantially current on property taxes for
10 that property; (4) update registration and inspection requirements for rental property; (5) update
11 provisions for lead inspection, risk assessment, and lead clearance for lead-based paint hazards in
12 rental properties; and (6) permit the city, pursuant to the authority delegated by Section 126(3) of the
13 Michigan Housing Law, 1917 PA 167, being MCL 125.526(3), to accept inspections for multiple
14 dwellings and rooming houses conducted by the United States Department of Housing and Urban
15 Development, or other governmental agencies.

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

17 **Section 1.** Chapter 9 of the 1984 Detroit City Code, *Buildings and Building Regulations*, is amended
18 by amending Article I, *Detroit Property Maintenance Code*, Division 1, *In General*, Sections 9-1-19 and 9-
19 1-20; Division 2, *Administration and Enforcement*, Sections 9-1-36 and 9-1-37; and Division 3, *Requirements*
20 *for Rental Property*, Subdivision A, *In General*, Sections 9-1-81 through 9-1-83; and by adding Section 9-
21 1-84, to read as follows:

22 **CHAPTER 9. BUILDINGS AND BUILDING REGULATIONS**
23 **ARTICLE I. DETROIT PROPERTY MAINTENANCE CODE**
24 **DIVISION 1. IN GENERAL**

1 **Sec. 9-1-19. Violations.**

2 (a) In accordance with Section 4c(3) of the Michigan Home Rule-Cities City Act, being MCL
3 117.41(4), and Sections Secs. 1-1-9(c) and 8.5-2-1; of the ~~1984 Detroit City~~ this Code, a violation
4 of this article is deemed to be a blight violation.

5 (b) Any person who violates any section of this article may be issued a blight violation notice
6 pursuant to Chapter 8.5 of the ~~1984 Detroit City~~ this Code for each day that the violation continues.

7 (c) In accordance with Chapter 8.5 of the ~~1984 Detroit City~~ this Code, any person, firm,
8 partnership or corporation, or anyone acting on behalf of said person, firm, partnership or
9 corporation, who admits responsibility or is found to be responsible, through a blight violation
10 determination, for violation of this article shall be subject to a civil fine.

11 **Sec. 9-1-20. Civil fines for violations of article.**

12 (a) The following schedule of civil fines shall be assessed and paid at the Department of
13 Administrative Hearings for the specified violations of this article:

	<i>Second</i>	<i>Third and</i>	
	<i>First</i>	<i>Repeat</i>	<i>Subsequent</i>
	<i>Offense</i>	<i>Offense</i>	<i>Repeat Offense</i>

17 I. Failure to meet a requirement of this article,

18 except as otherwise specified:

19 One- or two-family dwelling	\$50.00	\$100.00	\$200.00
20	<u>\$500.00</u>	<u>\$1,000.00</u>	<u>\$1,500.00</u>
21 All other structures, except buildings with five			
22 (5) or more stories	100.00	200.00	500.00
23	<u>\$500.00</u>	<u>\$1,000.00</u>	<u>\$1,500.00</u>

		<i>First Offense</i>	<i>Second Repeat Offense</i>	<i>Third and Subsequent Repeat Offense</i>
1	Buildings with five (5) stories	200.00	500.00	1,000.00
2		<u>\$500.00</u>	<u>\$1,000.00</u>	<u>\$1,500.00</u>
3	II. Failure of to comply with an emergency or			
4	imminent danger order concerning an unsafe or			
5	unsanitary structure or unlawful occupancy.			
6	One- or two-family dwelling	500.00	1,000.00	1,500.00
7	All other structures, except buildings with five			
8	(5) or more stories	1,000.00	1,500.00	2,000.00
9	Buildings with five (5) or more stories	1,500.00	3,000.00	5,000.00
10	III. Failure of the owner to obtain a certificate of			
11	compliance in violation of section <u>Sec. 9-1-36</u> of			
12	the 1984 Detroit City <u>this</u> Code.	250.00	500.00	1,000.00
13	IV. Failure of the owner to obtain a certificate of			
14	registration for vacant property in violation of			
15	section <u>Sec. 9-1-50</u> of this Code.	250.00	375.00	500.00
16	V. Failure of the owner to obtain a certificate of			
17	registration for rental property in violation of			
18	Section <u>Sec. 9-1-81</u> of the 1984 Detroit City <u>this</u>			
19	Code.	250.00	350.00	500.00
20	VI. Failure to obtain a lead clearance for rental			

	<i>First</i>	<i>Second</i>	<i>Third and</i>
	<i>Offense</i>	<i>Repeat</i>	<i>Subsequent</i>
	<i>Offense</i>	<i>Offense</i>	<i>Repeat Offense</i>

1 property in violation of ~~section Sec. 9-1-83 of the~~
2 ~~1984 Detroit City~~ this Code.

3	One- or two-family dwelling	500.00	1,000.00	2,000.00
4	All other structures, except buildings with five			
5	(5) or more stories	1,000.00	2,000.00	4,000.00
6	Buildings with five (5) or more stories	2,000.00	4,000.00	8,000.00

7 VII. Failure to remove snow or ice in violation of
8 ~~Section Sec. 9-1-103 of the 1984 Detroit City~~
9 this Code:

10	One- or two-family dwelling	50.00	125.00	250.00
11	All other buildings, premises, or structures.	100.00	250.00	500.00

12 VIII. Weeds or plant growth in violation of ~~Section~~
13 ~~Sec. 9-1-104 of the 1984 Detroit City~~ this Code. 50.00 125.00 250.00

14 IX. Rodent harborage in violation of ~~Section Sec. 9-~~
15 ~~1-105 of the 1984 Detroit City~~ this Code. 100.00 250.00 500.00

16 IX. Failure to remove inoperable or unlicensed motor
17 vehicle from premises in violation of ~~Section~~
18 ~~Sec. 9-1-110 of the 1984 Detroit City~~ this Code. 100.00 250.00 500.00

19 XI. Failure to maintain a vacant building or structure
20 in accordance with the requirements of ~~Section~~

	<i>Second</i>	<i>Third and</i>
	<i>First</i>	<i>Repeat</i>
	<i>Offense</i>	<i>Offense</i>
		<i>Subsequent</i>
		<i>Repeat Offense</i>

1 Sec. 9-1-113 of this Code.

2	One- or two-family dwelling	500.00	750.00	1,000.00
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3	All other structures, except buildings with five			
4	(5) or more stories	750.00	1,250.00	1,500.00

5	Buildings with five (5) or more stories	1,000.00	2,000.00	3,000.00
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6 (b) In the case of a firm, or a partnership, the civil fine may be imposed upon the partnership
7 or members thereof, and in the case of a corporation, the civil fine may be imposed upon the
8 officers thereof.

9 (c) The imposition of a civil fine, or the payment of same, under this section shall not be
10 construed as excusing or permitting the continuance of any violation of this article.

11 (d) A civil fine that is paid before the administrative hearing date shall be reduced by ~~ten (10)~~
12 ~~percent~~ 10%.

13 (e) A civil fine that is paid after the administrative hearing date shall be increased by ~~ten (10)~~
14 ~~percent~~ 10%.

15 (f) A civil fine that is paid on the administrative hearing date neither shall be reduced nor
16 shall be increased.

17 (g) Pursuant to Section 4q(13) of the Michigan Home Rule ~~Cities~~ City Act, being MCL
18 117.4q(13), and ~~Section~~ Sec. 8.5-3.5(a) of the 1984 ~~Detroit City~~ this Code, Department of
19 Administrative Hearings ~~hearing~~² hearings officers shall impose a justice system assessment fee
20 for each blight violation determination.

1 (h) Pursuant to ~~section~~ Sec. 8.5-3.5(b) of the ~~1984 Detroit City~~ this Code, each blight
2 violation notice shall be subject to an administrative processing and adjudication fee, established
3 by the Director of the Department of Administrative Hearings and approved by the City Council.

4 (i) Pursuant to Section 117.4q(3) of the Michigan Home Rules ~~Cities~~ City Act, being MCL
5 117.4q(4), and ~~section~~ Sec. 8.5-3-2(4) of the ~~1984 Detroit City~~ this Code, a hearings officer from
6 the Department of Administrative Hearings may waive a fine for a blight violation at an owner-
7 occupied dwelling for a first-time violator of the Code where the violator has corrected the
8 circumstances of the violation.

9 DIVISION 2. ADMINISTRATION AND ENFORCEMENT

10 **Sec. 9-1-36. Certificate of compliance required; violation for failure to obtain; temporary**
11 **certificate and modifications.**

12 (a) The following buildings and structures shall be required to have a certificate of
13 compliance issued by the buildings, ~~and~~ safety engineering and environmental department:

- 14 (1) All buildings and structures required to be inspected pursuant to ~~section~~ Sec. 9-1-
15 35(d) of the ~~1984 Detroit City~~ Code; and
- 16 (2) One- and two-family dwellings, or any part of a residential structure, which are
17 occupied by persons pursuant to an oral or written rental contract or lease agreement
18 for monetary compensation. This requirement shall not include one-family dwellings
19 which are occupied by the owner of the structure and the owner's immediate family
20 and those portions of a two family dwelling which are occupied by the owner and
21 the owner's immediate family.

22 (b) As required by this article, certificates of compliance for buildings and structures shall
23 be issued, upon inspection, by the buildings, ~~and~~ safety engineering and environmental

1 department, correction of any violations,~~and~~ a determination by the buildings,~~and~~ safety
2 engineering and environmental department that the building or structure is in compliance with this
3 article, including but not limited to the standards in Sec. 9-1-37(a).

4 (c) The certificate of compliance,~~that is~~ issued by the buildings,~~and~~ safety engineering and
5 environmental department pursuant to this article, shall be posted in a conspicuous place within
6 the building or structure and readily available for inspection with the exception of certificates of
7 compliance issued for one and two-family rental dwellings. Certificates of compliance for one-
8 and two-family rental dwellings shall be maintained by the owner and made available upon request
9 by the director of the buildings,~~and~~ safety engineering and environmental department or the public
10 health director, or their authorized local officials or designees, or by any current or prospective
11 tenant.

12 (d) ~~It~~ Subject to Sec. 9-1-82, it shall be unlawful to occupy or use a building, premises, or
13 structure required to have a certificate of compliance under this article, or cause same to be
14 occupied, without the required certificate of compliance for the building, premises, or structure.
15 Upon the issuance of a blight violation notice and a finding that the building, premises, or structure
16 is unsatisfactory for human habitation, the director of the buildings,~~and~~ safety engineering and
17 environmental department or public health director may order such building, premises, or structure
18 vacated.

19 (e) Whenever there are practical difficulties ~~Involved~~ involved in carrying out the provisions
20 of this article, the director of the buildings,~~and~~ safety engineering and environmental department
21 shall have the authority to issue a temporary certificate of compliance or grant modifications for
22 individual cases, provided the director of the buildings,~~and~~ safety engineering and environmental
23 department shall first find a specific reason that:

- 1 (1) Would make the strict letter of this article impractical;
- 2 (2) The modification from the requirement is in compliance with the intent and purpose
- 3 of this article; or
- 4 (3) Such modification does not lessen any health and safety requirements of any
- 5 provision of Michigan law, of this article, or of ~~the 1984 Detroit City~~ this Code as
- 6 determined by the appropriate city official.

7 (f) The details of any action granting a modification from this article shall be recorded,

8 entered, and maintained in the records of the buildings, ~~and~~ safety engineering and environmental

9 department.

10 **Sec. 9-1-37. Suspension or denial of certificate of compliance; revocation.**

11 (a) The director of the buildings, ~~and~~ safety engineering and environmental department may

12 suspend or deny a certificate of compliance or a temporary certificate of compliance for a property

13 where the owner either fails to comply with one-(1) or more blight violation notices on that

14 property, or owes property taxes in excess of \$1,000.00 on that property and those taxes have been

15 delinquent for six (6) months or more. The suspension or denial of a certificate of compliance shall

16 be by written notice to the owner of the building, premises or structure, or his or her legal

17 representative, and contain the specific reason(s) for the suspension or denial. A certificate of

18 compliance may also be denied by the director of the buildings, safety engineering and

19 environmental department if an owner fails to respond within 60 days after written notice of a

20 required inspection under Sec. 9-1-35(d).

21 ~~(b) It shall be unlawful for any rental dwelling to be occupied for more than sixty (60) days~~

22 ~~after the written notice of suspension of the certificate by the buildings and safety engineering~~

23 ~~department, provided, that where the notice of suspension states there is an immediate danger due~~

1 ~~to a violation or violations of this article, the dwelling may be ordered immediately vacated by the~~
2 ~~director of the buildings and safety engineering department, or his or her designee, and any~~
3 ~~occupancy shall therefore be unlawful. An owner aggrieved by the suspension or denial of a~~
4 ~~certificate of compliance shall be entitled to a hearing before the director of the buildings, safety~~
5 ~~engineering and environmental department or a hearing officer designated by the director. A~~
6 request for a hearing on the suspension of a certificate of compliance shall be in writing addressed
7 to the director of the department and must be made within seven days after the date of the notice
8 of suspension or denial of the certificate. A hearing pursuant to a timely request shall be scheduled
9 at the earliest possible date, but not sooner than 7 nor later than 30 days after the receipt of the
10 request for a hearing. The buildings, safety engineering and environmental department shall notify
11 the owner and the appropriate city departments of the hearing at least seven days prior to the
12 hearing. The hearing may be adjourned only by agreement of the parties or, upon cause shown, by
13 order of the director or hearing officer.

14 (c) At the hearing, the buildings, safety engineering and environmental department shall
15 present relevant evidence to show the owner's failure to comply with the requirements of this
16 article. The owner shall be given an opportunity at the hearing to present relevant evidence in
17 support of the continuation or issuance of the certificate of compliance. A decision based upon
18 preponderance of the evidence shall be issued in writing to the department and to the owner within
19 10 days after the hearing.

20 (d) If the owner does not request a hearing within the seven day period after receiving notice
21 of suspension or denial of the certificate, the suspension or denial shall be deemed final seven days
22 after the date of notice of suspension or denial of the certificate. If the owner requests a hearing
23 but does not appear at the hearing, the suspension or denial of the certificate of compliance shall

1 be deemed final effective at the end of the business day on which the hearing was scheduled. If a
2 hearing is conducted but the decision sustains the suspension or denial of the certificate of
3 compliance, the suspension or denial of the certificate of compliance shall be deemed final
4 effective at the end of the business day on which the decision was issued. When suspension of a
5 certificate of compliance becomes final, the certificate of compliance shall be considered revoked
6 effective immediately.

7 (e) The hearing shall be conducted in accordance with the rules for conducting administrative
8 hearings adopted in accordance with Section 2-111 of the 2012 Detroit City Charter.

9 DIVISION 3. REQUIREMENTS FOR RENTAL PROPERTY.

10 SUBDIVISION A. IN GENERAL

11 **Sec. 9-1-81. Registration of rental property.**

12 (a) The owners or agents of rental property shall register all such dwellings with the
13 buildings, ~~and~~ safety engineering and environmental department and obtain a certificate of
14 registration as provided for in this section. Application for the certificate of registration of a rental
15 property shall be made on forms provided by the department and shall contain:

16 (1) The location and use of the rental property;

17 (2) The name, address, telephone number, and driver license number or state
18 identification number, of the rental property owner applicant, if an individual, and
19 the name and address of the resident agent, if a corporation or other non-individual
20 person;

21 (3) Information listed in subsection (a)(2) of this section for each partner, corporate
22 officer, or any other person having any interest in the rental property; ~~and~~

23 (4) The names, addresses, and telephone numbers of any persons or firms other than the

1 owner(s) who are responsible for property maintenance, or a person who is a
2 caretaker of the rental property pursuant to ~~section~~ Sec. 9-1-85 of the 1984 Detroit
3 City Code; and

4 (5) Whether the rental property is listed on the lead safe housing registry established
5 under Section 5474b of the Michigan Lead Abatement Act, Part 54A of the Michigan
6 Health Code, 1978 PA 368, being MCL 333.5457b.

7 (b) It shall be unlawful for any person to provide false information on an application for a
8 certificate of registration of a rental property required by this section.

9 (c) Certificates of registration of a rental property shall be renewed ~~annually~~ on the date
10 established by the buildings, ~~and safety engineering and environmental~~ department, according to
11 the following schedule:

12 (1) Subject to paragraph (2), if an owner has owned a rental property since January 1 of
13 the preceding calendar year and, since January 1 of the preceding calendar year, has
14 a. remained current on all taxes associated with that property, and
15 b. been issued no notices for violations of this article associated with that property,
16 that owner's certificate of registration for the rental property shall thereafter be
17 renewed once every three years if the rental property is a one- or two-family
18 dwelling, or once every two years if the rental property is other than a one- or
19 two-family dwelling.

20 (2) An owner in violation of any of the conditions set forth in subsections (c)(1)a. or
21 (c)(1)b. shall annually renew the certificate of registration for that property for three
22 years.

23 (3) In all other circumstances, the owner's certificate of registration shall be renewed

1 annually.

2 (d) The department shall maintain a registry of owners and rental property governed by this
3 section. The department may combine the registry with the registry required by Sec. 9-1-82(c).

4 ~~(d)~~-(e) Where rental property required to be registered under this section is sold or otherwise
5 transferred to a new owner, the certificate of registration issued the previous owner shall expire on
6 the date of the sale or transfer and, within ninety (90) days after the sale or transfer of the rental
7 property, the new owner shall apply for a certificate of registration in the prescribed manner in this
8 section.

9 **Sec. 9-1-82. Inspection of registered rental property; certificate of compliance required;**
10 **registry of certificates of compliance for rental properties; violations; occupancy.**

11 (a) The director of the buildings, and safety engineering, and environmental department shall
12 cause an inspection, as closely as possible to once a year, to be made of all rental property required
13 to have a certificate of registration under Section Sec. 9-1-81 of the 1984 Detroit City Code,
14 according to the schedule for registration renewal in Sec. 9-1-81(c).

15 ~~(b)~~ It shall be unlawful for a rental property required to be registered pursuant to section 9-
16 1-81 of the 1984 Detroit City Code to be occupied without a certificate of compliance issued by
17 the buildings and safety engineering department in accordance with section 9-1-36 of the 1984
18 Detroit City Code.

19 ~~(e)~~-(b) The buildings, and safety engineering, and environmental department shall issue a
20 certificate of compliance for a rental property where the department determines that the owner and
21 the rental property, its units, accessory structures and the premises, including exterior areas,
22 comply with the standards and requirements of this article.

23 (c) The buildings, safety engineering and environmental department shall maintain a registry

1 of all rental properties for which a certificate of compliance has been issued, and shall make the
2 registry available on the city's website. The department may combine the registry with the registry
3 required by Sec. 9-1-81(d).

4 (d) Notwithstanding Sec. 9-1-36(d), and subject to subsections (e), (f), and (g) of this section,
5 it shall be unlawful for an owner to allow any unoccupied rental property to be occupied, or to
6 collect rent for occupancy of a rental property, during or for any time in which there is not a valid
7 certificate of compliance for that rental property. During the first ninety days in which an occupied
8 rental property lacks a certificate of compliance, tenants of that property shall pay the rent that
9 would otherwise have been due into an escrow account established by the buildings safety
10 engineering and environmental department with a third party financial institution. If the owner of
11 the rental property obtains a certificate of compliance within those first ninety days, the rent in the
12 escrow account shall be paid to the owner, less the actual administrative fee charged by the third
13 party financial institution. If the owner fails to obtain a certificate of compliance within those first
14 ninety days, the rent in the escrow account shall be paid to the tenant, less ten percent that shall be
15 withheld for administrative costs. A tenant of a rental property that lacks a certificate of compliance
16 shall have no obligation to pay into the escrow account after those first ninety days. Nothing in
17 this article shall be construed to permit eviction of an existing tenant from a rental property or to
18 deprive existing tenants of their rights to possession of a rental property under the laws of the State
19 of Michigan and the City of Detroit, and such existing tenants shall have a right under the laws of
20 the City of Detroit to retain possession of a rental property notwithstanding an owner's inability to
21 collect rent pursuant to this subsection.

22 (e) A tenant who retains possession of a rental property under subsection (d), notwithstanding
23 an owner's inability to collect rent, may nevertheless be evicted if an owner establishes that the

1 tenant is subject to eviction for reasons other than non-payment of rent.

2 (f) Sec. 9-1-36(d) shall not be construed to penalize the tenant or occupant of a rental property
3 for occupancy of a rental property that does not have a valid certificate of compliance except as
4 set forth in this subsection. Notwithstanding subsection (d) of this section, where an inspection of
5 a rental property or a notice of suspension or denial of a certificate of compliance states there is an
6 immediate danger due to a violation or violations of this article or other applicable laws, codes or
7 regulations, the dwelling may be ordered immediately vacated by the director of the buildings,
8 safety engineering and environmental department, or his or her designee, and any occupancy shall
9 thereafter be unlawful.

10 (d)-(g) It shall be unlawful for the owner of a rental property, as defined by section Sec. 9-
11 1-3 of the 1984 Detroit City Code, on which the original construction was completed prior to
12 January 1, 1978 and required to be registered pursuant to Section Sec. 9-1-81 of the 1984 Detroit
13 City Code, to allow that rental property to be occupied without a lead-clearance report being
14 obtained and provided to the Buildings and Safety Engineering Department buildings, safety
15 engineering and environmental department in accordance with Division 3, Subdivision B, of this
16 article, provided, that the owner shall not be required to obtain a lead clearance until the next
17 prescribed annual inspection date for the owner for the rental property occurring after the effective
18 date of the ordinance that added this section.

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

21 (i) Section 9-1-82(d) shall take effect by ZIP code according to a schedule promulgated by
22 the director of the buildings, safety engineering and environmental department and posted on the
23 city's website. Such schedule shall be promulgated no later than 60 days following the effective

1 date of the ordinance that added this subsection, and may thereafter be amended periodically at
2 the discretion of the director of the buildings, safety engineering and environmental department.

3 **Sec. 9-1-83. ~~Inspection and lead clearance risk assessment for lead-based paint hazards,~~**
4 **~~where required. Lead inspection, risk assessment, lead clearance; when~~**
5 **required.**

6 (a) Lead inspection upon registration; risk assessment upon change of tenant. An owner shall
7 have a lead inspection performed on a rental property in accordance with Division 2, Subdivision
8 B of this article whenever an owner registers a rental property for the first time in accordance with
9 Sec. 9-1-81. If the lead inspection reveals a lead-based paint hazard, a risk assessment shall be
10 performed as well. Thereafter, until such time as all lead paint is removed from the rental property
11 in accordance with subsection (e), a risk assessment shall be performed on that rental property
12 each time a new tenant occupies that property. Provided, however, that an owner shall not be
13 obligated to have more than one lead inspection/risk assessment performed on a property in
14 accordance with this subsection per calendar year.

15 (a)-(b) Inspections after interim controls. Where interim controls were used to reduce lead-
16 based paint hazards in a rental property, as prescribed in Division 2, Subdivision B, of this article,
17 or where a lead inspection reveals the presence of lead paint on the rental property, the owner shall
18 have an annual ~~lead inspection/risk assessment~~ performed on the rental property, and obtain an
19 annual lead-clearance report in accordance with this section.

20 (b)-(c) Inspections after abatement by encapsulation. Where abatement was used to remove
21 all identified lead-based paint hazards, as prescribed in Division 2, Subdivision B, of this article,
22 by permanent encapsulation of lead-based paint and permanent covering of soil lead hazards, as
23 indicated in the post-remedy clearance report, the owner shall have a risk assessment performed

1 on the rental property every ~~three (3)~~ two years, and the lead-clearance report shall be valid for
2 ~~three (3)~~ two years. If, as a result of such risk assessment, it is determined that the lead-based paint
3 hazard is no longer fully abated, the owner must immediately take any actions necessary to remedy
4 the lead-based paint hazard pursuant to Sec. 9-1-93. Provided, however, that if an owner at any
5 time becomes aware that the integrity of a permanent encapsulation or permanent covering of soil
6 lead hazards may have been damaged, that owner must immediately schedule an inspection by a
7 certified risk assessor and take any actions necessary to remedy the lead-based paint hazard
8 pursuant to Sec. 9-1-93.

9 (d) *Inspections after abatement by enclosure.* Where abatement was used to remove all
10 identified lead-based paint hazards, as prescribed in Division 2, Subdivision B, of this article, by
11 permanent enclosure of lead-based paint, as indicated in the post-remedy clearance report, an
12 owner shall have a visual inspection for risk assessment, as that term is defined in the Michigan
13 Lead Abatement Act, Part 54A of the Michigan Public Health Code, 1978 PA 368, being MCL
14 333.5451 through 333.5479, of the enclosure performed by a certified lead inspector or risk
15 assessor no less than once every 5 years to ensure that the lead-based paint hazards remain fully
16 abated. If, as a result of such visual inspection for risk assessment, it is determined that the lead-
17 based paint hazard is no longer fully abated, the owner must immediately take any actions
18 necessary to remedy the lead-based paint hazard pursuant to Sec. 9-1-93. Provided, however, that
19 if an owner at any time becomes aware that the integrity of a permanent enclosure may have been
20 damaged, the owner must immediately schedule an inspection by a certified risk assessor and take
21 any actions necessary to remedy the lead-based paint hazard pursuant to Sec. 9-1-93.

22 (e)—(e) *Inspections after abatement by removal or elimination.* Where all lead-based paint
23 was ~~has been~~ fully abated in ~~by~~ removal or other permanent elimination from a rental property in

1 accordance with the Michigan Lead Abatement Act, Part 54A of the Michigan Public Health Code,
2 1978 PA 368, being MCL 333.5451 et seq. through 333.5479, and as certified by a certified lead
3 inspector or risk assessor, or where a certified lead inspector or risk assessor certifies that no lead-
4 based paint exists on ~~the~~ a rental property, no further lead inspection, risk assessment, or lead
5 clearance shall be required in order to obtain a certificate of compliance or certificate of
6 registration for that rental property.

7 **Sec. 9-1-84. Reserved. Federal and other governmental agency inspections accepted.**

8 Pursuant to Section 126(3) of the Michigan Housing Law, 1917 PA 167, being
9 MCL 125.526(3), the buildings, safety engineering and environmental department may accept
10 inspections of multiple dwellings and rooming houses conducted by the United States Department
11 of Housing and Urban Development under the real estate assessment center inspection process, or
12 by other governmental agencies, so long as that inspection certifies that the properties inspected
13 comply with the standards and requirements of this article.


14 **Section 2.** All ordinances or parts of ordinances in conflict with this ordinance are repealed.

15 **Section 3.** This ordinance is declared necessary for the preservation of the public peace, health,
16 safety, and welfare of the people of the City of Detroit.

17 **Section 4.** If this ordinance is passed by a two-thirds (2/3) majority of City Council members
18 serving, it shall be given immediate effect and shall become effective upon publication in accordance
19 with Section 4-118 of the 2012 Detroit City Charter; if passed by less than a two-thirds (2/3) majority
20 of City Council members serving, it shall become effective no later than thirty (30) days after
21 publication in accordance with Section 4-118 of the 2012 Detroit City Charter; if this ordinance
22 specifies a certain date to become effective, it shall become effective in accordance with the date
23 specified therein, subject to the publication requirement in Section 4-118 of the 2012 Detroit City

1 Charter.

APPROVED AS TO FORM:

By 
Melvin Butch Hollowell *C.N. Rainie*
Corporation Counsel *Deputy*