



**CITY OF PONTIAC**  
**OFFICE OF THE EMERGENCY MANAGER**  
**LOUIS H. SCHIMMEL**

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**Dated: January 26, 2012**

**ORDER NO. S-146**

**RE: Ordinance regarding State regulations (Housing Law of Michigan)**

**TO: Sherikia Hawkins, City Clerk  
Charles Smith, Wade Trim**

The **Local Government and School District Fiscal Accountability Act (Public Act 4 of 2011)** in **Section 17(1)** empowers an Emergency Manager to issue the orders the Manager considers necessary to accomplish the purposes of the Act and any such orders are binding on the local officials or employees to whom they are issued. **Section 19(1)** provides that an Emergency Manager may take on one or more additional actions with respect to a local government in receivership: **(dd)** [e]xercise solely, for and on behalf of the local government, all other authority and responsibilities of the chief administrative officer and the governing body concerning the adoption, amendment, and enforcement of ordinances...; and **19(2)** ...the authority of the chief administrative officer and governing body to exercise power for and on behalf of the local government under law, charter, and ordinance shall be suspended and vested in the Emergency Manager.

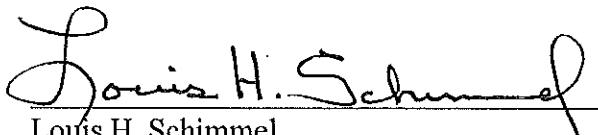
**It is hereby ordered:**

1. That the attached Ordinance No. 2246, an ordinance regarding State regulations, is adopted, effective February 1, 2012.
3. That the City Clerk shall take all actions required under the law to reflect the attached ordinance changes on the City books and records, including publication of the adopted ordinance.

**The Order shall have immediate effect.**

Copies of the documents referenced in this Order are to be maintained in the offices of the City Clerk and may be reviewed and/or copies may be obtained upon submission of a written request consistent with the requirements of the Michigan Freedom of Information Act and subject to any exemptions contained in that state statute and subject to any exemptions allowed under that statute (**Public Act 442 of 1976, MCL 15.231, et. seq.**).

This Order is necessary in order to carry out the duties and responsibilities required of the Emergency Manager as set forth in the **Local Government and School District Fiscal Accountability Act (Public Act 4 of 2011)** and the contract between the State of Michigan and the Emergency Manager.

A handwritten signature in cursive script that reads "Louis H. Schimmel". The signature is written in black ink and is positioned above a horizontal line.

Louis H. Schimmel  
City of Pontiac  
Emergency Manager

cc: State of Michigan Department of Treasury  
Mayor Leon B. Jukowski  
Pontiac City Council

**Ordinance No. 2246**

**An ordinance to amend Chapter 22, Article VI, Division 6, of the Pontiac Code of Ordinances, Regarding State Regulations.**

The City of Pontiac Ordains:

**Section 1. Amendments.**

Chapter 22, Article VI, Division 6 of the Code of Ordinances shall be amended to read as follows:

**Sec. 22-761. - State Housing Law adopted.**

Act No. 167 of the Public Acts of Michigan of 1917 (MCL 125.401 et seq., MSA 5.2771 et seq.), as amended, known as the state housing law, including all amendments thereto, is adopted by reference and shall be effective in the city in the same manner as if set out fully in this division.

**Sec. 22-762. - Additions to State Housing law.**

In addition to the requirements of the state housing law adopted by reference in this division, the following items and standards shall be required:

(1) *Bathrooms.* In every dwelling existing prior to August 21, 1959, there shall be provided at least one water closet, lavatory and bathtub or shower for every two dwelling units (apartments). A separate bathroom containing a water closet, lavatory, bathtub or shower shall be provided within every dwelling unit that has a total floor area of 240 square feet or more or is composed of three or more habitable rooms.

a. In all rooming houses, boardinghouses or lodging houses, hotels and similarly occupied dwellings, there shall be provided at least one water closet, lavatory and bathtub or shower for every ten occupants or fraction thereof.

b. No required bathroom or toilet facilities shall be permitted in the cellar of any dwelling.

(2) *Water and space heating facilities.*

a. In all dwellings, except owner-occupied single-family dwellings, there shall be provided and properly maintained a water heating facility capable of heating water to a temperature of at least 110 degrees Fahrenheit. All required kitchen sinks, lavatories and bathtubs or showers shall be properly supplied with hot water in accordance with the plumbing code of the state.

b. Every dwelling shall have heating facilities that are properly installed, are maintained in a safe and good working condition, and are capable of heating all habitable rooms and bathrooms or water closet compartments to a temperature of at least 70 degrees Fahrenheit when the outdoor temperature is minus ten degrees Fahrenheit.

(3) *Electrical wiring.* All dwellings shall be supplied with electricity. All installation of electrical wiring shall be done in accordance with section 22-61 et seq.

(4) Upon registration, the owner shall provide his social security or taxpayer identification number, state identification number, and name(s) of tenant(s). If managed or operated by an agent, then the agent shall provide his social security or taxpayer identification number, and state identification number. A fee shall be paid upon registration.

**Sec. 22-763. - Inspection Intervals; Access to Leaseholds**

(a) Inspections for all multiple dwellings and rooming houses regulated by this ordinance shall be conducted at least once every three years, if there has not been a change in ownership during the three-year period. Each dwelling unit shall be inspected.

(b) If the most recent inspection of the premises found no violations of the act and the multiple dwelling or rooming house has not changed ownership during the previous six years, the maximum period between inspections shall be six years.

(c) The owner of a leasehold shall:

1. Provide the Department of Building Safety access to the leasehold if the lease provides the owner a right of entry.

2. Provide access to areas other than a leasehold or areas open to public view, or both.

3. Notify a tenant of the Department of Building Safety's request to inspect a leasehold, make a good faith effort to obtain permission for an inspection, and arrange for the inspection. If a tenant vacates a leasehold after the Department of Building Safety has requested to inspect that leasehold, the owner of the leasehold shall notify the Department of Building Safety of that fact within 10 days after the leasehold is vacated.

4. Provide access to the leasehold if a tenant of that leasehold has made a complaint to the Department of Building Safety.

**Sec. 22-764. - Certificate of compliance; display, inspection of multiple dwellings; change of occupancy; fees.**

(a) The fee for a certificate of compliance for a multiple dwelling as provided for in the state housing law, sections 129, 130 and 131 of Act No. 167 of the Public Acts of Michigan of 1917 (MCL 125.401 et seq., MSA 5.2771 et seq.), as amended, shall be recommended by the Finance Director and Department of Building Safety and established by resolution of the City Council upon adoption of the annual budget and may be amended from time to time by resolution of the City Council and shall be payable at the time application is made. The owner or property manager shall not be liable for an inspection fee if the inspection is not performed and the Department of Building Safety is the direct cause of the failure to perform.

- (b) It shall be required, and the responsibility of the owner, to post and maintain in a conspicuous location, one copy of the certificate of compliance, either temporary or permanent, as they are issued, at the premises for which they have been issued. The enforcing officer of this housing code shall prepare such certificate, and the certificate shall be valid for a period not to exceed three years from date of issuance thereof.
- (c) In addition to the inspection requirements provided for in the state housing law, an inspection shall also be required prior to any change of occupancy of multiple dwelling units after having once been occupied. Units in multiple dwellings or rooming houses should not be occupied or reoccupied after having been vacated unless inspected by the Department of Building Safety, except in cases where a temporary certificate of compliance may be issued. Owners of multiple dwellings shall notify the Department of Building Safety prior to a change in occupancy so that the unit or units may be inspected. The owner or agent of a dwelling unit reoccupied after March 31, 2012 and before the issuance of a certificate of compliance shall be guilty of a municipal civil infraction subject to a fine of five hundred dollars (\$500.00); each day shall be considered a separate offense.
- (d) Upon recommendation of the Finance Director and Department of Building Safety, the city council shall be authorized to establish by resolution a fee schedule for inspections conducted pursuant to this article and Act No. 286 of the Public Acts of Michigan of 1968 (MCL 125.402a, MSA 5.2772(1)), as authorized by section 126 of the act upon adoption of the annual budget and may amend such fee as may be required by resolution of the city council. The fee shall be payable at the same time as and in addition to the fee for a certificate of compliance.
- (e) No certificate of compliance shall be issued for any property unless all property taxes and water and sewer bills associated with the parcel in question are current and that the owner complies with the provisions of the Pontiac Income Tax ordinance.
- (f) A tenant may request inspection of a dwelling unit upon payment of the inspection fee.
- (g) Owner or agent shall schedule the inspection at least sixty (60) days before the expiration date of a certificate of compliance, or sooner. Failure to schedule an inspection shall result in the immediate suspension of a certificate of compliance and penalties described in the Code of Ordinances and the assessment of a twenty-five dollar (\$25.00) late fee per unit per month for any inspection that is scheduled late under this ordinance after March 31, 2012. Any request to reschedule an inspection shall result in a rescheduling fee.
- (h) Fees for certificates of compliance, temporary certificates, rescheduling fees, related inspections, appeals, and any other fee required by this division shall be recommended by the Finance Director and the Department of Building Safety and established by resolution of the City Council upon adoption of the annual budget and may be amended by resolution of the City Council from time to time. Fees shall be payable at the time of registration or request for inspection.
- (i) Property owners shall also be responsible for any unpaid fees invoiced within the previous 365 days. After March 31, 2012, any invoice that is paid after its due date shall be assessed a twenty-five dollar (\$25.00) late fee per rental unit per month until paid.
- (j) There shall be no refunds for any fees paid unless the service is not provided because of the fault of the Department of Building Safety.

- (k) Effective January 1, 2013, the Department of Building Safety may charge one information verification fee during a calendar year to verify information obtained during the registry of owners and premises, including names of tenants, obtained in a previous calendar year. If such verification fee is assessed, the City Council shall by December 1 of the prior calendar year, upon the recommendation of the Finance Director and the Department of Building Safety, establish the fee. The fee shall be in effect for the entire calendar year and shall expire on the last day of the calendar year. Any unpaid verification fee shall be assessed a one-time twenty-five dollar (\$25.00) late fee after its due date.

**Sec. 22-765. - Escrow account.**

A bank account shall be established by the city treasurer, with the assistance of the finance director, to serve as escrow account for any rents payable to the city under the provisions of section 130 of Act No. 167 of the Public Acts of Michigan of 1917 (MCL 125.401, MSA 5.2771), as amended.

**Sec. 22-766. - Hearing officer.**

The mayor shall appoint a hearing officer as provided in section 140 of Act No. 167 of the Public Acts of Michigan of 1917 (MCL 125.401 et seq., MSA 5.2771 et seq.), as amended, and the hearing officer shall serve at the pleasure of the mayor. The hearing officer shall be a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing agency. An employee of the City shall not be appointed as hearing officer. The hearing officer shall perform the functions and duties in regard to dangerous buildings set forth in sections 137 through 143 of Act No. 167 of the Public Acts of Michigan of 1917 (MCL 125.401 et seq., MSA 5.2771 et seq.), as amended.

**Sec. 22-767. - Enforcement provisions.**

The enforcing officer for Act No. 167 of the Public Acts of Michigan of 1917 (MCL 125.401 et seq., MSA 5.2771 et seq.), as amended, shall be the Building Code Official or his designee. The enforcing agency for the act shall be the Department of Building Safety and all employees and such other persons or companies under contract with the City of Pontiac to perform such services.

**Sec. 22-768. - Violations.**

Any violation of the provisions of Act No. 167 of the Public Acts of Michigan of 1917 (MCL 125.401 et seq., MSA 5.2771 et seq.), as amended, being sections 1 to 119 inclusive, shall constitute a violation of this article. The enforcing officer may request the assistance of the law department to bring criminal proceedings for such violations, or may request the assistance of the law department to bring civil actions to require compliance with this article.

**Sec. 22-769. - Conflict with city ordinance.**

All ordinances or parts of ordinances in conflict with this division are repealed. The provisions of this division and the remedies adopted are intended to be supplementary to, and not to repeal or replace, the other provisions of this article. All of the provisions of this article and remedies provided in this article shall remain in effect.

## **Section 2. Severability.**

If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

## **Section 3. Saving Clause.**

A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

## **Section 4. Repealer**

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

## **Section 5. Emergency Declaration**

This Ordinance is hereby determined to be immediately necessary for the preservation of the public health, safety, and welfare and shall be in full force and effect on February 1, 2012 and upon publication as required by law.

