

**TOWNSHIP OF COVERT VAN BUREN, MICHIGAN**

**RENTAL HOUSING ORDINANCE**

**ORDINANCE NO. 112**

**ADOPTED:** March 12, 2024

**EFFECTIVE:** April 29, 2024

**RENTAL HOUSING ORDINANCE**

An ordinance to address rental housing registrations, inspections, standards, and requirements in the Township of Covert.

The Township of Covert ordains:

**Section 1-01 Definitions.**

All words and phrases used in this Ordinance shall be given their common and normal meaning unless defined in this Ordinance. The words and phrases defined hereinafter shall be given the meaning indicated in the interpretation and enforcement of this Ordinance. Unless the context clearly indicates otherwise, when words are used in this Ordinance, the following shall apply:

1. The singular includes and shall apply to the plural, and the plural applies to and includes the singular.
2. The masculine gender shall include the feminine and neuter, and the feminine and neuter shall include the masculine.
3. Where the text uses the negative of a defined word, the negative of the definition shall be applied.
4. The definition of a verb or a noun shall be used in an appropriate fashion where the adverbial or adjectival form of the word is used.

The following words and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section:

**ACTION**

Recoupment, counterclaim, setoff, suit in equity, and any other proceeding in which rights are determined, including an action for possession.

**APARTMENT BUILDING**

Any structure containing one or more dwelling units except:

- A. A single-family residence.
- B. A structure in which all tenants are roomers or boarders.

**APPROPRIATE AUTHORITY**

That person with the governmental structure of the corporate unit who is charged with the administration of the appropriate code.

**APPROVED**

Actions approved by the local or state authority having such administrative authority.

**BED AND BREAKFAST**

A use which is subordinate to the principal use of a dwelling unit as a single-family dwelling unit and a use in which transient guests are provided a sleeping room. In addition, in return for payment, a continental breakfast, limited to only coffee, juice, tea, milk and commercially prepared sweet rolls, may be provided.

**CODE ENFORCEMENT OFFICER**

Any employee or designee of the Township of Covert designated by the Township Board whose responsibilities include enforcement of the provisions of this Ordinance.

**COMMON AREA**

A part or area of the premises not within any dwelling unit.

**DWELLING OR DWELLING UNIT**

Any house, building, structure, tent, shelter, trailer, or vehicle, or portion thereof, or a combination of related structures and permanent fixtures, operated as a single entity, which is occupied in whole or part as the home, residence, living or sleeping place of one or more human beings.

**HOUSING AND PROPERTY MAINTENANCE CODE**

The International Property Maintenance Code, provisions of the State of Construction as administered and enforced by Covert Township.

**LANDLORD**

The owner, the owner's agent lessor or sub lessor of the dwelling unit or the property of which it is a part and, in addition, means any person authorized to exercise any aspect of the management of the premises except those persons engaged solely in custodial and maintenance functions.

**LEASE OR RENTAL AGREEMENT**

Any and all agreements, written or oral, which establish or modify the terms, conditions, rules, regulations, or any other provisions concerning the use and occupancy of a dwelling unit.

**MULTIPLE UNIT DWELLING**

Any dwelling containing more than two (2) dwelling units.

**OCCUPANT**

An individual who is living in, sleeping in, or otherwise having possession of a living space. An individual present in a rental unit during the term of a lease agreement shall be presumed to be an occupant unless circumstances clearly indicate that the individual is visiting between the hours of 8:00 a.m. and 10:00 p.m. and will not stay overnight. Any person, other than a legal or equitable title holder, occupying or possessing all or part of a rental unit.

**OWNER**

Any person who, along or jointly or severally with others:

- A. Shall have legal title to any premises, dwelling or dwelling unit, without accompanying actual possession thereof; or
- B. Shall have charge, care, or control of any premises, dwelling or dwelling unit, as owner or agent of the owner, or an executor, administrator, trustee, or guardian of the estate of the owner. Any such person representing the actual owner shall be bound to comply with the provisions of this ordinance and of the rules and regulations adopted pursuant thereto, to the same extent as if he were the owners.

**PERMISSIBLE OCCUPANCY**

The maximum number of individuals permitted to reside in a dwelling unit or rooming unit.

**PERSON**

Any individual, corporation, government, or government agency, business trust, estate, trust, partnership, or association, two or more persons having a joint account interest, or any other legal or commercial undertaking.

## **RENTAL PROPERTY OR RENTAL UNIT**

Any residential rental which is in whole or in part not occupied by the owner/mortgagee/registered land contact holder thereof and/or occupied by one or more persons pursuant to an oral or written agreement for monetary, for which gifted rent is provided to a non-owner/occupant, or any other consideration, but which persons are not acquiring an ownership interest in the dwelling. The term "rental unit" includes single-family, two-family, and multiple-family dwellings, and rooming houses or boarding houses. The term "rental unit" shall not include transient rental structures such as hotels, motels, short-term rentals, or bed-and-breakfasts.

## **ROOMER/BOARDER**

Tenant occupying a dwelling unit:

- A. Which lacks at least one major bathroom or kitchen facility, such as a toilet, refrigerator, or stove;
- B. In a building:
  1. Where one or more such major facilities are supplied to be used in common by the occupants of the roomer's or boarder's dwelling unit and one or more other dwelling units; and
  2. In which the landlord resides.

## **SINGLE FAMILY RESIDENCE**

A structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more walls with another dwelling unit, it shall be deemed a single-family residence if it has direct access to a street or thoroughfare and shares neither heating facilities nor hot water equipment, nor any other essential facility of service, with any other dwelling unit.

## **TENANT**

Any person who occupies a dwelling unit for living or dwelling purposes with the landlord's consent.

## **TOWNSHIP**

The Township of Covert and all authorized agents of the Township of Covert, when acting within the scope of their authority.

### **Section 1-02 Service of notice and order; method.**

Service of notice and order shall be made upon all persons entitled thereto either personally, by mailing a copy of such notice and order by regular mail to each person at this address as it appears on the property taxes of Van Buren County Website or as known to the Township of Covert, and by posting of a notice in a conspicuous location on the premises.

### **Section 1-03 Certificate of occupancy for rental properties, inspection requirement**

No owner, agent, or person in charge of a dwelling or dwelling unit shall allow any person to occupy the same as a tenant or lessee or for consideration unless the dwelling or dwelling unit shall have been inspected subsequent to its most recent occupancy and determined to follow the provisions of this ordinance as evidenced by a certificate of occupancy issued by the Township of Covert.

### **Section 1-04 Certificate of occupancy and reinspection.**

- A. Upon request of the owner, agent or other person authorized to rent a dwelling or dwelling unit, herein after referred to as applicant, the Township of Covert will schedule an inspection at the earliest possible date. A current tenant may also request an inspection which will be scheduled upon completion of a Rental Housing Inspection Request Form. If such inspection establishes that the dwelling or dwelling unit complies with the requirements of this ordinance, so that the dwelling or dwelling unit is fit for occupancy without endangering human life, safety or welfare, the department shall issue a Rental Certificate of Compliance for the dwelling or dwelling unit, indicating the date of such inspection, and that such dwelling or dwelling unit complies with the requirements of this

ordinance. A temporary Rental Certificate of Compliance may be issued if required repairs are of such a nature that they do not impose immediate danger to the occupants of the premises or the general public. All smoke detector violations shall be corrected within twenty-four (24) hours of the inspection. If more than fifty (50%) of the required smoke detectors are missing or inoperable, the inspector shall immediately identify the premises as unsafe and unfit for human occupancy and shall post the structure as condemned in compliance with the International Property Maintenance Code.

- B. If the dwelling or dwelling unit does not comply with the requirements of this ordinance, the Township of Covert shall furnish the applicant with a written list of the specific violations which would have to be corrected before a certificate of occupancy could be issued for the dwelling or dwelling unit. Upon the representation of the applicant that the listed violations have been corrected the Township of Covert shall reinspect the dwelling or dwelling unit and issue a certificate of occupancy or a list of violations as provided.

#### **Section 1-05 Certificate of compliance.**

Upon inspection the Township of Covert shall furnish the applicant with a written list of specific violations which although not rendering the dwelling or dwelling unit unfit for occupancy by reason of danger to human life, safety, or welfare, are of the nature which if not corrected could result in further deterioration and subsequent danger to human life, safety, or welfare. Upon the representation that the listed violations have been corrected the Township of Covert shall reinspect the dwelling or dwelling unit and if the same complies with all provisions of this ordinance the Township of Covert shall issue a Rental Certificate of Compliance for the dwelling or dwelling unit. Upon receipt of a certificate of compliance for a dwelling or dwelling unit, the owner, agent, or person in charge of the dwelling or dwelling unit shall not be subject to the provisions of section 1-03 hereof as to the dwelling or dwelling unit for the following fiscal year provided, however, that this provision shall not prohibit inspection by the Township of Covert upon receipt of a complaint, request for inspection, or any other reason and if upon such inspection any violations of this ordinance are found to exist all provisions of this ordinance shall immediately become applicable to the dwelling or dwelling unit. Upon request the department will provide to the tenant one (1) copy of the inspection report. Any additional copies will be provided at a fee of \$10.00 each.

#### **Section 1-06 Limitation on number of occupants.**

No applicant, tenant, owner, or occupant shall permit the occupancy of any dwelling or dwelling unit by a greater number of persons than that specified in the Certificate of Occupancy.

#### **Section 1-07 Waivers.**

Any applicant who is delayed in correcting violations necessary to entitle him to a certificate of occupancy and who has a valid contract with a qualified person for the performance of work and the furnishing of the materials to correct such violation may petition the Township of Covert in writing for a temporary waiver of compliance. No fee shall be required. The petition shall state the reasons for the delay in correcting violations and the date on which the applicant anticipates that the violations will be corrected. If the Township of Covert shall determine that (1) the delay in the correction of the violation is reasonable, taking into consideration the availability of qualified persons to do the work and the current work load; and (2) the work can reasonably be undertaken and completed while the premises are occupied or that appropriate provision has been made for housing the tenant elsewhere during the necessary period when the dwelling or dwelling unit will not be habitable because of the work correcting the violation; the Township shall issue a temporary waiver of compliance expiring on the date when the corrective work should be completed. Applicant shall, on or before the date, request a reinspection and pay the reinspection fee. The Township of Covert shall reinspect the dwelling or dwelling unit and issue the certificate of occupancy, or list any remaining violations, as provided above.

#### **Section 1-08 Requirement to leave vacated premises in sanitary condition.**

Each person vacating or removing from any dwelling, apartment house or other building within forty-eight (48) hours after vacating or removing from the same, shall remove or cause to be removed from the dwelling,

apartment house or other building, including the grounds and appurtenances thereto, all ashes, garbage, rubbish, dirt, bottles, glass, paper and refuse of every kind and nature.

**Sec. 1-09 Legislative finding.**

It is hereby found that there exist and may in the future exist, within the Township of Covert premises, dwellings, dwelling units, rooming units, or parts thereof, which by reason of their structure, equipment, sanitation, maintenance, use, or occupancy affect or are likely to affect adversely the public health (including the physical, mental and social well-being of persons and families), safety, and general welfare. To correct and prevent the existence of such adverse conditions, and to achieve and maintain such levels of residential environmental quality as will protect and promote public health, safety, and general welfare, it is further found that the establishment and enforcement of minimum housing standards are required.

**Sec. 1-10 Purposes.**

- A. This ordinance shall be liberally construed and applied to promote its underlying purposes and policies as set forth in section 01-09.
- B. The underlying purposes and policies of this ordinance are:
  - 1. To simplify and clarify the law governing the rental of dwelling units;
  - 2. To encourage landlords and tenants to maintain and improve the quality of housing in the Township of Covert; and
  - 3. To revise and modernize the law of landlord and tenant to serve more realistically the needs of the Township of Covert.

**Section 1-11 Scope.**

The provisions of this ordinance shall apply uniformly to the construction, maintenance, use and occupancy of all residential buildings and structures, and shall apply uniformly to the alteration, repair, equipment, use, occupancy and maintenance of all existing residential buildings and structures, within the jurisdiction of the Township of Covert irrespective of when or under what code or codes such buildings or structures were originally constructed or rehabilitated. It shall regulate and determine all legal rights, remedies, and obligations of the parties and beneficiaries of any rental agreement of a dwelling unit within this Township of Covert wherever executed.

**Section 1-12 Independent obligations.**

Except as specifically provided in this ordinance all obligations of landlords and tenants under this ordinance shall be interpreted as independent obligations and the duty of a tenant or landlord to meet his obligations under this ordinance shall not be conditioned upon the performance by the other party in the rental agreement of his obligations.

**ANNUAL REGISTRATION OF RENTAL PROPERTIES**

**Section 1-13 Purpose and intent.**

The purpose of this ordinance is to protect the public health, safety, and welfare of people in residential buildings, to be occupied under rent or lease agreements, by the inspection and certification of rental properties as set forth below.

**Section 1-14 Registration required.**

- A. Every single unit dwelling, multiple unit dwelling, boarding house, and lodging house offered for let or hire shall be registered annually, on or before March 1 of each year, including full payment of all fees and penalties due, with the Township of Covert. The annual registration shall be in the name of the owner or his designated responsible party. The registration shall contain the name and address of the registrant, the address of the unit(s) being registered, and the number of units to be offered for let or hire. It is a civil violation for any property owner to rent, let or lease any residential property or premises if the annual rental registration fee is not paid. Said property or premises shall be posted as unfit for

occupancy until all registration fees and penalties are paid.

- B. Any individual who acquires partial or complete ownership of a unit(s) subject to this ordinance shall give written notice of the type of ownership and address(es) within thirty (30) days of acquisition to the Township of Covert. Failure to provide such ownership information shall subject the party to the penalty provisions of Section 01-24.

#### **Section 1-15 Annual certificate of occupancy required.**

- A. No single dwelling, multiple unit dwelling, boarding house or lodging house offered to let or hire shall be occupied unless the Township of Covert has issued a Certificate of Occupancy for the single unit dwelling, multiple unit dwelling, boarding house or lodging house in the name of the owner or his designated responsible party.
- B. Each Certificate of Occupancy shall be a certification that the rental unit is registered for one (1) year from issuance date.

#### **Section 1-16 Application for rental certification of occupancy; inspection; fees.**

- A. The application shall be made on a structure-by-structure basis. All units in the same structure must be registered at the same time. Upon written certification from the owner, delivered to the Township of Covert a minimum of fifteen (15) days prior to due date of registration fees, dwelling or dwelling units that are vacant and not available for rent shall not have registration fees due until the unit is available for rent, upon which time the owner shall obtain an inspection and Certificate of Rental Compliance prior to occupancy of the structure, dwelling unit, or premises. The owner of any unit that is represented as not available for rent that is subsequently found to be rented without payment of all registration and late fees shall be assessed a minimum fine of two hundred fifty (\$250.00) dollars for each occurrence.
- B. The applicant/owner or his designated responsible party by filing an application, shall be deemed to have given consent to the Township of Covert to enter each rental unit for inspection and/or for certification of occupancy upon notice to the tenant, if any, as well as any other portion of the structure at reasonable times and upon a reasonable notice, to inspect the premises at any time after the application is made or a Certificate of Occupancy is issued.
- C. No Certificate of Rental Compliance shall be issued unless the fully completed application form is accompanied by payment of an annual registration fee as determined by resolution.
- D. No certificate of occupancy shall be issued to a non-resident applicant unless such applicant designates in writing the name, address, and telephone number of his agent within the State of Michigan for the receipt of service of notice of violation under the provisions of this ordinance. Non-residents shall be interpreted as any owner of rental property residing outside the State of Michigan.
- E. Any person, firm, association, partnership, corporation or entity that violates any of the provisions or requirements of this ordinance, including but not limited to failing to register or failing to pay any fees, fines, or penalty charges within 30 days after invoicing, shall be deemed responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine determined in accordance to the penalty provisions of Section 01-23.

#### **Section 1-17 Initial inspection; orders; power to vacate.**

- A. Before issuing a Temporary Certificate of Occupancy, Provisional Certificate of Occupancy or Certificate of Occupancy, the Code Enforcement Officer of the Township of Covert shall inspect the rental unit.
- B. An administrative fee payable to Covert Township shall be charged for the initial inspection. Such an initial inspection fee shall be in an amount as established by Township Board resolution and subject to change. If it is determined by the Township of Covert that an inspection by the electrical, mechanical, and/or plumbing inspector is required, the resultant electrical, mechanical and/or plumbing application and inspection fee shall be charged in an amount as established by Township Board resolution and subject to change.
- C. No Temporary Certificate of Occupancy, Provisional Certificate of Occupancy or Certificate of Occupancy shall be valid until all administrative fees are paid.

- D. After completion of the initial inspection of the rental unit(s), if the single unit dwelling, multiple unit dwelling, boarding or lodging house is not in compliance with the rules, regulations, laws, or technical housing codes of the township, State of Michigan and the International Property Maintenance Code, the code enforcement official shall furnish the applicant with a written list of specific violations which shall be corrected within reasonable amount of time as determined by the Code Enforcement Officer before the annual rental Certificate of Occupancy is issued, provided further that the violation does not render the unit(s) unfit for occupancy or is of a nature which if not corrected would result in further deterioration and subsequent danger to human life, safety or welfare. However, if occupancy can continue safely, the Township of Covert shall issue a temporary Certificate of Occupancy allowing occupancy to continue while the violations are corrected. No Certificate of Occupancy shall be granted if occupancy will endanger the health, safety, or welfare of the public. In such cases, an order to vacate shall be issued.

#### **Section 1-18 Issuance of certificate of Rental Compliance.**

If after the initial inspection conducted pursuant to this ordinance, the single unit dwelling, multiple unit dwelling, boarding or lodging house is found to be following the rules, regulations, laws and technical housing codes of the township, State of Michigan and the International Property Maintenance Code, the Township of Covert shall issue an electronic Certificate of Rental Compliance for the unit(s) in the name of the owner or designated responsible party. One paper copy shall be provided to the owner or designated representative upon request.

#### **Section 1-19 Reinspection; revocation.**

- A. No later than the date determined by the Code Enforcement Officer after the initial inspection, a re-inspection shall be conducted in accordance to the date determined by the Code Enforcement Officer, to verify that all the violations listed pursuant to Section 1-17 of this ordinance have been corrected. If corrected, a Certificate of Rental Compliance shall be issued pursuant to Section 1-18 of this ordinance. If not corrected, the Temporary Certificate of Rental Compliance shall be revoked, and the unit(s) must be vacated.
- B. Charges for re-inspection shall be paid to Covert Township in an amount as established by Township Board Resolution and subject to change.
- C. The Township of Covert will respond to citizen complaints of deficient structures by authorizing complaint-based inspections. Legitimate complaints shall result in an inspection fee to the owner of an amount as established by Township Board Resolution and subject to change.

#### **Section 1-20 Right of appeal.**

Any person who is grieved by a decision of the Township of Covert or whose Certificate of Occupancy has been revoked or if the unit(s) are found to be unfit for occupancy, shall be entitled to reconsideration by appealing the decision to the Construction Board of Appeals as provided in the International Property Maintenance Code in effect.

#### **Section 1-21 Transferability.**

A Certificate of Compliance shall not be transferred to any other dwelling or unit.

#### **Section 1-22 Tenant responsibility.**

In the event a violation exists which prevents the issuance of a Certificate of Compliance due to the actions or failure to act by the tenant, then the tenant may also be cited for the violation and subject to punishment under section 1-23 of this ordinance for the violation.

#### **Section 1-23 Penalties; separate offense.**

Unless stated otherwise in this ordinance, any person, owner or designated responsible party convicted of violating any provision of this ordinance shall be punished by a fine having a maximum of \$500 (five hundred dollars) and having a minimum fine of \$150 (one hundred fifty dollars) for the first conviction and a minimum fine of \$250 (two hundred fifty dollars) for the second conviction and a minimum fine of \$350 (three hundred dollars) for the third and a minimum fine of \$500 (five hundred dollars) for the fourth, and

each additional conviction. Additionally, it shall be asked of the court to order the immediate correction of all violations of the provisions of this ordinance, which were the basis for the citation and issuance of a ticket and/or warrant. Each violation of the provisions of this ordinance shall be deemed a separate offense. In addition, failure to shall result in revoking the issuance or issued Certificate of Occupancy.

**Section 1-24 FURTHER PENALTIES; SEPARATE OFFENSE**

The Covert Township Board may further institute injunction, mandamus, abatement, or any other appropriate action, proceedings to prevent, enjoin, abate, or remove any blight or blight factors. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

**Section 1-25. Severability.**

The sections and portions of this ordinance are declared to be severable and if any section or party is declared to be illegal, unenforceable, or void for any reason, such illegality or un-enforceability shall not affect the remaining sections or parts of this ordinance.

**Section 1-26 Unpaid fees**

Any person, firm, association, partnership, corporation or entity that violates any of the provisions or requirements of this ordinance, including but not limited to failing to register or failing to pay any fees, fines, or penalty charges within 30 days after invoicing, shall be deemed responsible for a municipal civil infraction as defined by Michigan statute which shall be punishable by a civil fine determined in accordance to the penalty provisions of Section 01-23.

**Section 1-27 Repeal of Conflicting Ordinance(s) and Saving Clause**

All Ordinances and parts of ordinances in conflict herewith and specifically Ordinance #54, #94 and #95 are hereby repealed. . Any proceeding pending, including prosecutions for violations under any previous ordinance provision being repealed hereby, shall not be affected by the ordinance, and may be continued pursuant to said previous ordinance provisions.

**Section 2. Publication and Effective Date**

The Township Clerk shall cause this ordinance or a summary thereof to be published in a newspaper of general circulation in the Township of Covert. This Ordinance shall take effect thirty (30) daysafter publication of a summary hereof, following adoption.

YEAS: : 4

ABSTAIN: 0

ABSENT: 1

**CERTIFICATION**

This is a true and complete copy of Ordinance No. 112 adopted at a regular meeting of the Covert Township Board held on March 12, 2024.

COVERT TOWNSHIP  
Wednesday Pritchard, Clerk  
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