

## **Sec. 1-2. Inspections to enforce chapter—Generally**

For purposes of enforcement and administration of Chapter -- of the Township Code, the following shall apply:

- (a) The township, acting as the enforcing agency, shall make inspections for the enforcement of this chapter. Such inspections are based on a legislative reaffirmation by the township that the most effective way to obtain compliance with the minimum requirements of this chapter is through routine periodic inspections of all premises regulated by this chapter, including hotels, motels, bed and breakfast inns, residential collectives, rooming houses, and all rental housing, as provided for in subsection (d) of this section, as mandated by Michigan law, and as expressly endorsed by the United States Supreme Court. These inspections may be supplemented as needed with inspections undertaken on the basis of one (1) or more of the provisions found elsewhere in this section.
- (b) Subject to the provisions of §1-3, the building official or any inspectors may request permission to enter all premises regulated by this chapter, at reasonable hours, to undertake an inspection. Upon an emergency, as defined under rules promulgated by the township, the inspector or team of inspectors shall have the right to enter at any time. Unless otherwise provided in this chapter or by a policy or an administrative rule, such inspections shall include a thorough examination of all parts of such rental units and the premises connected therewith, including all common areas and all dwelling units, for any violation of the Township Code or state law which could affect the health, safety and welfare of any occupant or use of the premises, regardless of whether such dwelling units are rental units as defined by this chapter. The building official or any other inspector is also hereby empowered to make an inspection of any portion of any premises regulated by this chapter when there is probable cause to suspect that there is a violation of this chapter at the premises in question. Such inspections may be accomplished by a search warrant as provided for by this chapter and state law, by access voluntarily provided by the owner or responsible local agent to unoccupied units and common areas, or by access voluntarily provided by a resident of a dwelling unit occupied by that resident.
- (c) The Township shall be entitled to at least one (1) inspection every three (3) years of all multiple dwellings and multiple dwelling complexes regulated by this chapter, and to one (1) inspection every two (2) years for all other premises regulated by this Chapter. The Township Supervisor may promulgate rules governing the length of certificates of occupancy and the number of units inspected in multiple dwellings and multiple dwelling complexes. The initial rules shall take effect upon endorsement by resolution of majority of the Township Board, subject to the following requirements:
  - (1) As an incentive for compliance with the provisions of this Chapter, such rules may provide for the issuance of certificates of compliance for up to six (6) years for multiple dwellings or multiple dwelling complexes

containing eighteen (18) or more dwelling units first occupied on or after January 1, 1960, provided that all common areas, parking facilities and accessory buildings are inspected at least every three (3) years. Such rules may also provide for inspection of fewer than all of the dwelling units at any inspection of any multiple dwelling or multiple dwelling complex conducted under this chapter.

(2) As an incentive for compliance with the provisions of this chapter, such rules may provide for the issuance of certificates of compliance for up to three (3) years for all other premises regulated by this chapter, including single-family homes and duplexes.

(3) As an incentive for compliance with the provisions of this Chapter, such rules may also provide for the issuance of certificates of compliance which are valid for a period of time as short as one (1) year in the event that the property has a history non-compliance with the provisions of this chapter.

(4) Such rules may provide for longer initial certificates of compliance for newly constructed premises.

(5) Until such time as the Township Board approves the initial rules authorized by this section, the following provisions shall apply:

- a. All properties subject to inspection under this chapter shall be inspected on a biennial basis.
- b. All certificates of compliance authorized by this chapter shall be for a period of two (2) years.
- c. The number of units inspected in multiple dwellings containing thirty (30) or more dwelling units shall be governed by the provisions of Ordinance --- .

(6) The Township Supervisor shall have the authority to amend the initial rules governing the length of certificates of compliance and the number of units inspected in multiple dwellings, provided that any proposed amendment shall be presented to the Township Board as an information item on the agenda of a regularly scheduled Township Board meeting held at least thirty (30) days prior to the proposed effective date of the amended rules.

The initial rules promulgated under this section shall take effect ten (10) days after this ordinance is approved by the Township Board. The Township Supervisor shall have the authority to amend rules governing the length of certificates of compliance and the number of units inspected

in multiple dwellings, provided that any proposed amendment shall be presented to the Township Board as an information item on the agenda of a regularly scheduled Township Board meeting held at least thirty (30) days prior to the proposed effective date of the amended rules.

- (d) The township shall have the authority under this chapter to obtain a search warrant to perform any inspection authorized by this chapter or by state law. Such a search warrant shall be deemed to be an administrative search warrant, and shall permit an inspection to go forward only for purposes authorized by this chapter and state law. Such a search warrant shall be issued in the event that the premises in question have not been inspected within the time period prescribed by ordinance, by administrative policy, or by rule, or when the premises no longer have a current certificate of compliance. For those premises which have not previously been certified under this chapter, the search warrant shall establish the legal basis necessary to issue a search warrant under applicable state and federal law. Any search warrant issued under this chapter shall establish that the township has complied with such other provisions of this chapter and such state laws as may be applicable.
- (e) In addition to the inspections required by § 1-2(b), an inspection may be authorized on one (1) or more of the following bases:
  - (1) An area basis, such that all the regulated premises in a predetermined geographical area will be inspected simultaneously or within a short period of time.
  - (2) A complaint basis, such that complaints of violations will be inspected within a reasonable time.
  - (3) A recurrent violation basis, such that those premises which are found to have a high incidence of recurrent or uncorrected violations will be inspected more frequently.
- (f) Inspections under this section shall be carried out by the township as the enforcing agency and may include such representatives of other agencies as may form an inspection team to undertake an inspection under this chapter and other applicable ordinances.
- (g) In a non-emergency situation in which the owner or occupant demands a search warrant, the township shall obtain a warrant from a court of competent jurisdiction. The occupant shall have the exclusive right to demand a search warrant for an inspection of any dwelling unit. The warrant shall state the address of the building to be inspected, the nature of the inspection, as defined in this chapter or other applicable ordinances, and the reasons for the inspection. It shall be appropriate and sufficient to set forth the basis for inspection (e.g., mandatory periodic inspection, complaint, area or recurrent violation basis)

established in this section, in other applicable statutes, ordinances or in rules or regulations. The warrant shall also state that it is issued pursuant to authority granted by this chapter and by the authority of § 127 of Public Act 167 of 1917, as amended (MCL 125.527), and that it is for the purposes set forth for the inspection of rental property by state statutes and township ordinances. The owner and/or responsible local agent shall be responsible for providing access whenever a search warrant is issued pursuant to the provisions of this chapter.

- (h) The township may, subject to approval by the township board, establish and charge a reasonable fee for inspections conducted under this chapter.

### **Sec. 1-3. Systematic inspection procedures.**

- (a) It is the policy of the Township of Clay that its staff will work cooperatively with landlords, tenants, neighborhood associations and other interested groups and individuals to help ensure safe, decent and sanitary rental housing through the systematic inspection of rental properties pursuant to the requirements prescribed by this chapter.
- (b) The township may provide written notice to the owner and/or the responsible local agent of the need to schedule an appointment for any inspection required by this chapter.
- (c) Upon receipt from the township of the notice described in section 1-3(a), the owner and/or responsible local agent shall, within fourteen (14) days of the date of that notice, contact the township to schedule the systematic inspection. In the event that the township fails to notify an owner or responsible local agent of the need for reinspection prior to the expiration date of a certificate of compliance, it shall be the responsibility of the owner and/or responsible local agent to contact the township to schedule the systematic inspection required by this chapter.
- (d) Once a date for an inspection is scheduled, the owner and/or responsible local agent shall do all of the following prior to the date of the scheduled inspection:
  - (1) Inform the tenant or occupant of each dwelling unit scheduled for possible inspection of the date when the inspection is scheduled to occur.
  - (2) Request permission from the tenant or occupant of each dwelling unit scheduled for possible inspection to provide access to the rental unit in the event that the tenant or occupant is not at home when the inspector arrives.
  - (3) Inform the tenant or occupant of each dwelling unit scheduled for possible inspection that the owner or the owner's representative is

required to accompany the inspector during the performance of all inspections of rental dwelling units, and that the owner or the owner's representative must provide access to the inspector by unlocking the dwelling unit's door in the event that the tenant is not at home.

- (e) In all cases where a tenant or occupant has informed the owner or responsible local agent, either orally or in writing, that the tenant will permit the owner or owner's representative to provide access to the inspector with access to the dwelling unit, the owner shall provide access to the dwelling unit in question for purposes of conducting the inspection required by this chapter.
- (f) In the event that a tenant who has consented to the inspection informs the owner or responsible local agent that he or she would like to be present during the inspection, but that the time scheduled for the inspection is not convenient, the owner or responsible local agent shall inform the township of the tenant's desire to be present when the inspection occurs. The township shall make a reasonable effort to comply with the tenant's request. In the event that the township, owner, and tenant cannot schedule a mutually convenient time for the inspection, the township shall have the discretion to seek a search warrant to inspect that dwelling unit pursuant to authority granted by this chapter and state law.
- (g) In the event that a tenant or occupant of a unit scheduled for possible inspection informs the owner and/or responsible local agent that he or she will demand that the township obtain a search warrant, the owner shall inform the tenant that the owner or a representative of the owner is required by township code to accompany the inspector during the execution of a search warrant, and is required to provide access to any dwelling unit when a proper search warrant has been issued by a court of competent jurisdiction. In the event that a search warrant is issued at the request of a tenant, the township shall make a reasonable effort to inform the tenant of the date of execution of the search warrant.
- (h) In all cases where a court of competent jurisdiction has entered a search warrant authorizing the inspection of a particular dwelling pursuant to MCL 125.527 and the provisions of this chapter, the owner and/or responsible local agent shall accompany the inspector during the execution of the search warrant and inspection of the named dwelling units, and shall provide access to each dwelling unit described in that search warrant.
- (i) The township may require the owner of a leasehold to do one or more of the following:
  - (1) Provide the enforcing agency 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) Provide access to the leasehold if a tenant of that leasehold has made a complaint to the enforcing agency.

- (j) Neither the township nor the owner may discriminate against an occupant on the basis of whether the occupant requests, permits, or refuses entry to the leasehold. An owner of a multiple dwelling shall not discriminate against any person whose dwelling unit is randomly selected for inspection by the township, nor shall any owner bill the cost of the inspection to tenants or other occupants of a property which is inspected under the provisions of this chapter.
  
- (k) The township shall not discriminate against an owner who has met the requirements of subsection **1-3(i)** but has been unable to obtain the permission of the occupant, based on the owner's inability to obtain the permission.