



JAMES R. FOUTS – MAYOR

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August 3, 2022

Ms. Mindy Moore
Council Secretary
City of Warren

Re: Proposed Ordinance to Amend Chapter 28, Article II, of the Code of Ordinances Relating to Short-Term Rentals and Rental of Owner Occupied-Dwelling Units (Second Reading)

Dear Council Secretary Moore:

Attached please find an ordinance to amend Chapter 28, Article II, of the Code of Ordinances Relating to the Licensing of Rental Dwellings.

The amendment is an effort to avoid the detrimental effects of short-term rentals, such as an increase in density, congestion, noise, traffic, trash and refuse, and police attention, and loss of affordable housing stock and available vehicle parking spaces, while ensuring property owners the right to lease their owner-occupied dwelling under very specific conditions.

It also requires an owner renting a single family dwelling to have a current and valid rental license.

Please add this to the agenda for consideration and adoption at the next Council meeting.

If you need any further information, please call me at 586-574-4671.

Respectfully,

Laura Sullivan
Assistant City Attorney

ID No. 88677
Read and concur:

Ethan Vinson
City Attorney

Read and concur:

James R. Fouts
Mayor

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 28, ARTICLE II, OF THE CODE OF ORDINANCES
RELATING TO SHORT-TERM RENTAL DWELLING UNITS

THE CITY OF WARREN ORDAINS:

SECTION 1. That Chapter 28, Article II, Section 28-10 of the Code of Ordinances of the
City of Warren, Michigan,

WHICH PRESENTLY READS AS FOLLOWS:

Sec. 28-10. - Purpose.

The purpose of this article is to ensure that the residential rental structures and multiple-family units located within the city comply with minimum maintenance standards for the public health, safety and welfare. This article applies to the rental of one- and two-family dwelling units, and multiple-family dwelling units/apartments located within the city.

(Ord. No. 80-634, § 1, 4-25-06)

IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 28-10. - Purpose.

The purpose of this article is to ensure that the residential rental structures and multiple-family units located within the city comply with minimum maintenance standards for the public health, safety and welfare and do not affect city neighborhoods detrimentally by an increase in density, congestion, noise, traffic, trash and refuse, and police attention, or a by reduction of affordable housing stock and available vehicle parking spaces. Additionally, this article aims to curtail commercial activity in residential areas that undermines the residential character of existing neighborhoods. This article applies to the rental of one- and two-family dwelling units, and multiple-family dwelling units/apartments located within the city.

(Ord. No. 80-634, § 1, 4-25-06)

SECTION 2. That Chapter 28, Article II, Section 28-21 of the Code of Ordinances of the
City of Warren, Michigan,

WHICH PRESENTLY READS AS FOLLOWS:

Sec. 28-21. - Exceptions.

A rental license is not required under any of the following circumstances:

(1) An owner-occupied single family dwelling, unless it is being rented or leased for a profit to a person not registered with the Michigan Secretary of State as a resident of the dwelling.

(2) An owner-occupied condominium unit that has a duly organized and authorized association of co-owners pursuant to PA59 of 1978 which is responsible for the maintenance of common elements as defined by the Act. The city council by resolution may revoke this exception for any condominium where the association of co-owners fails to comply with the minimum standards set forth in the International Property Maintenance Code as adopted by reference in section 28-1 of this chapter, or otherwise fails to protect the health, safety, and welfare of the tenants or the community.

(3) Occupancy by a personal representative, trustee, or guardian of the estate and their family where the dwelling was owner-occupied prior to the owner's death.

(4) The sale of any one- or two-family dwelling intended for occupancy by the owner of record that is to be occupied by the seller under a rental agreement for a period of less than ninety (90) days following closing.

(Ord. No. 80-634, § 1, 4-25-06; Ord. No. 80-764, § 2, 8-28-18; Ord. No. 80-780, § 3, 12-10-19)

IS HEREBY AMENDED TO READ AS FOLLOWS:

Sec. 28-21. – Exceptions; short-term rentals prohibited; limitation on owner-occupied rental.

(a) A rental license is not required under any of the following circumstances:

(1) An owner-occupied single family dwelling, ~~unless it is being rented or leased for a profit to a person not registered with the Michigan Secretary of State as a resident of the dwelling.~~

(2) An owner-occupied condominium unit that has a duly organized and authorized association of co-owners pursuant to PA59 of 1978 which is responsible for the maintenance of common elements as defined by the Act. The city council by resolution may revoke this exception for any condominium where the association of co-owners fails to comply with the minimum standards set forth in the International Property Maintenance Code as adopted by reference in section 28-1 of this chapter, or otherwise fails to protect the health, safety, and welfare of the tenants or the community.

(3) Occupancy by a personal representative, trustee, or guardian of the estate and their family where the dwelling was owner-occupied prior to the owner's death.

(4) The sale of any one- or two-family dwelling intended for occupancy by the owner of record that is to be occupied by the seller under a rental agreement for a period of less than ninety (90) days following closing.

(b) An owner-occupied single family dwelling, being rented or leased for a profit to a person not registered with the Michigan Secretary of State as a resident of the dwelling must have a current and valid rental license and must satisfy the following conditions:

- (1) The owner of the dwelling unit shall comply with all applicable health, safety, construction, zoning, and fire codes.
- (2) The dwelling being rented or leased shall have a minimum of two (2) bedrooms.
- (3) The addition of the tenant shall not result in a violation of occupancy limitations.
- (4) The owner of the dwelling unit shall occupy the dwelling year-round.
- (5) The lease shall be for a maximum of up to two (2) tenants.
- (6) The tenant shall have unrestricted access to the dwelling unit's common areas and amenities, including but not limited to kitchens, basements, garages, laundry facilities, patios/porches, pools, assigned closets, assigned bathrooms, and living and dining areas.
- (7) Bedroom doors may have privacy locks, but shall not have entrance knobs that have keyed cylinders generally used on exterior doors.
- (8) There shall be sufficient space on the premises to lawfully provide on-premises parking for up to two (2) tenant vehicles.
- (9) Except as set forth in Sec. 28-21(b), the lease or rental of any dwelling unit for commercial or corporate purposes is prohibited.

(c) The lease or rental, for any purpose, of any amenity, feature, accessory, or appurtenance to or associated with a dwelling unit is prohibited.

(d) The print, electronic, or Internet advertisement of any rental that is prohibited by, or fails to comply with the provisions of, this article or any other applicable provision of the Warren Code of Ordinances is prohibited.

(Ord. No. 80-634, § 1, 4-25-06; Ord. No. 80-764, § 2, 8-28-18; Ord. No. 80-780, § 3, 12-10-19)

SECTION 3. This Ordinance shall take effect on _____, 2022.

I HEREBY CERTIFY that the foregoing Ordinance No. 80-_____ was adopted by the Council of the City of Warren at its meeting held on _____, 2022.

SONJA BUFFA
City Clerk

Published: _____, 2022