

Internal Operations Standing Committee

Wednesday, May 1, 2024

PUBLIC HEARING: 10:45 A.M.

RE: A Proposed Ordinance amends Chapter 12 of the 2019 Detroit City Code, Community Development, by adding Article XII, Tenants' Rights, which consists of Division 1, Tenants' Rights Commission, comprised of Section 12-12-1, Purpose; Section 12-12-2, Establishment; Section 12-12-3, Membership, term, and vacancy; Section 12-12-4, Duties and responsibilities; Section 12-12-5, Reporting and recommendations; 12-12-6, Staff assistance; Section 12-12-7, Funding; and Section 12-12-8, Meetings and rules of procedure; and Division 2, Verification Assistance, comprised of Section 12-12-21, Purpose; and Section 12-12-22, Promulgation of administrative rules; informational website, to advance the City's goal of increasing both equity and transparency in the relationship between residential tenants and landlords.

Attending: (Law Department, Legislative Policy Division)

SUMMARY

This Ordinance amends Chapter 12 of the 2019 Detroit City Code, *Community Development*, by adding Article XII, *Tenants' Rights*, which consists of Division 1, *Tenants' Rights Commission*, comprised of Section 12-12-1, *Purpose*; Section 12-12-2, *Establishment*; Section 12-12-3, *Membership, term, and vacancy*; Section 12-12-4, *Duties and responsibilities*; Section 12-12-5, *Reporting and recommendations*; 12-12-6, *Staff assistance*; Section 12-12-7, *Funding*; and Section 12-12-8, *Meetings and rules of procedure*; and Division 2, *Verification Assistance*, comprised of Section 12-12-21, *Purpose*; and Section 12-12-22, *Promulgation of administrative rules; informational website*, to advance the City's goal of increasing both equity and transparency in the relationship between residential tenants and landlords.

1 **BY COUNCIL MEMBER _____ :**

2 **AN ORDINANCE** to amend Chapter 12 of the 2019 Detroit City Code, *Community*
3 *Development*, by adding Article XII, *Tenants' Rights*, which consists of Division 1, *Tenants' Rights*
4 *Commission*, comprised of Section 12-12-1, *Purpose*; Section 12-12-2, *Establishment*; Section 12-12-3,
5 *Membership, term, and vacancy*; Section 12-12-4, *Duties and responsibilities*; Section 12-12-5, *Reporting*
6 *and recommendations*; 12-12-6, *Staff assistance*; Section 12-12-7, *Funding*; and Section 12-12-8,
7 *Meetings and rules of procedure*; and Division 2, *Verification Assistance*, comprised of Section 12-12-21,
8 *Purpose*; and Section 12-12-22, *Promulgation of administrative rules; informational website*, to advance
9 the City's goal of increasing both equity and transparency in the relationship between residential tenants
10 and landlords.

11 **IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT**

12 **THAT:**

13 **Section 1.** Chapter 12 of the 2019 Detroit City Code, *Community Development*, is
14 amended by adding Article XII, *Tenants' Rights*, to consist of Division 1, containing Section 12-12-1
15 through Section 12-12-8 and Division 2, containing Section 12-12-21 and Section 12-12-22, to read as
16 follows:

17 **CHAPTER 12. COMMUNITY DEVELOPMENT**

18 **ARTICLE XII. TENANTS' RIGHTS**

19 **DIVISION 1. TENANTS' RIGHTS COMMISSION**

20 **Sec. 12-12-1. Purpose.**

21 The purpose of this article is to establish a Tenants' Rights Commission that will assist in
22 the development of policies that increase stability, opportunities, safety, and wellness for

1 residential tenants in the City, and to ensure inclusion, representation, and equity for tenants in
2 the legislative process.

3 **Sec. 12-12-2. Tenant’s Rights Commission.**

4 The Tenants’ Rights Commission shall have authority to develop and present
5 comprehensive policy recommendations to the City Council and the Mayor on all topics
6 affecting the City’s tenant population, including, but not limited to, the following areas of
7 concern:

- 8 (1) Methods of reducing Detroit evictions rates;
- 9 (2) Establishing and protecting residential tenants’ rights;
- 10 (3) Identification and utilization of federal, state, and third-party funding sources to
11 support tenants facing evictions through collaboration with City-wide residential
12 tenants’ organizations;
- 13 (4) Enforcing landlord compliance with the City Code; and
- 14 (5) Aiding the Housing and Revitalization Department, other City departments, and
15 third-party organizations in educating both tenants of their rights and landlords of
16 issues affecting residential rental properties.

17 **Sec. 12-12-3. Membership, Terms and Vacancy.**

- 18 (a) The Commission shall consist of nine voting members, appointed as follows:
 - 19 (1) Four members shall be appointed by the City Council, two of which must
20 be individuals who are actively renting residential property in the City;
 - 21 a. Two of the four members appointed by City Council shall serve
22 two-year terms; and

- 1 b. Two of the four members appointed by City Council shall serve
2 one-year terms.
- 3 (2) Four members shall be appointed by the Mayor, two of which must be
4 individuals who are actively renting residential property in the City; and
- 5 a. Two of the four members appointed by the Mayor shall serve two-
6 year terms; and
- 7 b. Two of the four members appointed by the Mayor shall serve one-
8 year terms.
- 9 (3) One member shall be appointed jointly by the City Council and the Mayor
10 to a two-year term of office and must be a Detroit resident who owns not
11 more than ten registered, habitable, units for occupancy.
- 12 **(b)** Each voting member of the Commission shall be a resident of the City of Detroit
13 at the time of appointment and throughout the duration of their appointed term;
- 14 **(b)(c)** The voting membership of the commission should be representative of various
15 renter perspectives in the City including, but not limited to, senior citizens, persons with
16 disabilities, and students and young people.
- 17 **(e)(d)** Should a vacancy occur during the term of any member, the appointing entity
18 shall appoint an individual to serve the remainder of the term;
- 19 **(d)(e)** Each voting member of the Commission can be removed at will by the appointing
20 entity, the joint appointment can only be removed by a majority of City Council members
21 serving and the Mayor;
- 22 **(e)(f)** Each City Council member and the Mayor may respectively appoint one non-
23 voting member, totaling no more than ten, as appropriate or necessary to represent various

1 perspectives, tenant advocacy organizations, and areas of expertise relevant to the mission of the
2 Commission;

3 (f)(g) Each non-voting member of the Commission shall serve a four-year term, at the
4 pleasure of the appointing entity, that will terminate automatically upon the vacation of the
5 appointing entity from office; and

6 (g)(h) At least one member of the Commission, either voting or non-voting, should be a
7 civil mediator with sufficient education and training as is required by the State Court
8 Administrative Office.

9 **Sec. 12-12-4. Duties, Responsibilities.**

10 (a) The Commission shall serve as a collective voice of advocacy for City tenants
11 before City bodies and departments.

12 (b) The Commission may receive complaints from tenants and make referrals of
13 alleged violations of the City Code or other relevant law to the department, agency and/or
14 judicial body for the appropriate remediation.

15 (c) The Commission may request a tenant's and/or landlord's voluntary presence to
16 collaboratively address disputes through voluntary mediation.

17 (d) The Commission may request information from tenant associations, housing
18 coalitions, or other entities that have expertise in residential rental units to assist in formulating
19 any policy recommendations or regulations regarding residential rental properties.

20 (e) The Commission shall provide an annual report to the City Council and Mayor as
21 provided in Section 12-12-5 of this Code.

22 **Sec. 12-12-5. Reporting and Recommendations.**

1 (a) The Tenants' Rights Commission shall submit a written report of its findings and
2 recommendations to the City Council and the Mayor, no later than one year after the date of the
3 first meeting of the Commission and submitted annually, no later than November 1st of each
4 year, thereafter.

5 (b) The annual report shall contain:

6 (1) An analysis of all activities of the Commission, including the number of
7 complaints filed and the disposition thereof during the preceding calendar
8 year;

9 (2) The recommendations of the Commission, if any, for improvement of the
10 requirements that are found in Chapter 8 of the 2019 Detroit City Code,
11 *Building Construction and Property Maintenance, Article XV, Property*
12 *Maintenance Code, Division 3, Requirements for Rental Property; and*

13 (3) A community needs-based assessment of housing needs in the City
14 modeled after Michigan's Statewide Housing Needs Assessment which
15 shall include an overview of market conditions impacting housing
16 construction and affordability, the current volume and future needs of
17 rental housing, and the housing needs of impacted groups including
18 seniors, families, and people with disabilities.

19 **Sec. 12-12-6. Staff Assistance.**

20 The Commission may request assistance from the Planning and Development
21 Department, the Housing and Revitalization Department, and any other department or agency
22 with expertise that may assist the Commission in responding to tenant inquiries, preparing annual
23 reports, and evaluating or preparing any proposed policy recommendations.

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Sec. 12-12-7. Funding.

(a) The members of the Tenants’ Rights Commission may receive reimbursement for parking, mileage, and other reasonable expenses; and

(b) The Commission may, in accordance with provisions of the Code, solicit, accept, and enter into agreements relating to grants from any public or private source, including the state or federal government or any agency of the state or federal government, and may carry out any state or federal program related to the purposes for which the Commission is created.

Sec. 12-12-8. Meetings and rules of procedure.

(a) The Commission shall meet monthly with a quorum of voting members serving at a date and time it determines;

(b) The Commission shall select a president and vice president from its voting members at its first meeting of the calendar year;

(c) The Commission’s meetings shall be held at a facility open to the public and conducted in compliance with the Michigan Open Meetings Act, being MCL 15.261 *et seq*;

(d) Public notice of meetings is to be provided by the Office of the City Clerk; and

(e) In accordance with Section 2-110 of the Charter, the Tenants’ Rights Commission shall adopt rules of procedure for the Body’s meetings and operations.

Secs. 12-12-19 -- 12-12-20. Reserved.

DIVISION 2. VERIFICATION ASSISTANCE

Sec. 12-12-21. Purpose.

1 The purpose of this division is to establish a centralized and efficient process by which
2 inquiring tenants can verify the validity of their landlord’s ownership of the leased property, of
3 property tax currentness and any tax liens against the property, and of the Certificate of
4 Registration of Rental Property and any other relevant certifications or permits required by city,
5 state, or federal law.

6 **Sec. 12-12-22. Promulgation of administrative rules; informational website.**

7 (a) In accordance with Section 2-111 of the Charter, the Director of the ~~Housing and~~
8 ~~Revitalization Buildings, Safety Engineering, and Environmental~~ Department shall promulgate
9 administrative rules necessary to effectuate the purpose of this article.

10 (b) With the assistance of the Department of Innovation and Technology, the ~~Housing~~
11 ~~and Revitalization Buildings, Safety Engineering, and Environmental~~ Department shall create and
12 maintain an informational website through which tenants can make such inquiries as described in
13 Section 12-12-21 of this Code.

14 **Secs. 12-12-23 -- 12-12-30. Reserved.**

15 **Section 2.** This ordinance is hereby declared necessary to preserve the public peace,
16 health, safety, and welfare of the People of the City of Detroit.

17 **Section 3.** All ordinances, or parts of ordinances, that conflict with this ordinance are
18 repealed.

19 **Section 4.** In the event this ordinance is passed by two-thirds (2/3) majority of City
20 Council Members serving, it shall be given immediate effect and become effective upon
21 publication in accordance with Section 4-118 of the 2012 Detroit City Charter. Where this
22 ordinance is passed by less than a two-thirds (2/3) majority of City Council Members serving, it

- 1 shall become effective on the thirtieth (30) day after enactment, in accordance with Section 4-
- 2 118 of the 2012 Detroit City Charter.

Approved as to form:

Conrad L. Mallett
Corporation Counsel

DRAFT

NOTICE OF PUBLIC HEARING

A Proposed ordinance amends Chapter 12 of the 2019 Detroit City Code, Community Development, by adding Article XII, Tenants' Rights, which consists of Division 1, Tenants' Rights Commission, comprised of Section 12-12-1, Purpose; Section 12-12-2, Establishment; Section 12-12-3, Membership, term, and vacancy; Section 12-12-4, Duties and responsibilities; Section 12-12-5, Reporting and recommendations; 12-12-6, Staff assistance;, etc.,

Summary:

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Pursuant to the Michigan Open Meetings Act as amended, which authorizes the continued use of hybrid electronic meetings to provide virtual public participation in accordance with the requirements of MCL 15.263a(2), and in consideration of the ongoing and continuing pandemic, the Detroit City Council will be meeting **in person** at the **City Council Committee of the Whole Room, 13th Floor, Coleman A. Young Municipal Center** on **WEDNESDAY, MAY 1, 2024 at 10:45 a.m.**

This Public Hearing may be viewed in the following manner.

1. Watch via television
 - Comcast: Channel 10
 - ATT: From Channel 99, click Detroit, then Channel 10
2. Watch online by using <https://detroitmi.gov/government/city-council> and clicking on Channel 10.
3. To attend by phone only, call one of these numbers:
+1-929-436-2866, +1-312-626-6799, +1-669-900-6833, +1-253-215-8782, +1-301-715-8592, or +1-346-248-7799 Enter Meeting ID: 85846903626#
4. To attend online: <https://Detroitmi.gov/Online-CC-Meeting>

Public Comment:

PLEASE PRINT IN DETROIT LEGAL NEWS ON WEDNESDAY, APRIL 17, 2024

To participate at the time of Public Comment, please raise your hand within the zoom application.

1. Telephone participants: Raise your hand by pressing *9
2. Web participants: Raise your hand by clicking **raise hand** in the application or pressing
 - a. Windows computer = [ALT] + [Y]
 - b. Apple computers = [OPTION] + [Y]

To be consistent with how Public Comment has been handled for in-person meetings:

- You will be called on in the order in which your hand is raised
- All time limits set by the meeting Chair will still be enforced
- Any hands raised after the Chair ends submission of public comments, will not be able to speak at the meeting

All interested persons are invited to be present and be heard as to their views. Persons making oral presentations are encouraged to submit written copies to the City Clerk's Office CityClerkHelpDesk@detroitmi.gov via e-mail, for the record.

With advance notice of seven calendar days, the City of Detroit will provide interpreter services at public meetings, including American Sign Language, language translation and reasonable ADA accommodations. Please contact Civil Rights, Inclusion and Opportunity Department at (313) 224-4950, through the TTY number 711, or email crio@detroitmi.gov to schedule these services.

JANICE M. WINFREY
City Clerk

JMW/cg