



BYLAWS OF THE HOUSING BOARD OF APPEALS

Adopted on June 14, 2016

Article 1 NAME

The name of this board is the Housing Board of Appeals.

Article 2 ENABLING AUTHORITY

The Housing Board of Appeals was established by Title I, Chapter 8 (Organization of Boards and Commissions), Section 1:201, of the Ann Arbor Ann Arbor Code of Ordinances.

Article 3 PURPOSE, OBJECTIVES, AND DUTIES

3.1 The purpose of the Housing Board of Appeals (“HBA”) is to exercise the authority described in Title VIII, Chapter 105 (Housing Code) Section 8:515 of the Ann Arbor City Code of Ordinances.

3.2 The HBA is charged with the following powers and duties under Section 8:515 of Ann Arbor City Code:

- (1) Power to correct errors. A Building Official's order enforcing or interpreting this chapter may be appealed to the Housing Board of Appeals.
- (2) Power to grant variances. If the strict application of this chapter would cause an owner unnecessary hardship or practical difficulties, the board may grant a variance. A variance may not be granted if it will violate the intent of this chapter or jeopardize public health and safety.
- (3) Power to extend limits. The board shall have the power to grant extensions of time under section 8:514(5). Requests for extensions shall be first on the agenda.
- (4) Power to issue enforcement guidelines. The board shall have the power to issue enforcement guidelines which interpret this chapter. The guidelines shall take effect after approval by the City Council. The board or the Building Official may propose guidelines.

3.3 The HBA shall comply with the procedures and standards set forth in Section 8:515 of Ann Arbor City Code.

3.4 Per Ann Arbor City Code Section 8:515(5)(d), the HBA shall develop and maintain guidelines which determine when at least 1 member of the board must visit the area(s) of the building under consideration for a variance. Those guidelines shall be included in these bylaws when the bylaws are reviewed annually for amendment.

Article 4 MEMBERSHIP

4.1 The HBA shall consist of 7 voting members appointed by the Mayor with the approval of City Council. One voting member shall be a representative of the County Health Department. A representative of the fire services unit and a representative of the Planning and Development Services unit shall serve as nonvoting members of the HBA.

4.2 All members of the HBA shall serve without compensation.

4.3 Each voting member shall be appointed for a 3-year term which ends on May 31 of the third year after appointment. Appointments shall be staggered so that one third of the voting members' terms expire each year.

4.4 Consistent with City Charter § 12.2, each member of the HBA shall be a registered elector of the City of Ann Arbor at the time of appointment, unless this requirement is waived by a resolution concurred in by at least 7 members of City Council.

4.5 A member whose term has expired may hold over and continue to serve as a member of the HBA until a successor has been appointed. Consistent with City Code § 1:171, no member shall be allowed to hold over for more than 60 days beyond the appointed term whether or not a successor has been appointed, except that City Council may extend terms for periods of 90 days upon the recommendation of the Mayor and vote of at least 6 members of Council.

4.6 Consistent with City Code § 1:171, the Mayor shall notify City Council of the expiration of a member's term at least 30 days prior and shall present to City Council all proposed reappointments no later than 60 days after the expiration of the term.

4.7 Consistent with City Code § 1:171, any vacancy on the HBA occurring in the middle of a term shall be filled for the remainder of the term in the same manner as for full-term appointments.

4.8 Members are expected to attend regularly scheduled meetings and to notify the Chair and staff liaison in advance if they expect to be tardy or absent. If a member misses more than 3 regularly scheduled meetings in a 12 month period, the Chair shall notify the Mayor and may recommend removal of the member.

4.9 Consistent with City Code § 1:171, a member of the HBA may be removed for cause by the Mayor, with the approval of City Council.

Article 5
ETHICS AND CONFLICTS OF INTEREST

5.1 A member of the HBA shall abstain from discussion or voting on any matter in which that member has a real or apparent conflict of interest. Decisions regarding conflicts of interest shall be evaluated on a case-by-case basis with reasonable application of the principles provided in this Article. A conflict of interest shall at a minimum include, but is not necessarily limited to:

- (1) Discussing, voting on, or otherwise acting on a matter in which a member or any member of his/her immediate family, his/her partner, or an entity with whom the member has family or business ties has a direct financial or beneficial interest.
- (2) Discussing, voting on, or otherwise acting on a matter involving work on property which is owned by that member or which is adjacent to property owned by that member.
- (3) Discussing, voting on, or otherwise acting on a matter when the member's employee or employer is an applicant or agent for an applicant, or has a direct financial or beneficial interest in the outcome.

5.2 A member of the HBA shall neither solicit nor accept gratuities, favors, or anything of monetary value from entities in a position to benefit from a decision of the HBA.

5.3 A member of the HBA shall not obtain, for himself/herself or for any person with whom he/she has business or family ties, any financial or beneficial interest in a matter which may be affected by a decision of HBA. This restriction shall apply during the member's tenure on HBA and for one year thereafter.

5.4 A member of the HBA shall disclose the general nature of any potential conflict, real or apparent, and, except when it violates a confidence, shall disclose all pertinent facts relating to the conflict. These disclosures shall be made prior to discussion and voting when possible and shall be recorded in the minutes of the proceedings. The member may then abstain from discussion and voting on the matter.

5.5 A member who cannot vote due to a conflict of interest shall, during deliberation of the matter before the HBA, leave the meeting or the area where the members sit until action on the matter is concluded.

5.6 When a question has arisen as to whether a member is ineligible to participate in discussion or vote on a matter because of a conflict of interest, the HBA may determine that the member is ineligible due to a conflict of interest by a vote of a majority of the other members present. Upon such a determination, the ineligible member shall not participate in discussion or vote on the matter.

5.7 Members of the HBA shall complete an annual disclosure of organization affiliations that could conceivably present a conflict of interest and shall update this disclosure in writing at any time during the year when such affiliations change.

5.8 Members shall not act, hold themselves out, or permit themselves to be perceived as official representatives or spokespersons for the HBA without authorization from the HBA or the Chair. When communicating for personal purposes on matters that may relate to the HBA's business, members shall clearly indicate that their statements are made in a personal capacity and do not necessarily reflect the views of the HBA. Whenever a member is asked to speak on behalf of the HBA, the member shall seek permission of the HBA or the Chair in advance.

5.9 To maintain public confidence in the objectivity of the HBA and to avoid the appearance of bias or prejudice, a member shall not speak or appear before the HBA on behalf of or as a representative of a potential or actual petitioner. A member should avoid speaking or appearing before another entity on behalf of or as a representative of a potential or actual petitioner and shall inform the HBA and recuse themselves from such a petition if the member does so. Outside of an HBA meeting, a member shall not advise an actual or potential petitioner regarding a petition, except to inform the petitioner of factual procedures of the HBA. This section does not preclude a member from discussing a petition within the scope of the HBA's duties at an HBA meeting.

5.10 Members of the HBA shall communicate with City staff through the HBA's designated staff liaison, unless otherwise authorized by the City administration, and shall follow applicable City administrative policies.

5.11 Members shall conduct themselves in a fair, courteous, and understanding manner at all times in the discharge of their duties, and shall avoid exchanges or actions based upon personal differences.

Article 6 OFFICERS

6.1 The officers of the HBA shall be a Chair and Vice-Chair. The officers shall be elected by ballot each year from among the voting members of the HBA at the annual organizational meeting established under Article 7. The officers shall be elected for a 1-year term by a majority of the voting members currently serving on the HBA. No member shall serve more than 3 consecutive full terms in the same office. The term of each officer shall run from June 1 to May 31. Elections of officers shall be held no later than May of each year.

6.2 The Chair shall preside at all meetings and shall decide points of order and procedure, subject to the provisions of these bylaws. The Chair shall have the privilege of discussing and voting on all matters before the HBA. The Vice-Chair shall assume the duties of the Chair in the Chair's absence.

6.3 When an office becomes vacant before the expiration of the current term (whether by resignation, removal, incapacity, or other circumstance), the vacancy shall be filled by election in the same manner as for full-term officers and the new officer shall serve the remainder of the term. The replacement officer shall be elected at the next regularly scheduled meeting or as soon as practicable. The Vice-Chair may be elected as replacement Chair, in which case a replacement Vice-Chair shall be elected at the same time.

6.4 No member may hold multiple offices at the same time.

Article 7 MEETINGS

7.1 The HBA shall schedule regular monthly meetings. Consistent with the Open Meetings Act MCL § 15.265, the entire schedule of regular meetings for the upcoming year shall be posted within 10 days after the first meeting of the year. A change in the schedule of regular meetings must be approved by the HBA, and notice of the change shall be posted within 3 days after the meeting at which the change is approved.

7.2 Special meetings may be called by the Chair or by the written concurrence of a majority of the voting members currently serving on the HBA. When practicable, notice of the special meeting shall be provided to staff and all members of the HBA at least 48 hours in advance. Consistent with the Open Meetings Act MCL § 15.265, public notice of the special meeting shall be posted at least 18 hours prior to the scheduled starting time. Except when the special meeting is a rescheduled regular meeting, the purpose of the special meeting shall be stated in the public notice and the HBA may not conduct any business beyond the purpose stated in the public notice, except by unanimous consent of the voting members present.

7.3 The HBA may hold non-voting working meetings to carry on the work of the HBA. Public notice of the working meeting shall be posted at least 18 hours prior to the scheduled starting time.

7.4 Public notice of all meetings shall be posted at City Hall or at any location designated by the City Administrator or City Council.

7.5 When practicable, meetings shall be scheduled to allow the staff liaison to provide notice to all members of the HBA at least 48 hours in advance.

7.6 The Chair may cancel a meeting if there is no business on the agenda or if it is clear that a quorum will not be present. The Chair may cancel a meeting due to weather, emergency, or other circumstances that may substantially limit the ability of members of the HBA or the public to attend. The Chair shall give notice of cancellation to members of the HBA and the staff liaison as soon as possible and at least 2 hours prior to the scheduled meeting time, when practicable. The staff liaison shall post public notice of the cancellation as soon as practicable. Cancelled regular meetings may be rescheduled in the same manner as special meetings.

7.7 Two-thirds of the seated members of the board is a quorum. The concurring vote of a majority of all members present and eligible to vote is required for the HBA to act. If the effective voting membership of the HBA is reduced because of a conflict of interest, a majority of the remaining voting members currently serving on the HBA shall be required for the HBA to act. The right to vote is limited to members of the HBA actually present at the time the vote is taken at a lawfully called meeting. A member who is not eligible to vote on a matter because of a conflict of interest shall not be counted in establishing a quorum for that matter.

7.8 Voting shall be by voice or a show of hands. If the vote is not unanimous, a roll call vote shall be taken and recorded in the minutes.

7.9 The HBA shall keep minutes of all regular and special meetings in accordance

with City administrative policies and direction.

7.10 All meetings of the HBA shall be open to the public and conducted in accordance with the Michigan Open Meetings Act (PA 267 of 1976), as amended. Closed sessions may be called for purposes listed in the Open Meetings Act.

7.11 Public comment shall be allowed at all meetings. An individual may speak for up to 2 minutes on any item open for public comment. The Chair may extend an individual's speaking time in the Chair's discretion. Public comment on non-agenda items may be limited in the Chair's discretion.

7.12 After a motion has been decided, any member voting with the prevailing side may move for reconsideration of the motion at the same or the next regular meeting. No motion may be reconsidered more than once.

Article 8

AGENDA AND ORDER OF BUSINESS

8.1 An agenda for each meeting of the HBA shall be developed by the Chair and the staff liaison in consultation with members of the HBA as needed. Agendas for all regular meetings shall be made available to the public and other members of the HBA at least 48 hours before the meeting's scheduled starting time.

8.2 The order of business at regular meetings shall be as follows. The order of business may be suspended or modified by a majority vote of those members present.

- (1) Call to Order
- (2) Roll Call
- (3) Approval of Agenda
- (4) Approval of Minutes of Previous Meetings
- (5) Public Comment
- (6) Regular Business
- (7) Communications
- (8) Adjournment

Article 9

COMMITTEES

9.1 The HBA may create standing or special committees to carry on the work of the HBA. Standing committees may, but need not be, described in the bylaws. Committees shall be limited to performing the tasks delegated to them by the HBA. Each committee shall include at least 1 member of the HBA and may contain other community members, in the HBA's discretion.

9.2 Members of committees shall be appointed by the Chair and approved by the HBA.

Article 10
PARLIAMENTARY AUTHORITY

10.1 The rules contained in the current edition of Robert's Rules of Order Newly Revised shall guide the HBA; however, parliamentary procedure shall be flexible and may be adjusted in the Chair's discretion to best serve the needs of the HBA. Nevertheless, all procedures must be consistent with these bylaws.

10.2 The HBA shall not adopt or follow any operating rules, regulations, guidelines, or procedures not expressly prescribed by these bylaws.

Article 11
AMENDMENT OF BYLAWS

11.1 Amendments to these bylaws may be approved at any regular meeting by a two-thirds vote of all voting members currently serving on the HBA. Proposed amendments must have been submitted in writing at the previous regular meeting to be considered. Proposed amendments must be submitted to the Office of the City Attorney for review prior to adoption by the HBA. After adoption by the HBA, the bylaws shall not be effective until approved by City Council.

11.2 These bylaws shall be reviewed by the HBA for possible amendment at least once annually.

Article 12
MISCELLANEOUS

12.1 The Planning and Development Services Unit shall be the primary provider of administrative support and professional advice to the HBA and the Community Services Area Administrator or their designee shall be the liaison between the HBA and City staff. The City Administrator has final discretion regarding staffing.

12.2 The Ann Arbor City Attorney's Office shall be the legal consultant to the HBA.