

ORDINANCE NO. ORD-21-22

First Reading: July 6, 2021
Public Hearing: July 20, 2021
August 2, 2021

Approved: August 2, 2021
Published: August 5, 2021
Effective: August 15, 2021

CHAPTER 105
(HOUSING: LEASE AGREEMENTS AND ENTRY TO SHOW RESIDENTIAL
PREMISES)

AN ORDINANCE TO AMEND SECTION 8:530 OF CHAPTER 105 (HOUSING CODE: ENTRY TO SHOW PREMISES AND TIME FOR RENTAL AGREEMENTS) OF TITLE VIII (BUILDING REGULATIONS) OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor ordains:

Section 1. That Section 8:530 of Chapter 105 of Chapter VIII of the Code of the City of Ann Arbor be amended to read as follows:

8:530. ~~Entry to show premises and time for rental agreements.~~ Lease Agreements and Entry to Show Residential Premises

~~(1) Notwithstanding any other provisions of this chapter, a landlord of residential premises shall not:~~

~~(a) Enter the leased premises for the purpose of showing the premises to prospective tenants until 70 days of the current lease period has passed; or~~

~~(b) Enter into an agreement to rent the leased premises to another tenant for a subsequent lease period until 70 days of the current lease period has passed.~~

(1) Notice to Tenant Regarding Successive Lease Periods:

(a) A landlord of residential premises must, for leases that exceed eight months, provide each tenant with the terms and conditions of a successive lease period no later than 180 days before the end of the current lease period;

(b) Notice to each tenant must be sent via electronic communications, and either personal delivery or U.S. mail;

(c) The notice must specify the date by which the tenant must notify the landlord of the tenant's acceptance of a successive lease, which date shall be no sooner than 150 days before the end of the current lease period;

(d) A landlord must provide a second notice if it provides a first notice earlier than 240 days before the end of the current lease period;

(2) Notice to Landlord Regarding Acceptance of Terms of Successive Lease Periods:

(a) Notice to the landlord by each tenant must be provided in writing via personal delivery, U.S. mail, or electronic communication;

(b) A tenant's acceptance of the terms and conditions for a successive lease period shall be in the form of a signed lease.

(3) Entry and Leasing of Residential Premises:

(a) A landlord shall not enter leased residential premises for the purpose of showing the premises to prospective tenants until 150 days before the end of the current lease period;

(b) A landlord may not enter into an agreement to rent the leased premises to another tenant for a subsequent lease period until 150 days before the end of the current lease period.

~~-(2) This section does not apply under any of the following conditions:~~

~~(a) The entry is for the purpose of subletting;~~

~~(b) The current lease period is less than 9 months in its entirety;~~

~~(c) A summons and complaint to recover possession of the premises has been filed and served on the current tenant in accordance with all laws and rules applicable to summary proceedings to recover possession of premises;~~

~~(d) The tenant, of his or her own will, has terminated his or her occupancy of the leased premises and his or her right under the lease to possession of the premises.~~

(4) Rights and Duties of Tenants Booklet

~~(3)(a)~~ Except as otherwise provided in this section, at the time of entering into a written lease agreement a landlord shall provide to each tenant a copy of this entire Code section separate from the written lease agreement, until such time that this ordinance is incorporated into the "Rights and Duties of Tenants" booklet;

~~(4)(b)~~ If there is no written lease, ~~then~~ the landlord shall provide a copy of this entire ~~e~~Code section, upon which is written the term of the current unwritten lease, ~~to each tenant~~, until such time that this ordinance is incorporated into the "Rights and Duties of Tenants" booklet.

(5) This section does not apply under any of the following conditions:

(a) The entry is for the purpose of subletting;

(b) The current lease period is less than 8 months in its entirety;

(c) A summons and complaint to recover possession of the premises has been filed and served on the current tenant in accordance with all laws and rules applicable to summary proceedings to recover possession of the premises;

(d) The tenant, of his or her own will, has terminated his or her occupancy of the leased premises and his or her right under the lease to possession of the premises.

(6) Enforcement

-(a) A violation of this section constitutes a civil infraction punishable by a fine of not less than \$500 for the first offense, not less than \$500 and up to \$1,000 for each additional or subsequent offense, plus costs and other remedies available by statute;

(b) A court may issue enforce any judgement, writ, or order necessary to enforce this Section;

(c) To the extent allowed by law, a tenant who has been aggrieved by a violation of the Section may bring a civil action for appropriate injunctive relief or damages, or both, against the person(s) who acted in violation of this Section.

Section 2: This Ordinance shall take effect ten days after publication.

As Amended at First Reading by City Council on July 20, 2021.

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of August 2, 2021.

(Date)

Jacqueline Beaudry, Ann Arbor City Clerk

Christopher Taylor, Mayor of the City of Ann Arbor

I hereby certify that the foregoing ordinance received legal publication on the City Clerk's webpage on August 5, 2021.

Jacqueline Beaudry, Ann Arbor City Clerk