

East Lansing Charter Review Commission Public Comment (Nov. 21, 2024)

By Patrick Rose, 310 Oxford Rd. East Lansing, MI 48823

I want to talk briefly about the new City Charter Amendment, Proposal One. It's a housing rights law to protect East Lansing homeowners's right to have long term non-family guests live with them over 30 days in a row who pay no rent. Let's see what it means so we can implement it.

The first sentence says homeowners may live together with long term guests "as long as they are not rent-paying tenants" without needing a rental license.

The second sentence of Prop 1 says persons who qualify for a house-sitting exemption include those in federal service assigned outside the area. This protects persons who negotiate peace for the State Department; it protects federal Peace Corps workers and Federal Emergency Management workers (deployed to help with flood victims in Western North Carolina).

The third sentence requires the city to maintain "current and accurate records of all zoning and rental violations" kept open for public inspection. This open file inspection rule goes beyond what Michigan's Freedom of Information requires. Inspection of records will be easier, faster at least cost and without barriers under the FOIA law that often inspection impossible.

The fourth sentence of Proposal One requires the City to give notice to owners and occupants of a violation and 7 days to comply before issuing fines. This notice educates owners on what the law demands and encourages prompt compliance. It protects owners from large, surprise fines of tens of thousands of dollars as their first notice. The fifth sentence says rental housing civil infraction fines can accrue after an owner or occupant does not comply. A person knowingly, intentionally violating housing laws repeatedly can be charged with a misdemeanor under the sixth sentence.

The seventh sentence of the Amendment defines who or what is a “renter,” a “rental unit”, a “lease,” and a “tenant” according to state law definitions. This replaces City Code definitions of a rental unit that means a home with an occupant living over 30 days becomes a rental unit even though there are no tenants living there and no rent being paid. Under state law, persons who the owner gave a right to remain living in the home are “tenants.” A state law defined tenancy can arise by oral or written promise or be implied by circumstances. By adopting state law definitions of tenant and rental unit and lease, owners are now protected in their right to host long term guests who are not rent paying tenants, avoid large, surprise fines. It means the City Charter protects against requiring licenses or the issuing of fines to owners who are hosting long term guests and who are not renting to anyone.

It’s also important to say what this Amendment does not do. The Charter Amendment does not define “Family” or limit protections of Family under City Codes. It does not dismantle any rental regulations. It has no impact on Overlay Districts which are not mentioned at all. **What is needed to implement this Proposal One.** The Amendment language will be put on the City Website after the County Clerk certifies the election results in the next two weeks. The City Attorney should follow the Amendment and also enforces existing rental laws by issuing fines against illegal tenants and rental units. There should be no change in level of enforcement or number of fines issued if the number of illegal renters stays the same. Any illegal rent paying tenants under state law who could be fined before can be fined now after a notice.

Lastly, there is no basis to say the City Charter Amendment conflicts with state law. The Amendment does not change or conflict with regulations of land use or dwelling size and structure or with any zoning classifications, it does not conflict with the Michigan Zoning Enabling Act ("MZEA"), MCL 125.3101, et. seq. The Michigan Constitution and Home Rule Cities Act authorized the process of passing Proposal 1. It covers proper subject in a lawful way and must be enforced. I can answer questions.