

LOCAL

## Is East Lansing's housing code too restrictive? Voters will decide in November



**Matt Mencarini**

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EAST LANSING — Voters will soon decide whether to change how the city regulates who can live with them in their home.

They'll make their decision near the end of their ballot for the Nov. 5 election, when asked to vote on East Lansing City Charter Amendment Proposal 1.

The first part of the ballot question, which is included in full at the bottom of this story, says, "The Amendment states the City shall not restrict relationships of persons living together as a household or residing in homes, or interfere with rights of owners to live with persons of their choice, so long as they are not rent-paying tenants."

The East Lansing Charter Amendment Committee, the citizen-led group that got the question on the ballot, is asking the community to vote yes.

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Patrick Rose, one of the committee members, told the State Journal that the city's housing and rental code limits certain guests — including friends or extended family — from staying with someone for more than 30 consecutive days or 60 days in a year without paying rent, and without the homeowner getting a permit and paying a fee.

He added that for years the city has forced residents to apply for and pay for temporary rental permits, fined residents who didn't thousands of dollars, fought to uphold fines in court and refused to amend its housing code.

"What they're doing violates the state constitution," Rose said.

Kathy Swedlow, a member of the Save Our Neighborhoods EL group that opposes the amendment, told the State Journal on Tuesday that they're concerned the amendment, if passes, could restrict the city's ability to enforce certain rules like occupancy limits.

"That's the worst-case scenario," she said, adding that a change to a charter amendment can only come through another ballot question.

East Lansing City Manager Robert Belleman declined a State Journal interview request. In doing so in an email he said, "I, unfortunately, am by state law prohibited from discussing ballot issues within sixty days of an election."

Belleman cited a state campaign finance law prohibiting "a public body, or a person acting for a public body" from using "public funds or resources for a communication by means of radio, television, mass mailing, or prerecorded telephone message" referencing a ballot question.

East Lansing Mayor George Brookover, a licensed attorney who runs his own law office, also declined an interview request "for precisely the same reason" as Belleman.

However, the law both referenced and which went into effect in 2016, amended the Michigan Campaign Finance Act. Neither the statute nor the Senate Fiscal Agency's 2016 bill analysis mentions interviews with media organizations.

On Thursday, the day Belleman declined an interview, Eaton County Prosecuting Attorney Doug Lloyd and Eaton County Sheriff Tom Reich held a joint news conference in Delta Township encouraging voters in their county to pass a ballot proposal.

Similarly, Ingham County Treasurer Alan Fox, who like Brookover, Lloyd and Reich is an elected official, answered questions from a State Journal reporter about one of the county's ballot questions that could help low-income and unhoused residents.

## **Why the citizen-led committee wants proposal to pass**

Rose said committee members have spoken to thousands of East Lansing residents over the past months and the vast majority support the change. The way the current housing restrictions prevent family caregivers from living with loved ones was a significant concern.

"Elderly people face an almost impossible situation," he said, referring to the decision between leaving their home or breaking the law to get affordable in-home care from an

extended relative, friend or loved one.

Swedlow said the current city code allows residents to get in-home care they need.

"We have a lot of flexibility in our code for people to do what they want with their houses," she said. "This is a solution in search of a problem."

Election Q&A: How soon can I vote in the November 2024 election?

In September, the U.S. Department of Health and Human Services said more than 53 million Americans serve as family caregivers for "an older adult or person with a disability" and the need for them will continue to increase.

"Family caregivers are the backbone of the nation's system of long-term care - replacing the support they provide with paid services would cost an estimated \$600 billion each year," the department said in a release.

Rose said the ballot proposal would not throw out the entire city housing code nor allow for an influx of short-term rentals.

"Short-term rentals absolutely need to be regulated," he said.

When asked why he thinks the city has fought the change for so long, Rose said he doesn't have an answer, but said the situation reflects the city's ability to bully residents.

In 2023, East Lansing residents who lived in single-family homes paid \$4,080 in rental license fees, according to an email from Belleman, who said he could not provide information on revenue generated by fines.

"The city does not have that information as it would have been decided by the Court, which I am told by the 54 B District Court Administrator is not possible to provide a report on."

## **Judges have ruled against city's housing policies**

For more than a decade, local judges have been ruling against East Lansing's use of the code and its fines.

In 2014, then-District Court Judge Richard Ball dismissed 33 city citations and more than \$18,000 in fines that had been issued against Penelope Tsernoglou, who at the time was an Ingham County commissioner and who is now state lawmaker representing the 75th House

District. Tsernoglou was cited after city officials claimed she illegally allowed a friend to house-sit at her condominium.

Ball ruled the ordinance was applied unconstitutionally and didn't serve any governmental interest.

In 2011 and 2012, two Ingham County Circuit Court judges issued separate rulings that each dismissed dozens of fines issued against two people that totaled tens of thousands of dollars each. In making his ruling, then-Ingham County Circuit Judge William Collette said the fines violated the 8th Amendment to the U.S. Constitution.

## **Ballot language**

East Lansing voters will be asked to weigh in — by voting yes or no — on the following change to city law:

"The Amendment states the City shall not restrict relationships of persons living together as a household or residing in homes, or interfere with rights of owners to live with persons of their choice, so long as they are not rent-paying tenants. The City will make zoning and rental records public. The City must give advance notice of housing penalties. Repeat violations of zoning and rental laws can be a misdemeanor if knowing and intentional. Persons in federal service get a house-sitting exemption from rental laws. The City shall use state law to define 'renter,' 'rental unit,' 'lease,' 'tenant' and 'occupancy.'"

*Contact reporter Matt Mencarini at [mjmencarini@lsj.com](mailto:mjmencarini@lsj.com). Follow him on X, formerly known as Twitter, @MattMencarini.*