

The current City Code language (in the Rental Housing Ordinances) limits East Lansing homeowner's right to have long term guests live with them.

Here is the Answer from the Code:

1. Start with the definition of Rental Unit. These are dwellings required to be licensed. You must look to the definition of a rental unit in Chapter 6, Article II Section 6-175, Chapter 2 of the East Lansing Municipal Code to see any dwelling with an unrelated occupant who is not family or a guest or in an exception is a dwelling that must have a rental license. Chapter 6 defines "rental unit" in the following way:

"Any dwelling occupied or offered for occupancy by any person other than the owner, owner's family or guest as defined in this article."

2. The rental unit definition specifically points back to the guest definition listed above. So then you have to go to the definition of "guest" in Chapter 6, Article III, under Section 6-175, Chapter 2 of the East Lansing Municipal Code. Guest is defined as:

"Any person who occupies a room for living or sleeping purposes without consideration and for no longer than 30 consecutive days, no more than 60 days in a year; except that for dwellings not required to be licensed pursuant to chapter 10, "guest" means a person who occupies a room for living or sleeping purposes in a dwelling unit with the owner or owner's family residing therein without consideration." [emphasis added].

2-a. Note on reading the Guest definition above: despite the semicolon (in the Guest definition above) and the fact that the first phrase stands on its own, there is nothing to state this first phrase applies to rental properties, much less that it applies to only rental properties.

2-b. Also, the second phrase of the Guest definition stands on its own. It does not give a broader definition of guest, and then apply that only to family owned and occupied homes. To understand that phrase, one must go to chapter 10 of the ordinance —since the Guest definition specifically refers to it and incorporates it.

3. So the rule in Chapter 10 is clear. It says only dwellings not required to be licensed under Chapter 10 that get the benefit of this broader definition of "guest".

Chapter 10 is titled “Rental Housing Inspection and Licensing”. This section specifically states in 1000.1 Scope that “this article shall regulate the lease or rental of every dwelling, with or without valuable consideration, by any person. Moreover, section 1001.1 Rental requirements states that “Occupancy of any dwelling by any person other than the owner of record shall be presumed to require a rental license.”

4. Guests who stay longer than 30 consecutive days (or 60 days in a year), and are unrelated must fit an exception or a rental license is required. 5. The exceptions to the requirement for a rental housing license in our city are found in Section 1001.2, in Chapter 10. These exceptions define the dwellings referenced in the second phrase of the “guest” definition. So long as a dwelling fits within one of these exceptions, a rental license is not required. If a rental license is not required under an exception, it appears a guest might stay as long as the owner chooses pursuant to the second phrase of the definition of “guest”.

6. The very first exception in Chapter 10 provides that: “Exceptions. A rental unit license is not required under the following circumstances: (1) Family occupancy. Any member of a family, as defined by chapter 50 of the City Code, including nieces and nephews, may occupy a dwelling as long as any other member of that family is the owner of that dwelling....”

7. While on its face this provision might be read to say that a homeowner can have as many guests as they choose for as long as they would like in their home, it is necessary to go further into the ordinance to see how “family” is defined in Chapter 50 before reaching this conclusion. Here is the definition of “Family” from Chapter 50 of the ordinance:

“(1) Family means one person or two related persons or two unrelated persons residing in a dwelling unit, or where there are more than two persons residing in a dwelling unit, persons classified constituting a family shall be limited to husband, wife, son, daughter, father, mother, brother, sister, grandfather, grandmother, grandson, granddaughter, aunt, uncle, stepchildren, and legally adopted children, or any combination of the above persons living together in a single dwelling unit....”

8. Read in its plain meaning, Chapter 10 does not require a rental license in a dwelling occupied by a family so long as that family consists of more than two

persons residing in the dwelling unit all of whom meet that limited, specific definition of family. The only other times this definition does not require a rental license in a family dwelling is where there is 1) one person residing there, 2) two related persons residing there or 3) two unrelated persons residing in that dwelling. Consequently, a "family of more than two related persons" is limited (by the clear language of the ordinance) to the specific named relations in order to meet the exception.

9. So if they are to have another unrelated person in their home, ie: a guest in their home, the 30/60 day limits apply unless they obtain a rental license because they do not meet the exception of family occupancy under Chapter 10 as modified by Chapter 50.

10. While this conclusion manifests a total lack of what one would consider common sense, it is what the ordinance says. Plain and simple, or as simple as it is to follow its convoluted path. This is a confusing ordinance, and its language is highly restrictive. However, if one reads it carefully, it is clear that a dwelling occupied by a family as defined in Chapter 50 is not subject to a rental license while defining a family of more than two unrelated persons very specifically.

CONCLUSION: Thus if a dwelling is occupied by more than two related individuals, and at least one does not meet the specificity of that definition, ie: a guest is also living in that dwelling and the dwelling is now subject to the rental licensing requirement or the 30/60 day restrictions.