

I am James R. Giddings; I reside in Williamstown Township -- I speak to you as a former resident of East Lansing -- and as a retired Circuit Court Judge in Ingham County where I served for over 32 years.

Several years ago, I handled an appeal involving East Lansing rental housing fines. In that case, thousands of dollars in rental housing fines were inflicted on the owner of that property -- fines of \$275 a day for having occupants who stayed over 60 days in a year. Importantly, tenancy was presumed based solely on length of stay of the occupants. The Defendant homeowner was cited with 44 civil infractions and fines totaling \$12,100.00 (excluding court costs). No direct evidence was ever presented that the owner rented, leased, agreed or contracted with anyone to live on his premises in exchange for consideration or value.

Such outrageous fines arising out of alleged violations of the East Lansing Housing Ordinance are not unusual. It is most troubling that this fine City historically imposed such fines without giving homeowners the courtesy of any advance notice -- relying on flawed language of the then and still existing Code that presumes that one who resides in the home for 30 days in a row becomes a tenant.

In other words, under the current Code, if a Guest resides in the home beyond the 30-day limit, the City Code defines them as a Tenant. If the two-person family owners do not get a rental license or demonstrate that the Guest falls within one of the narrow exceptions, the City can and does impose large fines.

I got involved to help draft Proposal 1 hoping to fix this problem. Proposal 1 will restore to homeowners the freedom and right to live with Guests in one's home so long as they are not rent-paying tenants. Prop 1 keeps existing rent regulations in place. Prop 1 will fix the notice problem and preserve the ability of homeowners to live with persons of their own choosing such that non-rent paying guests can live in East Lansing homes without fear of retribution.

I had an opportunity to review the No on Prop 1 flier. Regrettably, but not surprising in this age of misinformation, these flyers flagrantly misrepresent the current code and make unfounded claims about problems the opponents say will arise from the adoption of Proposal 1.

For example, the flyer states that homeowners may permit Guests to live with them without time limits without a license. That statement is false. The No on Proposal 1 campaign is making the preposterous claim that Prop 1 will overturn the City's rental regulations, including occupancy limits.

The flyer is saw also claims that Prop 1 will overturn short-term rental regulations and rental restriction overlays. Not true. It is helpful to review the straightforward language of Proposal 1 which states:

The City shall not restrict in any way relationships of persons living together as a household or residing in the home, or interfere with the rights of owners to live with the persons of their choice, as long as such persons are not rent-paying tenants.

The opponents of Proposal 1 have failed to offer a factual basis or for that matter any good faith argument that Prop 1 somehow dismantles existing rent regulations, eliminates Overlay districts or demolishes rental licensing rules for rent-paying tenants.

In my judgment, the East Lansing City Code as written violates homeowners' basic constitutional rights without furthering any valid neighborhood concerns. I am not alone in holding to that position. Both District and Circuit Court judges have ruled East Lansing rental housing fines to be excessive and unconstitutional.

Several years ago, East Lansing v Tsernaglou involved the City's attempt to sanction a homeowner for allowing a temporary occupant in her home for the purpose of house sitting while attempting to sell her residence. She was charged with 33 citations and facing fine of up to \$16,500. East Lansing District Court Judge Richard D. Ball in a most scholarly opinion ruled, and I quote:

"Here, the court is persuaded that insofar as application of the ordinance in question does nothing to further the established purposes of the ordinance or any governmental interest, under the circumstances of this case, and based on the facts set forth on this record, application of the ordinance is unconstitutional."

The repeated misapplication of this ordinance by city representatives cries out for reform.

For those who wish to make a fact-based decision on this question, I urge you to vote for this important Proposal 1 which accomplishes one simple -- but important -- objective. It allows East Lansing homeowners to choose who they wish to have living with them -- as long as that co-occupant does not pay rent. Thank you for allowing me to offer this comment.