

92674 Result: Adopted.
Mover: Knight. Supporter: Perdue.
Yeas: Bliss, Ysasi, Moody, Perdue, Knight
Nays: Jon O'Connor
Excused: Drew Robbins

ORDINANCE AMENDING SECTIONS 8.501-8.504 OF CHAPTER 140, TITLE VIII, THE "PROPERTY MAINTENANCE CODE" OF THE GRAND RAPIDS CITY CODE

ORDINANCE NO. 2023 - 22

THE PEOPLE OF THE CITY OF GRAND RAPIDS DO ORDAIN:

Section 1. That Section 8.501 of Chapter 140, Title VIII of the Code of the City of Grand Rapids be amended to read as follows:

"Sec. 8.501. Adoption of the Code.

The 2021 edition of the International Property Maintenance Code as published by the International Code Council, Inc. is adopted by reference as herein modified for the purposes of protecting the public health, safety and welfare in all existing structures, residential and nonresidential, and on all existing premises by establishing minimum maintenance standards for all structures and occupants of all structures; and providing for administration, enforcement and penalties. The 2021 edition of the International Property Maintenance Code, together with the provisions of this Chapter, shall be known and may be cited as the "Property Maintenance Code" of the City of Grand Rapids."

Section 2. That Section 8.502 of Chapter 140, Title VIII of the Code of the City of Grand Rapids be amended to read as follows:

"Sec. 8.502. Availability.

Complete copies of this Property Maintenance Code of the City of Grand Rapids are available at the Office of the City Clerk for inspection by the public. Complete copies of the International Property Maintenance Code, 2021 edition as published by the International Code Council, Inc., and referenced herein, are also available at the Office of the City Clerk for inspection by the public."

Section 3. That Section 8.503 of Chapter 140, Title VIII of the Code of the City of Grand Rapids be amended to read as follows:

"Sec. 8.503. Penalties.

Failure to comply with a provision of this Chapter shall constitute a civil infraction, except for those provisions that pertain to the following, which shall constitute a misdemeanor:

- (1) An unsafe structure or equipment as described in Section 111, or any violation which creates an imminent danger as described in Section 112.
- (2) A Utility Interruption.

- (3) A dwelling that has been condemned for human occupancy and/or a Notice to Vacate Condemned Dwelling has been issued.
- (4) A failure to comply with a Notice to Repair or Demolish.
- (5) Notwithstanding the foregoing, a misdemeanor complaint shall be issued where three (3) or more Civil Infraction Citations have been issued for the same violation(s) to the same owner.
- (6) Failure to comply with a Stop Work Order issued under authority of Section 110."

Section 4. That Section 8.504 of Chapter 140, Title VIII of the Code of the City of Grand Rapids be amended to read as follows:

"Sec. 8.504. Amendments to the Code.

The following sections and subsections of the 2021 International Property Maintenance Code are hereby amended or deleted, and additional sections are added as indicated. The section numbers used below follow the same numbering convention as the sections of the 2021 International Property Maintenance Code.

101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Grand Rapids, hereinafter referred to as "this Code".

103.1 Creation of agency. The Code Compliance Department or Division, herein referred to as "the Department," has assumed responsibility for implementation, administration and enforcement of the provisions of this Code. The official in charge, or their designee, thereof shall be known as the "code official."

104.1 Fees. The fees for activities and services performed by the Department in carrying out its responsibilities under this Code shall be established from time to time by resolution of the City Commission, and shall include the services indicated in the following schedule. No monitoring fees shall be assessed for the first sixty (60) days.

- (1) Administrative hourly rate;
- (2) Special Inspections conducted after business hours, on weekends or holidays, per hour;
- (3) Registration of Rental Property, per building;
- (4) Certificate of Compliance issued before expiration date;
- (5) Certificate of Compliance issued after expiration;
- (6) New Construction - Certificate of Compliance;
- (7) Notice of Violation;
- (8) Notice to Vacate;
- (9) Inspection fee for every additional inspection, including but not limited to: court requested, attorney requested, progress inspection at request of owner/manager and/or Housing Appeal Board, Housing Rehab request;
- (10) Failure to keep appointment, arrange for inspection, or provide entry for scheduled inspection;
- (11) Occupied without a Certificate of Compliance, or vacant unit under orders occupied prior to compliance approval inspection;
- (12) Administrative or Progress Extension;

- (13) Housing Appeal filed by last appeal date; Housing Appeal filed after last appeal date;
- (14) Ownership Research for any property not occupied by the property owner includes, but not limited to returned mail processing & lack of current registration;
- (15) Title Search;
- (16) Warning of Prosecution Letter;
- (17) Issuance of Relocation Payment (plus relocation amount);
- (18) Monitoring Fee for Vacant/Abandoned Structure and/or Prosecution Cases;
- (19) Notice to Repair or Demolish;
- (20) Demolition, per structure;
- (21) Contact Request;
- (22) Search Warrant;
- (23) Prosecution Preparation;
- (24) Recording document at Kent County Register of Deeds;
- (25) Condemned for Human Occupancy;
- (26) Collection Services Fee, as charged by the City Treasurer;
- (27) Abatement of Nuisance.

104.1.1 Lien against property. Whenever the City has cited a property for any violation of this Chapter, the cost of service as established by City Commission resolution, shall be billed to the property owner. Such billing shall be personal debt of the owner to the City, which may be assessed as a lien against the property, including interest thereon, until paid.

105.3.1 Right of entry for abandoned or vacant structures. If the owner has failed to secure a property and it has been secured by the City, the City may enter or re-enter the structure to conduct necessary inspections to assure compliance with the requirements of this Code and to determine if there are emergency or hazardous conditions.

110.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall constitute a violation of this Code as provided in Section 8.503.

111.4.2 Method of service. Notice of a violation of this Chapter shall be deemed to be properly served if a copy thereof is:

- (1) Delivered personally; or
- (2) Sent by first-class mail addressed to the last known address of the responsible person; and a copy posted in a conspicuous place in or about the structure affected by such notice.

111.9.1 Work hours for a condemned property. Work to restore a condemned property may only take place between the hours of 7 a.m. and 10 p.m. Anyone found in a condemned property outside of those hours shall be in violation.

301.4 Dwelling required. No person shall occupy nor allow the occupancy of a structure, vehicle, or property that is not designed, constructed, or approved as a permanent dwelling.

302.4 Weeds. Refer to Title IX, Chapter 151 for enforcement.

302.8. Motor Vehicles. Refer to Title IX, Chapter 151 for enforcement.

302.10 Outdoor storage of materials. Outdoor storage of materials of value shall not be permitted on a porch, in a front yard or closer than three (3) feet to a dwelling, accessory building or to side or rear lot line. Materials of value kept outside shall be stored in a safe and sanitary manner, shall not be scattered about and shall not have openings that may provide harborage for vermin.

302.11 Entry/Exit lighting requirements. Each entry or exit from or to the exterior shall be equipped with an exterior wall or ceiling mounted light fixture. Basement entries that are not typically used for a common entry into the building are excluded. Such exterior fixtures shall be controlled by a wall-mounted switch located on the interior of the same entry or exit. The location of the switch shall not be obstructed by the door or any obstacle. Motion-activated or photocell lighting is acceptable in place of a wall-mounted switch located on the interior of the same entry or exit.

304.3 Premises Identification. Refer to Title IV, Chapter 51 for enforcement.

304.14 Insect screens. During the period from May through October, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

304.15 Doors. All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. All exterior doors used by occupant(s) or the public shall include a lock in good condition in accordance with Section 702.3. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3. All entry/exit doors shall be equipped with a peephole door viewer installed not more than five (5) feet from the floor and in good repair, unless the door is equipped with a window or there is a window adjacent to the door.

304.18.2 Windows. All windows of a unit that are accessible to the public shall be installed and equipped with a locking device in good repair. Every opening single or double hung sash window that is on the ground floor of a dwelling or which is otherwise readily accessible to the public shall be equipped with easily removable window pinning or other window stop devices in good repair which will secure the window in a closed position and in a partially open position of four (4) to six (6) inches for ventilation.

307.1 Handrails/Guardrails. A handrail in good repair shall be provided for any interior or exterior stairway with four (4) or more stair risers. Stairs with steps having a tread depth of more than three (3) feet need not have a handrail. Spindles meeting the requirements of the applicable locally-adopted construction code are required on handrails except for basement steps leading to an unfinished basement. Any side of an open stairway, stairwell, porch, stoop, patio or floor which is thirty (30) inches or more above the immediate adjacent step,

floor or ground, shall be provided with a guardrail at least thirty-six (36) inches high for one- and two-family dwellings or forty-two (42) inches high for multi-family dwellings. Such guardrails shall be in good repair, fitted with vertical balusters, horizontal rails, masonry or other approved structural material, so that the narrowest dimension of any opening below the guardrail is not greater than four (4) inches. Any such balusters or rails shall be securely anchored and in good repair. Components of wooden balusters or rails shall have a minimum thickness of at least one-half (½) inch. Guardrails and baluster spacing of differing dimensions located within a Historic District or upon a designated Historic Landmark may be approved by the City Historic Preservation Commission to preserve original construction designs.

602.3 Heat supply. Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either express or implied, to furnish heat to the occupants thereof shall supply heat at a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

602.4 Occupiable work spaces. This section of the Code shall be omitted from enforcement.

603.1.1 Heating system inspections. Any heating system, heating appliance, or water heater not owned by the occupant of a unit shall be certified to be in good working condition by a City-approved licensed heating contractor no more than ninety (90) days prior to the renewal of a Certificate of Compliance under Chapter 10.

703.3-703.8 Fire-Resistance Ratings. Refer to TITLE IX, Chapter 159 for enforcement.

704.1.1-704.7 Fire Protection Systems. Refer to TITLE IX, Chapter 159 for enforcement.

CHAPTER 9 REGISTRATION OF DWELLINGS

901 Registration of Rental Dwellings.

901.1 Rental dwelling defined. For the purposes of the Chapter, rental dwelling shall be defined as any dwelling which contains a dwelling unit, rooming unit or hotel unit that is not occupied as a residence by the owner; and shall include any single-family residential structure that is not occupied as a residence by the owner.

901.2 Registration of rental dwellings required. The owner of any rental dwelling shall register such dwelling with the City annually. The owner of any rental dwelling that is vacant or abandoned as defined by this Chapter shall register such property annually.

901.3 Registration of newly-constructed rental dwellings. The owner of a newly constructed rental dwelling shall register the rental dwelling with the City within thirty (30) days of issuance of a Use and Occupancy Permit.

901.4 Change in registration information. The owner of rental dwellings already registered with the City shall re-register the same within thirty (30) days of any change in the original registration information.

901.5 Change in ownership. A new owner of a rental dwelling shall register the dwelling within thirty (30) days of assuming ownership.

901.6 Registry of rental dwellings. The City shall maintain a registry of rental dwellings and rental units within the City of Grand Rapids that contains the following information:

- (1) The address of the rental dwelling.
- (2) The number and type of rental units in the dwelling.
- (3) The name, residence address and birth date of the owner.
- (4) The name, residence address and birth date of the Manager or other responsible person designated by the owner.
- (5) The mailing address, email address and telephone number where the owner and or other responsible person will accept notices and calls from the City.

901.7 Inaccurate or incomplete registration information. It shall be a violation of this Code for an owner or a responsible person to provide inaccurate information for the registration of rental dwellings or to fail to provide information required by the City. When the owner is not a natural person, the owner information shall be that of the President, General Manager, resident agent, or other chief executive officer of the organization. Where more than one (1) natural person has an ownership interest, the required information shall be provided for each owner.

902 Registration of Abandoned or Vacant Structures.

902.1 Abandoned or vacant structures defined. For purposes of the Chapter, abandoned or vacant structure shall be defined as a structure that has not been occupied by a human for a time exceeding thirty (30) days and meets any of the following criteria:

- (1) Is a location for loitering, vagrancy, unauthorized entry or other criminal activity;
- (2) Has one or more broken or boarded windows or unsecured point of entry;
- (3) Has taxes in arrears for a period of time exceeding 365 days;
- (4) Has utilities disconnected or not in use;
- (5) Is not maintained in compliance with this Code; or
- (6) Is subject to foreclosure as defined herein.

902.2 Prompt registration required. An owner of an abandoned or vacant structure as defined by this Chapter shall be required to register such property within fifteen (15) days after:

- (1) The structure has become abandoned or vacant as defined by this Chapter; or
- (2) The structure becomes subject to foreclosure, or
- (3) The date of notice by the City that the structure has been declared abandoned or vacant, whichever is earlier; or
- (4) In the case of foreclosure, the mortgagee that has foreclosed on abandoned or vacant property shall register said property within fifteen (15) days of the expiration of the redemption period. Registration requirements shall not preclude the City from taking appropriate actions to secure the property; or to issue notices of violation or notices to abate; or from acting upon imminent hazard(s). Foreclosure is defined as the process by which a mortgage, security

interest or lien is enforced against a parcel of real property through sale or offering for sale the real property to satisfy a debt or claim. For purposes of this Chapter, a notice of foreclosure and/or a notice of trustee's sale, a pending tax sale, and/or properties that have been the subject of a foreclosure sale where the title was retained by the beneficiary of a mortgage involved in the foreclosure, and/or that have transferred under a deed in lieu of foreclosure/sale shall constitute the foreclosure of property.

902.3 Annual registration required. Once an abandoned or vacant structure has been registered by the owner under this Chapter, such registration shall be valid and effective for 365 days from the date of registration and shall be renewed annually thereafter until the property is no longer abandoned or vacant as defined in this section.

902.4 Requirement to keep information current. If at any time the information contained in the registration is no longer valid, then the property owner shall file an updated registration within fifteen (15) days. There shall be no fee to update the current owner's information.

902.5 Registration information regarding abandoned or vacant structures. Every abandoned or vacant structure within the City of Grand Rapids shall be registered with the City by the owner(s). Such owner(s) shall register such structure with the City, and shall provide the following information:

- (1) Address of the abandoned or vacant structure.
- (2) Date upon which the structure became vacant or abandoned.
- (3) The name, address, email address, phone number and birth date of the owner(s).
- (4) The name, address, email address, phone number and birth date of the manager, agent, or representative designated by the owner; or responsible person as defined in this Chapter.
- (5) Additional information as requested.

902.6 Occupancy prohibited. An abandoned structure shall not be occupied until all violations have been corrected in accordance with the applicable requirements of the Michigan Building Code, Michigan Electrical Code, Michigan Mechanical Code, Michigan Plumbing Code and applicable provisions of the Grand Rapids City Code of Ordinances. All mechanical, electrical, plumbing, and structural systems shall be certified by a licensed contractor as being in good repair.

CHAPTER 10 CERTIFICATES OF COMPLIANCE

1000 Certificates of Compliance.

1000.1 Certificate of Compliance required. Any rental dwelling or any dwelling containing at least one (1) rental unit, hotel unit or rooming unit, shall be in substantial compliance with the provisions of this Chapter. No rental dwelling, rental unit, hotel unit or rooming unit shall be occupied prior to the issuance of a Certificate of Compliance.

1000.2 Standards for issuance of Certificate of Compliance. The City shall issue a Certificate of Compliance for a rental dwelling where the City finds that the

structure, rental dwelling, its units, accessory buildings and yards are in compliance with the provisions of this Chapter.

1000 .3 Validity of Certificate of Compliance.

- (1) *Six-year Certificate of Compliance.* A Certificate of Compliance shall be valid for no more than six (6) years. Each Certificate shall contain an expiration date. For any rental dwelling, a six-year Certificate of Compliance shall be issued provided:
 - (a) The property has been owned by the same owner since the last certification.
 - (b) The property has no recorded or verified violations since the last certification.
 - (c) The property owner contacts the City for a Certificate of Compliance inspection within ninety (90) days prior to the expiration of the current Certificate of Compliance.
 - (d) The property is registered prior to the expiration of the Certificate of Compliance.
 - (e) No outstanding fees, taxes, or assessments are assessed against the property.
 - (f) The previous Certificate of Compliance for the property was not a two-year certificate.
- (2) *Four-year Certificate of Compliance.* For any rental dwelling, a four-year Certificate of Compliance shall be issued provided:
 - (a) The property owner contacts the City for a Certificate of Compliance inspection within ninety (90) days prior to the current Certificate of Compliance expiration date.
 - (b) The property is registered prior to the Certificate of Compliance expiration date.
 - (c) The property is brought into compliance either prior to the Certification expiration date or within the time frame provided in the Notice of Violation, including deferred due dates. The Notice of Violation shall be issued before the Certificate of Compliance expires and shall serve as a temporary Certificate of Compliance.
- (3) *Two-year Certificate of Compliance.* For any rental dwelling, a two-year Certificate of Compliance shall be issued if all of the conditions of either a six-year Certificate of Compliance or four-year Certificate of Compliance required by Section 1000.3(1) or 1000.3(2) have not been met.
- (4) *Certification of newly-constructed rental dwellings.* A six-year Certificate of Compliance may also be granted for a newly-constructed rental dwelling, which has been granted a Use and Occupancy Permit by the City.
- (5) *Certification inspections.* All units shall be inspected in rental dwellings that contain sixteen (16) or more units and/or each parcel containing four (4) or more rental dwellings, except where:
 - (a) The property owner contacts the City for a Certificate of

Compliance inspection within ninety (90) days prior to the expiration of the current Certificate; and

- (b) The property owner registers the property prior to the current Certificate of Compliance expiration date. If both of the above conditions are met, only fifty (50) percent of the units shall be inspected. The units inspected shall be chosen at random by the inspector. For each unit where a violation is discovered, an additional unit shall be added to the total number of units inspected.

- (6) *Condominiums.* For purposes of this Chapter, a condominium is defined as a building or buildings that contain individually owned apartments, units, or homes where the interior maintenance is the responsibility of the unit owner and the exterior environment responsibility remains with the condominium association.

For the purpose of certification, the following shall apply:

- (a) If the owner lives in the condominium unit of which they are the owner and occupant, no certification or registration is required.
- (b) If the owner owns an individual unit of which they are not the occupant, the condominium will be considered a single-family rental and shall comply with all registration and certification requirements as that of other single-family rentals.
- (c) When the developer has condominiums for sale that are not sold but are rented or vacant, for purposes of this Article, shall be considered a multiple unit property for certification and registration purposes.

- (7) *Transfer of Certificate of Compliance.* A Certificate of Compliance is valid only while the owner that applied for the Certificate owns the property. A Certificate of Compliance may be transferred if:

- (a) The sale occurs within 365 days of the issuance of the Certificate of Compliance to the seller, and
- (b) The buyer notifies the City of the transfer of ownership within thirty (30) days of the sale. Such transferred Certificate will expire upon the date stated on the Certificate. A six-year Certificate of Compliance shall not be transferred to a new owner. A six-year Certificate, when transferred to a new owner within 365 days of the issuance of the Certificate of Compliance, shall revert to a four-year Certificate of Compliance.

1000.4 Suspension of Certificate of Compliance.

- (1) A Certificate of Compliance may be suspended when the City has cited a substantial violation of the provisions of this Chapter, and shall be suspended if a hazard to health or safety is found to be present. If a Certificate of Compliance is suspended, the suspension shall be noted in the Notice of Violation.

- (2) Failure of a buyer to notify the City of the change in ownership pursuant to the requirements of Section 1000.3(7)(b) shall result in suspension of the Certificate of Compliance. A new Certificate issued subsequent to a suspension shall be retroactive to the date of sale, with the owner responsible for all applicable fees from that date.
- (3) Where a Certificate of Compliance has been suspended, or when the premises have not been issued a Certificate of Compliance, the City may seek to suspend payments of rent, with such rents paid into an escrow account established pursuant to State law.

1000.5 Expiration of Certificate of Compliance. A Certificate of Compliance shall expire on the date stated on the Certificate. It shall be a violation of this Chapter for any unit in a rental dwelling to be occupied sixty (60) days after the expiration of the Certificate of Compliance.

1000.6 Renewal of Certificate of Compliance. The owner shall be responsible for registering a rental dwelling and arranging a compliance inspection prior to the expiration date on the Certificate of Compliance. When a Certificate of Compliance is reissued in accordance with this Chapter, it shall have a two-, four-, or six-year expiration date with the same month and day as shown on the previous Certificate regardless of the date that the new Certificate is actually issued.

1000.7 Certificate of Compliance not required. A Certificate of Compliance shall not be required for living or sleeping accommodations in jails, hospitals, skilled care facilities, school dormitories, assisted living facilities, foster homes, or where periodic inspections by the City are not otherwise required by law.

CHAPTER 11 ANIMALS

1101 Domestic Animals. If an occupant or owner keeps or allows domestic animals within a dwelling, in a yard, in a structure, or upon a property, the occupant or owner shall remove any odorous or unsanitary condition. The property owner shall be responsible for the repair of any damage to the dwelling, structure or yard caused by the animals and shall be responsible for any unsafe condition. For purposes of the Chapter, domestic animals shall mean any animal that the City determines is not likely to bite without provocation nor cause death, maiming or illness of a human, including but not limited to the following: bird (caged), cat (domestic), chinchilla, ferret, dog (domestic), fish, lizard (non-venomous), snake (non-venomous), spider (non-venomous or non-poisonous).

1102 Farm Animals. No farm animal shall be kept or allowed to be kept within any dwelling or dwelling unit or within one hundred (100) feet of any dwelling, dwelling unit, well, spring, stream, drainage ditch or drain. For purposes of this Chapter, farm animals shall mean any horse, swine, cattle, sheep, goat, llama, chicken, goose, duck or turkey. Farm animal also means any other Animal, raised for commercial profit, slaughter, or more than 2 breeder rabbits.

1103 Wild Animals. Any animal not a domestic animal or farm animal, as defined by this Chapter, is a wild animal, and shall not be kept or allowed on any property in the City of Grand Rapids.

CHAPTER 12 LEAD-BASED PAINT

1200 Lead-based paint. It shall be required to perform activities that identify the presence of lead violations in the interior and on the exterior of residential structures in which initial construction was completed prior to January 1, 1978, and such violations shall be addressed in keeping with local, state, and federal guidelines.

1201 Definitions. As used in this chapter, the following terms shall have the meanings indicated. All other terms related to the evaluation, control, and abatement of lead-based paint hazards are used as defined in the Michigan Lead Abatement Act.

- (1) *Michigan Lead Abatement Act* shall mean the State of Michigan statute that addresses the evaluation, control, and abatement of lead hazards, the licensing of lead professionals, and other State laws pertaining to lead hazards as found in the Michigan Public Health Code, Act 368 of 1978 Part 54A. References to the Act include the State's promulgated rules for implementation of the Act.
- (2) *Federal Statute* shall mean the federal statute that addresses the evaluation, control, and abatement of lead-based paint hazards in housing as found in 40 CFR Part 745 and 24 CFR Part 35, both entitled "Lead-Based Paint Poisoning Prevention in Certain Residential Structures."
- (3) *Clearance Examination* shall mean an activity conducted in compliance with the Work Practice Standards of the Michigan Lead Abatement Act, R225.9940 et seq., by third-party, certified personnel following lead-based paint hazard reduction and/or the repair of cited violations for which Renovation, Repair and Painting Program (RRP) certification is required to determine that the lead-based paint hazard reduction activities are complete and that no settled lead-dust hazards exist in the dwelling unit or worksite.
- (4) *Deteriorated Paint* shall mean any interior or exterior paint or other coating that, through a visual assessment, is found to be peeling, chipping, crazing, flaking, abrading, chalking or cracking, or any paint or coating located on an interior or exterior surface or fixture that is otherwise damaged or separated from the substrate, or a chewable surface that contains visual signs of chewing.
- (5) *Dwelling Unit* shall mean, for the purpose of this Chapter, a unit that meets one of the following criteria.
 - (a) A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation; or
 - (b) A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a

- unit, a toilet, lavatory and bathtub or shower; or
- (c) Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

A basement or attic that is accessible from inside a dwelling unit is considered to be part of the dwelling unit. Common areas and basements and/or attics that are only accessible through a common area or from the exterior of a residential property are not considered to be part of the dwelling unit.

- (8) *Evaluation* shall mean a risk assessment, a lead-dust screening, a lead-based paint investigation, paint testing, a clearance examination, or a combination of these to determine the presence of lead violations or lead-based paint.
- (9) *Lead-Based Paint Enforcement Threshold* shall mean the measure of deteriorated paint inside a dwelling unit not to exceed:
- (a) Two (2) square feet in any one interior room or space, or
 - (b) Ten percent (10%) of the total surface area on an interior component type with a small surface area (such as windowsills, baseboards, or trim). When determining if a deteriorated lead-based paint violation is interior or exterior as it relates to windows, in addition to that portion of the window component that faces the interior, all exterior-facing portions of the window component, except for the exterior frame or trim, are considered to be interior.
- (10) *Lead-Based Paint Hazard Reduction Activities* shall mean measures designed to reduce or eliminate human exposure to lead hazards through methods including interim controls or abatement or a combination of the two conducted in compliance with the Work Practice Standards of the Michigan Lead Abatement Act, R325.99401 et seq.
- (11) *Lead-Based Paint Violation* shall mean any deteriorated paint condition in pre-1978 housing subject to the presumptions and obligations in Section 1202.
- (12) *Lead-Dust Violation* shall mean the presence of lead content in household dust exceeding the current standards set forth in Section 1206(1)(e) as determined by a dust wipe taken in accordance with Section 1206(1).
- (13) *Lead Violation* shall mean the presence of lead-based paint violation, lead-dust violation, or bare soil located within thirty (30) inches of the foundation wall of any pre-1978 residential structure subject to the presumptions and obligations of Section 1202. For the purposes of this ordinance, lead in drinking water or consumer products are not considered to be lead violations.
- (14) *Lead-Dust Screening* shall mean a limited lead-based paint and lead-dust activity that is required for all pre-1978 residential rental properties that pass visual inspection and to assure that the lead

content in household dust falls below the levels as prescribed in Section 1206 (1)(e). A lead-dust screening includes a visual inspection for failing paint above the lead-based paint enforcement threshold and/or other lead-based paint and lead-dust violations. A lead-dust screening includes the collection of a limited number of dust wipes as required in Section 1204 and the issuance of a "Lead Dust Screening Report" for the purposes of monitoring lead-safe property maintenance.

- (15) *Residential Property* shall mean property zoned for living or dwelling for individuals or households that include one or more dwelling units. The residential property includes any common areas, building exterior surfaces, and any surrounding land, including outbuildings, fences and play equipment affixed to the land, belonging to an owner and available for use by residents.
- (16) *Residential Structure* shall mean any structure on a residential property, including but not limited to, a house, garage, building, outbuildings, or fence.
- (17) *Renovation, Repair and Painting Program (RRP)* shall mean the U.S. Environmental Protection Agency (EPA) statute (40 CFR Part 745) that requires certification for all home improvement contractors, property management firms, handypersons or others compensated for renovation work that involves window replacement or that disturbs more than six (6) square feet of interior and/or twenty (20) square feet of exterior paint or surface coating in pre-1978 residential housing and child-occupied facilities. This EPA requirement also applies to rental property owners working on rental properties. The individual must complete training, use safe work practices, and verify that the work area is clean after completion of renovations, all of which are defined by the federal statute.
- (18) *Visual Assessment* shall mean a visual examination of all surfaces within the dwelling unit. A visual assessment shall not be considered to be complete if the examining individual is locked out or otherwise prevented from inspecting any room or space within the dwelling unit. For the purpose of determining whether or not a deteriorated lead-based paint violation is interior or exterior as it relates to windows, in addition to that portion of the window component that faces the interior, all exterior-facing portions of the window component, with the exception of the exterior frame or trim, are considered to be interior.
- (19) *Worksite* shall mean an interior or exterior area where lead-based paint hazard reduction activity takes place. There may be more than one worksite in a dwelling unit or at a residential property.

1202 Presumptions and obligations.

- (1) Presumptions.
 - (a) For purposes of this Chapter, all paint on the interior or exterior of any residential structure on which the original construction was completed prior to January 1, 1978, shall

be presumed to be lead-based.

- (b) Loose paint particles shall be presumed to be a lead violation. If the loose paint on the cited surface can be satisfactorily demonstrated to not contain lead, no lead violation shall exist.

(2) Obligations.

- (a) Any person seeking to rebut these presumptions shall establish through the means set forth in 1205 that the paint on the residential structure in question is not lead-based paint.
- (b) Residential rental dwellings shall be maintained free of deteriorated paint exceeding lead-based paint enforcement threshold.
- (c) Residential rental dwellings shall be maintained free of lead-dust violations.

1203 Lead violations.

1203.1 Deteriorated lead-based paint violation. The interior of any residential structure on which the original construction was completed prior to 1978, shall be maintained in a condition such that the paint thereon does not become deteriorated paint exceeding the lead-based paint enforcement threshold of this Chapter.

1203.2 Bare soil violation. From May 1 through October 31, bare soil located within thirty (30) inches of the foundation wall of any residential structure is prohibited and shall be presumed to be a lead violation. Such presumed lead violation shall be corrected by proper installation of dense vegetation, permanent paving material, or a minimum six-inch deep cover of loose material such as bark, wood chips, or stone, unless the owner provides testing performed by a Risk Assessor or Lead Paint Inspector that the cited soil does not contain lead hazards as defined by federal statute (40 CFR Part 745 Subpart D Section 745.6(4)(c)).

1203.3 Loose paint particles, removal required. The owner of a dwelling or dwelling unit shall not allow loose paint particles in the interior or exterior of a dwelling or dwelling unit.

1203.4 Lead-dust violation. A lead-dust violation shall be identified and cited in accordance with the procedures set forth in Section 1204.

1203.5 Lead-dust sampling violation. A lead-dust sampling violation shall be cited upon a failure by an owner of a residential property to timely cause dust samples to be taken and certified test results to be submitted to the Department in accordance with the procedures set forth in Sections 1204 and 1206.

1204 Inspections for lead violations.

1204.1 Inspections for lead violations for Certificate of Compliance. All inspections performed on pre-1978 properties to obtain a Certificate of Compliance shall include a visual assessment for deteriorated paint and bare soil violations in accordance as follows:

- (1) When the visual assessment identifies no interior deteriorated lead-based paint violation in rental dwellings, the owner shall cause dust

samples to be taken and certified test results to be obtained in accordance with the protocols established for a lead-dust screening in Section 1206 to determine whether a lead-dust violation exists. For rental dwellings containing sixteen (16) or more dwelling units, the owner shall cause dust samples to be taken in units inspected.

- (2) The owner shall cause dust samples for the lead-dust screening to be taken and shall submit all certified test results to the Department prior to the renewal of a Certificate of Compliance under Chapter 10. If all certified results are not submitted within the specified time, a lead-dust sampling violation shall be cited. Where dust sample results are greater than or equal to the levels permitted in Section 1205(1)(e), they shall be cited and additional dust wipe samples shall be taken in the subject areas following cleaning and other lead-dust reduction activities until all said areas are found to be below the listed thresholds.

1204.2 Inspections for lead violations upon complaint. The Department may cite deteriorated lead-based paint (Section 1203.1), bare soil (Section 1203.2), and loose paint particles (Section 1203.3) upon complaint.

1205 Remedy for violations. Following a visual assessment which results in the citation of a deteriorated lead-based paint violation, the violation may be removed only by one of the following methods:

- (1) Certification by a lead-based paint inspector or risk assessor that the residential property has been determined not to contain lead-based paint through a lead inspection conducted in accordance with the Work Practice Standards of the Michigan Lead Abatement Act, R325.99401 et seq.
- (2) Certification by a lead-based paint inspector or risk assessor that all cited violations of Section 1203 have been abated, or interim controls implemented, and clearance has been achieved in accordance with standards found in Section 1206; provided, however, that the residential property has been inspected pursuant to those standards after the deteriorated paint or lead-dust violation was last cited, including a full visual assessment.

1206 Standards for lead safety inspection and report.

- (1) The following standards are required for the dust sampling for a lead-dust screening required by Section 1204:
 - (a) Qualified personnel. Whereas the lead-dust screening by itself does not meet the State standard for clearance, the lead-dust screening shall only be conducted by a state-certified lead inspector, risk assessor, or any similar state-certified personnel that have been trained and certified to collect dust samples for the purposes of conducting clearance pursuant to the Certified Individuals and Firms section of the Michigan Lead Abatement Act, R325.99301 et seq., and whose approval to conduct such dust wipe tests in the city is not subject to State or local suspension or

revocation.

(b) Examination requirements. Dust samples shall be collected and analyzed in accordance with this section.

1. Dust samples shall be wipe samples taken on interior windowsills and floors, excluding open porches.
2. Dust samples shall be taken from each of no more than four rooms. The selection of rooms to be tested, where applicable, shall include no less than one bedroom and the living room. At least one wipe sample shall be taken from a windowsill with a paint history, if present, and one from a floor in each room. Where there are less than four rooms, then all rooms shall be sampled.
3. The method for collecting dust samples shall include:
 - (i) Laying out the sample area by using a template or tape to outline the area;
 - (ii) Labeling each tube with its own identification number to be recorded on the sample collection form;
 - (iii) Putting on clean gloves before taking each sample; and not touching anything other than the wipe after putting on the gloves;
 - (iv) Using an unused wipe to sample the entire area inside the template or tape as follows:
 - (a) Starting in the upper corner of the sample area, use a side-to-side motion, wiping the entire area, pressing firmly with the fingers;
 - (b) Fold the wipe sample in half, dirty side in;
 - (c) With the clean side of the sample and starting at the upper corner, use a top-to-bottom motion, wiping the entire area, pressing firmly with the fingers;
 - (d) Fold the wipe sample in half again, dirty side in;
 - (e) With the clean side of the sample, wipe around the entire perimeter, cleaning the corners, fold the sample; and
 - (f) Place the folded wipe sample in the tube.
 - (v) Writing down the measurements of the

- sample area on the collection form;
 - (vi) Cleaning the sampling equipment after each wipe sample is taken;
 - (vii) Forwarding wipe samples to an authorized laboratory.
4. Dust samples shall be analyzed by a laboratory recognized by the EPA pursuant to the Toxic Substances Control Act as being capable of performing analysis for lead compounds in dust samples.
- (c) Coordination with federal and state-funded lead abatement projects. For properties participating in lead abatement activities funded by U.S. Department of Housing and Urban Development or funding administered by the Michigan Department of Health and Human Services, a clearance examination conducted in compliance with the Work Practice Standards of the Michigan Lead Abatement Act, R325.99401 et seq., shall meet the required activities standard of this section.
- (d) Report. The certified person or firm completing the lead-dust screening shall submit directly to the City a report that is prepared according to this section.
1. The report shall include the following information:
 - (i) The address of the residential property and, if only part of a multifamily residential property is affected, the specific dwelling units and common areas affected;
 - (ii) The date(s) of the examination;
 - (iii) The name, address, and signature of each person performing the examination, including the person's State certification number;
 - (iv) The results of the visual assessment for the presence of deteriorated paint and visible dust, debris, residue or paint chips;
 - (v) The results of the analysis of dust samples, in ug per square foot, by location of sample; and
 - (vi) The name and address of each laboratory that conducted the analysis of the dust samples, including the identification number for each such laboratory recognized by the EPA pursuant to the Toxic Substances Control Act.
 2. The report must be for required activities conducted no more than 90 days prior to the expiration date of

the Certificate of Compliance, or one year if coordinated with a federal or state-funded lead abatement project as described in Section 1206 (1)(c).

- (e) Lead-dust screening dust standards. Where dust sampling is required by Section 1204, local lead-dust standards will apply and shall be the same as the December 2022 EPA lead hazard standards. These local standards are subject to change.
 - 1. Dust sample results shall be less than:
 - (i) For floors: 10 ug/ft²;
 - (ii) For windowsills: 100 ug/ft²; and
 - 2. Where dust sample results are greater than or equal to the levels above, additional dust wipe samples shall be taken in the subject areas until all said areas are found to be below the listed thresholds.
- (2) Standards to remedy Section 1205(2) deteriorated lead-based paint violations shall comply with the following:
 - (a) Qualified personnel. A clearance report shall only be issued by state-certified lead inspector, risk assessor, clearance technician, or any similar state certified personnel permitted to collect dust samples for evaluation pursuant to the Work Practice Standards of the Michigan Lead Abatement Act, R325.99401 et seq.
 - (b) Examination and report. Examination procedures and report preparation must follow the procedures set forth in the Work Practice Standards of the Michigan Lead Abatement Act, R325.99401 et seq.
 - (c) Clearance standards. The standards for clearance of abatement activities shall follow the Federal statute (40 CFR Part 745 Subpart L-Lead-Based Paint Activities, 745.227).
- (3) Validity of wipe test results. For the purposes of meeting the requirement in Section 1204, the results of all successful wipe tests shall be valid for the period of the current Certificate of Compliance unless a subsequent inspection of the dwelling unit conducted by a government entity or their contractor identifies a lead-dust violation, which would immediately cause the previous wipe test results to be invalid.
- (4) Requirement to avoid conflict of interest. All lead-dust screening and clearance examinations shall be performed by state-certified persons and entities independent of those who have an ownership or other financial or business interest in the residential property cited. In no instance shall entities conduct lead-dust screening activities for another person or entity that provides services in return.
- (5) Consistency and compliance efforts. Random audits may be

performed on third-party service providers to ensure consistency and compliance with the required lead-dust screening and clearance standards. Non-random audits may also be performed based on a reasonable suspicion that a third-party service provider is not providing proper tests. Reasonable suspicion includes, but is not limited to, complaints received about the provider or about a specific residential property inspected by the provider. If the audit results indicate noncompliance with these standards or otherwise call into question the integrity of the individual or firm to satisfy the requirements of this section, the code official may reject individual reports and may bar individuals, corporations, and/or associations from submitting reports in the future. The code official will set forth the reason for rejection and/or barring in writing to the issuer of the reports and any other affiliated persons, corporations and/or associations.

1207 Lead-based paint hazard reduction activities and control. Any person disturbing or removing paint, or in any other way generating excessive dust or debris during work, on the interior or exterior of any residential structure on which construction was completed before 1978, must use lead-safe work practices as described and regulated in the federal statute. All interim controls and maintenance activities must comply with the Renovation, Repair and Painting Program (RRP). If interim controls are part of a wider abatement project, they must also comply with the requirements of the Michigan Lead Abatement Act. All abatement activities must be conducted according to the requirements of the Michigan Lead Abatement Act.

1208 Exemptions.

- (1) The requirements of Section 1203.4 and Section 1203.5 shall not include:
 - (a) Single-family, owner-occupied dwellings.
 - (b) Any rental dwelling that is designated for occupants fifty-five (55) years of age or older and is in compliance with the housing for older persons exemption under the Fair Housing Act.
 - (c) Hotel and motel rooming units that are not extended stay facilities.
- (2) Any rental dwelling exempt under Section 1000.7 of this Code. This exemption does not exempt a residential property from a dust sampling required by any other local, state, or federal law, rule, or regulation.

1209 Occupant protection.

- (1) Occupants shall not be permitted to enter the worksite during lead-based paint hazard reduction activities or RRP-regulated maintenance activities (unless they are employed in the conduct of these activities at the worksite) until after lead-based paint hazard reduction activities or RRP-regulated maintenance activities have been completed, including until any required clearance has been

- achieved.
- (2) Occupants shall be temporarily relocated during interior lead-based paint hazard reduction activities or RRP-regulated maintenance activities where the occupants do not have safe daily access to sleeping areas, bathroom, and kitchen facilities for more than eight (8) hours. The occupant shall not be permitted reentry until any required clearance examination can be successfully completed on the occupant's unit.
 - (3) During relocation, the dwelling unit and the worksite shall be secured against unauthorized entry. Occupant belongings shall be protected from contamination by lead-dust and debris during lead-based paint hazard reduction activities or RRP-regulated maintenance activities. Occupant belongings in the containment area shall be relocated to a safe and secure area outside the containment area or covered with an impermeable covering with all seams and edges taped or otherwise sealed.

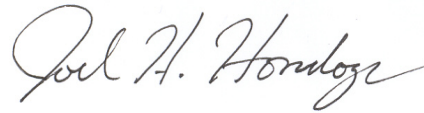
1210 Coordination with local public health. The Department may provide reasonable assistance to government agencies working to address lead exposure in housing where an active investigation is being conducted and a child with an elevated blood lead level resides or is known to frequent. These government agencies shall include, but are not limited to, the Kent County Health Department (KCHD), the Michigan Department of Health and Human Services (MDHHS), the U.S. Environmental Protection Agency (EPA), and the U.S. Department of Housing and Urban Development (HUD).

- (1) A Certificate of Compliance may be suspended upon a government entity providing evidence that lead dust exceeding the standards set forth in Section 1206(1)(e) exists at the property.
 - (a) Evidence for suspension. To suspend the Certificate of Compliance, the City must receive evidence within thirty (30) days of inspection. This evidence shall be a copy of a lead risk assessment or other related lead evaluation report(s) conducted by or on behalf of the government entity. Those reports must be prepared by personnel certified by the State to conduct lead evaluation activities pursuant to the Certified Individuals and Firms section of the Michigan Lead Abatement Act, R325.99301 et seq.
 - (b) Reinstatement of Certificate of Compliance. The Certificate of Compliance will not be reinstated until subsequent clearance of the specific lead violations cited in the provided report has been documented. This documentation must be received directly from a government agency and/or an independent and appropriately State-certified lead evaluation professional. The expiration of the reinstated Certificate will be the same as the original Certificate.
- (2) A new or renewed Certificate of Compliance may be denied for any residential property currently under orders to abate lead hazards from

a government agency.”

Section 5. That this ordinance shall be effective as of January 1, 2024.

I hereby certify that the foregoing is a true transcript of the action of the City Commission of the City of Grand Rapids, Michigan, in public session held June 13, 2023.

A handwritten signature in cursive script, reading "Joel H. Hondorp".

Joel H. Hondorp, City Clerk