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House Local Government Committee Considers Bill Sought By East Lansing Landlords ^[1]

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By:

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Above: rental houses in the Oakwood and Bailey neighborhoods

Yesterday, after considering proposed legislation HB 5041 ^[2] at a meeting of the Local Government Committee of the Michigan House of Representatives, the Committee's chair, Rep. Lee Chatfield, said he hoped to report out the bill on December 9 and send it to the House floor. The bill would allow East Lansing owners of "nonconforming" rental properties to make more improvements to their properties, stripping East Lansing city government of its authority to make policy on this matter.

The bill was introduced by the Committee chair, Rep. Lee Chatfield, on November 3, election day, and a hearing on the bill was held the next day, at which nine landlords "all from East Lansing" attended to support the measure. (Read more. ^[3])

At the Committee's meeting yesterday, Rep. Sam Singh, who represents East Lansing in the House, asked the Committee to postpone action on the measure until at least the spring of 2016. He informed the Committee that the new East Lansing City Council is considering changes to what landlords can do to their properties and asked for time for the City government to find a solution, working hand-in-hand with local landlords.

Rep. Singh explained that East Lansing's newly-elected mayor, Mark Meadows, introduced Ordinance 1361 ^[4] on November 17. This ordinance has been referred to the Planning Commission, Housing Commission, and University Student Commission for them to provide their recommendations to the City Council. Ordinance 1361 would expand the types of renovations to nonconforming properties that would be allowed, but not as much as would the proposed House bill. In addition, Mayor Meadows plans to create a new ad hoc committee on this issue to make recommendations directly to the City Council.

At the meeting yesterday, East Lansing City Manager George Lahanas assisted Rep. Singh in answering questions from Committee members, including about when the City might decide on changes to its nonconforming properties policy. He suggested that the ad hoc committee might begin its work after January, when the draft Comprehensive Plan is ready.

Rep. Singh also explained what the current East Lansing code already allows, about which he said there seemed to be some misunderstanding at the previous hearing. He shared information from a new memo ^[5] from Planning Director Tim Dempsey to City Manager George Lahanas explaining that landlords of nonconforming properties may repair or replace (1) electrical, plumbing and mechanical systems; (2) roofs, siding, windows, porches, shutters, gutters, and downspouts; (3) flooring, doors, wall surfaces, lighting, and associated hardware; (4) bath and kitchen remodels ? cabinetry, countertops, sinks, tubs, showers, toilets, and fixtures; and (5) structural walls, beams, columns, etc. provided they are not moved to alter current floor plans.

Rep. Singh mentioned that he understood that Rep. Chatfield has prepared an amendment that would limit the impact of HB 5041 to East Lansing. The amendment, which was not introduced at the meeting but could be used at meeting on December 9, would limit the bill to ?municipalities ?where a university with 45,000 or more students is also located and where 30% or more of the residential properties are nonconforming.?

Rep. Chatfield (Republican ? Emmet, Chippewa, and Mackinac Counties) invited the three landlords who spoke in favor of the bill on November 4 - Mark Fisk, Matt Hagan, and Nancy Marr - to speak again in order to address issues raised in the meeting. Fisk said landlords have been pushing for change for five years and that there has not been the will by East Lansing City government to make changes; if city government wanted to change policy, they would have done it by now. That was why the landlords had come to the House to seek a change to the state law, Fisk stated.

Rep. Moss (Democrat ? Southfield) responded to Fisk's comment by pointing out that it is the role of municipal government to set local policy.

Chair Chatfield explained his motivation for introducing and wanting to act on this bill. He said East Lansing city government had known about the landlords' concerns for years, and he

questioned the sincerity and truthfulness of people who were asking for the City of East Lansing to have more time to act itself on these issues. Furthermore, he argued that the issue needed to be addressed by the state legislature because landlords were being denied their property rights, which are constitutionally protected.

Rep. Heise (Republican - Plymouth) said that the Committee's voting out the bill would provide further incentive for the city of East Lansing to address this issue locally and give the state legislature "a very important chip on the table that we can play with." He argued that the Senate would still have to act even after a House floor vote.

Before ending the meeting so members could attend a legislative session, the Chair identified other people who had requested to testify. These included five people who opposed HB 5041 - a representative of the Michigan Chapter of the American Planning Association and four East Lansing residents, including the presidents of the Bailey and Pinecrest neighborhood associations. Also, a representative of the Michigan Municipal League completed a card in opposition to the bill. One additional landlord, Jeffrey Hudgins, completed a card in support of the bill.

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