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By:

Alice Dreger



Above: Council Member Aaron Stephens and Mayor Mark Meadows on Election Day, August 2018.

East Lansing's City Council is poised to outlaw the practice of East Lansing landlords who require renters pay more than one month's rent at a time. Council Member Aaron Stephens asked the City Attorney to draft a revised local ordinance, and it appears that the rest of Council supports Stephens' move and are likely to vote in favor of that revision ^[2].

At this Tuesday's non-voting meeting, Stephens said he had asked for this legislation because, as an MSU student, he was required by his landlord to pay his rent in three-to-four-month blocks. This meant putting up thousands of dollars every few months to keep his lease. He said he was concerned about those still subject to this practice.

According to Stephens, some people say students could just avoid landlords with this practice. But, he says, the tight housing market in East Lansing has made it hard for students to have much choice or bargaining power.

At Tuesday's meeting, City Attorney Tom Yeadon said that, when Stephens asked him to draft the ordinance, he "had some trepidation" because the ordinance would seem to be a case of "interference with contractual rights."

But upon further research, Yeadon found that the practice is already illegal under State law. He said that courts have interpreted State law to mean landlords cannot charge more than one month's rent at a time and that they cannot charge more than a month-and-a-half's rent for a security deposit.

Yeadon explained to Council on Tuesday that tenants are a protected class entitled to some special protections because of their lack of bargaining power. He said Mayor Mark Meadows had asked for some additional work on the draft ordinance, which had been incorporated.

Specifically, Meadows asked for the potential to levy sanctions and even take away a landlord's license if practices were found to be particularly egregious.

The goal of the ordinance's wording, Stephens said, is to handle these matters in a way that avoids retribution against renters. Council Member Shanna Draheim suggested that City staff who work in housing work on educating renters about these provisions.

Mayor Pro Tem Erik Altmann asked why, if State law prohibits this practice, East Lansing needs a law to also prohibit it.

Yeadon responded that a local law gives local control "specifically that it allows the City to have "some teeth to take this up where a tenant might not have the resources" to challenge a landlord. He said it would also help to "publicize illegal practices."

Altmann asked if without this ordinance, the City could not act to stop this behavior. Yeadon said that it would otherwise be a civil action between a landlord and a tenant, and the City would "have no place in the relationship."

Council Member Ruth Beier asked if the issue of students being asked to sign leases almost a year in advance of renting had been looked at as well. Meadows said that East Lansing's University Student Commission had "spent about a year looking at that" and ultimately found that could not be regulated.

Yeadon agreed, saying that would not constitute attempted regulation of a ?legitimate governmental interest.? He advised limiting the ordinance to what would not put it at high risk for legal challenge.

Asked by Beier if he had any concerns about the drafted ordinance, Yeadon said he thought some of the behaviors that could technically trigger license suspension might make the ordinance ?challenge-able? because some penalties might be seen as too severe for the violation. But, he said, ?that is the only concern? he has.

Meadows said that East Lansing?s Housing Commission would be able to decide which acts on the part of landlords it could pursue with prosecution, suggesting it would not pursue relatively trivial issues like too-small font size on leases. He also said he was surprised that the State law prohibition on charging months of rent at a time had not been noted in East Lansing before this.

Meadows said he didn?t want to name names about which landlords were engaged in this illegal practice, ?but we?re not talking about mom and pop landlords here. We?re talking about the big landlords here. A lot of money has gone into their coffers that should not have.?

Meadows said he was concerned for the students but also the parents who had been subject to this practice.

Stephens thanked the City Attorney and Mayor for their help on the ordinance draft.

City Council is likely to vote next week to set a public hearing for this ordinance, with that public hearing likely happening on November 7. At that public hearing, Council may elect to further revise the ordinance and may choose to vote on it.

Comments on this and any other matter can be made at City Council meetings during public comment periods, and written communication can be sent to Council via email to council@cityofeastlansing.com ^[3].

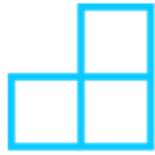
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