

CHAPTER 105
(GREEN RENTAL HOUSING)

AN ORDINANCE TO ADD SECTIONS 8:532 THROUGH 8:539 TO CHAPTER 105 (HOUSING CODE) OF TITLE VIII (BUILDING REGULATIONS) OF THE CODE OF THE CITY OF ANN ARBOR (GREEN RENTAL HOUSING)

The City of Ann Arbor ordains:

Section 1: That Sections 8:532 through 8:539 of Chapter 105 of Title VIII of the Code of the City of Ann Arbor (Green Rental Housing) be added as follows:

8:532. - Legislative Purpose.

The purpose of Sections 8:532 through 8:539, which shall be known as the “Green Rental Housing Ordinance,” is to promote consumer protection for renters and the health, safety, and welfare of City residents, through energy efficiency measures, to reduce the greenhouse gas emissions produced by rental housing in Ann Arbor. This information is designed to enable more knowledgeable decisions about the full costs of living in rental housing, lower utility bills, and to reduce carbon emissions.

8:533. - Definitions.

The following definitions apply in the interpretation and enforcement of Sections 8:532 through 8:539 in addition to the definitions set forth in Section 8:500 of Chapter 105 above:

- (1) *Appliance*: A dishwasher, dryer, range, stove, washer, or water heater.
- (2) *Asset Rating*: The Energy Efficiency Score or the Home Energy Rating System Score.
- (3) *Checklist Pathway*: The option of achieving a minimum Energy Efficiency Score based upon the Green Rental Housing Checklist set forth in the Green Rental Housing Regulations.
- (5) *Director*: The Director of the Office of Sustainability and Innovations or their authorized designee.
- (6) *Energy Efficiency Score*: The total number of points a Dwelling or Dwelling Unit receives for participating in or completing items on the Green Rental Housing Checklist.
- (7) *Energy Star Certified Product*: Any product that has an Energy Star label to show the product has met strict standards for energy efficiency as set by the United States Environmental Protection Agency.
- (8) *Green Rental Housing Checklist*: The checklist, adopted in the Green Rental Housing Regulations, from which an Owner or Agent may select items to participate in or complete to achieve a minimum Energy Efficiency Score through the Prescriptive Pathway to compliance.

(9) *Heating/Cooling System*: A furnace, air conditioner, or heat pump (air source or geothermal).

(10) *Home Energy Rater*: A person who is certified as a home energy rater by Residential Energy Services Network (RESNET) to determine home energy performance scores for residential Dwellings and Dwelling Units.

(11) *Home Energy Rating System Assessment Pathway*: The option of utilizing a Home Energy Rating System Score as a method to satisfy the Green Rental Housing requirements of Section 8:536.

(12) *Home Energy Rating System Score*: The score and associated report documenting the results and suggestions for improvement prepared by a Home Energy Rater in compliance with HERS Index Score Standard.

8:534. - Green Rental Housing Regulations.

The Director shall adopt regulations implementing Sections 8:532 through 8:539, which shall include the Green Rental Housing Checklist for the Checklist Pathway to compliance. The regulations shall take effect 30 days after being filed with the City Clerk unless modified or disapproved by the City Council.

8:535. - Applicability.

Except as otherwise provided herein, the provisions of Sections 8:532 through 8:539 shall apply to all Dwellings and Dwelling Units in the City of Ann Arbor without regard to whether these were constructed before or after the effective date of Sections 8:532 through 8:539. Sections 8:532 through 8:539 do not apply to owner-occupied single-family attached and detached homes, homes for the aged which are licensed by the State of Michigan, and Short-term Rentals as defined by Chapter 97, Section 7:651 of the City Code.

8:536. - Requirements for Energy Efficiency in Rental Dwellings and Dwelling Units.

(1) Energy Efficiency. Prior to each periodic rental housing inspection required by Section 8:511 of Chapter 105, each Dwelling or Dwelling Unit must achieve a minimum Asset Rating by complying with either the Checklist Pathway or the Home Energy Rating System Assessment Pathway as set forth below:

(a) Checklist Pathway. A Dwelling or Dwelling Unit must achieve a minimum Energy Efficiency Score based upon completing any combination of items from the Green Rental Housing Checklist to achieve a minimum Energy Efficiency Score as follows:

- i. Period 1: Six (6) months after the Effective Date of Sections 8:532 through 8:539, a Dwelling or Dwelling Unit must achieve a minimum Energy Efficiency Score of 30/220.

- ii. Period 2: Three (3) years after the Effective Date of Sections 8:532 through 8:539, a Dwelling or Dwelling Unit must achieve a minimum Energy Efficiency Score of 80/220.

Prior to the periodic inspection required by Chapter 105, Section 8:511, the Agent or Owner of a Dwelling or Dwelling Unit must submit a testament to the City's Rental Housing Services that the Dwelling or Dwelling Unit has achieved the minimum Energy Efficiency Score; or

(b) Home Energy Rating System Assessment Pathway. Six (6) months after the Effective Date of Sections 8:532 through 8:539, a Dwelling or Dwelling Unit must undergo a Home Energy Rating System (HERS) assessment by a licensed Home Energy Rater and achieve a minimum Home Energy Rating System Score of 110.

Prior to the periodic inspection required by Chapter 105, Section 8:511, the Agent or Owner of a Dwelling or a Dwelling Unit must submit the Home Energy Rating System Score to the City's Rental Housing Services.

(2) Energy Disclosure. The result of either Pathway used to achieve compliance shall be made available to the public via the Building Department's online permitting system.

8:537. - Waiver from the Green Rental Housing requirements.

(1) An Owner or Agent of a Dwelling or Dwelling Unit may request a waiver from the Green Rental Housing requirements of Section 8:536 in writing. The Owner or Agent shall submit to the Director any documentation reasonably necessary to substantiate the request or otherwise assist the Director in the waiver determination. Any waiver granted will be limited to the periodic inspection for which the request was made and does not extend to future periodic inspections.

(2) The Director may, in their sole discretion, waive the Green Rental Housing requirements if they determine that an Owner or Agent cannot meet them due to one of the following conditions:
(a) a low-income qualified Owner; or (2) a special circumstance unique to the Dwelling or Dwelling Unit for which compliance would cause undue hardship to the Owner.

(3) Waiver requests must be received by the Director no later than thirty (30) business days prior to the date of inspection. Requests must be submitted:

(a) By email with the subject "City of Ann Arbor Green Rental Housing Waiver Request" to sustainability@a2gov.org; or

(b) By hard copy to: Attn: Green Rental Housing Waiver Request, Office of Sustainability and Innovations, 301 E. Huron Street, Ann Arbor, MI 48104

Upon receipt of the waiver request, the Director will provide a receipt to acknowledge receiving the waiver request. The Director shall review and decide each waiver request within 14 days of receipt. A decision on a waiver request may be appealed to the City Administrator by submitting a written appeal to the Director along with any supporting documentation within 7 days from the date of the decision.

8:538.- City Maintenance of Records.

The Director shall maintain all records submitted in compliance with Section 8:536 for a period of 8 years.

8:539. Enforcement and Penalties.

(1) A violation of any provision of Section 8:536 is a civil infraction punishable by a fine of \$500.00 for a first offense, and \$1,000.00 for each additional or subsequent offense, plus the costs of prosecution including court costs. Each act or violation and every day upon which any such violation shall occur shall constitute a separate offense. Violations shall be enforced by the Office of Sustainability and Innovations and/or Building and Rental Services Unit Employees. The court may issue and enforce any judgment, writ, or order necessary to enforce Section 8:536.

(2) Knowingly submitting a false testament or Home Energy Rating System Score or submitting either with reckless disregard for its truth and accuracy is a civil infraction punishable by a fine of not more than \$500.00 plus the costs of prosecution, including court costs.

(3) The remedies set forth in this Section are not exclusive. In addition to any remedies provided in this Section, the City may also seek equitable relief or other remedies.

Section 2. Effective Date. This ordinance shall take effect and be in force on and after ten days from publication thereof as provided for in the Charter of the City of Ann Arbor.