

Rental Inspections Under Attack in Michigan – An Examination of Landlord and
Tenant Opinions in Niles, MI

Executive Leadership

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CERTIFICATION STATEMENT

I hereby certify that this paper constitutes my own product, that where the language of others is set forth, quotation marks so indicate, and that appropriate credit is given where I have used the language, ideas, expressions, or writings of another.

Signed: _____

ABSTRACT

Though, the Niles Fire Department has conducted a rental property inspection program for many years, the opinions of the landlords and tenants that the program effects were not known.

The purpose of the study was to evaluate the opinions of each group and attempt to determine any differences relating to socioeconomic divisions. An evaluative research method was used to answer several questions. First, what were the opinions of Niles residents who make their homes in rental property? Next, how were those opinions in contrast with local property owners who rent residential property? Finally, what variations occurred from neighborhood to neighborhood?

The procedures used to complete this research included a review of fire service literature, fire and building department records, internet research, and an opinion study mailed to both tenants and landlords. The results of this research identified overwhelming stakeholder support of the program. The results did not however show any major opinion differences based on socioeconomic considerations.

Recommendations included the inclusion of internet contact information on the annual rental registration documents to streamline future information requests from landlords. Study impact of a policy change that included modifications to the current inspection schedule that allow for extensions based on past performance. Finally, to furnish a copy of the study to State of Michigan Legislators and select service organizations involved in a debate over inspections.

TABLE OF CONTENTS

Abstract.....	3
Table of Contents.....	4
Introduction.....	5
Background and Significance.....	6
Literature Review.....	10
Procedures.....	18
Figure 1...Returned Survey's By Zone.....	22
Results.....	22
Figure 1...Average Rent By Zone.....	23
Figure 2...Inspection Interval Opinions.....	25
Figure 3...Should Inspections Be Performed.....	30
Discussion.....	33
Recommendations.....	38
References.....	40
Appendix A...Niles Median Family Income Map	42
Appendix B...Study sample areas	43
Appendix C...Study Tenant Survey Form	44
Appendix D...Study Landlord Survey Form	45
Appendix E...Survey Cover Sheet	46

INTRODUCTION

The City of Niles is an older Midwestern community that has had many of its neighborhoods converted from single-family owner occupied to multi-family rental uses over the last few decades. In September of 1992, the general condition of the areas housing stock, especially rental properties, had begun to show signs of wear. Data showed close to 40 percent of the City's residential property was serving as rental property also concerned local leaders. (United States Census Bureau, 2000) To stem this trend the community enacted a local rental property ordinance which provided for the inspection, and subsequent enforcement of local property maintenance codes, in all rental property. (Niles City Codes, 2005)

The Niles Fire Department was requested to develop a rental inspection program that would maintain the housing stock as well as assure safe housing for Niles tenants. This program was analyzed in the 2004 Applied Research Project entitled "The Evaluation of Fire Department Rental Inspections in Niles Michigan: Are They Effective in the Prevention of Residential Fires." This study examined the effectiveness of the rental inspection program in preventing fires. It found that the community had realized a 46 percent decrease in fire occurrence from 1983 – 2003 in rental property, while owner occupied housing had little reduction over the same period.

The problem is that the Leadership of the Niles Fire Department does not know the opinions of Niles landlords and tenants. In May 2005, the State of Michigan House of Representatives began to debate a bill in the State

Legislature that would limit a local government's ability to provide these inspections. (Michigan Municipal League, 2005) If the law is enacted it would seriously limit the regularity of inspections across the state, including the Niles Fire Department Rental Inspection Program. With the City's long time participation in this type of program, the author felt the data collected could be very helpful in the ensuing debate.

The research would follow an evaluative method and attempt to find the answers to the following questions. First, what are the opinions of Niles citizens who make their homes in rental property? Next, how are those opinions in contrast with local property owners who rent residential property? Finally, what variations occur from neighborhood to neighborhood?

BACKGROUND & SIGNIFIGANCE

The City of Niles could be characterized as a small city with a population of 12,204. (US Census Bureau, 2000) It has a long history, with its formation in the early 1600's as a colonial trading post. That long history has lead to an eclectic mix of housing including large Victorian era homes with large floor plans and high ceilings. As newer subdivisions attracted the families that once owned these stately homes to other neighborhoods, their once single family homes were subdivided to accommodate two and three families.

In an attempt to curb a perceived trend of absentee property owners, and an apparent decline of maintenance to the community's residential rental dwellings, the Niles City Council first enacted an ordinance to regulate rental property in 1992. (Niles City Code of Ordinances, 2005) This local ordinance titled 341 of 1992, allowed for the inspection and enforcement of all residential

rental buildings within the jurisdiction. This legislation was enacted under the authority of the State of Michigan's Public Act 279 of 1909, which gives local units of government the authority to enact legislation that it feels will "contribute to the prosperity of the municipality and its inhabitants which does not violate the State constitution or general laws of the State." (Michigan Compiled Laws, 1909). Since the State Housing Code also provided for these types of inspections, the ordinance has been in effect without interruption for over 20 years.

Since 1992, fire department personnel in Niles have performed inspections of rental properties. In the beginning the inspections were performed by a lone Fire Marshal who worked Monday – Friday, 8 a.m. to 5 p.m. In 1994, one firefighter from each shift was tasked with assisting the Fire Marshal daily, returning to operations after 5 p.m. This arrangement has allowed the department to inspect all rental property, single family to multi-unit apartment buildings every 18 months to 24 months. Additionally, the department inspects those properties where complaints have been lodged more regularly.

The Fire Department Inspection Staff works closely with City Building Department personnel to schedule and record inspections. The Building Department administrative assistant is responsible for the annual registration of rental units, as well as collection of rental fees that fund inspections. The registrations are required annually and each landlord is charged an annual fee of \$30 to register and \$5 for each unit registered.

After registration and the collection of fees, inspections are scheduled at intervals mentioned above. The landlord is notified of the inspection and is responsible for the notification of his or her tenants. The inspector will arrive at

the prescribed time and perform the inspection with either the tenant or the landlord after advising them of their rights to refuse entry. A notice listing the required corrections is issued to the landlord following the inspection, noting a reasonable time for completion of the repair. A follow-up inspection, if required, is schedule to assure major safety repairs are completed.

Complaints are received by both the Building Department and Fire Department Code Staff on a daily basis. If the complaint is severe, an inspector will immediately perform an inspection of the property with the permission of the tenant. If possible the landlord is notified that an inspection is required without revealing that a complaint had been filed. This is done to protect the tenant from undue scrutiny from the landlord.

During the 2005 legislative session, Representative Chris Ward introduced a bill that would modify the State Housing Code, Public Act 167 of 1917. The change would amend section 125.526 that currently states that inspections of rental property should be performed at least every two years, or three years if the property had shown no violations during its previous inspection. (State of Michigan Compiled Laws (SMCL), 1917) Inspections more often than the two years identified in the act are allowed at the jurisdictions discretion. The proposed changes would inversely limit the City's ability to inspect rental property sooner than three years without a complaint. In the City of Niles this change would basically double the normal time between inspections. This new act would also require a written complaint from the tenant that would be required to be furnished to the landlord prior to making the inspection. (Bean, 2005)

The proponents of the bill, including property owners associations, argue that some municipalities are inspecting properties too often expressing concern with annual inspections regardless of past performance. Additionally, many jurisdictions do not recognize Housing and Urban Development inspections, requiring a second inspection to be performed by municipal inspectors to gain compliance. Finally, they also are concerned that the fees being charged are excessive, with some municipalities actually taking in more revenue from inspections than the entire cost of the inspection program. (Bean, 2005)

With this political josting still ongoing relating to HB 4473, the Niles Fire Department had no understanding of how its tenants and landlords felt about the program. Anecdotal evidence over the years had revealed both supporters and those in opposition of the program. Without truly gauging the public support for rental inspection program it is difficult to engage in serious debate with legislative leaders. It was felt that a better understanding of the concerns of the groups who were participating in our program would better prepare our management personnel for the public debate that is ensuing. The concern of management is that if this law is enacted, the time between visits of trained fire department safety inspector's would drastically increase.

There were considerable links to the National Fire Academy's Executive Leadership Curriculum. First, several of the case studies mentioned examined a leader's ability to influence those in power to achieve organizational goals. Robert Moses in particular used many different political avenues in order to achieve his goals. By better understanding the opinions of local stakeholders, program managers can make modifications in program delivery that, in the end,

would make the program more palatable to these groups, while still preserving its preventive benefits. (United States Fire Administration, 2000)

Additionally, the project also contributes to all five goals listed by the United States Fire Administration. First, by better understanding important facets relating to the inspection of rental property better decisions can be made relating to its management. This will increase the chance of the programs eventual survival. By doing this, the program is able to reduce fires in rental properties which affects young and old alike. Residential fires in 2004 made up 78 percent of all structure fire or 410,500 fires in all. Of the 3,900 civilian fire deaths 3,190 occurred in the home. Finally, 5,948,000,000 dollars of property loss occurred in residential properties or 71 percent of all fire damage costs nationwide. (Karter, 2005)

It also limits the exposure of our firefighters to countless risks. Every fire that can be averted through prevention limits firefighter's exposure to injuries and death. Finally, by including fire leaders in this debate, as well as avocation of a fire service involvement in inspections programs, it promotes a multi-hazard reduction plan lead by firefighters directly in the home.

LITERATURE REVIEW

The term inspection is defined as, "the legal means of discovering and eliminating or correcting deficiencies that pose a threat to life and property from fire" (Farr, Sawyer, 2003) the research first looked to the fire service for information relating to the prevention of fires through inspection of buildings. Next, the author attempted to find information relating to public opinion of

inspection programs already available. Finally, the author attempted to learn more about the benefits and pitfalls related with the development of surveys.

Reducing the occurrence of fire through prevention is based on four strategies. The first three are engineering safety into our new buildings, education of the public, and the investigation of fires. The fourth and final strategy is listed as code enforcement. (Compton, 2002) “Well designed fire inspections ensure compliance with a properly adopted and administered code enforcement program.” The author also pointed to the need for an evaluation of the programs performance in order to make needed modifications in delivery. (Compton, 2002) Finally, many departments are expanding into areas of comprehensive prevention, which is a term used to describe programs that not only focus on fire prevention but also prevent other risks as well. (Compton, 2002)

Many fire service leaders feel that fire inspections are a valuable tool in the prevention of fires. Harry Carter writes, “The participation of fire suppression personnel in fire prevention activities is as necessary as their participation in tactical operations.” He points to using all personnel to prevent fires when they are not actively responding. He also cites that to be effective, regulations must be supported by inspections. (Carter, Rausch, 1999)

Arthur Cote goes on to state that “home fires generally account for the largest share of fire deaths, injuries, and direct property damage.” Cote concedes however that these homes are also the least regulated. (Cote, 2004) In 2004, 78 percent of all fire deaths occurred in residential structures. (Karter, 2005) A statistic that makes this problem even more apparent is of the 17 most

catastrophic multiple death fires occurring in 2004, which are fires where five or more people parish, 13 of 17 occurred in single family homes. (Badger, 2005)

The author looked for the most effective ways to gauge public opinion. In an article for Public Management Journal, Miller and Kobayaski state that, "the way to capture that much vaunted voice of the typical resident is by a citizen survey." (Miller, Kobaysahi, 2001) They cite that, "we often ask only those individuals who are active and participate at council meetings and public hearings who are often members of a single cadre of irate, enthusiastic, agitated, curmudgeons, who care deeply about the community in general and on their blocks in particular." They offer that only 15 percent of respondents to surveys have attended a public meeting in the past year. (Miller, Kobaysahi, 2001) Finally, though they admit that there are other more effective ways to gauge opinion, "surveys are the quickest, cheapest, and most accurate way to reckon the state of public opinion." (Miller, Kobaysahi, 2001)

Effective surveys attempt to assure that those being surveyed "represent well the population about whom you are trying to make estimates." They also cite the importance of the randomness of participant selection. "Choosing the correct sample that is representative of the target population is the biggest hurdle." (Tarvis, Wade, 1997) Researcher also stated that a samples size is less important than its representativeness. They state that "a small but representative sample can yield extremely accurate results. A larger, yet unscientific survey can oftentimes be attracting only those who feel strongly about an issue." (Tarvis, Wade, 1997)

Drafting of the survey can affect the results. Many survey questions are better framed by using a Likert Scales. (Arvai, Gregory, & McDanials, 2001) The authors recommend sharing results with other communities to help understand local trends. (Miller, Kobaysahi, 2001) To attempt to rule out dishonesty, researchers recommend asking questions more than once. Finally, researchers should assure that their survey does not pick sides on an issue which can influence some participants. (Tarvis, Wade, 1997)

In order to better understand the political issues surrounding these opinions, the researcher examined a legal battle taking place in the State of Michigan. First, the author found that Michigan Cities are granted authority from the state to “pass laws and ordinances that advance the interests of the city, and the good government and prosperity of the municipality and its inhabitants, subject to the constitution and the laws of the state.” (SMCL, 1909) Several modifications of the State of Michigan Housing Law which was first adopted in 1917 have been proposed.

This law, “applies to every city and organized village in the state which, at the time of the last census was home to 100,000 residents or in communities that had a population of 10,000 or more where their local legislative body formally adopts the act.” (SMCL, 1917) State Representative Chris Ward had proposed an amendment to the act that limited the local municipality’s ability to inspect these multiple dwellings units which includes apartments and rooming houses. (Bean, 2005) It would limit the frequency of these inspections, as well as the fees that municipalities can charge to cover the costs of the program. (Bean, 2005)

It appears that this argument is being waged in several States. The U.S. Supreme Court found that rental inspections were constitutional in the 1967 *Camara* case pursuant to the warrant process. (Review Journal, 2004) In Las Vegas, Nevada the rental inspection program is expected to cost large complexes over \$18,000 annually and rise up to 1 million a year for the municipality. (Review Journal, 2004)

The modifications are being supported by “associations representing property owners who believe that some municipalities are conducting inspections more frequently than needed.” (Bean, 2005) In some cases dwellings are inspected by inspectors from federal inspectors as well as those from local departments. (Bean, 2005) Other concerns include unreasonable fees being charged by municipalities that are in excess of what it costs the municipalities to provide the service. (Bean, 2005)

These revisions are being opposed by advocates of the poor, municipalities and neighborhood associations. These groups feel strongly that the bill “will restrict the ability of local governments to ensure that safe housing is available to the public.” These groups site the variation between inspections from federal agencies as flaws. (Bean, 2005)

For example federal inspectors do not require smoke detectors that are required by the state code. They also site the bill does not allow the local government the ability to tailor inspections for high risk populations. An example offered was that of a transient student population. This group can be immature and inexperienced quickly turning a good property into an unsafe one.” (Bean, 2005)

In Ann Arbor, Michigan, home to the University of Michigan, a group of students have banded together to form the “New West Side Association.” They have come out in opposition to the Ward Bill, citing that it would “merely loosen protection on the poor.” The association’s position is that if the bill were to pass it would lengthen the time between follow-up inspections causing the homes to “remain in a dilapidated condition for much longer.” (Hodge, 2005)

In the University of Pittsburgh website they go as far as stating that in their area “rental properties do not require regular inspections by any regulatory agency. They go on to state that “as a result, poorly maintained properties can be leased to a naïve or unsuspecting tenant.” The University of Pittsburg will only recommend those apartments that have been inspected by the City of Pittsburg Bureau of Building Inspection. (University of Pittsburgh, 2005)

Bean also lists the fact that “some property owners with bad tenants are glad for frequent inspections because, if the tenant doesn’t maintain the unit better, the landlord has clear grounds for eviction.” Proponents of the changes say that they would allow inspectors to focus on “Bad Actors” rather than treating all owners of rental property the same. (Bean, 2005) Some more passionate groups even describe that some violations of basic constitutional rights have even been violated in some areas, concluding that the cities want to search people’s bathrooms and bedrooms, and the owner refuses, it must first get a warrant (Keller, 2002)

Landlord and realtor groups also seem to unanimously oppose rental inspections. In Florissant, outside of Saint Louis, they recently passed an ordinance that allows city inspectors to inspect rental property twice a year.

Supporters cite absentee landlords and tenant protection as their justification.

The Saint Louis Association of Realtors submits that the new law is a violation of the tenant's Fourth Amendment Rights. (Scott, 2005)

Finally, the researcher looked for factors in which to evaluate neighborhoods based on socio-economic issues. The City of Niles had developed a report that looked at just those considerations in their community. This report was titled "Community Development Block Grant Consolidated Plan. The report examined the demographics of Niles renters. It described the City as falling under the Benton Harbor Metropolitan Statistical Area, which can be more accurately described as Berrien County, Michigan. Of 3,391 households examined 594 are listed as extremely low income (ELI) or within 0-30 percent of the Median Family Income (MFI) of the Benton Harbor Metropolitan Statistical Area, 662 were listed as Very Low Income (VLI), or within 31 to 50 percent of MFI, and 1066 are listed as Low Income (LI), or within 51 – 80 percent of the MFI. The report goes on to summarize that 2,322 households, or 68.5 percent of total households in the subject area are at or below 80 percent of the MFI. (City of Niles Planning Department (CNPD), 2004)

The authors of this report state that "renting families are more likely than homeowners to be of lesser income." They looked at a total of 1,347 renters who fell at or below 80 percent of the MFI while only 975 homeowners fall at or below that level. (CNPD, 2004)

The Niles Planning department however does not feel that rental costs are a problem in Niles. They include that the Fair Market Rent for a two bedroom unit is set at \$528. Considering the numbers sited earlier these costs only

account for 27 percent of family income even when looking at those families that are 50 percent under the MFI. Niles remains to have a high owner to rental numbers with three owner occupied units to every two rentals. (CNPD , 2004)

Finally, the report offered a map of Niles that separated the City into seven separate zones. These zones geographically represented and were based on the areas MFI. This map was incorporated by this author to regionalize the target area of this study to develop socio-economic control groups. (CNPD, 2004)

In summary, the course of this study was impacted by several findings listed above. First, many of the concepts learned while researching the fire service impact of inspections was used to reinforce the importance of providing rental property inspections as well as determining the programs. Secondly, the concept of regionalizing the sample group based on socioeconomic considerations was a direct result of the recommendations found in the research performed by the author relating to surveying.

Several of the survey questions were also composed in order to correspond with justifications offered by those issuing the proposed rental inspection reform legislation. More specifically, the questions relating to cost of the inspections and regularity were included. The format of the survey used itself was also influenced by the research. From several questions that were duplicated to determine honesty, to the modified Likert Scale format used, were all direct result of the data found.

PROCEDURES

Definition of Terms

“Rental Property” any property offered for let or hire.

“Rooming House” “any dwelling occupied in such a manor that certain rooms, in excess of those used by the members of the immediate family are leased or rented to persons outside of the family without cooking or kitchen accommodations.” (State of Michigan Compiled laws, 1917)

“Private Dwellings” all dwellings occupied by one family with cooking and kitchen accommodations.

“Two Family Dwellings” all dwellings occupied by two families, and so designed and arranged as to provide cooking and kitchen accommodations for two families only.

“Multiple Dwelling” is a dwelling occupied by more than three families.

The research began on the campus of the National Emergency Training Center in Emmitsburg, MD. The researcher examined documents for any previous studies that had been performed relating to rental inspections and public opinion. Additional information on the use of surveys was also studied. The library’s vast inventory of journals was also searched for any documents relating to the two subjects.

Research was also conducted relating to the issues listed above at the Niles Community Library, Niles, MI. The Author also relied on extensive internet research, including the Western Michigan University On-Line Library to contribute to answering each of the three research questions. Information was also derived

from the library located at the Niles Fire Department, Niles, MI. Finally, several other related publications have been purchased by the researcher that possessed a contemporary insight to the problem.

After concluding the literary research, the author made contact with the City of Niles Planner, Juan Ganum. The researcher was searching for information that could be used to systematically segment the city by socioeconomic factors. The researcher hoped to determine if people in different financial situations would view the program differently.

Mr. Ganum was able to provide a detailed plan that had been developed for the Department of Housing and Urban Development only a year before entitled “the City of Niles Community Block Grant Consolidated Plan.” The document provided a detailed description of Niles demographics, including a map that outlined boundaries of the City based on Median Family Income. This map is included as Appendix A. These boundaries were used to create seven zones used for differentiation of socioeconomic areas. These zones are displayed in the map included as Appendix B.

The researcher then visited the City of Niles Building Department, located at 508 East Main Street, where a detailed list of all registered rental property in the City was received. This list displayed by address the location of all rental property. The researcher then randomly took the addresses on the list and assigned them to a specific socioeconomic zone. This list was cross referenced to assure that an equal amount of tenants as well as landlords received surveys from each of the seven zones.

Following the determination of the survey sample group, a packet was compiled and shipped to each participant, unannounced, by first class mail. Included was a corresponding survey specific to whether the individual was a landlord or a tenant. Also included was a map of the City which displayed the zones and assigned a corresponding letter to each zone. This system would allow the participant to accurately identify the zone that they represented without them losing their anonymity.

Finally, a cover letter was included to explain the purpose of the study as well as a deadline for return of the finished survey. It provided for a two week period in which to complete the survey and return it in the self address stamped envelope. Upon receiving the completed surveys the author tabulated and included in this document. The socio-economic map, tenant survey, landlord survey and the cover letter are included as appendix B, C, D and E respectfully.

The Landlord sample group of 91 rental property owners each received a survey form via first class mail. Thirteen landlords were selected from each of the seven socio-economic zones. Landlords who owned multiple properties were only selected once.

The tenant sample included 241 rental properties selected at random from each of the seven socio-economic zones. Packets were addressed to the current resident in an attempt to deliver the highest number of surveys. Zones A, E and F all had 35 surveys sent, Zone D had 38, Zones C, and G had 32, and finally Zone B had 32 surveys mailed via first class mail. Slight variations in sample group were caused when a selected property was known by building department staff to be vacant.

Limitations to this study were also found. First, landlords responded at a far higher percentage than did those living in rental property. The researcher attributes some of this to a concern of many who rent that their landlord could take action against them if the information of their participation were to be known. A face to face survey may have been more successful if resources and time were more available. Additionally, the limited size of the sample group was kept relatively low based mainly on the high cost of postage.

A total of 85 surveys were returned completed, with 43 coming from tenants and 42 coming from property owners. A total of 22 surveys were returned undelivered. Reasons included vacancy, address issues, and finally occupant refusal. The responses from the landlord survey revealed that many landlords choose not to answer questions relating to the study zone of their properties. Still others owned property in more than one zone. After compiling those landlords reporting for only one zone it was found that zone A did not have an exclusive respondent. In order to preserve the random nature of the sample selection the author chose not to modify the survey sample.

Another limitation to the study related to the decision to exclude an associated stakeholders group. This group consisted of those residents who owned their own homes in neighborhoods with rental property. Initially, they were excluded because the researcher felt that they were not connected with the issue. Their homes were not inspected and the questions of privacy were not at stake. However after closer consideration a homeowner who lives in Niles, where no neighborhood is without their share of rental property, is impacted by

the maintenance of these dwellings and how this level of maintenance effects the property value of their home.

Table A

<i>Returned surveys by Zone</i>		
Zone	Tenant	Landlord
A	4	0
B	6	4
C	7	5
D	9	1
E	9	10
F	4	2
G	1	2
NR	3	5
MTO	<u>0</u>	<u>13</u>
	43	42

* NR = Not Reported.
 ** MTO = More then one zone listed.

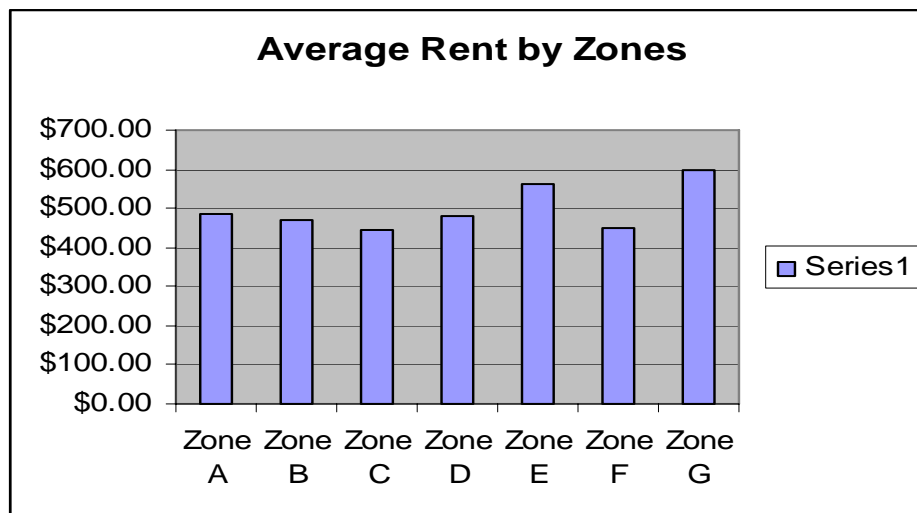
RESULTS

The results of all three research questions detailed in the introduction of this study were answered through evaluation of data gathered through the use of two surveys. Research question one hoped to identify the opinions of renters relating to rental inspections in Niles. The first survey included responses from 43 tenants from the City of Niles. The survey consisted of 16 questions on a wide range of associated issues.

Question 1 of the survey queried tenants for the study zone there rental property fell in. With the included map tenants were asked to cross reference their address and report the letter representing their zone. All but three surveys reported a zone. See table one for data.

Questions 2 and 3 discussed rent and numbers of bedrooms. Answers on this question ranged from 0 per month to 735 dollars per month. Zone A averaged 2 bedrooms and \$487.50 per month rent, Zone B averaged 1.5 bedrooms and \$470.83 per month, Zone C averaged 1.7 bedrooms and \$446.43 per month, Zone D averaged 2.5 bedrooms and \$479.17 per month, Zone E averaged 3 bedrooms and \$563.23 per month, Zone F averaged 1.75 bedrooms and \$448.75 per month, and finally, Zone G had only one respondent who rented a 2 bedroom apartment for \$600.00 monthly.

Figure 1



Question 4 asked tenants if they lived in a single family or multi-family dwelling. Those who answered yes lived in a building with more than one unit. In Zone A, 1 yes and 3 no were reported, Zone B had 5 yes and 1 no, Zone C had 2 yes and 5 no, Zone D had 1 yes and 6 no, Zone E had 0 yes and 9 no, Zone F had 3 yes and 1 no, Zone G had only 1 no reported, and all three respondents who did not identify a zone reported no. In all zones, only 12 reported living in a multifamily dwelling or 29 percent. This figure is contrasted by those who

reported living in single family dwellings who accounted for 71 percent of those surveyed.

Question 5 asked tenants their longevity at the current property. These figures did not show much difference from zone to zone. Reports from 13 landlords placed their tenancy at less than 1 year, 18 reported tenancy of 2 to 5 years, with 11 respondents reporting tenancy of over 5 years.

Question 6 attempted to learn the tenant's opinion of the safety of their property. This question was based on a seven point Likert Scale, with not safe (NS) the lowest response and very safe (VS) at the highest point. Responses by zone included, Zone A with a high of VS and a low of 4, with an average score of 5. Zone B had a high of VS and a low of 1 with an average of 3.2. Zone C had a high of 5 and a low of 2 with an average of 4.7. Zone D had a high of VS and a low of 3 with an average of 4.5. Zone E had a high of VS with a low of 1 and an average of 4. Zone F had a high of 5 and a low of 4 with an average score of 4.5. Finally, one respondent in Zone G reported his home was very safe. No tenant reported in the NS category with only 2 reporting category 1.

Question 7 asked tenants if they had knowledge of a rental inspection being performed at their residence. In all, 28 reported that they were aware of an inspection in relationship to only 13 who did not recall an inspection. The survey found 23 of the 28 tenants were notified of the results of the inspection. Of the respondents who chose to answer question 7 c, that asked tenants to list their last rental inspection, answers ranged from 1 month to 30 months.

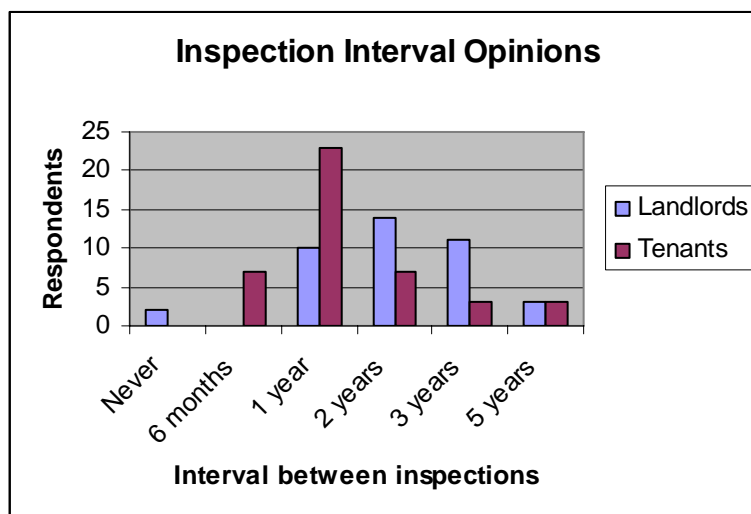
Question 8 asked tenants if they felt rental property inspections should be performed. It found 42 of 43 respondents reported that they think rental property

inspections should be performed. The remaining survey did not choose to answer the question.

Question 9 went further, asking tenants how often these inspections should be performed. The respondents were asked to circle a number ranging from never to 5 years. In total 30 of 43 respondents, or 69.77 percent requested inspection intervals of one year or less. Seven additional respondents chose 2 year intervals. In all inspections of two years or less were chose by 86.05 percent of tenants. A total of 6 reported favoring an interval of 3 years or more.

Question 10 asked tenants if they felt that rental inspections identified items that could start fires. The survey found 37 people reported that they did feel that the inspections identify items that could start fires, with only 5 respondents answering no, and 1 creatively applied question marks. Including the latter response, 86 percent reported favorably to inspections. Of those in decent, all surprisingly answered yes to inspections and all but one reported favoring and inspection interval of one year or less, with the exception selecting three years.

Figure 2



Question 11 asked tenants if they would prefer to live in a dwelling that is inspected or one that is non-inspected. All 43 respondents selected an inspected unit over one that is not inspected.

Question 12 asked tenants if they felt that their landlords would make the same repairs in absence of the rental program. The results were relatively split with 21 reporting that they felt that they're landlord would have made the same repair and 18 reporting that they felt he or she wouldn't. Additionally, there appeared to be no identifiable trend from any particular socio-economic zones.

Question 13 and 14 asked tenants if they felt that inspectors were knowledgeable about building issues and cared about their safety. All but 3 respondents answered yes to both questions with the remaining writing in comments near the question. One reported that they had yet to meet the inspectors and did not know their qualifications. A second wrote question marks, and the last reported that the last inspection was only a month ago and they had yet to see a report.

Finally, to determine if the rental unit is being occupied by an excessive number of occupants question 15 and 16 were asked. The author referenced the answers from question 3 to determine if overcrowding could be an issue. In all only two answers appeared to be questionable. The first showed two adults and one child living in a one bedroom. More concerning was the final response that showed five adults and two children living in a single bedroom apartment. This possible overcrowding issue was located in a four unit apartment building located in Zone C.

The second research question hoped to identify the opinions of Niles Landlords on the subject of rental inspections. This was accomplished through the inclusion of a second survey. This second survey sought input from 42 landlords from the City of Niles. A total of 14 questions were asked, with many designed to dovetail with those asked the tenant group.

Question 1, as in the tenant survey, was used to identify the location of the building or buildings owned by the landlord. Unlike the tenant survey, many landlords owned more than one property, in more than one zone. In at least one case, a landlord owned one property in all seven zones identified in the study. Note Table One for comparative data.

Question 2 asked the respondents to give both the highest and lowest rent they charged. Of the 42 surveys received, only 35 chose to answer. Of those answers, only 19 were attributable to only one zone. In all, rent in the high category went from \$437.40 to \$571.87 monthly and from \$300 to \$405 in the low category.

Study of the data from each zone revealed the following results. Zone A had no attributable responses. Zone B had 3 responses with an average of \$533.33 for a high and \$405 for a low. Zone C had 5 answers that reported an average rent of \$462 through \$366.25. Zone D and Zone F each contributed only 1 response of \$400.00, and \$650 through \$300 respectfully. A total of 7 responses came from Zone E and ranged from \$400 through \$553.57. Zone G had 2 responses from the high category only, which together averaged \$437.50. Finally, 16 respondents either did not report a zone or reported owning properties

in more than one zone. This group averaged \$571.87 for a high and \$376.56 for the low.

Question 3 asked for the landlord's feelings regarding the rental inspection fee schedule used in the City of Niles. Again, a form of a Likert Scale was utilized. The researcher found no trends relating to zones represented. The answers ranged from a high of very high to a low of 1. When the answers contributed to a single zone were compiled, the averages ranged from a high of 4.5 in Zone F, with all other zones, including multiple zone respondents, ranging from 3 – 3.8. When Zone F numbers are examined further only 2 respondents were recorded, with 1 reporting Very High and in contrast the other reporting a 1.

Question 4 looked at the total number of units owned by each owner. Question 14 was also closely related. These questions were included to ensure that landlords at all degrees of investment were represented in the study. In all, landlords represented the ownership of 292 rental units in 218 buildings. The range of those represented included 18 single building owners. A total of 9 of these landlords reported owning only 1 single family and 9 owned a single multifamily dwelling. The remaining respondents reported owning more than one building, with the highest respondent reporting ownership of 44 single family, 40 two family, and 4 buildings with 3 or more units total.

Question 5 asked landlords to estimate the average stay of their tenants. Though answers ranged across the spectrum, the highest responses were found to be one to three years for 24 respondents and 11 respondents reported four to eight years. In all, landlords reported a tenancy of less than eight years over 89 percent of the time, and less than three years over 61 percent of the time.

Though small variation occurred, all seven study zones answers were consistent with the other zones.

Question 6 was included to compare the answers of landlords to those of tenants collected from the question 6 on the Tenant Survey. This question was included to compare opinions of landlords to tenants in relationship to building safety perception. Landlords scored their buildings on average between 5 and Very Safe in all zones. This is in contrast to tenants responses which averaged was approximately two points lower. For example landlords from Zone B showed an average score of 5.5 while tenants from the same zone scored their buildings at 3.2. In other Zones including C, D, and E which reported tenant scores from 4 to 4.7, found their landlords scores ranging from 5 to 5.1.

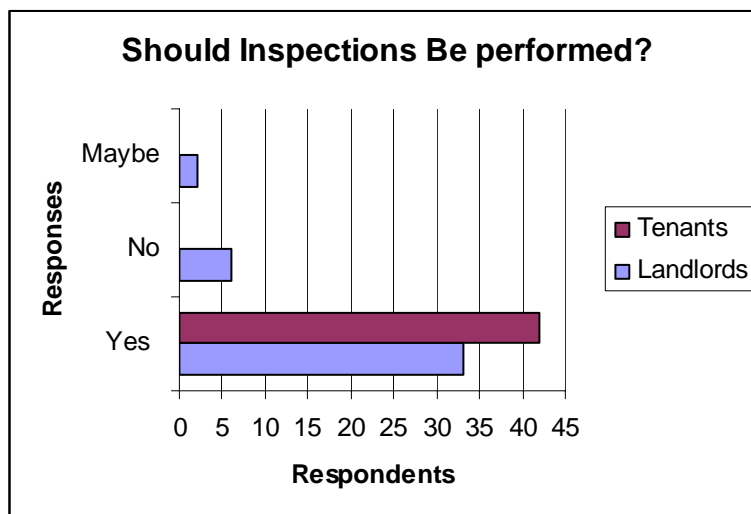
Question 7 looked to determine when the last rental inspection had been performed with each landlord. Of those recording an answer, 94.5 percent reported having their last inspection within the last 2 years. A total of 37 of the 42 completed landlord surveys answered the question. Only two reported the last inspection falling in 2003. This question was asked to show that the landlords surveyed had some prior experience or knowledge of the rental inspection program.

Question 8 hoped to determine if landlords felt inspections should be performed. Of the 41 who responded to the question, 33 responded in favor of the program, 2 were in favor in certain circumstances including exceptions made to units with good track record, and finally, 6 do not approve of the inspections. In all, over 80 percent of landlords agree that inspections should be performed

and over 85 percent agree if allowances for longer intervals are considered for past performance.

Question 9 went forward to determine at what intervals this group felt the inspections should be held on. Those landlords who chose to answer reported at a rate of 87.5 percent that inspections should range from one to three years. This number remains at 60 percent when inspections are scheduled every two years or less. Only 5 percent of respondents reported the opinion of never having inspections, with only 7.5 percent selecting the five year response. With the overwhelming response falling from 1-3 years little or no correlation by zone was able to be drawn.

Figure 3



Question 10 corresponded with question 10 of the tenant survey. It asked landlords if they felt the inspections identified items that started fires. This question was included to establish the value of these inspections to each group in relationship to fire prevention. The survey revealed that 34 landlords reported

that they felt the inspections did identify safety hazards, 1 survey showed a question mark, and 6 selected a no response. In all 82.9 percent responded favorably to the question. This is in line with tenants who selected yes 86 percent of the time.

Question 11 related to question twelve of the tenant survey. It asked landlords if they felt that they would have made the same repairs in absence of the program. In all, 36 of 42 or 85.8 percent of respondents reported that they would have made the same repairs in absence of the program. This is in contrast to 55 percent of tenants who felt that their landlord would have made the repairs.

Question 12 and 13 hoped to gauge landlord's opinions of knowledge and caring qualities of our inspection staff. Yes answers were positive and no answers conferred a negative response. All but two reporting landlords felt that our inspection staff was both knowledgeable and caring. This is in line with tenants who selected yes at nearly the same rate.

The third research question hoped to identify any trends that may be evident in various neighborhoods based on socio-economic divisions. These divisions or zones were patterned after the City of Niles Planning Departments median family income map. After scoring each of the 85 surveys that were submitted and tallying them based on their prospective zones, only minor variations could be found.

Opinions on whether inspections should be conducted seemed to follow the same percentage no matter the zone referenced. Additionally, opinions regarding the frequency of inspections also failed to display any major divisions

based on these zones. The cost of monthly rent was surprisingly similar and showed only minor variations from one zone to another.

Final conclusions of the tenant survey were very positive toward rental inspections and effectively answers research question one. This was made evident by the overwhelming response to question's 8, where over 98 percent answered in favor of property inspections. Additionally, when asked about the frequency of these inspections, tenants answered two years or less over 86 percent of the time. Surprisingly, tenants generally scored the safety of their dwelling very high with most giving a medium to high rating.

Other interesting facts found were that only half of the tenants polled felt that their landlord would make the same repairs with out the inspections. This is in sharp contrast to landlords who answered that they would have made the same repair 85 percent of the time. Additionally, 86 percent of tenants and nearly all of the landlords reported trust that inspectors were identifying items that started fire. They also reported overwhelming confidence that inspectors cared the residents and were knowledgeable in building issues. Finally, the most compelling fact for the inspection program was the answer to question eleven which determined that 100 percent of the tenants polled would prefer to live in an inspected dwelling.

In closing, one landlord took the time to write a short note that briefly describes that landlord's opinion of the program. "What I like most about the inspections is that it points out to the tenants possible fire safety issues, accumulations of junk, misuse of extension cords, blocked exits, etc, that only they have control over. Likewise, a tenant took the time to write the following, "I

think general safety inspections as well as fire inspections should be performed with every new tenant, or once a year, to ensure the safety of tenants and their families.”

DISCUSSION

The government inspection of rental property, especially that property which is used for residential purposes, directly contrasts the core values of our people and our nation. Though fire service experts consistently cite the many benefits of these programs and the many social benefits they provide, the question remains how much government intervention that is good for our society. With legislation like the patriot act, resulting directly from fears sensed by federal decisionmakers and their constituents, would have been considered political suicide a decade ago. It is evident that the extent of the invasion allowed is based directly on the level of concern and the chance of occurrence that a particular person or group has for the action that the government is attempting to prevent.

The risks to the public from fire are made apparent by Karter who states, "risk is greater in residential buildings at a rate of 78 percent over non-residential structures." (Karter, 2005) Additionally, when you consider fires occurring in 2004 with a loss of life of five or more people, residential fires accounted for over half of these blazes. Of these deadly fires, 10 of 17 fires occurred in single family homes. (Badger, 2005) Carter states that inspections are the first step in ensuring adherence to the regulations that are based on codes. Farr and Sawyer agree stating, "Inspections, which are intended to prevent fires from occurring, are effective because the inspector identifies fire

hazards that could cause a fire, allow a fire to develop, or allow a fire to spread.” Finally, Cote sums this issue up by writing, “Fire prevention has a unique role within the community.

“On one hand the community wants the fire department to provide good services to the community, while on the other hand, many members of the community are somewhat conservative and hold that view that government regulatory actions should be limited”. (Cote, 2004) Niles residents appear to be relatively comfortable with the inspection of rental property based on the 86 percent approval from tenants and the 60 percent approval from landlords of inspection intervals of 2 years or less.

Since the public’s opinions of what is acceptable is ever changing, consistent outreach should be performed to properly determine public opinion. In their journal entry Arvai, Gregory, and McDaniels cite, “ public participation is now part of many decision making processes for managing environmental and technical risks.”(Avai, Gregory, & McDaniels, 2001) Miller and Kobayashi describe citizen surveys as the most cost effective option available to gain access to those opinions.

Lukensmeyer and Boyd went on to offer the issues relating to the importance of assuring diverse participation. They write, “Attracting participants who are demographically representative of the community, including those individuals who are not usually civically involved, remains one of the most challenging elements of useful citizen engagement efforts.”(Lukensmeyer & Boyd, 2004) The Miller’s cite that surveys can bring into the program planning

process a much wider and more representative group of citizens. (Miller & Miller, 1991)

The opinions of each group are also greatly affected by experiences and surroundings to which they are exposed. This can cause variations of findings from one area to another. It is this author's opinion that credibility of findings should be weighted in favor of those individuals who have experienced or participated in the programs being proposed.

These considerations are referred to by Tim Keller who wrote in response to a quote made by the Yuma City Attorney," that he illustrated the all too common notion that if consensus is strong enough, individual liberty can be trampled." (Keller, 2002) Many proponents of Ward's new legislation in Michigan point to protection of tenant rights. More specifically they point to inspections regularity and costs in towns where many college students reside. (Bean, 2005)

But many fire experts including Fire Chief Frank Schaper say this student population is probably most at risk. He writes, "Perhaps the bigger problems are found in the fraternity and sorority houses. Many of these buildings are old, large wooden houses made of balloon construction, which makes fire difficult to control and even harder to put out. They often lack smoke alarms, standpipes and sprinklers. Add a large number of students, the use of candles, smoking, drinking, and messy housekeeping and a fire will start." (Schaper, 2000)

It was evident by data collected in this study that tenants would rather take their chances with government inspectors than count on their landlords to make repairs. This was displayed by the results to question 12 of the tenant survey which showed only half of the survey group felt that their landlords would

have made the repairs in the absence of the program. Additionally, all but three tenants reported that inspectors were knowledgeable and caring.

In Ann Arbor, MI, students appear to have recognized this concern. Hodge quotes a senior from the University of Michigan stating that the Ward legislation, "This merely loosens protections on the poor. If passed it could decrease the frequency of follow-up inspections to make sure houses are up to code, causing houses to remain dilapidated for much longer than they would under current limitations."(Hodge, 2005) Citizens of Niles seem to support these principle as The University of Pittsburgh, who has the interests of students in mind went so far as to recommend students only rent inspected dwellings.(University of Pittsburgh, 2005) In the end the results seem to point to the protection of profits more than a heartfelt consideration of tenant rights.

Average rent being charged appeared to be consistent with the City of Niles Planning Department Report. They reported an average fair market rent for a two bedroom unit at \$528 monthly. This is consistent with the findings of this effort, which found rent to range from 448.75 to \$600.00 monthly. The author found numbers consistent with that figure and possible slightly under that figure in all but zones E and G. The lowest rent as expected was found in Zone C which also happens to be the lowest socio-economic zone. One could speculate that perception of this neighborhood has kept rental fees low.

The results of this study speak positively for the City of Niles and the Rental inspection Program operated by its Fire Department. With the studies sample group consisting primarily of individuals who have operated under a rental inspection program for the past two decades, they are uniquely qualified to offer

an educated opinion of the risks and benefits of a program of this type. There overwhelming support of this program will go a long way to helping state decision makers look past the rhetoric of self interest groups allowing them to make decisions that protect our poorest and most inexperienced citizens.

The study also revealed concerns relating to those properties that have continually scored well in inspections. These property owners consistently maintain their properties to standards that are at or above adopted codes. Data from question 9 seemed to identify that even more support of the program could be achieved through the development of longer intervals between inspections for these properties.

The author felt that there would be a different response from those stakeholders in lower socio-economic areas than those in more affluent neighborhoods of town. The author theorized that Landlords in the neighborhoods where the homes were in better shape, usually associated with more affluent neighborhoods, would generally view the inspection program favorably. This was felt in part because they generally like an opportunity to walk through their investment to inspect for damage caused by the tenants. Conversely, the author felt those landlords with rental property located in more depressed areas would dislike the program, as they knew that the inspector would often request costly repairs.

After a thorough examination of the data collected the researcher was not able to draw conclusions that proved this belief. Conversely, the results seemed to point to support for the program by both landlords and tenants alike with no variation based on socioeconomic divisions.

RECOMMENDATIONS

After careful review and consideration of the findings of this study the author has offered a series of recommendations that could positively benefit residents of Niles and the State of Michigan.

First, there has been an effort in the State of Michigan Legislature to pass legislation that would increasingly limit their municipalities from providing this beneficial service. Instead of allowing local communities to decide for themselves what the specific needs of their community require some State Level Officials would like to move that ability to the State Capital in Lansing. The first recommendation is to utilize the information found in this study to educate undecided leaders of factual opinions substantiated in this document.

A copy should be bound and offered to the following State and Local officials within 1 month:

- * State Senator, Ron Jelenik
- * Representative, Neal Nitz.
- * Niles Administrator, Terry Eull.

Additionally, within 3 months, a power point presentation should be developed and offered to local community groups and landlord associations in order to educate the public on the findings. This program could focus on the positive aspects of the program for landlords, including assistance in correcting costly tenant behaviors that damage their investment.

To more efficiently evaluate the needs of stakeholders, e-mail information should be requested on 2006 rental registration forms, an e-mail contact on the landlord registration form as well as on the registration card at the City utility.

This would allow additional surveys to be performed very quickly at a very reasonable cost.

Finally, within 6 months, program managers should develop and receive required permission to implementing a system that would allow those properties that received no correction orders, an extended time between inspections. This policy could include additional inspections if requested by the tenant or landlord.

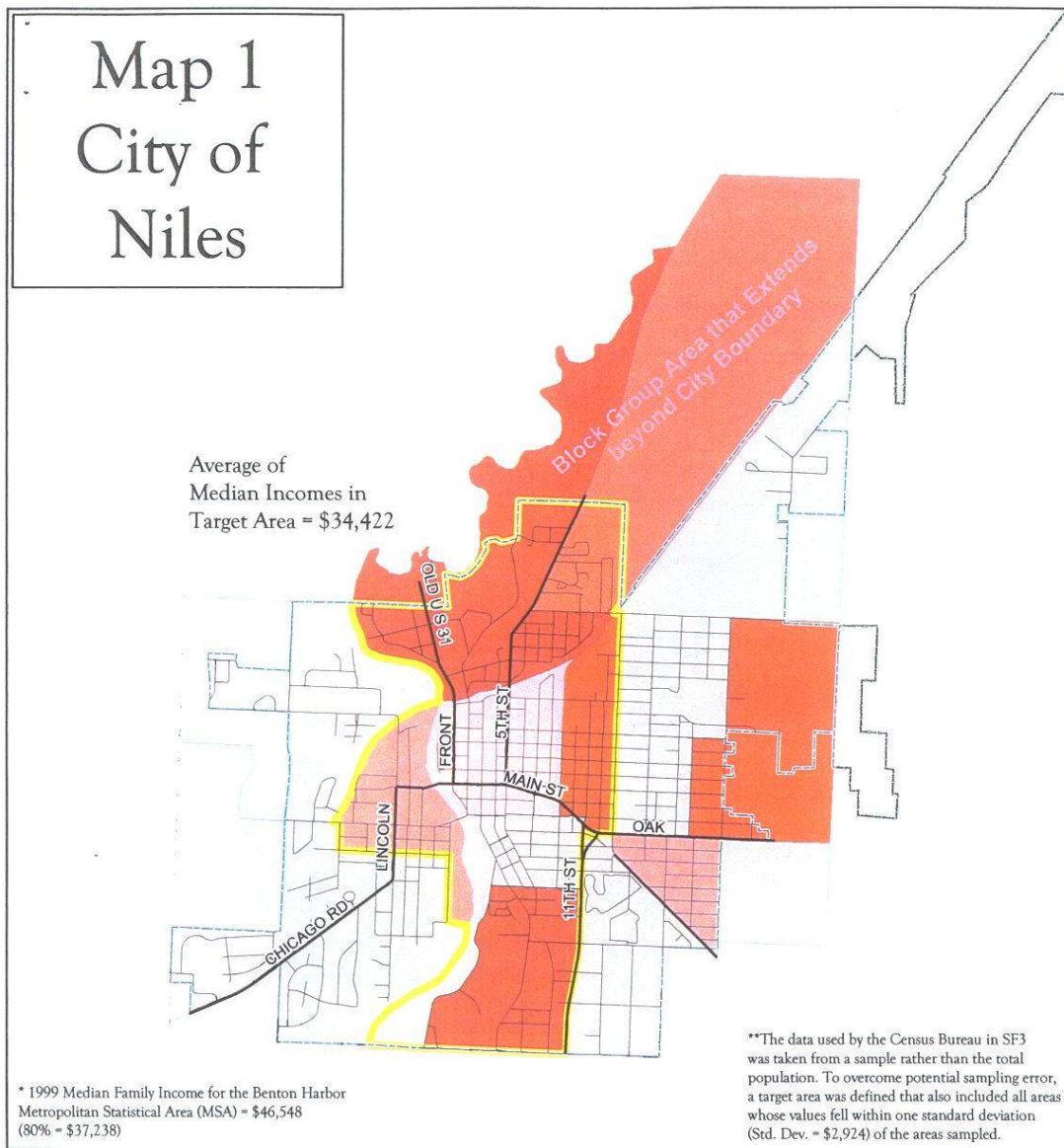
Rental inspection fees should be examined to confirm that they do not exceed the true cost of program delivery. Additionally, fee collection should be restructured to reward those units that do not require follow-up inspections. Additionally, inspection fee schedules should be modified so as no costs are charged in those years when an inspection is not required.

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Appendix A



Legend

1999 Median Family Income (dollars)

Less than 80% of MSA Med. Income*

- \$27,721
- \$27,722 - \$32,578
- \$32,579 - \$35,375
- \$35,376 - \$36,250
- \$36,251 - \$36,875

□ City Boundary

□ Target Area **

Areas Greater than 80% MSA Med. Income

1999 Median Family Income by 2000 Census Block Groups

Map Updated: May 10, 2004

Williams & Works

549 Ottawa Ave., N. W. Grand Rapids, MI 49503
Phone (616) 224-1500 Fax (616) 224-1501

Community Development Block Grant Consolidated Plan

Source: U. S. Census 2000
Summary File 3 (SF3),
Table P77. P077001,
(Median Family Income 1999).

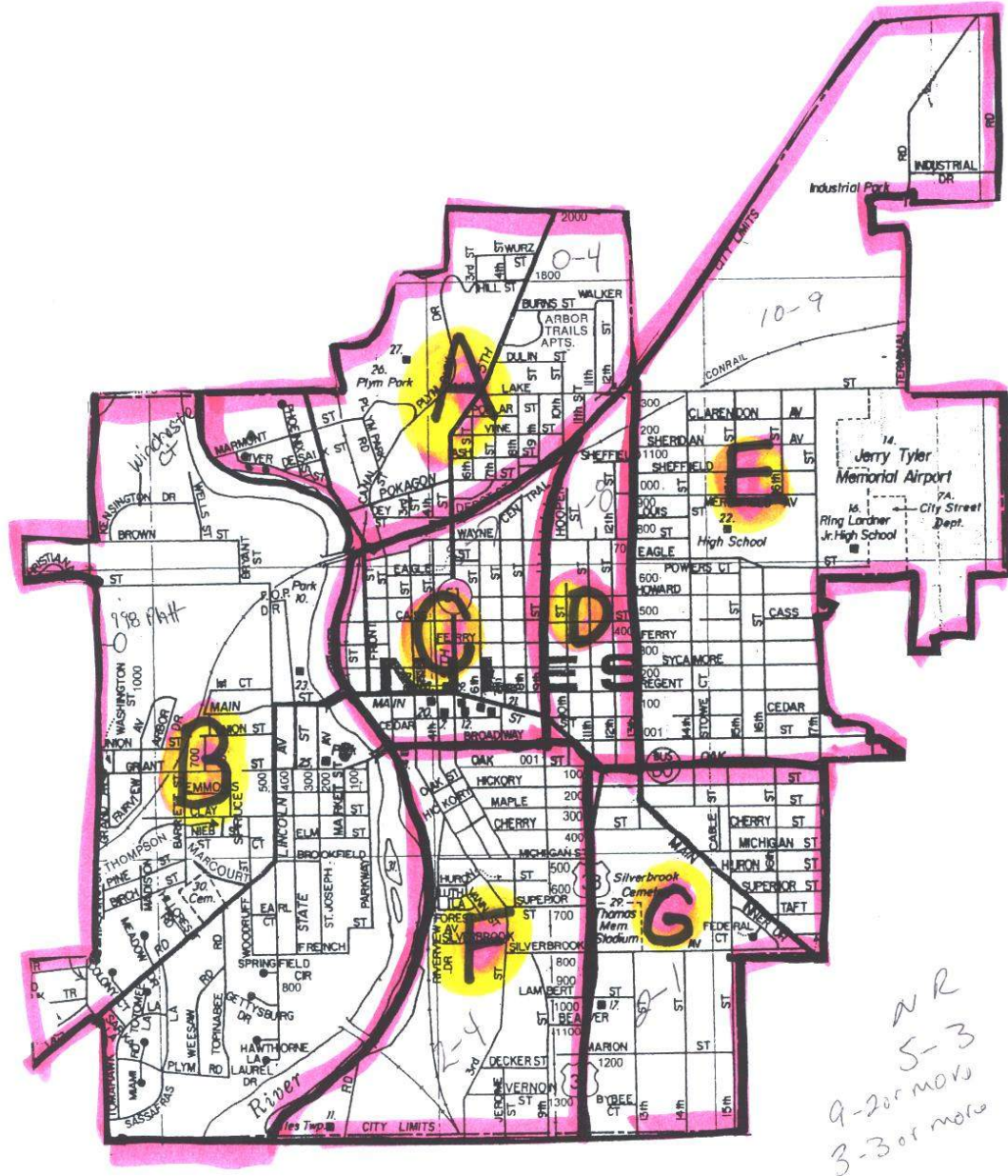
Appendix B.

City of Niles

Community Development Block Grant

Zones Map

Please find the area where your rental dwelling is located and circle that letter on Question 1 of the enclosed survey. This will help us to track the special needs and considerations of each area of town. Thank you so much for your participation.



Appendix C

City of Niles Tenant Inspection Survey

Thank you for taking the time to complete the following survey. Your answers will be kept completely confidential. Your answers and those of other landlords and tenants will be used for an applied research project to impact future policy decisions with the program. Please return the survey in the self addressed stamped envelop by October 14th.

1. Where is your rental building located in Niles? Please refer to the attached map and Circle the corresponding letter.
{Zone A B C D E F G}
2. What are you currently paying for rent? \$ _____
3. How many bedrooms does your rental unit have? _____
4. Do you live in a building with more than one rental unit? **Yes No**
 - a. If yes how many units are in your building? _____
5. How long have you rented where you currently live? _____ Months _____ Years
6. Please circle your opinion of the current safety condition of your rental property.
{Not Safe - 1 - 2 - 3 - 4 - 5 - Very Safe}
7. To your knowledge has your rental unit ever been inspected by fire department personnel? **Yes No**
 - a. If Yes approximately how long ago was the last inspection? _____
 - c. Were you notified of the issues found? _____
8. Do you think that rental property safety inspections should be performed? **Yes No**
9. Please circle the number that corresponds with how often you feel these inspections should be performed
Never – 6 months – 1 year – 2 years – 3 years – 5 years
10. Do you feel that these inspections identify items that could start fires? **Yes No**
11. Would you prefer to live in a dwelling that is: **inspected non-inspected?**
12. Do you feel your landlord would make the same repairs in the absence of the rental inspection program? **Yes No**
13. Do you feel our inspectors are knowledgeable in building safety issues? **Yes No**
14. Do you feel our inspectors care about the safety of our City's residents? **Yes No**
15. How many children under 18 years live in your rental unit? _____ **Children**
16. How many adults over 18 years live in your rental unit? _____ **Adults**

Thank you again for taking the time to complete the survey.

Appendix D

City of Niles Landlord Inspection Survey

Thank you for taking the time to complete the following survey. Your answers will be kept completely confidential. Your answers and those of other landlords will be used for an applied research project that could impact future policy decisions with the program. Please return the survey in the Self addressed stamped envelope by October 14th.

1. Where is your rental building located in Niles? Please refer to the attached map and Circle the corresponding letter.
{Zone A B C D E F G}
2. What are you currently charging for rent? **Highest unit \$** _____ **Lowest unit \$** _____
3. Do you think that the fees currently being charged for rental inspections are...? **{low 1 2 3 4 5 high}**
4. How many units do you own in the City of Niles? **Single Family** _____ **2 Family** _____ **3 + Unit Buildings** _____
5. Please estimate and circle the average time that you find tenants stay in your units?
{Less than 1 year - 1-3 years - 4-8 years - over 8 years}
6. Please circle your opinion of the current safety condition of your rental property.
{Not Safe - 1 - 2 - 3 - 4 - 5 - Very Safe}
7. Approximately when were your rental properties last inspected by fire department personnel? _____
8. Do you feel that rental property safety inspections should be performed? **Yes No**
9. Please circle the number that corresponds with how often you feel these inspections should be performed.
{Never - 6 months - 1 year - 2 years - 3 years - 5 years}
10. Do you feel that these inspections identify items that could start fires? **Yes No**
11. Do you feel you would make the same property repairs in the absence of the rental inspection program? **Yes No**
12. Do you feel our inspectors are knowledgeable in building safety issues? **Yes No**
13. Do you feel our inspectors care about the safety of our City's residents? **Yes No**
14. How many rental units do you own in the City of Niles? _____

Thank you again for taking the time to complete the survey.

Appendix E



City of Niles • Fire Department

Niles Tenants and Landlords,

As you know, the City of Niles has conducted rental inspections here for the better part of two decades. This program was designed to maintain the homes in our community as well as maintain safe housing for our residents. We would like to study your opinions as well as other landlords and tenants relating to some of the specifics of our program. The data will be compiled and used in an applied research project for the National Fire Academy. You will note that your name and address have been left off of the survey. This will assure that your answers will remain completely anonymous.

In order for your information to be included in the project, however, we must have your completed survey returned as soon as possible. Please fold and place only the completed survey form in the enclosed Self Addressed Stamped Envelope and mail ***no later than October 14th***.

Thank you so much for taking the time to assist us with this project.

Serving the Niles Area since 1859.
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e-mail: llamb@nilesmi.org
City Website: www.ci.niles.mi.us