

ORDINANCE NO. 41-2020

AN ORDINANCE AMENDING CHAPTER 123 OF THE CODIFIED ORDINANCES OF THE CITY OF SPRINGDALE, OHIO RELATING TO THE ISSUANCE OF RENTAL PERMITS

WHEREAS, the City of Springdale (the "City") has previously adopted Chapter 123 of the Code of Ordinances related to the issuance of rental permits; and

WHEREAS, the City seeks to make some amendments to Chapter 123 which includes the issuance of rental permits related to rental units within the City.


NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Springdale, \_\_\_\_\_ members elected thereto concurring:

Section 1. Chapter 123 of the Codified Ordinances of the City of Springdale shall be amended as provided for in the attached Exhibit A which is incorporated herein by reference.

Section 2. Council hereby finds and determines that all formal actions relative to the passage of this legislation were taken in an open meeting of this Council, and that all deliberations of this Council and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance shall take effect on the earliest date allowed by law.

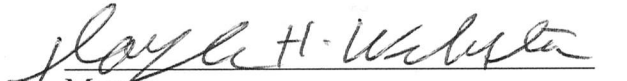
Passed this 18<sup>th</sup> day of November, 2020.

  
\_\_\_\_\_  
President of Council

Attest:

  
\_\_\_\_\_  
Clerk of Council/Finance Director

Approved:

  
\_\_\_\_\_  
Mayor  
November 18, 2020  
\_\_\_\_\_  
Date

## CHAPTER 123: RENTAL PERMITS

### Section

123.01 Applicability

123.02 Permit Application

123.03 Permit Period

123.04 Inspection/Certification of Conditions

123.05 Permit

123.06 Permit Issuance

123.07 Appeal

123.08 Transfer of Ownership

123.09 Penalty

### § 123.01 APPLICABILITY.

A. The City of Springdale recognizes the need to preserve and promote the quality of existing housing and to provide for safe and sanitary housing conditions for residential tenants. In furtherance of this objective, this chapter requires all owners of single family rental dwellings in the city to obtain a permit annually for each rental dwelling unit. Rental dwelling units must be inspected by the Springdale Building Department, or certified by the owner or a Licensed Home Inspector, to ensure compliance with any applicable local, state and federal laws and regulations at the time of application, at each change of occupancy, and at a minimum every three years thereafter.

B. No owner of single household residential property located within the city shall rent, or seek to rent, any dwelling unit in such real property for any form of consideration unless he or she holds a valid Rental Permit issued by the Building Official, or a duly appointed assistant, in the name of the owner and the tenant for the specific dwelling unit to be rented. The term "owner" shall have the same meaning as defined in § 155.011.

### § 123.02 PERMIT APPLICATION.

(A) An owner shall apply for a Rental Permit by filing a written application on forms provided by the Building Official. Such application form shall include, at a minimum, the name of the property owner, address and telephone number of the property owner, address and floor plan of the property, and name and telephone number of the proposed tenant, if known at the time of the application. If an owner fails to notify the Building Official of the name and telephone number of the tenant within two weeks after the tenant takes occupancy of the dwelling unit to be rented, the rental permit for the dwelling unit shall be deemed revoked.

(B) The application for a rental permit shall be complete, and the Owner is required to answer, to the best of their knowledge, all pertinent questions with respect to the conformance of the subject property to this chapter and to all other applicable ordinances, rules, and regulations related to the construction, condition and appearance of the dwelling unit.

(C) Sketch/Floor plan required. Every application for an initial Rental Permit (changing an existing dwelling unit to a new rental unit) shall include a basic sketch or floor plan, which shall be reviewed for compliance with applicable local, state and federal laws and regulations. The drawing will include all habitable levels as well as stairway, windows, doors, smoke and carbon monoxide detectors, room dimensions, and bedroom closets (which are not to be included in room dimension), and shall include room label such as kitchen, dining room, bedroom, etc. An owner may be required to provide an updated sketch/floor plan if the Building Official deems the drawing on file to be insufficient, inadequate, or outdated. A typical sketch or floor plan is provided as part of the online property report located on the Hamilton County Auditor's website.

### **§ 123.03 PERMIT PERIOD.**

(A) Rental Permit. A Rental Permit shall be valid for a one-year period except as provided hereinafter. An owner shall be required to obtain a renewal Rental Permit at the expiration of the one year period.

(B) Transfer of Occupancy. If, during the time period specified above, the occupancy of the dwelling unit for which the Rental Permit has been issued transfers from one tenant to another ("transfer of occupancy"), the issued Rental Permit shall expire and the owner shall be required to obtain a new Rental Permit. The owner shall have two weeks after the transfer of the occupancy of the dwelling unit in which to apply for a new Rental Permit. If an owner fails to notify the Building Official of a transfer of occupancy within two weeks, the Rental Permit for the dwelling unit in which the occupancy has changed shall be deemed revoked and the owner shall be required to apply for a new Rental Permit or be subject to the penalties contained in § 123.09 herein. A submitted application and payment of fees by an owner for the renewal of a Rental Permit shall operate as authority for the owner to rent the dwelling unit for which the renewal application has been made, until such time as the Building Official denies or issues a subsequent Rental Permit. An owner will not be required to pay a fee for transfer of occupancy for a specific dwelling unit if a prior Rental Permit has been issued for the dwelling unit within the previous 180 days.

### **§ 123.04 INSPECTION/CERTIFICATION OF CONDITIONS.**

(A) Prior to issuing an initial Rental Permit, each dwelling unit to be rented shall be inspected (interior and exterior) by the Building Official in an effort to ensure compliance with any applicable local, state and federal laws and regulations to help ensure the safety and welfare of tenants living in the community. The owner of a dwelling unit to be rented may waive the inspection requirement by signing a certification provided to the owner by the Building Official certifying that the dwelling unit to be rented is compliant with any applicable local, state and federal laws and regulations, or by retaining the services of a Licensed Home Inspector to provide a written certification that the dwelling unit to be rented is compliant with any applicable local, state and federal laws and regulations. For purposes of this section, a Licensed Home Inspector means a person who holds a valid license issued by the Ohio Department of Commerce pursuant to R.C. § 4764.07 or § 4764.10 to conduct a home inspection. The Building Official will work with the owner of the dwelling unit to be rented and tenants to resolve any code violations identified.

(B) Prior to issuing a renewal Rental Permit, the Building Official shall confirm the conditions of the dwelling unit to be rented in one of the three ways permitted in Section 123.04(A) above at least once every three years in an effort to help ensure the safety and welfare of tenants living in the community. If after seven calendar days the owner of the dwelling unit to be rented refuses to voluntarily consent to one of the three ways permitted in Section 123.04(A) above, the Building Official may seek an administrative search warrant for the premises in order to complete the inspection, prior to the issuance of the Rental Permit. For the purposes of this administrative search warrant, probable cause in the criminal law sense is not required. Probable cause justifying the issuance of an administrative search warrant may be based not only on specific evidence of an existing violation, but also on a showing that reasonable legislative or administrative standards for conducting an inspection have been satisfied with respect to the particular property, including but not limited to the passage of time, the nature of the building, or the condition of the entire area.

(C) Prior to a transfer of occupancy, the Building Official shall confirm the conditions of the dwelling unit to be rented in one of the three ways permitted in Section 123.04(A) above in an effort to help ensure the safety and welfare of tenants living in the community. A dwelling unit to be rented will not be required to be inspected upon a transfer of occupancy if the dwelling unit has been inspected and approved for occupancy within the 180 days prior to the transfer of occupancy.

(D) During an inspection by the Building Official or a Licensed Home Inspector as provided for in Section 123.04(a) above, the inspection shall include the dwelling unit to be rented including the interior and exterior of any attached or detached accessory structures such as sheds or garages, for compliance with all ordinances, rules and regulations applicable to the construction, condition and appearance of the property.

#### **§ 123.05 FEES.**

The owner shall pay an application fee as set forth herein. For any dwelling unit to be rented, an owner shall pay an application fee of \$50.00. The application fee shall cover the cost incurred by the Building Official in reviewing any application as well as the initial inspection/certification which is authorized under § 123.04 herein and one re-inspection or certification in the event that violations of the rules, regulations and ordinances set forth in § 123.04 are identified. Should the Building Official be required to make an additional inspection beyond the initial inspection and first re-inspection to determine compliance of any violations of the rules, regulations and ordinances set forth in § 123.04, the fees for any such additional inspection shall be \$50.00. This fee structure shall be reviewed yearly prior to the submittal of the city's annual budget and adjusted if necessary and appropriate.

#### **§ 123.06 PERMIT ISSUANCE.**

(A) Rental Permit. The Building Official shall issue a Rental Permit to an owner who:

- (1) Pays the application fee required in this section;
- (2) Files a written application in accordance with this chapter;
- (3) Complies with the inspection/certification of the dwelling unit to be rented as required in Section 123.04;
- (4) Complies with this chapter and the rules, regulations and ordinances applicable set forth in § 123.04 herein;

(5) Demonstrates that he or she does not have any outstanding fees due and owing pursuant to this section and does not have any delinquent fines as the result of a conviction for the failure to comply with any chapter of the Springdale Codified Ordinances.

(B) The Building Official shall not grant a Rental Permit if the Building Official determines the dwelling unit to be rented constitutes a threat or danger to the health, safety or public welfare of the community or the inhabitants or potential inhabitants of the dwelling unit to be rented. The denial of any such application shall be subject to the appeal procedure provided for in this chapter.

(C) Any denial of a Rental Permit shall set forth in writing the reasons why the dwelling unit to be rented does not conform to this chapter and the time allowed for the owner to secure conformity. The Building Official may give notice of its intent to revoke the Rental Permit at any time if he or she determines that the continued nonconformity constitutes an immediate threat or danger to the health, safety, or public welfare of the community, or the inhabitants or potential inhabitants of the dwelling unit to be rented. The Building Official may extend the period for securing conformity, if, in his or her opinion, the continued nonconformity does not constitute a threat or danger. If the owner has not fulfilled the requirements for a Rental Permit within the time specified, the Rental Permit shall expire.

#### **§ 123.07 APPEAL.**

(A) Any decision or issue raised by action of the Building Official under this chapter is subject to appeal to the Board of Housing, Building, and Fire Appeals by filing a written notice of appeal within 15 days after receipt of a written notice or letter by the Building Official of noncompliance or refusal to issue a permit. The Board of Housing, Building, and Fire Appeals shall provide the owner with written notice at least ten days prior to when it will review the decision of the Building Official. Such appeal hearing shall take place at a scheduled meeting of the Board within 30 days after receipt of the written notice of appeal. The final decision of the Board shall be stayed for 30 days to allow the owner to seek judicial review.

(B) Upon the proper filing of a written notice of appeal pursuant to § 123.07(A) of this chapter, an administrative stay shall be issued such that no Rental Permit may be revoked until the conclusion of the appeal process provided for in § 123.07(A) of this chapter.

(C) An owner may seek judicial review of an adverse decision by the Board of Housing, Building, and Fire Appeals in the Hamilton County Court of Common Pleas pursuant to the provisions of Chapter 2506 of the Ohio Revised Code governing administrative appeals.

#### **§ 123.08 TRANSFER OF OWNERSHIP.**

A Rental Permit as provided in this section is transferable only by notification to the Building Official. When an owner transfers their interest in or control of a dwelling unit to be rented, they shall notify the Building Official in writing within five days after the transfer. The notice shall include the name and address and telephone number of the person who has succeeded to their interest or control.

#### **§ 123.09 PENALTY.**

An owner who rents or seeks to rent any dwelling unit for any form of consideration without a valid Rental Permit as provided herein shall be guilty of an unclassified misdemeanor and a maximum fine of up to \$500.00. Any owner who violates any provision of this chapter shall be guilty of an

unclassified misdemeanor and a maximum fine of up to \$500.00. Each day of such violation shall be considered a separate violation.