

ORDINANCE NO. 1, 2014

POLICY ON RENTAL UNITS AND PERMITS

EFFECTIVE MAY 23, 2008

AMENDED

MAY 23, 2008 IN ORDINANCE 5, 2008

(a) No owner of residential real property located within the Village shall rent, or seek to rent, any dwelling or dwelling unit on such real property for any form of consideration unless the owner holds a valid Rental Permit or Conditional Rental Permit issued by the Village Building Inspector in the name of the Owner and for the specific dwelling or dwelling unit for rent.

(b) (1) A Rental Permit shall be valid for a one (1) year period except as provided hereinafter. An Owner shall be required to obtain a new Rental Permit at the expiration of the one (1) year period. Except as provided hereinafter, a Conditional Rental Permit shall be valid for the period specified in the Conditional Rental Permit as set forth in subsection (I)(2) herein.

(2) If, during the time period specified above, the occupancy of the dwelling or dwelling unit for which the Rental Permit or Conditional Rental Permit has been issued transfers from one tenant to another ("Transfer of Occupancy"), and if written complaints about the condition of the dwelling or dwelling unit have been filed with the Village by the occupants of the dwelling or dwelling unit during the preceding ninety (90) days prior to the Transfer of Occupancy, the issued Rental Permit or Conditional Rental Permit shall expire and the Owner shall be required to obtain a new Rental Permit or Conditional Rental Permit. The Owner shall have two (2) weeks after the transfer of the occupancy of the dwelling or dwelling unit to apply for a new Rental Permit or Conditional Rental Permit. If an Owner fails to notify the Building Inspector of a Transfer of Occupancy within two (2) weeks, the Rental Permit or Conditional Rental Permit for the dwelling or dwelling unit in which the occupancy has changed shall be deemed revoked and the Owner shall be subject to the penalties contained in subsection (m) herein.

(3) A submitted application and payment of fees by an Owner for the renewal of a Rental Permit or Conditional Rental Permit shall operate as authority for the Owner to rent the dwelling or dwelling unit for which the Renewal Application has been made, until such time as the office of the Village Building Inspector denies or issues a subsequent Rental Permit or Conditional Rental Permit.

(c) An Owner shall apply for a Rental Permit or Conditional Rental Permit by filing a written application with the Office of the Building Inspector which contains the following information: (1) name of Owner; (2) address of Owner; (3) address of property to be inspected; (4) date of change of ownership or Transfer of Occupancy, if applicable; (5) an election by the owner a) to self inspect using the checklist attached as Exhibit "A" or b) to schedule a date for inspection by the Village Inspector. ~~(5)~~ (6) any other information reasonably requested by the office of the Building Inspector including all information required by subsection (d) herein.

(d) If the owner elects to self inspect, the checklist is to be completed by the owner answering to the best of Owner's knowledge all pertinent questions with respect to the conformance of the subject property to the Village of Cleves Ordinances and to all other applicable statutes, rules, and regulations related to the construction, condition, sanitation, safety and appearance of the dwelling or dwelling unit. Within thirty (30) days of the effective date of the ordinance establishing this policy, any Owner currently renting or seeking to rent a dwelling or dwelling unit within the Village must submit an application as required by this section. The Rental Permit shall be issued by the Inspector immediately upon his satisfactory inspection or his satisfactory review of the property owner's properly completed checklist indicating the property's compliant condition.

(e) The application for a Rental Permit or Conditional Rental Permit shall be in affidavit form, and the Owner shall be required therein to answer, to the best of his knowledge, all pertinent questions with respect to the conformance of the subject property to this ordinance and to all other applicable ordinances, rules, and regulations related to the construction, condition and appearance of the dwelling or dwelling unit. Within two (2) weeks of the effective date of this ordinance, any Owner currently renting or seeking to rent a dwelling or dwelling unit within the Village must submit an application as required by this section. The initial Rental Permit or Conditional Rental Permit shall be issued by the office of the Building Inspector as soon as feasible after the Village Housing Inspector has had an opportunity to review the completed self-inspection checklist or, in the case, where an inspection has been consented to by the Property Owner, conduct an on premises inspection and the office of the Building Inspector has determined that the dwelling or dwelling unit complies with the applicable provisions of this Ordinance.

(f) (1) If the property owner refuses to complete the self-inspection checklist and does not consent to a voluntary inspection of the property by the Building Inspector, the Building Official must seek and obtain a search warrant for the premises in order to complete the inspection, prior to the issuance of the permit.

(g) In the event of an on-site inspection, the ~~The~~ Building Official shall inspect the dwelling or dwelling unit for compliance with all ordinances, rules and regulations applicable to the construction, condition and appearance of the subject property, including specifically the dwelling or dwelling unit's compliance with the Village Uniform Housing Code and the Village Ordinances, or other Codes that the Village may adopt. If the Building Official determines, after inspection, that the property is in compliance with the applicable Code sections, he shall certify the same to the Office of the Building Inspector.

(h) The Owner shall pay an application fee as set forth herein. For any dwelling or dwelling unit, an Owner shall pay an application fee of fifty dollars (\$50.00). For a structure in which there are multiple dwellings or dwelling units, the application fee shall be fifty dollars (\$50.00) for each dwelling or dwelling unit. Any owner-occupied dwelling or dwelling unit shall not be subject to an application fee, but each additional dwelling unit in a structure will be charged a fifty dollars (\$50.00) application fee. The application fee shall cover the cost incurred by the office of the Building Inspector in reviewing any application.

(I) The Office of the Building Inspector or his designee shall issue a Rental Permit to an Owner who:

- (1) Pays the permit fee required in this section;
- (2) Files a written application in accordance with this ordinance;
- (3) Secures the endorsements required by this section;
- (4) Complies with this ordinance and the rules, regulations and ordinances applicable set forth in subsection (f) herein;
- (5) Demonstrates that he does not have any outstanding fees due and owing pursuant to this ordinance and does not have any delinquent fines as the result of a conviction for the failure to comply with any other of the Village of Cleves Ordinances.

(j) (1) When an Owner has applied for a Rental Permit, and the Building Official is unable to certify that the dwelling or dwelling unit for which a Rental Permit is sought conforms to the requirements of this ordinance, the Office of the Building Inspector may, when the nonconformity in his opinion does not constitute an immediate threat or danger to the health, safety, or public welfare of the community or the inhabitants or potential inhabitants of the dwelling or dwelling unit, issue a Conditional Rental Permit to the applicant. The office of the Building Inspector shall not grant a Conditional Rental Permit if the dwelling or dwelling unit 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 or dwelling unit.

(2) A Conditional Permit shall set forth the reasons why the dwelling or dwelling unit does not conform to this ordinance and the Condition for Occupancy Checklist and the time allowed for the Owner to secure conformity (which time shall not exceed ninety (90) days). The Office of the Building Inspector and/or his designee may revoke the Conditional Permit at any time if he 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 or dwelling unit, or he may extend the period for securing conformity, if, in his opinion, the continued nonconformity does not constitute a threat or danger, which extensions shall not exceed an additional sixty (60) days ("Extension Period"). If the Owner has not fulfilled the requirements under the Conditional Rental Permit within the time specified in the Conditional Rental Permit and/or the Extension Period, the Conditional Rental Permit shall expire. If an Owner fulfills the requirements under a Conditional Rental Permit within the time specified, the Owner shall be granted a Rental Permit which shall be valid for a one (1) year period.

(k) Whenever, upon an inspection permitted by the property owner or authorized under a lawfully obtained search warrant, or upon review of the self-inspection checklist of any dwelling

or dwelling unit requiring a Rental Permit or Conditional Rental Permit, the Building Inspector finds that conditions or practices exist which are in violation of any provision set forth in subsection (f) herein, the office of the Building Inspector shall give notice in writing to the owner of such violations. If the owner has not corrected the violations within thirty (30) days of receiving notice from the office of the Building Inspector, the Building Inspector shall give written notice to the owner that the issued Rental Permit or Conditional Rental Permit has been revoked. Upon receipt of such notice, the owner shall immediately cease renting or seeking to rent that dwelling or dwelling unit.

(l) Any decision by, or issue raised by action of, the Office of the Building Inspector under this section is subject to appeal to the Village Council by filing a written notice of appeal within thirty (30) days after receipt of a written notice or letter by the Office of the Building Inspector of noncompliance or refusal to issue a permit.

(m) A Rental Permit or Conditional Rental Permit as provided in this section is transferable only by notification to the Office of the Building Inspector. When an Owner transfers his interest in or control of a dwelling or dwelling unit, he shall notify the Office of the Building Inspector in writing within ten (10) business days after the transfer. The notice shall include the name and address and telephone number of the person who has succeeded to his interest or control.

(n) An Owner who rents or seeks to rent, any dwelling or dwelling unit for any form of consideration without a valid Conditional Rental Permit or Rental Permit as provided herein shall be guilty of a minor misdemeanor. Each day of such violation shall be considered a separate violation.

VILLAGE OF CLEVES
APPLICATION FOR A RENTAL PERMIT

- 1) Name of Owner

- 2) Address of Owner

- 3) Address of property to be inspected

- 4) Number of rental units to be inspected

- 5) Election by landlord to (a) self-inspect by completion and filing of the attached Rental Inspection Checklist or (b) schedule inspection

- 6) Consent to inspection dates and times available for inspection

- 7) Written notice of unit inspection given to tenants

- 8) How is notice given

- 9) Copy of notice to tenants furnished prior to inspection if landlord elects to have inspection done by Village inspector

- 10) Dates of change of ownership (if applicable)

- 11) Date of change of occupancy (if applicable)

- 12) Are there animals kept on the premises
Describe

- 13) Other info

Signed: _____

Owner Date

VILLAGE OF CLEVES - RENTAL INSPECTION CHECKLIST

This Checklist summarizes the key elements of the Residential Rental Property Inspection. Be advised the list is not all inclusive. Village of Cleves Ordinances and the State of Ohio building and fire codes contain all details not included in this summary. Violations may be noted during an inspection that do not appear on the summary below. This summary list includes the "obvious" potential code violations. Any violation noted will be sent to the property owner for corrective action within a reasonable time frame.

Clean, sanitary, safe conditions. yes _____ no _____

Free of rodent or insect infestation. yes _____ no _____

Exterior stairs, decks, porches, balconies and all appurtenances
structurally sound and in good repair. yes _____ no _____

Operational heating system. yes _____ no _____

Plumbing systems functional. yes _____ no _____

Insect screens on all doors/windows yes _____ no _____

Interior walls/ceilings in good repair. e.g. No holes or openings yes _____ no _____

Doors weather tight. yes _____ no _____

Windows weather tight. yes _____ no _____

Electrical system functional. e.g. outlets, switches functional,
proper covers. yes _____ no _____

Extension cords used correctly. yes _____ no _____

Smoke detectors, operational. yes _____ no _____

Smoke detectors in all sleeping units & adjacent hallway. yes _____ no _____

Dangerous structure or premises. e.g. Interior so crowded as to
prevent occupants safe egress, stairways defective, et al. yes _____ no _____