

ORDINANCE NO. 2018-20

INTRODUCED BY: MAYOR MICHAEL DYLAN BRENNAN

**AN ORDINANCE AMENDING CODIFIED ORDINANCE SECTION 1280.10 ENTITLED
“RENTAL OF ONE AND TWO-FAMILY DWELLING UNITS IN U-1 AND U-2
DISTRICTS” FOR THE PURPOSE OF REGULATING RENTAL PROPERTIES.**

WHEREAS, the City of University Heights desires to ensure the housing stock of the city is maintained to the highest possible standard; and

WHEREAS, the City of University Heights supports Cuyahoga County, the CH-UH School District, the CH-UH Library, the Cuyahoga County Port Authority, and all other taxing agencies in their ability to collect taxes owed on properties located in the City of University Heights; and

WHEREAS, the City of University Heights desires to change Chapter 1280.10 of the Codified Ordinances of the City of University Heights to reflect that the City will not issue rental permits for properties with delinquent property taxes; and

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
UNIVERSITY HEIGHTS, OHIO, THAT:**

Section 1. Codified Ordinance Section 1280.10 shall be amended as follows:

**1280.10 RENTAL OF ONE- AND TWO-FAMILY DWELLING UNITS IN U-1 AND U-2
DISTRICTS**

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(c) Rental Permit Application.

- (1) The application for a rental permit shall contain the following information and any additional information the Building Commissioner finds necessary:
 - A. The name and signature of the owner of the property, including the mailing address and the telephone number;
 - B. The name and phone numbers of the primary contact tenant;
 - C. The name of each tenant and, if under the age of 21, his or her permanent address.
 - D. Affirmation that the property is not delinquent on property taxes or is enrolled in a payment plan for delinquent property taxes.**
 - E. Any application shall be accompanied with the fee provided for in division (f) of this section.
- (2) Upon filing an application for a rental permit, the Building Department shall inspect the dwelling unit to determine the following:
 - A. That the dwelling unit is of adequate size and has an adequate number of sleeping rooms to accommodate the proposed number of tenants, renters or regular occupants, including the requirements under this Zoning Code and the Building Code that are applicable.
 - B. That one off-street parking space per tenant shall be provided.
 - C. That the dwelling unit shall not contain culinary facilities outside of the kitchen. (See Section 1472.30 for the definition of “culinary facilities”.)
 - D. That each unrelated tenant shall be provided with his or her own bedroom which shall be approved by the Building Commissioner. Bedrooms must have a bathroom directly attached or abut a hallway leading to a bathroom and shall be a minimum of 120 square feet in area with no dimension being less than eight feet. Bedrooms in basements or otherwise below grade are prohibited.
 - E. That such dwelling unit is not and will not be used as a day care center, fraternity house, sorority house, residential cooperative, commune, dormitory, rooming house, boarding house, halfway house or equivalent occupancy. (See Sections 1472.31 and 1472.32.)
 - F. That the dwelling unit satisfies the provisions of Part Fourteen - Building and Housing Code and Part Sixteen - Fire Prevention Code of the Codified Ordinances of the City.
 - G. That the owner/landlord acknowledges responsibility for all maintenance, both exterior and interior, adhering to all the adopted State and all local Codified Ordinances within the City and within the U-1 and U-2 Districts of the City.
- (3) **Upon filing an application for a rental permit, the Building Department also shall inspect Cuyahoga County property tax records to ensure the owner/landlord has no delinquent property taxes or is enrolled in a payment plan for delinquent taxes for the property listed on the rental application.**

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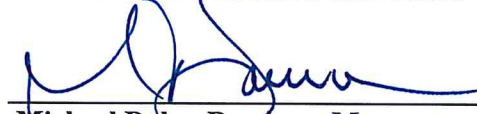
(g) Revocation of Rental Permit; Notice to Show Cause. In addition to any other remedy or penalty otherwise provided in these Codified Ordinances, should the Building Commissioner have information or other reasonable cause to find that the holder of any rental permit or his or her tenants has been cited for failure to be in compliance in any respect with the conditions contained in this chapter or in Chapters 648 or 1442 on three different occasions within the duration of the rental permit, the Building Commissioner shall issue, upon the holder thereof by residence service, a notice to show cause to the Building Commissioner within five calendar days thereafter why said permit should not be revoked because of chronic violations. The Building Commissioner may revoke said rental permit forthwith. Said permit holder may appeal said revocation to the Board of Zoning Appeals as otherwise provided in these Codified Ordinances. The form of said notice to show cause shall be on a form prepared by the Building Commissioner and approved as to form by the Law Department. In determining if a rental permit should be revoked, the Building Commissioner may consider the following:

- (1) Submission of inaccurate or misleading information to the Building Department to secure a rental permit.
- (2) Failure to notify the Building Department within 30 days of any change of information supplied in the application for the rental permit.
- (3) Failure to correct violations discovered during inspection within the time specified in a Notice of Violation or three violations of Chapter 1442 during the duration of the rental permit.
- (4) Three violations of Section 648.17 during the duration of the rental permit.
- (5) Chronic parking violations on or about the premises, including overnight parking on public street, blocking the public sidewalk and driving or parking on landscaped areas.
- (6) Repeated complaints from adjacent residents that conditions exist which are detrimental to the peace and quality of the neighborhood. The Building Commissioner or Mayor/Safety Director shall use only such complaints that have been investigated and verified to be valid and based on fact.
- (7) Evidence supplied by the permit holder that the nuisance property is being rented to tenants not involved in prior violations of Section 648.17.
- (8) **County tax rolls that demonstrate the owner/landlord is delinquent in the payment of property taxes or failed to complete a payment plan for delinquent taxes.**

Section 2. Existing Sections 1280.10(c) and 1280.10(g) are hereby repealed. The remaining provisions of Section 1280.10 shall remain in full force and effect.

Section 3. It is hereby found and determined that all formal actions of the Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

CITY OF UNIVERSITY HEIGHTS


Michael Dylan Brennan, Mayor


First Reading: 04/02/2018

Passed: 04/16/2018

ATTEST:


Kelly M. Thomas, Clerk of Council

APPROVED AS TO FORM:


Luke McConville, Law Director