

ORDINANCE NO. 2018-28

INTRODUCED BY: COUNCIL AS A WHOLE

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 AMENDING THE DURATION OF RENTAL PERMITS, MODIFYING THE RENTAL PERMIT FEE SCHEDULE AND UPDATING APPEAL PROCEDURES.

WHEREAS, the City has an interest in maintaining its housing stock by conducting rental inspections annually;

WHEREAS, annual rental inspections will result in greater costs and expenses for the City Building Department; and

WHEREAS, the City wishes to create an exception from the requirement of obtaining a rental registration permit for certain living arrangements among family members that do not involve the formal exchange of consideration;

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

Section 1. Council hereby amends Codified Ordinance Section 1280.10, entitled “Rental of One and Two Family Dwelling Districts” which shall read in its entirety as follows:

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

(a) Findings, Purpose and Intent. By adopting this section, the City of University Heights acknowledges the overall general increase of rental properties and because the U-1 and U-2 Districts have special features, characteristics, needs, issues, concerns and problems that are not prevalent in other zoning districts. These concerns include the safety and the tranquility of the residential neighborhood, both of which may be impaired by, among other things, the significant increase in parking of vehicles at one- and two-family dwellings. It is with these concerns in mind that the City now adopts this section in an effort to help ensure safe living conditions and adequate parking areas, as well as to avoid overcrowding in the U-1 and U-2 zoning districts.

(b) Permit Required.

(1) No owner, renter, tenant or regular occupant of any single-family or two-family dwelling in the U-1 and U-2 zoning districts shall rent, lease or regularly occupy any dwelling unit without first obtaining a rental permit from the City Building Department, except in the following circumstances:

(i) the owner resides in the dwelling unit; or

(ii) both of the following criteria are met:

(A) The dwelling unit is occupied by one family as defined in Section 1240.10 and the family is related by blood, marriage or adoption to the owner of the dwelling unit; and

(B) No monetary or in-kind consideration is exchanged between the owner and the subject family. For purposes of this ordinance, in-kind consideration does not include child care, elder care, other caregiving among family members,

housekeeping, landscaping, repairs or maintenance, household chores or services, and such other customary deeds or services among family members.

(2) A dwelling unit may be occupied by one family as defined in Section 1240.10 and/or 1472.14 (or related by blood, marriage or adoption) or can be occupied by not more than three unrelated persons. "Regular occupancy" means the physical presence of a person in the dwelling unit overnight for at least 15 nights in a consecutive 30-day period.

(3) Any one- or two-family dwelling including those with a rentable third floor shall be required to obtain a rental permit.

A. One Family Dwelling. Each third floor unit shall be limited to one tenant and have its own private bath complete with shower and or tub, toilet, and sink. No culinary or cooking equipment shall be permitted within this area. (See Section 1472.30 for definition of "culinary facilities").

B. Two Family Dwelling. Each third floor unit must meet all the requirements of a one-family third floor unit. In addition the unit must have direct access to the outside without traversing through any other unit.

(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.

(d) Rental Permit Duration. A rental permit shall be valid for the property, for up to the number of occupants authorized in the permit for a one year period from the date of inspection. Should the property ownership change, the rental permit is non-transferable and a new application must be applied for and all requirements must be met by the new owner(s). The owner or occupant is required to notify the City Building Department whenever there is any change in tenants, renters or regular occupants, however, such a change(s) will not invalidate the rental permit, so long as the number of tenants, renters, or regular occupants permitted on the leased premises does not exceed the maximum tenancy allowed for the property.

(e) Appeal and Special Application for More than Three Unrelated Persons as Tenants.

(1) An owner of a single-family or two-family dwelling may make a written application to the Board of Zoning Appeals to allow occupancy of more than three unrelated persons in a dwelling unit. In reviewing such an application, the Board of Zoning Appeals shall consider the criteria contained in division (c) of this section. However, no provision of this section shall be applied in circumstances where the application of such provision would violate the fair housing rights of the disabled as defined by applicable Federal, State or local law.

(2) An applicant who has been denied a rental permit by a decision of the Board of Zoning Appeals may seek further administrative appeal to the Cuyahoga County Court of Common Pleas.

(f) Application Fee. The fee charged for a rental permit shall be six hundred dollars (\$600.00) for a single-family dwelling. The fee charged for a rental permit shall be eight hundred dollars (\$800.00) for both units of a two-family dwelling. The fee charged

for one-half of a two-family dwelling shall be six hundred dollars (\$600.00) The fee charged for a rental permit shall be two hundred dollars (\$200.00) for a rentable third floor unit. Fees shall be paid at the time the application for a rental permit is filed with the City and for any renewal thereof. For every month, or portion thereof, an additional fee of two hundred dollars (\$200.00) shall be assessed to the owner(s), should the owner(s) fail to comply with this section.

(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.

(h) Penalty. Whoever violates any provision of this section is guilty of a misdemeanor of the first degree and shall be

fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than six months, or both, for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Section 2. It is hereby found and determined that all formal actions of this 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 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, OHIO



MICHAEL DYLAN BRENNAN, MAYOR

FIRST READING: 05/07/2018

PASSED: 05/22/2018

ATTEST:



KELLY M. THOMAS, CLERK OF COUNCIL

APPROVED AS TO FORM:



LUKE F. MCCONVILLE, LAW DIRECTOR