

ORDINANCE NO. _____

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODIFIED ORDINANCES OF THE CITY OF HAMILTON, OHIO BY ENACTING CHAPTER 702, RELATIVE TO RESIDENTIAL RENTAL REGISTRATION AND INSPECTION.

WHEREAS, the City of Hamilton has experienced issues with the safety and sanitary and habitation conditions of residential rental units within the City; and

WHEREAS, there is currently no ordinance in place to regulate the safety and sanitary and habitation conditions of residential rental units within the City; and

WHEREAS, City Administration recommends that an ordinance be created to ensure that residential rental units are safe, sanitary and fit for human habitation; this will be assured through registration, inspection and issuance of permits. This ordinance will also provide notice of violation to the property owner, given an opportunity for correction and allows civil penalty; and

WHEREAS, allowing unsafe, unsanitary and inhabitable residential rental units to remain in the City is dangerous to the City's residents, neighborhoods and the community as a whole, will cause property values to decline and will hinder reinvestment in the City; and

WHEREAS, in order to achieve the foregoing, it is necessary to amend and supplement the Codified Ordinances of the City of Hamilton by enacting Chapter 702; and

WHEREAS, Council desires to amend and supplement the Codified Ordinances of the City of Hamilton by enacting Chapter 702 for said purposes as described herein;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That the Codified Ordinances of the City of Hamilton, Ohio, be and hereby are amended and supplemented to enact Chapter 702 relative to Residential Rental Registration and Inspection, to be read as set forth in Exhibit No. 1 attached hereto, incorporated herein by reference and made a part hereof.

SECTION II: This ordinance shall take effect and be in full force from and after the earliest period allowed by law after its passage.

PASSED: _____

Mayor

Effective Date: _____

ATTEST: _____

City Clerk

CERTIFICATE

I, Nicholas Garuckas, City Clerk of the City of Hamilton, Ohio, State of Ohio, hereby certify that the foregoing Ordinance No. _____ was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED: _____.

**Nicholas Garuckas, City Clerk
CITY OF HAMILTON, OHIO**

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Exhibit No. 1

PART SEVEN – BUSINESS REGULATION CODE

CHAPTER 702 – RESIDENTIAL RENTAL REGISTRATION AND INSPECTION

702.01 PURPOSE

The purpose of this chapter shall be to ensure public health, safety and welfare for those citizens occupying rental property and to ensure that those units meet basic health, safety and fire standards.

702.02 DEFINITIONS

- (a) "Rental unit" is any dwelling or part thereof used or meant to be used for human habitation for which the owner receives rent or any other compensation.
- (b) "Building Code" means the Ohio Building Code or the Residential Code of Ohio for One, Two and Three Family Dwellings as currently adopted or subsequently modified.
- (c) "Health Code" means those ordinances found in Chapter 1700 of the Hamilton Codified Ordinances as currently adopted or subsequently modified.
- (d) "Fire Code" means the Ohio State Fire Code as currently adopted or subsequently modified.
- (e) "Owner" see Hamilton Codified Ordinance Section 1709.42.
- (f) Definitions of Chapter 1709 are hereby incorporated into this chapter as if fully rewritten.

702.03 RENTAL PERMIT, REGISTRATION FEES AND INSPECTION

- (a) Rental Permit: Every owner of property that has residential rental units must annually obtain a rental permit from the City of Hamilton, Community Development Department. Rental permits will be issued upon registration of each rental unit with the City of Hamilton, Community Development Department, and following inspection as provided by Section 702.03(c). No property owner may rent a residential rental unit without first obtaining a rental permit. Rental permits shall be valid for the calendar year in which they are issued. Any owner that fails to obtain a rental permit shall be charged a two hundred fifty dollar (\$250) penalty.
- (b) Registration Fees: Registration fees shall be paid when registering rental units with the City of Hamilton, Community Development Department.
 - (1) For calendar year 2017:
 - a. If the registration is completed by July 31, 2017, the registration fee will be fifty dollars (\$50) per rental unit. If there are more than three rental units under one roof,

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the registration fee will be fifty dollars (\$50) for each of the first three units and twenty-five dollars (\$25) for each rental unit thereafter.

- b. Registrations after July 31, 2017 but before October 31, 2017, shall be seventy-five dollars (\$75) for each rental unit. If there are more than three rental units under one roof, the registration fee will be seventy-five dollars (\$75) for each of the first three units and twenty-five dollars (\$25) for each rental unit thereafter.
 - c. Registrations after October 31, 2017 but before December 31, 2017, shall be one hundred dollars (\$100) for each rental unit. If there are more than three rental units under one roof, the registration fee will be one hundred dollars (\$100) for each of the first three units and twenty-five dollars (\$25) for each rental unit thereafter.
- (2) For calendar year 2018 and thereafter, the registration fee shall be seventy-five dollars (\$75) if paid by July 31. If there are more than three rental units under one roof, the registration fee will be seventy-five dollars (\$75) for each of the first three units and twenty-five dollars (\$25) for each rental unit thereafter. If paid after July 31, the registration fee is one hundred dollars (\$100) per rental unit. If there are more than three rental units under one roof, the registration fee will be one hundred dollars (\$100) for each of the first three units and twenty-five dollars (\$25) for each rental unit thereafter.
- (3) The registration fee for the permit year in which a unit is exempt from inspection according to Section 702.03(c) shall be twenty-five dollars (\$25) for each rental unit that is exempt from inspection.
- (4) Every new owner of property that has residential rental units must register each rental unit within sixty days of acquiring the property. If a rental permit was issued for the property to the previous owner for the year in which the property is acquired, no additional registration fee will be charged to the new owner for that year so long as the new owner registers the property within sixty days of acquiring the property. If a rental permit was not issued for the property to the previous owner for the year in which the property is acquired, the new owner must obtain a rental permit and pay a registration fee, which fee shall be the same as the registration fee charged for registrations paid between January 1 and July 31 for the applicable year, so long as the as the new owner registers the property within sixty days of acquiring the property. If the new owner fails to obtain a rental permit and pay a registration fee within sixty days of acquiring it, the registration fee shall be whatever fee is due according to the schedules provided herein.
- (c) Inspections: Before a rental permit is issued, the interior and exterior of the property shall be inspected to determine compliance with the Housing Code, the Fire Code, and the Zoning Code. If violations of said Codes are found during the inspection, a referral will be made to the appropriate City Department(s) for investigation. No rental permit will be issued until all violations are corrected. Properties in which violations are found must be inspected in the following permit year. Properties that are inspected and for which no referral is made

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to a City Department for investigation shall be exempt from this inspection requirement for the following permit year.

- (d) Fees and penalties collected pursuant to Section 702.03 shall be used exclusively to help defray the costs to the City for rental unit inspections.
- (e) The failure to obtain a rental permit may be used as evidence in any landlord tenant dispute.

702.04 EXEMPTIONS FROM RENTAL REGISTRATION AND INSPECTIONS

Properties owned and managed by a governmental agency, or properties which are state or federally licensed and which provide medical, mental health, or social services support to residents, and which licensure subjects the properties to at least yearly inspections, shall be exempt from the provisions of this Chapter.

702.05 NOTICE OF VIOLATIONS

Notice of the failure to obtain a rental permit or to permit inspections shall be sent to the address of the owner as found on the Butler County Auditor's web site. Service shall be sent by United States certified mail or commercial carrier service. If service is returned as "refused" or "undeliverable", service shall be by posting on the property.

702.06 SEVERABILITY

In the event that any provision set forth herein is determined to be unconstitutional or otherwise, unenforceable, the remainder of this chapter shall remain in full force and effect.

702.07 CIVIL PENALTY

Whoever violates any provision of this chapter shall be fined not more than two hundred fifty dollars (\$250). A separate offense shall be deemed committed each day during or on which an offense occurs or continues.