

Sec. 874-1. - Definitions.

For the purposes of this chapter, words and phrases shall have their ordinary meaning unless defined herein.

(a)

"Director of Buildings and Inspections or Director" shall be construed to include authorized employees appointed to perform specific duties of the Department of Buildings and Inspections in the enforcement of the provisions of the Ohio Building Code and the Cincinnati Building Code.

(b)

"Person in control" shall mean:

(1)

The person, persons, or entity holding title to the freehold estate of the premises; or

(2)

Any individual designated by the owner of a Residential Rental Property as having the duty, responsibility, and authority to operate, maintain, and manage the Residential Rental Property; or

(3)

A mortgagee or vendee in possession; or

(4)

A receiver; or

(5)

An executor; or

(6)

A trustee; or

(7)

Any person, public or private entity, lessee or holder of a lesser estate in the premises, and/or its duly authorized agent(s), with the authority to bring a building or premises into compliance with the provisions of this code, including, but not limited to, any mortgagee that has filed an action in foreclosure on the particular premises at issue, based on breach or default of a mortgage agreement, until title to the premises is transferred to a third party.

(c)

"Property" shall mean real property located in the city of Cincinnati improved by virtue of a dwelling having been erected on the real property.

(d)

"Residential Rental Property" shall have the same meaning as Ohio Revised Code 5323.01(E). In addition, the Director may consider the following criteria in identifying whether real property constitutes residential rental

property for purposes of this Chapter:

(1)

The property does not receive an owner occupancy tax credit based on the records of the Hamilton County Auditor;

(2)

The property contains a dwelling unit registered as a rental property with the Hamilton County Auditor pursuant to Ohio Revised Code Chapter 5323;

(3)

The property is owned by a corporate entity and not individually;

(4)

For single-family homes, the water records kept by greater Cincinnati water works reflect third-party billing;

(5)

The Hamilton County Auditor has applied any of the following land use codes to the property:

CATEGORY	DESCRIPTION	DEPT. OF TAX EQUALIZATION	HAMILTON COUNTY
COMMERCIAL	APARTMENTS—4 TO 19 UNITS	<a href="#">401</a>	<a href="#">401</a>
COMMERCIAL	APARTMENTS—20 TO <a href="#">39</a> UNITS	<a href="#">402</a>	<a href="#">402</a>
COMMERCIAL	APARTMENTS—40+ UNITS	<a href="#">403</a>	<a href="#">403</a>
COMMERCIAL	RETAIL—APARTMENTS OVER		404
COMMERCIAL	OFFICE—APARTMENTS OVER		431
RESIDENTIAL	TWO FAMILY DWELLINGS	520	520
RESIDENTIAL	THREE FAMILY DWELLINGS	530	530
RESIDENTIAL	LOW INCOME HOUSE TAX CREDIT (residential)	569	569
RESIDENTIAL	OTHER STRUCTURES	599	599

(6)

The property has been registered as a residential rental property with the Hamilton County Auditor as required by Ohio Revised Code 5323.02;

(7)

Other reasonable indicators that real property has been rented to tenants for residential purposes, for example, the existence of a lease agreement.

(Ordained by Ord. 406-2019, § 1, eff. April 30, 2020)

Sec. 874-3. - Scope.

(a)

The provisions of this Chapter apply to all Residential Rental Properties.

(b)

Real property or a portion thereof used exclusively for the following purposes shall be exempt from the requirements of this section:

(1)

Hotels or motels;

(2)

College or university dormitories that are state-owned and are inspected for code compliance under other procedures or licensure;

(3)

Properties that are currently unoccupied because they have been ordered vacated by the director;

(4)

Properties that are available to the public for rental for a period of thirty days or less;

(5)

Non-residential purposes when separate and distinct from a portion used as a residential rental property, e.g. first floor retail in a multi-story mixed-use apartment building.

(c)

In the event of a dispute over whether a property is subject to the application and inspection provisions of this ordinance, owners may submit evidence to the Director demonstrating that their property is not "Residential Rental Property" for purposes of this section.

(Ordained by Ord. 406-2019, § 1, eff. April 30, 2020)

Sec. 874-5. - General Obligations of Owners and Persons in Control of Residential Rental Properties.

(a)

The owner or person in control of a Residential Rental Property must file a Residential Rental Property registration with the director within 60 calendar days of the effective date of this ordinance or within 60 calendar days of assuming ownership, whichever is later.

(b)

All Residential Rental Property registrations shall be made on forms and in the manner prescribed by the director, and shall include the following information:

(1)

The name, address, and telephone number of the owner;

(2)

If the Residential Rental Property is owned by a trust, business trust, estate, partnership, limited partnership, limited liability company, association, corporation, or any other business entity, the name, address, and telephone number of the following:

a.

A trustee, in the case of a trust or business trust;

b.

The executor or administrator, in the case of an estate;

c.

A general partner, in the case of a partnership or a limited partnership;

d.

A member, manager, or officer, in the case of a limited liability company;

e.

An associate, in the case of an association;

f.

An officer, in the case of a corporation;

g.

A member, manager, or officer, in the case of any other business entity.

(3)

The name, address, and telephone number for any and all persons in control of the Residential Rental Property, including, but not limited to, a professional property management company or on-site maintenance personnel, who have been designated by the owner as the party responsible for responding to emergency or maintenance issues for the Residential Rental Property and who can be reached 24 hours a day, 7 days a week, 365 days a year. At least one person in control must reside within 100 miles of the registered Residential Rental Property.

(4)

The street address and permanent parcel number of the residential rental property.

(5)

The monthly rent charged and the number and size of each rental unit located in each residential rental property, including the number of bedrooms, bathrooms, and approximate square footage of the unit.

(c)

The owner and any designated person in control of a registered Residential Rental Property have a continuing obligation to notify the director in writing of any changes, including, but not limited to:

(1)

Any change in information on the Residential Rental Property registration form.

(2)

Any change in ownership.

(3)

Any change in use of the Residential Rental Property, including, but not limited, to the property becoming and remaining vacant for a period of sixty days or more.

(d)

All Residential Rental Registrations shall be accompanied by the applicable fee necessary to recover the cost and expense of the administering the registry, which fee shall not exceed \$1.00 per registered rental unit.

(Ordained by Ord. 406-2019, § 1, eff. April 30, 2020)

Sec. 874-7. - Penalties.

(a)

Failure to register a Residential Rental Property shall constitute a Class D civil offense. Each additional day that the property remains unregistered after receiving under CMC [Section 1501-13](#), "Notice of Civil Offense and Civil Fine; Procedures," shall constitute a separate, subsequent Class E civil offense.

(b)

Failure to maintain accurate information once having registered a Residential Rental Property shall constitute a Class A civil offense. Each additional day that the information remains inaccurate after receiving under CMC [Section 1501-13](#), shall constitute a separate, subsequent Class B civil offense.

(Ordained by Ord. 406-2019, § 1, eff. April 30, 2020)

Sec. 874-9. - Severability.

If any provision or section of this chapter or the enforcement of any such provision or section is held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect or render invalid or unenforceable any other provision or section of this chapter. To this end, each of the provisions and sections of this chapter are severable.

(Ordained by Ord. 406-2019, § 1, eff. April 30, 2020)

Sec. 874-11. - Appeals.

Any person who has a bona fide controversy with the interpretation, application, or enforcement of this Chapter may submit a written petition for reconsideration to the Director under CBC [Section 1101-80](#), "Director's Actions."

(Ordained by Ord. 406-2019, § 1, eff. April 30, 2020)

Sec. 874-13. - Effective Date.

This Chapter shall take effect 183 days after it becomes law.

(Ordained by Ord. 406-2019, § 1, eff. April 30, 2020)