

CHAPTER 1537 Rental Dwelling Housing License Code

- 1537.01 Title.
- 1537.02 Purpose.
- 1537.03 Rental dwelling unit standards.
- 1537.04 Application.
- 1537.05 Definitions.
- 1537.06 Registration of rental dwelling unit.
- 1537.07 Housing license fee.
- 1537.08 Housing license issuance procedure.
- 1537.09 Housing license non-resident applicant.
- 1537.10 License expiration.
- 1537.11 Severability.
- 1537.12 Conflict with other ordinances.
- 1537.13 Denial / Revocation / Suspension.
- 1537.14 Exceptions.
- 1537.99 Penalty.

1537.01 TITLE.

The provisions of this Chapter hereinafter referred to as "Code" shall be known as "The Lorain Rental Dwelling Unit Code". The word "City" in this chapter shall mean the City of Lorain, Ohio.

1537.02 PURPOSE.

The purpose of this Code is to establish a process for the inspection and licensure of rental dwelling units that exist in the City of Lorain. All rental dwelling units shall be sanitary, free from fire and health hazards and fit for human habitation and beneficial to the public welfare; that a blighting or deteriorating influence on the neighborhood and the community shall be minimized; that property values and the character and appearance of neighborhoods and the community are protected and it is further the purpose of this Code that by the processes of inspection and licensure, the City of Lorain can provide the public with the assurance that by placing responsibilities upon owners and occupants with respect to sanitation, repair, maintenance and licensure the health, safety and welfare of the Citizens of the City of Lorain will be protected.

1537.03 RENTAL DWELLING UNIT STANDARDS.

All rental dwelling units shall be in compliance with the City of Lorain Property Maintenance Code as set forth in Chapter 1509 of the City of Lorain Codified Ordinances upon issuance of license as provided herein.

1537.04 APPLICATION.

(a) This Code shall apply to all rental dwelling units, including but not limited to, short-term rental(s), commonly referred to as, "transient rental(s)".

(b) Rental Dwelling Units which are occupied as of the date of the adoption of this Code may continue to be occupied as rental dwelling units if:

(1) The rental dwelling unit complies with the provisions of the Codified Ordinances of the City except as to any variance heretofore granted by the Board of Zoning Appeals, and

(2) The use and occupancy of the rental dwelling unit is not in violation of any provision of City Ordinances and/or applicable statutes of the State of Ohio, including any rules or regulations adopted pursuant to such ordinance or statutes.

(c) The Chief Building Official or his/her designee is designated to enforce this Code.

1537.05 DEFINITIONS.

For the purposes of this Code, the following words and phrases shall have the meaning set forth as follows:

(a) DESIGNATED AGENT: An individual person who shall be authorized by the owner of a Rental Dwelling Unit to accept service of process and notices issued pursuant to this Code on behalf of the Owner.

(b) DWELLING: Any building or portion thereof designed for or used for residential purposes, but not including hotels/motels, recreational vehicles, tents or portable buildings.

(c) DWELLING, MULTI-FAMILY: A building, or portion thereof, designed, constructed, altered or used for occupancy by three (3) or more families, living independently of each other and each doing their own cooking within their dwelling unit; with the number of families in residence not exceeding the number of dwelling units provided.

(d) DWELLING, SINGLE-FAMILY DETACHED: A detached building designed for the complete living accommodations of one (1) family and containing only one (1) dwelling unit.

(e) DWELLING, SINGLE-FAMILY ATTACHED: A dwelling designed for occupancy by one (1) family in a row of at least three (3) dwelling units in which each unit has its own front and rear access to the outside, no unit is located over another and each unit is separated from any other unit by one (1) or more vertical common fire-resistant walls.

(f) DWELLING, TWO-FAMILY: A detached building designed for and occupied exclusively by two (2) families living independently of one another, also referred to as a duplex.

(g) DWELLING UNIT: A permanent building, or any part of a permanent building, having cooking and sanitary facilities, designed or used exclusively for residential occupancy by one (1) family as a single housekeeping unit.

(h) FAMILY: One (1) or more persons occupying a dwelling unit, living as a single, nonprofit housekeeping unit; provided, a group of four (4) or more persons who are not within the second degree of kinship shall not constitute a family.

(i) HOUSING LICENSE: Permission grant by the City for the right to occupy a Rental Dwelling Unit

(j) NON -RESIDENT OWNER: The owner of a rental dwelling unit, who at the time of application for a housing license does not reside within the City or relocates outside the City of Lorain after they have been issued a housing license for a rental dwelling unit.

(k) RENTAL DWELLING UNIT: A non-owner occupied dwelling where the right to occupy is granted in consideration of the payment of money or other valuable consideration.

(l) OCCUPANT: A family or family member living in a rental dwelling unit.

(m) HOUSING LICENSE APPLICATION: A form provided by the Building Department that is completed by the owner of a Rental Dwelling Unit.

(n) OWNER: A legal person including but not limited to an individual, a partnership, a limited liability company and a corporation who or which has legal title or a beneficial ownership interest, solely or jointly, to a rental dwelling unit. For purposes of this Code, an owner shall include the following persons:

- (1) President, Secretary and treasurer of a corporation;
- (2) Partner of a general partnership;
- (3) Managing partner of a limited partnership;
- (4) Managing member of a limited liability company;
- (5) Statutory Agent of a business organization.

An officer of a corporation and/or company can and shall be the owner of record. The person, corporation and/or the deed holder of homes rented as a rent-to-own agreement shall remain as owner of record until such time that the transfer of title is filed with the Lorain County Auditor. The owner or owners of the premises, including the holder of title thereto subject to contract of purchase, a vendee in possession, a mortgagee or receiver in possession, a lessee or joint lessees of the whole thereof or an agent or any other person, firm or corporation directly in control of the premises.

(o) LANDLORD: The "term" Landlord shall have the same meaning as set forth in Ohio R.C. 5321.01(B).

(p) SHORT-TERM RENTAL; commonly referred to as "transient rental and/or lodging" is defined as; a business engaged in the rental of an entire dwelling unit or a portion of a dwelling unit to provide guest lodging for pay for periods not-to-exceed twenty-nine (29) days and which does not include serving food. Short-term rentals include, by way of example, Airbnb and Vacation Rentals By Owner (VRBO).

(q) TRANSIENT GUEST: means person(s) occupying a rental dwelling for no more than twenty-nine (29) days.

1537.06 REGISTRATION OF RENTAL DWELLING UNIT.

(a) No person shall use or cause a rental dwelling unit to be occupied without obtaining a license pursuant to the provisions of this Code. A license issued pursuant to this Code shall be obtained through the following process:

(1) A Housing License application shall be filed with the Building Housing and Planning Department and accompanied by an application fee listed below. Each Housing License application shall be signed by the owner of the property being registered or said owner's authorized agent, and shall include the following information:

A. Name, address and contact information of owner;

B. Legal address of the property;

C. Brief description of type and number of rental unit(s); and,

D. Name, address and contact information of a designated agent who shall be an individual person, residing in the County of Lorain, Cuyahoga, Medina, Ashland, Huron, or Erie, who in addition to the owner may accept service of process and official notices issued by the City to the owner. An official notice or service of process issued to a designated agent shall be deemed as served or delivered upon the owner of record.

E. Proof of property insurance

(b) Upon transfer of ownership of a Rental Dwelling Unit, the new owner shall notify the City of the transfer within thirty (30) days of the completed transfer and the identity of the designated agent.

(c) Notification of the owner or his designated agent at the address shown on the application form shall constitute notice pursuant to any provision of this Code.

(d) Registration completed pursuant to the provisions of this Code shall be for a period of one year and shall expire upon the first annual anniversary date after issuance of the Housing License.

1537.07 HOUSING LICENSE FEE.

(a) A nonrefundable non-prorated fee shall be paid to the City of Lorain in the amount of one hundred dollars (\$100.00), and twenty five dollars (\$25.00) for each additional rental dwelling unit. The fee shall be due in full at the time of application for the housing license. By way of example: one hundred dollars (\$100.00) for single family rental dwellings, one hundred twenty-five dollars (\$125.00) for two-family rental dwellings, one hundred fifty dollars (\$150;00) for three-family rental dwellings, etc.

(b) Short-Term Rentals will be subject to a transient guest tax as set forth in Chapter 195, Transient Lodging Tax, of the City of Lorain Codified Ordinances.

(c) Housing License is non-transferable.

1537.08 HOUSING LICENSE ISSUANCE PROCEDURE.

(a) The Chief Building Official (CBO) shall issue a Housing License upon his/her determination that the Housing License application is complete, the requisite application fee has been paid and conditions of the Rental Dwelling Unit(s) complies with this Code and all other ordinances of the City of Lorain. A copy of the Housing License shall be provided to tenants of a rental dwelling unit.

(b) The CBO may request inspection of the Rental Dwelling Unit(s) prior to issuance of a Housing License. An inspection shall be conducted upon the consent of the owner or his/her designated agent.

(c) When an inspection of a Rental Dwelling Unit(s) is requested and the owner or his/her designated agent does not consent to an inspection of the rental dwelling unit(s) which is the subject of the Housing License application, the CBO may seek the issuance of a search warrant in order to inspect the residential dwelling unit when the CBO has reasonable cause to believe that the condition of the rental dwelling unit does not comply with applicable, building, sanitation, health and property maintenance laws of the City of Lorain.

(d) Refusal of an owner or his/her designated agent to permit an inspection of the rental dwelling unit(s) which is the subject of a Housing License application shall not be cause for the CBO to deny issuance of a Housing License.

(e) When the CBO determines that the condition of a rental dwelling unit(s) which is the subject of a Housing License application is in violation of the applicable City property maintenance code provisions, the CBO shall issue written notice of the property maintenance code violation(s) to the owner. If the owner corrects the violations so determined, within thirty (30) days of the issuance of notice of the violations by the City to the owner, the CBO shall issue the Housing License to the owner.

1537.09 HOUSING LICENSE NON-RESIDENT APPLICANT.

The owner of a rental dwelling unit who does not reside in the City of Lorain shall designate an agent who in addition to the owner shall be responsible for operation of the Rental Dwelling Unit and who may accept service of process and official notices issued by the City of Lorain on behalf of the owner. An official notice or service of process issued to a designated agent shall be deemed as served or delivered upon the owner of record of the rental dwelling unit. Failure to maintain a rental dwelling unit or to maintain any requirements regarding licensure shall be grounds for revocation of an existing Housing License or denial of issuance of a Housing License. A designated agent shall be an individual person who resides in the County of Lorain, Cuyahoga, Medina, Ashland, Huron, or Erie, shall provide a valid address within the City and promptly notify the Chief Building Official of any change in address or other change in status.

1537.10 LICENSE EXPIRATION.

(a) Every Housing License shall expire upon the occurrence of:

(1) The anniversary date one year after issuance, or

(2) Whenever the ownership of a rental dwelling unit changes. Housing Licenses are not transferable. The new owner shall, within fifteen (15) days of title transfer, secure a housing license as required by this Code.

(b) For purposes of this Section 1537.10, a transfer of ownership of a rental dwelling unit shall include but not be limited to any transaction when legal or beneficial ownership is transferred.

1537.11 SEVERABILITY.

Sections and subsections of this Code and provisions thereof are hereby declared to be independent sections, subsections and provisions, and the holding of any such section, subsection

and provision thereof to be unconstitutional, void or ineffective for any cause shall not affect nor render invalid any other section.

537.12 CONFLICT WITH OTHER ORDINANCES.

In the event of conflict between any provisions of this Code, including any rules and regulations adopted pursuant to this Code and any provisions of the Codified Ordinances of the City of Lorain, that provision or ordinance which establishes the higher standard for the promotion or protection of the health or safety of the occupants shall govern.

1537.13 DENIAL / REVOCATION / SUSPENSION.

The Chief Building Official may revoke or suspend a Housing License pursuant to this Code if:

(a) The building for which the Housing License was issued or the use to which it is put are in violation of this Code, and/or any other applicable laws or ordinances of the City of Lorain.

(b) A false statement or representation was made by the owner in connection with the application, issuance of the Housing License, compliance with Part Eleven, Planning and Zoning Code, or Chapter 195, Transient Lodging Tax of the City of Lorain Codified Ordinances.

(c) The building for which the Housing License was issued has additional rental dwelling units that were not stated on the application and identified on the Housing License.

(d) The owner of a rental dwelling unit fails to notify the Building Department if a change in ownership or contact information of the owner, or designated agent or other responsible party as required in Section 1537.11.

(e) Any applicant, owner, operator, manager, short-term rental host or property manager is shown to have been convicted of the act of prostitution or soliciting for prostitution, or an act that would constitute a violation of the ORC Chapters 2925 or 3719, on the premises of the hotel/motel or short-term rental in question, the applicant's dwelling, or any hotel/motel, short-term rental, or dwelling in which the applicant, owner, or short-term rental host has any interest in, including, but not limited to, ownership, licensure, or management

(f) The applicant's dwelling has three (3) or more calls for service during a consecutive twelve-months where at least one of the twelve months occurs within the calendar year in which an objection to the permit is lodged;

(g) The applicant's dwelling has a history of repeated conduct that endangers neighborhood safety or diminishes resident's quality of life

1537.14 EXCEPTIONS.

Exceptions to the provisions of this Chapter may be granted by the City of Lorain for any property subject to a duly recorded life estate filed with the Lorain County Recorder.

1537.99 PENALTY.

Whoever fails to comply with any of the provisions of this Code, shall be guilty of a misdemeanor in the first degree and upon conviction thereof shall be fined not more than one thousand dollars (\$1,000.00) or imprisonment for a term not more than six (6) months for a first offense; and any subsequent offense. Each day on which a violation of the provisions of this Code has occurred shall constitute a separate offense.