

Proposed: 11/16/2020

ORDINANCE NO. 124-2020 (PSH), *Second Reading*

By Council Member Hart

An Ordinance amending Sections 1351.33 and 1351.34 of Chapter 1351, “Basic Standards for Residential Occupancy,” and Section 1345.99, “Penalty,” of Chapter 1345, “Enforcement and Penalty,” of Part Thirteen, *Building Code*, Title Five, Housing Code, of the Codified Ordinances of the City of Cleveland Heights.

WHEREAS, on October 3, 2018, this Council adopted Ordinance No. 111-2018, amending Chapter 1351 of the Codified Ordinances of Cleveland Heights, which amendments included enactment of a provision requiring a cash bond upon foreclosure of vacant residential properties (“Foreclosure Bond Ordinance”) as Section 1351.33(d) of the Codified Ordinances; and

WHEREAS, the City has identified amendments to the Foreclosure Bond Ordinance that would improve compliance and increase its positive impact upon the City’s housing stock, through stronger mandates and more robust enforcement provisions; and

WHEREAS, as an effect of the foreclosure crisis, many foreclosed properties are sold to out-of-county and out-of-state investors; and

WHEREAS, the City has likewise identified changes to the registration requirements of Section 1351.34 of the Codified Ordinances for dwelling structures owned by out-of-county owners that would improve compliance and facilitate enforcement of the Housing Code; and

WHEREAS, based upon the foregoing, this Council desires to modify the Foreclosure Bond Ordinance and Out-of-County registration provisions of the Housing Code.

BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio, that:

SECTION 1. Section 1351.33, “Registration of Vacant Dwelling Structures and Foreclosure Bond,” of Chapter 1351, “Basic Standards for Residential Occupancy,” of Part Thirteen, *Building Code*, Title Five, Housing Code, of the Codified Ordinances of the City of Cleveland Heights, is hereby amended to read as set forth in Exhibit A hereto.

SECTION 2. Current Section 1351.33 of Chapter 1351 of the Codified Ordinance of the City of Cleveland Heights, as it existed prior to the effective date of this ordinance, is hereby repealed.

SECTION 3. Section 1351.34, “Registration of Dwelling Structure by Out-of-County Owners,” of Chapter 1351, “Basic Standards for Residential Occupancy,” of Part Thirteen, *Building Code*, Title Five, Housing Code, of the Codified Ordinances of the City of Cleveland Heights, is hereby amended to read as set forth in Exhibit B hereto.

ORDINANCE NO. 124-2020 (PSH), *Second Reading*

SECTION 4. Current Section 1351.34 of Chapter 1351 of the Codified Ordinance of the City of Cleveland Heights, as it existed prior to the effective date of the ordinance, is hereby repealed.

SECTION 5. Section 1345.99, “Penalty,” of Chapter 1345, “Enforcement and Penalty,” of the Codified Ordinances of the City of Cleveland Heights shall be and hereby is amended to read as follows:

1345.99 PENALTY.

(a) A violation of Sections [1351.14](#), ~~[1351.33](#)~~, [1347.01](#), or [1347.04](#)(a) or (b) is hereby classified as a minor misdemeanor. Every day such violation occurs or continues shall constitute a separate offense.

(Ord. 158-2010. Passed 12-20-10.)

(b) Whoever violates any other provision of this Housing Code, except [Sections 1351.33 or 1351.34](#), or as described in subsection (a) hereof, or any rule or regulation promulgated thereunder, or fails to comply therewith or with any written notice or written order issued thereunder, or whoever refuses to permit entry by the Building Commissioner or other City department heads or their representatives at a reasonable hour, or whoever interferes with, obstructs or hinders the Building Commissioner or his authorized representatives while attempting to make inspections, shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six (6) months, or both. Each day such violation occurs or continues shall constitute a separate offense.

(Ord. 28-2002. Passed 2-19-02.)

SECTION 6. Notice of passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 7. This Ordinance shall take effect and be in force at the earliest time permitted by law.

JASON S. STEIN, Mayor
President of Council

AMY HIMMELEIN
Clerk of Council

PASSED:

EXHIBIT A

1351.33 REGISTRATION OF VACANT DWELLING STRUCTURES AND FORECLOSURE BOND.

(a) The owner(s) of any dwelling structure that has become vacant, as defined in Section 1341.27, shall within 60 days of becoming vacant according to that Section, register with the Building Commissioner or his/her designee and designate an authorized agent located in Cuyahoga County for each vacant dwelling structure owned or under the control of the owner(s) as defined in Section 1341.21. The registration shall remain valid until December 31 of the year of the date of issuance. The owner shall be required to annually renew the registration by January 1 of each subsequent year for as long as the dwelling structure remains vacant and shall pay an annual registration fee of \$200.00 for each registered dwelling structure. The owner shall notify the Building Commissioner or his/her designee within twenty (20) days of any change in the registration information by filing an amended or designee registration statement on a form provided by the Building Commissioner or his/her designee for such purposes.

The registration statement shall include the name and address of the designated agent and shall reflect the owner's and agent's express agreement to appear in court when summoned, that the agent shall be authorized to testify on behalf of the owner in such case, and that the agent's testimony shall be deemed to be binding upon the owner in any administrative enforcement proceeding, or court proceeding, instituted by the City against the owner or owners of the dwelling structure. The failure of the owner of the vacant dwelling structure to obtain a deed for the property or to file the deed with the county recorder shall not excuse the owner from compliance with this Section 1351.33. Registration under Section 1351.34 of the Codified Ordinances shall not negate the requirements for registration under this Section 1351.33 or any other requirement of Chapter 1351.

(b) In order to complete registration under this Section if the property is vacant and in foreclosure proceedings, an internal and external inspection of the premises equivalent to the Point of Sale inspection in Chapter 1329 shall be required, which shall result in the issuance of a report containing the information

EXHIBIT A

required in a Certificate of Inspection as described in Section 1329.01. The owner or agent shall request the certificate of inspection in accordance with the procedures contained in Section 1329.02(a), which shall also govern entry to the premises for purposes of such inspection. The fee shall be the same as that required under Section 1329.04 for a Point of Sale Inspection.

(c) In addition to any other information required by the Building Commissioner or his/her designee, such as a legal photo identification document or card the registration statement shall include the name, street address and telephone number of a natural person eighteen (18) years of age or older, designated by the owner or owners as the agent authorized to receive, on behalf of such owner or owners, notices of violations of City ordinances and for receiving service of process, in any court proceeding or administrative enforcement proceeding related to the use or maintenance of the property or the dwelling structure, including but not limited to notices and processes served in connection with the enforcement of the Housing Code. The authorized agent must maintain a physical office with a street address in Cuyahoga County, Ohio, or must actually reside within Cuyahoga County, Ohio. A Post Office Box shall not satisfy the physical office requirement. An owner who is a natural person and who meets the requirements of this subsection as to location of residence or office may designate himself as agent. By designating an authorized agent under the provisions of this Section 1351.33, the owner consents and agrees to receive any and all notices of violation of City ordinances and to receive process in any court proceeding or administrative enforcement proceeding related to the use or maintenance of the property or dwelling structure, including but not limited to proceedings related to the enforcement of the Housing Code, by service of the notice or process on said agent. The designation of an authorized agent under this Section shall be deemed effective until the owner notifies the Building Commissioner or his/her designee, in writing, of a change of authorized agent or files a new annual registration statement.

EXHIBIT A

(d) If a vacant dwelling structure is on property subject to a foreclosure action, the plaintiff in the foreclosure action shall be required to comply with the provisions of this Section 1351.33 if at least one of the following apply:

(1) The plaintiff in the foreclosure action is a mortgagee of the property; and/or

(2) The plaintiff in the foreclosure action has assumed possession or control of the property.

(e) Any plaintiff in a foreclosure action required to comply with this Section 1351.33 pursuant to Section 1351.33(d) shall, in addition to satisfying all other requirements of this Section, provide a cash bond to the Building Commissioner or designee, in the sum of Fifteen Thousand Dollars (\$15,000.00), to secure the continued maintenance of the property in compliance with the provisions of this Housing Code throughout its vacancy and to reimburse the City for any fees owed and expenses incurred in inspecting, securing, repairing and/ or making such building safe by any legal means including, but not limited to, demolition. This cash bond obligation shall apply throughout the property's vacancy and until title to the property has been transferred to a third party, in compliance with the requirements of Chapter 1329. If the inspection required in Section 1351.33(b) results in the identification of violations of the Codified Ordinances the correction of which would cost more than \$15,000, then the City is authorized to require a higher bond, based on the amount set in the report of such inspection. If the Bond is entirely depleted, the Plaintiff in the foreclosure action shall provide a second bond for the greater of the cost of repairing the remaining, uncorrected violations identified in the report of the inspection pursuant to Section 1351.33(b) or \$15,000, whichever is greater. When the title to the property has transferred, remaining bond funds will be returned to the Plaintiff in the action if that Plaintiff submits a written request for such refund within 45 days of the transfer of title; otherwise, such funds shall be retained by the City.

(f) An annual administrative fee of One Thousand Five Hundred Dollars (\$1,500.00) or 10% of the required bond, whichever is greater, will be deducted from the bond by the City for administrative

EXHIBIT A

expenses including, but not limited to, the processing, accounting, and other administrative functions inherent in the administration of the foreclosure bond. The fee shall be deducted at the beginning of each year and shall not be prorated. These fees will be held in a separate fund. The fees are due from the date the vacancy began. Except for the initial fee, the annual fee shall be due on or before January 1 each calendar year.

(g) Penalty. Any responsible party who fails to comply with any provision of this Section shall be subject to a one hundred dollar (\$100.00) per day administrative penalty with a maximum penalty of fifteen thousand dollars (\$15,000.00) or shall be guilty of a first degree misdemeanor, or both. Every day such violation occurs or continues shall constitute a separate offense.

(h) In the event the City or one of its contractors, due to a lack of response of an owner or agent, is required to take action to abate a nuisance at a vacant property, the owner will be billed for the cost of abatement in accordance with Chapter 553, "Abatement of Nuisances," or if the property is subject to a foreclosure bond as set forth in Subsection 1351.33(d) herein, said bond will be drawn upon to cover such costs.

1351.33 REGISTRATION OF VACANT DWELLING STRUCTURES AND FORECLOSURE BOND.

(a) The owner(s) of any dwelling structure that has become vacant, as defined in Section ~~1351.27, 1341.27,~~ shall within ~~sixty (60) days after the structure becomes~~of becoming vacant, ~~or within thirty (30) days after the effective date of this according to that~~ Section ~~1351.33,~~ ~~whichever is later,~~ register with the Building Commissioner of Buildings or his/her designee and designate an authorized agent located in Cuyahoga County for each vacant dwelling structure ~~owned or under the control of the owner(s) as defined in Section 1341.21.~~ The registration shall remain valid until December 31 of the year of the date of issuance. The owner shall be required to annually renew the registration by January 1 of each subsequent year for as long as the dwelling structure remains vacant and shall pay an annual registration fee of ~~\$100~~200.00 for each registered dwelling structure. The ~~annual registration fee shall not be prorated.~~ The owner shall notify the Building Commissioner of Buildings or his/her designee within twenty (20) days of any change in the registration information by filing an amended or designee registration statement on a form provided by the Building Commissioner of Buildings or his/her designee for such purposes.

The registration statement shall ~~include the name and address of the designated agent and shall reflect the owner's and agent's express agreement to appear in court when summoned, that the agent shall be authorized to testify on behalf of the owner in such case, and that the agent's testimony shall be deemed prima facie proof of the statements therein contained to be binding upon the owner,~~ in any administrative enforcement proceeding ~~or court proceeding,~~ instituted by the City against the owner or owners of the dwelling structure. The ~~failure~~ of the owner of the vacant dwelling structure to obtain

- Formatted: Font: 16 pt, Bold
- Formatted: Centered
- Style Definition: Normal: Font: (Default) Times New Roman, 12 pt, Space After: 0 pt, Line spacing: single
- Formatted
- Formatted: Font: (Default) Calibri, 11 pt, Font color: Black
- Formatted: Font: (Default) Calibri, Font color: Auto
- Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto
- Formatted: Space After: 8 pt, Line spacing: Double, Pattern: Clear
- Formatted
- Formatted
- Formatted: Font: Calibri, Font color: Auto
- Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto
- Formatted
- Formatted
- Formatted
- Formatted
- Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto
- Formatted
- Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto
- Formatted
- Formatted: Font: (Default) Calibri, 11 pt, Font color: Black
- Formatted: Indent: First line: 0.5", Space After: 8 pt, Line spacing: Double, Pattern: Clear
- Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto
- Formatted
- Formatted: Font: (Default) Calibri, 11 pt, Font color: Black
- Formatted
- Formatted: Footer

a deed for the property or to file the deed with the county recorder shall not excuse the owner

from compliance with this Section ~~1351.33-1351.33~~, Registration under Section ~~1351.34~~1351.34 of the

Codified Ordinances shall not negate the requirements for registration under this

Section ~~1351.33~~1351.33, or any other requirement of Chapter ~~1351~~1351.

~~(b) In addition to any other information required by the Commissioner of Buildings or designee,~~ (b) In order to complete registration under this Section if the property is vacant and in foreclosure proceedings, an internal and external inspection of the premises equivalent to the Point of Sale inspection in Chapter 1329 shall be required, which shall result in the issuance of a report containing the information required in a Certificate of Inspection as described in Section 1329.01. The owner or agent shall request the certificate of inspection in accordance with the procedures contained in Section 1329.02(a), which shall also govern entry to the premises for purposes of such inspection. The fee shall be the same as that required under Section 1329.04 for a Point of Sale Inspection.

(c) In addition to any other information required by the Building Commissioner or his/her designee, such as a legal photo identification document or card, the registration statement shall include the name, street address and telephone number of a natural person eighteen (18) years of age or older, designated by the owner or owners as the agent authorized ~~agent for receiving~~to receive, on behalf of such owner or owners, notices of violations of City ordinances and for receiving service of process, in any court proceeding or administrative enforcement proceeding related to the use or maintenance of the property or the dwelling structure, including but not limited to notices and processes served in connection with the enforcement of the Housing Code. The authorized agent must maintain a physical office with a street address in Cuyahoga County, Ohio, or must actually reside within Cuyahoga County, Ohio. ~~A Post Office Box shall not satisfy the physical office requirement.~~ An

Formatted: Font: 16 pt, Bold

Formatted: Centered

Formatted: Font: (Default) Calibri, 11 pt, Font color: Black

Formatted: Font: (Default) Calibri, 11 pt, Font color: Black

Formatted: Font: (Default) Calibri, 11 pt, Font color: Black

Formatted: Font: (Default) Calibri, Font color: Black

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

Formatted: Font: (Default) Calibri, 11 pt, Font color: Black

Formatted: Font: (Default) Calibri, 11 pt, Font color: Black

Formatted: Space After: 8 pt, Line spacing: Double, Pattern: Clear

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

Formatted: Font: (Default) Calibri, Font color: Black

Formatted: Font: (Default) Calibri, Font color: Auto

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

Formatted: Font: (Default) Calibri, Font color: Black

Formatted: Font: (Default) Calibri, Font color: Auto

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

Formatted: Font: (Default) Calibri, Font color: Black

Formatted: Font: (Default) Calibri, 11 pt, Font color: Black

Formatted: Font: (Default) Calibri, Font color: Auto

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

Formatted: Font: (Default) Calibri, Font color: Black

Formatted: Font: (Default) Calibri, Font color: Auto

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

Formatted: Footer

owner who is a natural person and who ~~meets the requirements of this subsection as to location of~~
residence or office may designate himself as agent. By designating an authorized agent under the
provisions of this Section ~~1351.33,1351.33~~, the owner ~~is consenting~~ consents and agrees to receive
any and all notices of ~~violations~~ violation of City ordinances and to receive process in any court
proceeding or administrative enforcement proceeding related to the use or maintenance of the property
or dwelling structure, including but not limited to proceedings related to the enforcement of the Housing
Code, by service of the notice or process on ~~the authorized~~ said agent. ~~Any owner who has designated~~
~~The designation of~~ an authorized agent under ~~the provisions of this section~~ Section shall be deemed
~~to consent to the continuation of the agent's designation for the purpose of this section~~ effective until
the owner notifies the ~~Building Commissioner of Buildings~~ or his/her designee, in writing, of a change
of authorized agent or ~~until the owner~~ files a new annual registration statement.

~~(ed)~~ If a ~~foreclosure action has been filed with respect to property containing a~~ vacant dwelling
structure ~~is on property subject to a foreclosure action~~, the plaintiff in the ~~foreclosure~~ action shall be
required to comply with the provisions of this Section ~~1351.33,1351.33~~ if at least one of the following
apply:

- ~~(1)~~ The plaintiff in the ~~foreclosure~~ action is a mortgagee of the property; and/or
- ~~(2)~~ The plaintiff in the foreclosure action has assumed possession or control of the property.

~~(de)~~ Any plaintiff in a foreclosure action ~~meeting the provisions of Subsection 1351.33(e)~~
~~herein~~, required to comply with this Section 1351.33 pursuant to Section 1351.33(d) shall, in addition to
~~satisfying all other~~ requirements of this Section, provide a cash bond to the Building Commissioner
or designee, in the sum of Fifteen Thousand Dollars (\$15,000.00), to secure the continued

Formatted: Font: 16 pt, Bold

Formatted: Centered

Formatted: Font: (Default) Calibri, Font color: Black

Formatted

Formatted

Formatted

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

Formatted

Formatted

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

Formatted

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

Formatted

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

Formatted

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

Formatted

Formatted: Font: (Default) Calibri, 11 pt, Font color: Black

Formatted: Font: (Default) Calibri, 11 pt, Font color: Black

Formatted: Font: (Default) Calibri, 11 pt, Double underline, Font color: Blue

Formatted

Formatted

Formatted: Font: (Default) Calibri, 11 pt, Double underline, Font color: Blue

Formatted: Font: (Default) Calibri, 11 pt, Font color: Black

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

Formatted

Formatted

Formatted

Formatted: Footer

maintenance of the property in compliance with the provisions of this Housing Code throughout its vacancy and ~~remunerate~~ reimburse the City for any fees owed and expenses incurred in inspecting, securing, repairing and/ or making such building safe by any legal means including, but not limited to, demolition. This cash bond obligation shall apply throughout the property's vacancy and until title to the property has been transferred to a third party, in compliance with the requirements of Chapter 1329. If the inspection required in Section 1351.33(b) results in the identification of violations of the Codified Ordinances the correction of which would cost more than \$15,000, then the City is authorized to require a higher bond, based on the amount set in the report of such inspection. If the Bond is entirely depleted, the Plaintiff in the foreclosure action shall provide a second bond for the greater of the cost of repairing the remaining, uncorrected violations identified in the report of the inspection pursuant to Section 1351.33(b) or \$15,000, whichever is greater. When the title to the property has transferred, remaining bond funds will be returned to the Plaintiff in the action if that Plaintiff submits a written request for such refund within 45 days of the transfer of title; otherwise, such funds shall be retained by the City.

(ef) An annual administrative fee of One Thousand Five Hundred Dollars (\$1,500.00) or 10% of the required bond, whichever is greater, will be deducted from the bond by the City for administrative expenses including, but not limited to, the processing, accounting, ~~inspecting, securing, and other related administrative~~ functions inherent in the administration of the ~~foreclosure~~ bond. The fee ~~will~~ shall be deducted if the bond is in the possession of the City at the beginning of each year and shall not be prorated. These fees will be held in a separate fund. The fees are due from the date the vacancy began. ~~Except for the entire year, or any portion thereof. This annual initial fee is in addition to all other allowable expenses or related fines charged off against~~ the bond. ~~The~~ annual fee shall be due

Formatted: Font: 16 pt, Bold

Formatted: Centered

Formatted: Font: (Default) Calibri, Font color: Auto

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

Formatted: Font: (Default) Calibri, Font color: Auto

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

Formatted: Font: (Default) Calibri, Font color: Black

Formatted: Font: (Default) Calibri, Font color: Auto

Formatted: Font: (Default) Calibri, 11 pt, Font color: Black

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

Formatted: Font: (Default) Calibri, Font color: Black

Formatted: Font: (Default) Calibri, Font color: Auto

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

Formatted: Font: (Default) Calibri, Font color: Black

Formatted: Font: (Default) Calibri, 11 pt, Font color: Black

Formatted: Font: (Default) Calibri, Font color: Auto

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

Formatted: Font: (Default) Calibri, Font color: Black

Formatted: Font: (Default) Calibri, 11 pt, Font color: Black

Formatted: Font: (Default) Calibri, 11 pt, Font color: Black

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

Formatted: Footer

~~on or before January 1 of each calendar year. The first fee shall be prorated based upon the date the plaintiff in a foreclosure action meets the provisions of Subsection 1351.33(e) herein.~~

~~(f) (g) Penalty. Any responsible party who fails to comply with any provision of this Section shall be subject to a one hundred dollar (\$100.00) per day administrative penalty with a maximum penalty of fifteen thousand dollars (\$15,000.00) or shall be guilty of a first degree misdemeanor, or both. Every day such violation occurs or continues shall constitute a separate offense.~~

~~(h) In the event the City or one of its contractors, due to a lack of response of an owner or agent, is required to take action to abate a nuisance at a vacant property, the owner will be billed for the cost of abatement in accordance with Chapter 553, 553, "Abatement of Nuisances," or if the property is subject to a foreclosure bond as set forth in Subsection 1351.33(1351.33(d) herein, said bond will be drawn upon to cover such costs. (Ord. 111-2018. Passed 10-3-18.)~~

- Formatted: Font: 16 pt, Bold
- Formatted: Centered
- Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto
- Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto
- Formatted: Font: (Default) Calibri, 11 pt, Font color: Auto

- Formatted: Font: +Body (Calibri), Font color: Auto
- Formatted: Line spacing: Double, No widow/orphan control, Don't adjust space between Latin and Asian text, Don't adjust space between Asian text and numbers, Pattern: Clear
- Formatted: Font: Times New Roman, Font color: Auto
- Formatted: Font: +Body (Calibri), Font color: Auto
- Formatted: Font: +Body (Calibri), Font color: Auto
- Formatted: Font: +Body (Calibri), Font color: Auto

Formatted: Footer

1351.34 REGISTRATION OF DWELLING STRUCTURE BY OUT-OF-COUNTY OWNERS.

(a) If a dwelling structure located within the City is owned by a person or persons, none of whom reside within Cuyahoga County, the owner(s) of the dwelling structure, within thirty (30) days after the effective date of this Section ~~1351.34~~1351.34 or within thirty (30) days after obtaining ownership of the dwelling structure, whichever is later, and annually thereafter, shall register with ~~the Building Commissioner of Buildings~~ on a form prescribed by the ~~Building Commissioner of Buildings~~ or his or her designee and shall designate an authorized agent for each such dwelling structure. The authorized agent must be a natural person eighteen (18) years of age or older who maintains a physical office with a street address in Cuyahoga County, Ohio, or ~~actually who~~ resides within Cuyahoga County. ~~A Post Office Box shall not satisfy the physical office requirement.~~ By designating an authorized agent under the provisions of this ~~section~~Section 1351.34, the owner ~~is consenting~~consents and agrees to receive any and all notices of ~~violations~~violation of City ordinances and to receive process in any court proceeding or administrative enforcement proceeding related to the use or maintenance of the property or dwelling structure, including, but not limited to, proceedings related to the enforcement of the Housing Code, by service of the notice or process on ~~the authorized agent~~said agent. The registration statement shall include the name and address of the designated agent and shall reflect the owner's and agent's express agreement to appear in court when summoned, that the agent shall be authorized to testify on behalf of the owner in such case, and that the agent's testimony shall be deemed to be binding upon the owner in any administrative enforcement proceeding, or court proceeding, instituted by the City against the owner or owners of the dwelling structure. The failure of the owner of the dwelling structure to obtain a deed for the property or to file the deed with the County Recorder shall not excuse the owner from compliance with this Section ~~1351.34~~1351.34.

Formatted: Font: Times New Roman, 16 pt, Bold

Formatted: Tab stops: 4.17", Left

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted

Formatted: Footer

~~-(b) Any owner who has designated~~ The designation of an authorized agent under the provisions of this Section ~~1351.34~~ shall be deemed to consent to the continuation of the agent's designation for the purpose of this subsection effective until the owner notifies the Building Commissioner of Buildings or his/her designee, in writing on a form prescribed for such purpose by the Commissioner of Buildings, of a change of authorized agent or files a new annual registration statement, or until the Building Commissioner of Buildings is notified in writing that such registration is no longer required because an owner of the dwelling structure is now residing within resides in Cuyahoga County and registration is no longer required under this section. (Ord. 86-2007. Passed 8-6-07.)

~~-(c) The registration and annual renewal fees under this Section 1351.34 shall be \$100.00. The registration process under this Section 1351.34 shall be the same as the registration process set forth in Section 1351.33 and as further set forth by the Commissioner of Buildings. Registration under Section 1351.33 will not negate the requirement for registration under this Section 1351.34. (Ord. 170-2012. Passed 12-3-12.)~~

(c) A violation of this Section 1351.34 is hereby classified as a misdemeanor of the first degree, punishable by a fine of not more than \$1,000, imprisonment not more than six (6) months, or both. Every day such violation occurs or continues shall constitute a separate offense. Nothing in this section shall limit the court in fashioning a remedy other than those set forth herein that shall maintain the building to prevent it from harming the neighborhood in which it stands.

Formatted: Font: Times New Roman, 16 pt, Bold

Formatted: Tab stops: 4.17", Left

Formatted: Font: +Body (Calibri), 11 pt, Font color: Black

Formatted: Font: +Body (Calibri), 11 pt, Font color: Auto

Formatted: Font: +Body (Calibri), 11 pt, Font color: Black

Formatted: Font: +Body (Calibri), 11 pt, Font color: Black

Formatted: Font: +Body (Calibri), 11 pt, Font color: Black

Formatted: Font: +Body (Calibri), 11 pt, Font color: Auto

Formatted: Font: +Body (Calibri), 11 pt, Font color: Black

Formatted: Font: +Body (Calibri), 11 pt, Font color: Auto

Formatted: Font: +Body (Calibri), 11 pt, Font color: Auto

Formatted: Font: +Body (Calibri), 11 pt, Font color: Black

Formatted: Font: +Body (Calibri), 11 pt, Font color: Black

Formatted: Font: +Body (Calibri), 11 pt, Font color: Auto

Formatted: Font: +Body (Calibri), 11 pt, Font color: Auto

Formatted: Font: +Body (Calibri), 11 pt, Font color: Auto

Formatted: Font: +Body (Calibri), 11 pt, Font color: Black

Formatted: Font: +Body (Calibri), 11 pt, Font color: Auto

Formatted: Font: +Body (Calibri), 11 pt, Font color: Auto

Formatted: Font: +Body (Calibri), 11 pt, Font color: Auto

Formatted: Font: +Body (Calibri), 11 pt, Font color: Auto

Formatted: Font color: Red, Strikethrough

Formatted: Footer

EXHIBIT B

1351.34 REGISTRATION OF DWELLING STRUCTURE BY OUT-OF-COUNTY OWNERS.

(a) If a dwelling structure located within the City is owned by a person or persons, none of whom reside within Cuyahoga County, the owner(s) of the dwelling structure, within thirty (30) days after the effective date of this Section 1351.34 or within thirty (30) days after obtaining ownership of the dwelling structure, whichever is later, and annually thereafter, shall register with the Building Commissioner on a form prescribed by the Building Commissioner or his or her designee and shall designate an authorized agent for each such dwelling structure. The authorized agent must be a natural person eighteen (18) years of age or older who maintains a physical office with a street address in Cuyahoga County, Ohio, or who resides within Cuyahoga County. A Post Office Box shall not satisfy the physical office requirement. By designating an authorized agent under the provisions of this Section 1351.34, the owner consents and agrees to receive any and all notices of violation of City ordinances and to receive process in any court proceeding or administrative enforcement proceeding related to the use or maintenance of the property or dwelling structure, including, but not limited to, proceedings related to the enforcement of the Housing Code, by service of the notice or process on said agent. The registration statement shall include the name and address of the designated agent and shall reflect the owner's and agent's express agreement to appear in court when summoned, that the agent shall be authorized to testify on behalf of the owner in such case, and that the agent's testimony shall be deemed to be binding upon the owner in any administrative enforcement proceeding, or court proceeding, instituted by the City against the owner or owners of the dwelling structure. The failure of the owner of the dwelling structure to obtain a deed for the property or to file the deed with the County Recorder shall not excuse the owner from compliance with this Section 1351.34.

(b) The designation of an authorized agent under this Section shall be deemed effective until the owner notifies the Building Commissioner or his/her designee, in writing, of a change of authorized agent or files a new annual registration statement, or until the Building Commissioner is notified in writing that

EXHIBIT B

such registration is no longer required because an owner of the dwelling structure now resides in Cuyahoga County.

(c) A violation of this Section 1351.34 is hereby classified as a misdemeanor of the first degree, punishable by a fine of not more than \$1,000, imprisonment not more than six (6) months, or both. Every day such violation occurs or continues shall constitute a separate offense. Nothing in this section shall limit the court in fashioning a remedy other than those set forth herein that shall maintain the building to prevent it from harming the neighborhood in which it stands.

Foreclosure Bond Amendment Summary

Issues	Old Provision	New provision
According to housing department, only about ½ of banks pay the required bond	No provision to penalize. No recourse to force compliance	Fines are included in provision and violations can be prosecuted criminally or civilly or both
Banks do not replenish the bond when it has been used	Replenishment not required	Replenishment is required once bond is depleted
Bond is a flat amount regardless of the condition of the house	Bond is \$15,000 regardless of condition of the house	Required inspection which can set a higher bond depending on condition
No inspection is required until sold and this POS often does not occur with current internet sales	No inspection is required at foreclosure. No internal repairs are required at foreclosure	POS Inspection at foreclosure is required and repairs are required. A higher bond can be assessed
Internal repairs are not required or even known	No inspection and no penalties at foreclosure	POS inspection is required at foreclosure and at sale. Bond can be raised to cover internal repairs

Foreclosure Bond Amendment Summary

Issues	Old Provision	New Provision
Administration and tracking of repayment has been up to the city.	No language regarding return of bond.	When title passes, it is the <u>plaintiff's responsibility</u> to request return of remaining bond within 45 days or forfeit the remainder to the city.
Vacant properties have no required timeline as to when they must be registered	No language regarding timing.	Vacant properties must be registered within 60 days of becoming vacant or can be prosecuted civilly or criminally for failure to register
Purchasers of foreclosed properties are often buying them sight unseen and do not know the condition	Not addressed in current language	By requiring POS at foreclosure, it allows the housing department to file with the court or fiscal office an affidavit of condition putting a cloud on the title, giving the buyer more information. This puts more pressure on the bank to fix the property before selling it.

Out-of-County Investor Registry Summary

Issues	Old provision	New provision
<p>Foreign investors are buying properties sight unseen without a POS and flipping them without POS or renting them when they may be in bad repair. They often do not register as a landlord and do not pay the taxes. It is difficult to bring them into compliance with our criminal option</p>	<p>Foreign investors must register and have an agent in the county</p>	<p>Language on agent is tightened to require an actual office for the agent in county, and authorizes the agent to testify and to act on behalf of the owner. The agent's testimony shall be deemed to be binding, providing the court more power to enforce.</p>
<p>Investors try to avoid repairs by changing ownership to another LLC they own, which starts the process over, delaying the courts ability to enforce</p>	<p>Enforcement is criminal code requiring in person service</p>	<p>Can be prosecuted criminally or civilly or both. Civil prosecution does not require in person service. It also allows the court to enforce <i>in rem</i>. This lessens manipulative ownership changes.</p>