

IMPORTANT NOTICE



Dear Oakwood Property Owner:

As the owner of a non-owner occupied dwelling unit, you are required to register all tenants consistent with the Oakwood Codified Ordinance 17-800.3. In addition, each time there is a change of tenant, the property owner is required by Oakwood Codified Ordinance 17-800.1 to complete an inspection form and schedule an inspection of the premises. Moreover, you should also be aware that the Oakwood Zoning Code includes specific requirements as to the number of persons that may live together in a single family dwelling unit.

Attached are copies of each above referenced regulation. Any property owner of a non-owner occupied dwelling unit who violates any of these requirements shall be subject to prosecution as provided for under the Oakwood Zoning and Property Maintenance Codes.

Should you have any questions regarding any of the above referenced requirements, please contact the Code Enforcement Officer, Ethan Kroger, at (937) 297-2920.



**CITY OF OAKWOOD
TENANT INFORMATION FORM**
30 Park Avenue
Oakwood, OH 45419
(937) 297-2920 Fax: (937) 297-2940
Code Enforcement Officer, Ethan Kroger
Email: kroger@oakwood.oh.us

GENERAL INFORMATION:

All rental units within the City of Oakwood are required to be inspected upon being vacated by the former tenants. Occupancy Certificates are not transferrable and property owners must complete this form and return it to the City of Oakwood within thirty (30) days of a tenant change. Upon receipt of a completed Tenant Information Form an inspection will be scheduled by the city. The cost of the inspection is \$60.00 per unit inspected.

Note: The Oakwood Zoning Code regulates residential group rentals, and prohibits more than two unrelated persons from living together in a single family dwelling unit.

PROPERTY INFORMATION:

Address of rental property _____

OWNERSHIP:

Owner(s) (As on Deed) _____

Mailing Address: _____ Home Phone # _____

City, State & Zip _____ Business Phone # _____

IF PROPERTY IS OWNED BY A CORPORATION, PLEASE PROVIDE THE FOLLOWING INFORMATION:

Corporation _____

Corporate Officer _____ Title _____ Charter # _____

Address: _____ Home Phone # _____

City, State & Zip _____ Business Phone # _____

TENANT INFORMATION: The names of all occupants who reside in this dwelling and their relationship to any other persons residing in the dwelling (if no relationship, state none) are as follows:

Name _____

Relationship _____

Unit #/Date of Occupancy _____

Name _____

Relationship _____

Unit #/Date of Occupancy _____

Name _____

Relationship _____

Unit #/Date of Occupancy _____

Name _____

Relationship _____

Unit #/Date of Occupancy _____

TENANT CONTACT PHONE NUMBER: (NOT the landlord's phone number; please provide a number the City can use to contact property occupants directly in case of emergency or other problem) _____

Please note: By signing this form, you acknowledge the following:

- 1) This form is required by law and is being submitted to obtain an Occupancy Certificate.
- 2) You understand that the Oakwood Zoning Code requires you to submit a new Tenant Information Form and schedule an inspection each time there is a change of tenant(s) in your rental premises.
- 3) You understand that knowingly making a false statement on this Tenant Information Form is a violation of the Ohio Revised Code: Section 2921.13 (A) which is a first degree misdemeanor punishable by a fine of up to \$1,000 and/or up to 6 months in jail.

Signature _____

Printed _____ **Date** _____

**CHAPTER 17-EIGHT
RESIDENTIAL RENTAL UNIT INSPECTION**

- 17-800 General matters.
 - 17-800.1 Inspection.
 - 17-800.2 Access to Unit.
 - 17-800.3 Supplementation of Information Filed with County Auditor Pursuant to Ohio Revised Code § 5323.
 - 17-800.4 Notice of violation; time for performance; appeals; variances; inspections and penalties are dealt with in other sections of this code.
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This chapter is being added so as to carry forward into this Property Maintenance Code requirements from the previous Property Maintenance Code of this city.

17-800 GENERAL MATTERS.

17-800.1 INSPECTION

A. As soon as reasonably practicable after the tenants have vacated a dwelling unit, the commissioner of buildings shall cause an inspection of the dwelling unit and any other areas of the premises available for use by the tenants of that dwelling unit (hereinafter called "accessory property") to be made as described in Chapter 17-One of this Property Maintenance Code.

B. At the time notice of change of occupancy of any dwelling unit is given, the owner or operator of the dwelling shall complete an inspection form and schedule an appointment for a time during normal business hours in order for the owner or operator to admit the code official or a representative thereof.

C. The owner or operator of a premise with a rental unit is subject to have the interior of its structures and rental units inspected, at any time, in response to a complaint of an alleged violation of any of the provisions of this Chapter or the provisions of the application of city of Oakwood Codes. For purposes of this provision, a complaint shall be deemed "received" if it is:

1. Submitted in writing;
2. Includes a description of the real estate or dwelling sufficient for identification;
3. Includes the name of the landlord, managing agent, or operator and contact information sufficient to contact the owner, operator, or agent;
4. Includes a clear statement of the alleged violation or condition that leads to the belief that a violation exists.

D. The owner of a rental until shall pay an inspection fee for any interior inspection performed as required by subsection B of this section, except as exempted under E below. The amount of the fee shall initially be \$50.00 per unit inspected, but shall subsequently be reviewed and increased if the City Manager determines it necessary to cover the cost of the inspection.

Residential Rental Unit Inspection

E. No fee shall be required for an interior inspection prompted by a complaint submitted under Subsection C unless violations are noted at which time the property owner will be charged an inspection fee as established by subsection D above.

F. Money collected under this Section shall be used exclusively for rental unit inspection purposes.

17-800.2 ACCESS TO UNIT

A. Access by Owner or Operator

Every occupant of a rental unit shall give, upon proper notice, the owner or operator thereof, or his/her agent or employee, access to any part of such rental unit at all reasonable times for the purpose of effecting such maintenance, making such repairs or making such alterations as are necessary to effect compliance with any lawful notice or order issued pursuant to the provisions of the applicable city of Oakwood Codes.

B. Access by Code Official

The Code Official or his/her duly authorized designee is hereby authorized to conduct inspections of any rental unit within the city of Oakwood in order to perform the duty of safeguarding the health, safety and welfare of the occupants and the public under the provisions of this chapter. Whenever necessary to make an inspection to enforce any of the provisions of this Chapter or the provisions of the Codified Ordinances of the city of Oakwood or whenever the Code Official or his/her duly authorized designee has probable cause to believe that there exists in any rental unit any condition which makes such rental unit in violation of any of the provisions of this Chapter or the provisions of the applicable city of Oakwood codes, the Code Official or his/her duly authorized designee may enter such rental unit at all reasonable times to inspect the same or to perform any duty imposed upon the Code Official by this Chapter or other applicable provisions of the Codified Ordinances of Oakwood. If such rental unit is occupied, the Code Official shall first make a reasonable effort to locate the occupant, giving at least 24-hour notice of intent to inspect the premises and at least 24-hour notice of right to refuse entry. For purposes of Section 17-106 of the Property Maintenance Code, it shall be a violation of Section 17-800 et seq. to willfully refuse to respond to a notice of intent to inspect the premises. It shall not be a violation of any Ordinance of the city of Oakwood to reasonably refuse to permit entry to a Code Official upon notice. After provision of the 24-hour notice of intent to inspect, the Code Official or his/her duly authorized design shall at such time:

1. Identify himself/herself and his/her position;
2. Explain why entry is sought;

Residential Rental Unit Inspection

3. Explain that the owner/operator or tenant of an occupied rental unit or other person(s) having charge or control of an unoccupied rental unit may refuse, without penalty, entry without a search warrant;
4. Provide documentation of written notice to the owner/operator giving 7-day notice of deficiency. (Such notice shall not be construed to imply that the repairs need to be completed at that time.)

C. Search Warrant

If consent to inspect a rental unit is withheld by any person or persons having the lawful right to exclude, the Code Official or his/her duly authorized designee may apply to a court of competent jurisdiction for a search warrant of the rental unit. No owner/operator or occupant or any person having charge, care or control of a rental unit shall fail or neglect, after presentation of a search warrant, to properly permit entry therein by the Official or his/her duly authorized designee for the purpose of inspection and examination pursuant to this Chapter.

17-800.3 SUPPLEMENTATION OF INFORMATION FILED WITH COUNTY AUDITOR PURSUANT TO OHIO REVISED CODE § 5323

Within fifteen (15) days of mailing of the city of Oakwood's request for tenant information, and within fifteen (15) days after any change of tenant(s) occupying the property, the owner of residential rental property shall submit to the code official, on the form provided, the following information for each tenant occupying each residential rental property registered with the County Auditor pursuant to Ohio Revised Code § 5323:

- a. Each tenant's full name;
- b. Each tenant's relationship, or lack thereof, to any other persons residing in the same dwelling unit;
- c. The date on which each tenant's occupancy commenced; and
- d. A valid telephone number that can be used by the City to contact tenants directly in case of emergency or other problem. (It is not necessary to provide separate telephone numbers for each tenant, so long as at least one telephone number is provided.)

Failure to properly register the property with the County Auditor shall not relieve the owner of the reporting obligation under this section.

17-800.4 NOTICE OF VIOLATION; TIME FOR PERFORMANCE; APPEALS; VARIANCES; INSPECTIONS AND PENALTIES ARE DEALT WITH IN OTHER SECTIONS OF THIS CODE.

Other matters regarding notice of violation, time for performance, appeals, variances, inspections, penalties and other aspects of administration are covered in Chapter 17-One of this Property Maintenance Code.

LEGISLATIVE HISTORY: Ord. 3452, passed 10/1/84; Ord. 3465, passed 11/19/84; Ord. 4587, passed 7/11/05, effective 8/11/05; Ord. 4609, passed 7/24/06; Ord. 4616, passed 12/18/06, effective 1/18/07; Ord. 4867, passed 12/10/2018, effective 1/10/2019.

Sec. 409 RESIDENTIAL GROUP RENTALS

409.1 Residential Group Rentals.

The following standards apply to group rentals of residential properties.

409.2 Intent.

This section is intended to reasonably regulate detached Single Family and Two Family dwellings in group rental housing situations. The City finds that occupancy limits are needed to control negative impact such as traffic congestion, off and on street parking congestion, noise and litter, which are inimical to the health and safety of residents, particularly children. Such regulation is also needed to preserve property values and the characteristics of family values, quiet seclusion, and clean air of such neighborhoods.

409.3 Maximum Number of Occupants.

No Single Family Dwelling, or dwelling unit in a Two Family Dwelling, may be rented to, or occupied by, more than two individuals who do not constitute a Family. See Section 300, *Terms Defined*, and Section 409.4, *Determination of Status as Family*.

409.4 Determination of Status as Family.

A. Determination.

Upon investigation, complaint, or application of a person aggrieved, the Building Commissioner shall make a written determination of whether a specified group of persons constitutes a Family.

B. Transferability.

The determination of the Building Commissioner, subject to any modification on appeal, shall be transferable with the entire group of persons constituting the household or with a majority of the persons constituting such household. It shall not run with the premises when occupied by a different household or other group of persons.

C. Appeal.

The Building Commissioner's determination under this Section may be appealed to the Board of Zoning Appeals in accordance with Section 1007. In acting on such appeals, the Board of Zoning Appeals shall apply the factors set forth in Section 409.4(D) and shall be authorized to overrule the determination only where there is evidence in the record that the Building Commissioner erred. The following individuals have the right to appeal the Building Commissioner's determination:

1. Any member of the group proposed as a Family;
2. The owner of the premises occupied by such group; or
3. Any other person aggrieved by the Building Commissioner's determination.

D. Factors.

The determination of whether a group of unrelated persons living together are a Family shall be based on such of the following factors as may be known to the Building Commissioner, upon information and belief or otherwise. The presence or absence of any single factor is not necessarily determinative of whether the unit constitutes a Family.

1. The following factors shall be prima facie evidence that the group of persons living together constitutes a Family:
 - a. The same group of persons, or a majority of them, has resided together at a different location for a period of at least 6 months or at the present location for at least 12 months.
 - b. One or two members of the group have executed the lease for the entire premises, including the entire rental obligation, and there are no sub-lease, hold-harmless or other written arrangements to prorate the rent or recover the rent from other members of the group.
2. The following factors shall be prima facie evidence that the group of persons does not constitute a Family:
 - a. The group includes more than two unrelated individuals.
 - b. Individual members of the group have entered into separate leases for the same premises, or parts thereof, with the obligation under each lease constituting only a portion of the total periodic rent payment due to the landlord for occupancy of the premises.
 - c. The premises are equipped with combination or key-operated locks on individual rooms or with other means by which one member of the group may prevent other members of the group from entering her or his room or portion of the premises when she or he is not physically present. (Deadbolts, chains or other locking devices operated only from inside the room shall not be considered as evidence of the status of the group.)
3. The following additional factors shall be considered, to the extent known or applicable, in determining whether the group of persons constitutes a Family:
 - a. Voter registration. Voter registration by a majority of the eligible members of the group listing the address of the group's dwelling shall be considered evidence in support of the proposition that the group is a Family. Voter registration listing other addresses by a majority of the adult members of the group, or by a majority of those actually registered to vote shall be considered evidence negating the proposition that the group is a Family.
 - b. Driver's licenses. Drivers' licenses held by a majority of the adult members of the group listing the address of the group's dwelling shall be considered evidence in support of the proposition that the group is a Family. Drivers' licenses listing other addresses by a majority of the adult members of the group, or by a majority of those actually holding such licenses shall be considered evidence negating the proposition that the group is a Family.

- c. Motor vehicle registration. The registration of motor vehicles regularly found at the dwelling listing the address of the group's dwelling shall be considered evidence in support of the proposition that the group is a Family. The regular presence at the dwelling of one or more motor vehicles belonging to members of the group and registered at one or more other addresses shall be considered evidence negating the proposition that the group is a Family.
 - d. Tax filings. The filing of tax returns by a majority of the members of the group listing the address of the group's dwelling shall be considered evidence in support of the proposition that the group is a Family. The filing of tax returns listing other addresses by members of the group shall be considered evidence negating the proposition that the group is a Family. Evidence that one or more individuals are claimed as dependents on the income tax return of individuals not resident in the household shall be considered evidence that the group is not a Family.
 - e. Minor children. The presence of minor dependent children regularly residing in the dwelling unit and enrolled in local schools with one or more members of the group acting in the role of parents (and primary care-givers) shall be considered a factor tending to support the proposition that the group is a Family.
 - f. Summer living arrangements. Evidence that different residents of the dwelling unit are away during the summer and that they have several as opposed to a single summer address shall be considered evidence negating the proposition that the group is a Family.
 - g. Household furniture and appliances. Evidence of common acquisition and ownership of furniture and appliances shall be considered evidence in support of the proposition that the group is a Family.
 - h. Employment. Full-time employment of some members of the group in the general community shall be considered evidence in support of the proposition that the group is a Family.
 - i. Groceries and meal preparation. Evidence that groceries are purchased and meals regularly prepared for the group as a whole shall be considered evidence in support of the proposition that the group is a Family. For purposes of this factor, weekly joint purchases of groceries and the preparation and sharing of at least seven meals per week shall be considered "regularly prepared."
- E. The Building Commissioner shall make the determination of whether the group constitutes a Family based on a preponderance of the evidence. Where there is prima facie evidence supporting only one side of the proposition, the Building Commissioner shall make a determination that is supported by that prima facie evidence unless the Building Commissioner finds compelling evidence for the other side of the proposition, a finding which should normally be supported by at least four of the factors listed above.
- F. Supported living facilities or similar facilities that provide non-institutional residential accommodations for unrelated adults, a majority of which require personal care services by reason of having a "handicap" or "disability" as those terms are defined by the Fair Housing Amendments

Act of 1988 (42 U.S.C. Sec. 3601 et seq.) and the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), will be presumed to be a household that is the functional equivalent of a traditional family.

409.5 Enforcement.

- A. In addition to other legal remedies for violations of the Zoning Ordinance, a violation of Section 409.3 shall constitute a minor misdemeanor on the first offense, and a misdemeanor of the fourth degree on each subsequent offense, and shall be chargeable against both the owner(s) and tenant(s) of the premises at issue.
- B. Notwithstanding the notice procedures set forth in Section 1010, notice of violations under this Section shall be made by regular US mail, email, hand-delivery, posting upon the premises, or in any other manner reasonably calculated to reach the violator, and shall request abatement of the violation within ten (10) days. If the violation is not abated within ten (10) days, a citation and/or summons may be issued without delay.
- C. Premises that have been rented or occupied in violation of Section 409 on two (2) or more occasions within a three (3) year period, while under common ownership, where each predicate violation has resulted in the conviction of an owner or tenant thereof, are hereby declared to be a public nuisance, and the City Attorney may initiate civil proceedings to abate the nuisance.