

CODIFIED ORDINANCES OF THE CITY OF PORTSMOUTH

PART THIRTEEN-BUILDING CODE

TITLE SEVEN—RENTAL DWELLING CODE

1361.01 SCOPE AND INTENT.

This code is to protect the public health, safety and welfare of occupants in all rental dwellings as hereinafter provided by inspection and enforcement of the International Property Maintenance Code and the Codified Ordinances of the City of Portsmouth, fixing the responsibilities of owners, operators and occupants of all rental dwellings and providing for the administration of the Rental Dwelling Code.

1361.02 RULES AND REGULATIONS.

(A) The Health Commissioner shall ensure the periodic inspection of rental dwellings subject to the provisions governing the issuance of a permit for the operation of such rental dwelling. Tenants or occupants shall be given a minimum of forty-eight (48) hours notice prior to an inspection; however, the forty-eight (48) hour notice may be waived by the tenant or occupant. All units shall be inspected not less than one (1) time per calendar year.

(B) However, at the discretion of the Code Enforcement Official, only twenty-five(25) percent of units need to be inspected in a multi-unit dwelling consisting of six (6) or more units.

(C) All inspections of the dwellings shall be conducted in accordance with the International Property Maintenance Code and the Codified Ordinances of the City of Portsmouth.

(D) The Code Enforcement Official shall make inspections of rental dwellings pursuant to the requirements of this code or in response to a complaint that an alleged violation of the provisions of this code has been committed or when the Code Enforcement Official has a valid reason to believe that a violation of the provisions of the code exists. If upon inspection, a structure, building or dwelling unit is found in violation of this code, the Code Enforcement Official shall issue to the owner of said structure, building, or dwelling unit or his authorized agent a list of noted violations to be known as a "Notice of Violation". The owner or his authorized agent and/or the occupant(s), as appropriate, shall have a determined amount of days from the issuance of a notice of violation to correct such noted violations. The owner or agent may request and be granted a hearing with the Health Commissioner provided the request for such hearing is made within seven (7) days as specified in the "violation notice". If, after the determined amount of time specified from the issuance of a notice of violation, such noted violations have not been begun in good faith, nearly corrected or corrected, and the owner or agent have not requested a hearing with the Health Commissioner, the Code Enforcement Official shall issue an "Order to Comply". This "Order to Comply" shall list the violations initially found and not begun in good faith, nearly corrected, or corrected as

evidenced by sufficient documentation, in the notice of violation. The owner or his or her authorized agent shall have fifteen (15) days from the issuance order to correct such violations. If, after fifteen (15) days from the issuance of an “Order to Comply”, such violations are not corrected, the Code Enforcement Official shall issue an order to suspend the permit to operate and/or implement the procedures for Condemnation by the Board of Health, Sec. 1311.01 of the Codified Ordinances of the City of Portsmouth. The owner or agent may appeal the suspension of their permit by requesting a hearing with the Board of Health, provided the request for such hearing is made within seven (7) days after the suspension of the permit. The tenant will be allowed to remain in the rental property during the appeal, unless the conditions were off such a significant health risk, that the property had been condemned under Sec. 1311.01 of the Codified Ordinances of the City of Portsmouth.

1361.03 HEALTH COMMISSIONER HEARING.

After such hearing, prescribed in Section 1361.02 (D) herein, the Health Commissioner shall sustain, modify or withdraw the alleged violation/violations as listed on the violation notice depending upon his or her findings. Notice of the decision of the Health Commissioner shall be served on the owner or their authorized agent by certified mail or proof of mailing.

1361.04 REINSTATEMENT.

A suspended permit shall be reinstated to the owner who was responsible for the rental dwelling at the time the permit to operate was suspended, when the circumstances leading to the suspension have been remedied, the condemnation has been lifted, and if applicable ordered by the Board of Health during the appeals process, provided it is the same calendar year for which the permit to operate was issued. If the conditions leading to the suspended permit are corrected in a following licensing period, the owner must apply as if for a new permit.

1361.05 OWNER’S RIGHT OF ENTRY.

Every occupant of a dwelling, dwelling unit, or rooming unit shall give the owner or his or her agent or employee, access to any part of such dwelling or its premises at reasonable hours for the purpose of making such inspections, maintenance, repair or alterations as are necessary to comply with the provisions of this code subject to notification as required by state law.

1361.06 INTRA-GOVERNMENTAL COOPERATION.

The Code Enforcement Official may request the assistance and cooperation of any or all city departments necessary to enforce this code.

1361.07 RESTRICTION ON EMPLOYEES.

No officer or employee of the city who is charged with conducting rental property inspections shall be financially interested in the furnishing of labor, material, or appliances for the construction or alteration, or in the making of plans or specifications for or the renting of dwelling units within the city of Portsmouth, unless he or she is the owner-occupant of the same.

1361.08 PERMIT REQUIRED.

All residential premises within the city of Portsmouth owned for rental purposes or occupied by a party (tenant) other than the owner (landlord) for a period of more than six (6) months during any single calendar year, shall require a rental dwelling permit from the Portsmouth City Board of Health, Environmental Health Division in accordance with Ohio Revised Code 5321.01:

- (A) "Tenant" means a person entitled under a rental agreement to the use and occupancy of residential premises to the exclusion of others.
- (B) "Landlord" means the owner, lessor, or sublessor of residential premises, the agent of the owner, lessor, or sublessor, or any person authorized by the owner, lessor, or sublessor to manage the premises or to receive rent from a tenant under a rental agreement.
- (C) "Residential premises" means a dwelling unit for residential use and occupancy and the structure of which it is a part, the facilities and appurtenances in it, and the grounds, areas, and facilities for the use of tenants generally or the use of which is promised the tenant. By local definition, "Residential premises" does not include a dwelling unit that is owned or operated by a college or university. "Residential premises" does not include any of the following as well:
 - (1) Prisons, jails, workhouses, and other places of incarceration or correction, including, but not limited to, halfway houses or residential arrangements that are used or occupied as a requirement of a community control sanction, a post-release control sanction, or parole;
 - (2) Hospitals and similar institutions with the primary purpose of providing medical services, and homes licensed pursuant to Chapter 3721. of the Revised Code;
 - (3) Tourist homes, hotels, motels, recreational vehicle parks, recreation camps, combined park-camps, temporary park-camps, and other similar facilities where circumstances indicate a transient occupancy;
 - (4) Elementary and secondary boarding schools, where the cost of room and board is included as part of the cost of tuition;
 - (5) Orphanages and similar institutions;
 - (6) Farm residences furnished in connection with the rental of land of a minimum of two acres for production of agricultural products by one or more of the occupants;
 - (7) Dwelling units subject to Agricultural Labor Camp sections 3733.41 to 3733.49 of the Revised Code;
 - (8) Occupancy by an owner of a condominium unit;
 - (9) Occupancy in a facility licensed as an SRO facility pursuant to Chapter 3731. of the Revised Code, if the facility is owned or operated by an organization that is exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or group of entities in which such an organization has a controlling interest, and if either of the following applies:
 - (a) The occupancy is for a period of less than sixty days.

(b) The occupancy is for participation in a program operated by the facility, or by a public entity or private charitable organization pursuant to a contract with the facility, to provide either of the following:

(i) Services licensed, certified, registered, or approved by a governmental agency or private accrediting organization for the rehabilitation of mentally ill persons, developmentally disabled persons, adults or juveniles convicted of criminal offenses, or persons suffering from substance abuse;

(ii) Shelter for juvenile runaways, victims of domestic violence, or homeless persons.

(10) Emergency shelters operated by organizations exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, for persons whose circumstances indicate a transient occupancy, including homeless people, victims of domestic violence, and juvenile runaways.

(11) Government agency operated unit(s) that are inspected by a Portsmouth City Health Department approved agency.

1361.09 APPLICATION.

(A) To obtain a rental dwelling permit, the owner of a rental dwelling as defined in this code shall apply to the Board of Health of the Portsmouth City Health District. A rental dwelling permit shall be issued by the Code Enforcement Official, if upon inspection of the rental dwelling it is determined that the rental dwelling meets the requirements of this code. Upon application for a permit, the owner of a rental dwelling may rent or lease the premises at his or her own risk, subject to subsequent approval of the permit by the Code Enforcement Official. The Code Enforcement Official shall deny the issuance of a permanent permit to any owner or operator whose structure does not, within thirty (30) days, comply with code. Any person who feels aggrieved by such denial may pursue the remedies as outlined in Section 1361.02. Upon implementation of this code, all rental dwellings operating before December 31, 2012, that file an application by the initial deadline, will receive a permit without a pre-licensing inspection.

(B) Each person or entity seeking a rental dwelling permit or a renewal of a permit shall apply on a form prescribed and furnished by the Portsmouth City Board of Health. Failure to complete in full, the required permit application, shall be grounds for denial of a permit.

(C) In the event that the property owner resides outside of Scioto County, the property owner must ensure that the Health Department has access to the property. This can be accomplished by hiring a local agent, using a friend or relative or utilizing the renter themselves.

(D) The Rental Dwelling Permit shall state the maximum number of persons who may occupy the rental dwelling as determined by this code and other ordinances of the city of Portsmouth.

1361.10 NOTICE OF CHANGE OF OWNERSHIP

Any person selling or otherwise relinquishing ownership or control of a rental dwelling for which a rental dwelling permit has been issued shall notify the Code Enforcement Official of said change of ownership within five (5) days of the effective date of the transfer. Such notice shall be in writing and shall include:

- (A) The name and address and phone number of the new owner.
- (B) The name and address and phone number of the previous owner.

When a rental property is sold, no refund will be issued, and the new owner will need to obtain a new permit.

1361.10 PERMIT TRANSFER.

No rental dwelling permit shall be transferred to another. If there is a change of ownership, the new property owner shall procure a rental dwelling permit. The Code Enforcement Official shall issue a rental dwelling permit when the applicant submits a complete application and the Code Enforcement Official determines that the applicant meets all other requirements of this chapter and the rules adopted under it for receiving the permit.

1361.11 TRANSFER OF OWNERSHIP.

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish the code official a signed and notarized statement from the grantee, mortgage, or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

1361.12 EXPIRATION AND RENEWALS.

Every rental dwelling permit shall be renewed annually not later than thirty-first (31) day of December each year.

1361.13 FEES.

- (A) The Portsmouth City Board of Health shall charge fees for issuing and renewing rental dwelling permits.
- (B) The annual license fee for a rental dwelling permit per structure is dependent on the number of units in a dwelling. A unit is defined as a separate living space with its own entrance, such as a duplex or an apartment building. The cost of the permit per rental dwelling is as follows:

1 unit = \$50

7 units = \$280

2 units (Duplex)= \$80	8 units = \$320
3 units = \$120	9 units = \$360
4 units = \$160	10 units = \$400
5 units = \$200	11 units = \$440
6 units = \$240	12 units or more = \$480

1361.14 PENALTY.

If an application is not filed with the Portsmouth City Board of Health on or before the thirty-first (31) day of December, the Board of Health shall assess a penalty. The amount of the penalty shall be twenty percent per month of the required fee. For example, if a 3 unit rental dwelling has functioned without the required permit, the owner will accumulate a fine of thirty (30) dollars per month. If an applicant is subject to a penalty, the Code Enforcement Official shall not renew the permit until the applicant pays the penalty.

1361.15 DISPLAY OF PERMIT.

The landlord or his or her agent shall provide a copy of the permit at the time of the inspection or have a copy of the permit displayed in each rental unit.

1361.16 NOTICE TO TENANTS.

It shall be the responsibility of the owner, operator, or agent of a rental dwelling to give notice of his or her permit from the Portsmouth City Board of Health to tenants in one of the following authorized methods prior to the commencement of a rental term with said tenant:

- (A) Place upon all written rental agreements the following notice: “This rental dwelling has received a permit from the Board of Health for the period of (date) to (date) for not more than (number) occupants. Be advised that both landlords and tenants have certain responsibilities to each other as set forth in the Housing Code of the City of Portsmouth, Chapter 1349, including an annual inspection by the Portsmouth City Health Department. You will receive at least a 24 hour notice and be required to open your home to inspection at the designated appointment time.
- (B) If the rental agreement is oral, the owner, operator, or agent shall deliver to the tenant a written statement and notice as is described in paragraph (A) above before the occupant takes possession of rental dwelling.

1361.17 ENFORCEMENT.

The Code Enforcement Official is hereby charged with the enforcement of this Chapter, the International Property Maintenance Code, and any other chapters of the Codified Ordinances of the city of Portsmouth to ensure rental dwellings are safe, sanitary and fit for occupancy in the city of Portsmouth.

1361.18 VIOLATION OF RENTAL DWELLING CODE

- (A) Whoever violates this section is guilty of a misdemeanor of the fourth degree.