

CHAPTER 1485 Residential Rental for One, Two and Three Family Dwellings Units & Transient Rental Regulations

1485.01 GENERAL PURPOSES.

The general purposes of this Code are to establish minimum standards necessary to make all residential rental dwelling structures safe, sanitary, free from fire and health hazards, fit for human habitation and beneficial to the public welfare; to establish minimum standards governing the maintenance of residential rental dwelling structures in such condition as will not constitute a blighting or deteriorating influence on the neighborhood and the community; to fix responsibilities for owners and occupants of residential rental dwelling structures; to authorize the inspection of residential rental dwelling structures; to establish enforcement procedures; to authorize the vacation or condemnation of residential rental dwelling structures unsafe or unfit for human habitation; and to fix penalties for violations.

1485.02 DEFINITIONS.

(a) As used in this Chapter, the term "residential rental dwelling" means any residential rental unit, including but not limited to a single-family dwelling, *a portion of the dwelling*, or a multiple dwelling unit.

(b) As used in this Chapter, the term "multiple dwelling unit" means a building containing the following:

- (1) Three (3) residential dwelling units; or
- (2) Two (2) residential dwelling units; or
- (3) One (1) or more dwelling units if the building also contains a use other than a dwelling use or an area designed for such other use.

(c) The words "multiple dwelling" and "apartment house" are synonymous.

(d) As used in this Chapter, "residential rental unit" means any dwelling unit in a single or multiple residential dwelling, whether the dwelling unit is rented, occupied or vacant which either:

(1) Consideration in the form of money or other valuable consideration is being paid for occupying such units; or

(2) A person other than the fee simple owner of the property or the owner's family is occupying such unit, whether or not such person is paying consideration, and the owner is not living in the rental unit.

(e) Dwelling Unit means a group of rooms arranged, maintained or designed to be occupied by one or more nontransients that consists of a bathroom with a toilet and tub or shower facilities; kitchen facilities; and sleeping facilities which are used exclusively by the occupants. A dwelling unit may be located in a single family residence, two or three family residence, condominium or multi-family building.

(f) "Nontransient" means a person who resident in the same building or quarters for a period of thirty days or more.

(g) "Transient" means a person who resides in the same building or quarters for a period of less than thirty days."

(h) "Short-Term Rental or Transient Rental" means any dwelling that is rented wholly or partly for a fee for less than thirty (30) consecutive days by persons other than the permanent occupant or owner from which the permanent occupant or owner receive monetary compensation.

1485.03 CERTIFICATE OF RENTAL REGISTRATION.

No person shall occupy, and no owner or resident agent shall permit a person to occupy, a residential rental unit, unless the Building Commissioner has issued a Certificate of Rental Registration for such dwelling structure which certificate has not expired, been revoked or otherwise become null and void.

(a) Every owner, operator or resident agent of a single-family dwelling *or transient rental* that is a rental unit, as defined in this section, shall obtain a Certificate of Rental Registration no later than December 31 of the year immediately prior to the year for which the Certificate shall be applicable, or if such dwelling becomes a rental unit at any time during a calendar year after January 1, then within thirty days after the dwelling is occupied as a rental unit. Every owner, operator or resident agent of a single-family dwelling that has been a rental unit, at any time within the previous twelve months, shall obtain a Certificate of Rental Registration or shall submit an Exemption Form, no later than December 31 of the year immediately prior to the year for which the Certificate or Exemption shall be applicable. Once an Exemption Form is submitted and approved, no further submittals for a Certificate or Exemption shall be required unless the dwelling becomes a rental unit.

(b) Every owner, operator or resident agent of a multiple dwelling unit shall annually obtain a Certificate of Rental Registration if one or more dwelling units in the dwelling is a rental unit, or shall annually submit an Exemption Form if no dwelling units in the dwelling are rental units, no later than December 31 of the year immediately prior to the year for which the Certificate or Exemption is applicable. If one or more units of a multiple dwelling unit becomes a rental unit at any time during a calendar year after January 1, then within sixty (60) days after the unit shall become a rental unit, the owner, operator or resident agent shall submit an updated Application for a Certificate of Rental Registration, or obtain a Certificate of Rental Registration for a unit for which an Exemption Form had been or should have been submitted.

(c) Application for a Certificate of Rental Registration or submission of an Exemption Form shall be on the form or forms supplied by the Building Commissioner, and shall include such information as the Building Commissioner determines is necessary to determine compliance with applicable laws, ordinances, rules and regulations for the existing use or occupancy or the intended use or occupancy. An application is considered submitted and complete only when all information required on the form is accurately, legibly and fully provided and when the fee required in this chapter is paid. Such information shall include, but need not be limited to, the following, as applicable:

- (1) The name, address and telephone number of the owner(s) of the property;
- (2) The name, address and telephone number of the resident agent or manager of the property if one; ***a 24 hours telephone number must be provided for emergency situations arising at the rental property and posted at the rental unit;***
- (3) The address of the property and the number of rental units contained within the property;
- (4) The current name, business address and telephone numbers, of the person(s) occupying the rental unit, and the address or other identification of the rental unit which they occupy;
- (5) Whenever an address is required herein, a post office box number may not be provided as the sole address;
- (6) Verified acknowledgement the rental unit has a working smoke detector and carbon monoxide detector and is further in compliance with all city ordinances, state and federal laws, including but not limited to the Fair Housing Act.

(d) The Building Commissioner shall issue a Certificate of Rental Registration for a rental unit or units if found to be in compliance or substantial compliance with the provisions of this Chapter and all other laws, ordinances, rules and regulations applicable thereto. The Certificate of Rental Registration shall not be valid beyond December 31 of the calendar year in which it was issued.

(e) The Building Commissioner may deny an application for a Certificate of Rental Registration or revoke a Certificate of Rental Registration if any false statement is made by the applicant in connection with the issuance of such Certificate, if the owner, agent or person in charge of a structure fails to comply with any applicable provisions of the Fire, Health, Zoning, or Building Codes.

(f) Every application for an annual Certificate of Rental Registration submitted on or before February 1 of the year for which the Certificate of Rental Registration is required, or within thirty days after the dwelling unit becomes a rental unit, shall be accompanied by a nonrefundable fee as follows:

- (1) For a single-family rental *or transient rental*: fifty dollars (\$50.00);

- (2) For a condominium rental: fifty dollars (\$50.00);
- (3) For a two-family rental: seventy-five dollars (\$75.00) per structure;
- (4) For a three-family rental: one hundred dollars (\$100.00) per structure;
- (g) The fee for an application for a Certificate of Rental Registration submitted after March 1 of the year for which the application is made, or more than thirty days after a unit becomes a rental unit, shall be as follows:
 - (1) For a single-family rental: one hundred twenty-five dollars (\$125.00);
 - (2) For a condominium rental: one hundred dollars (\$100.00) per unit;
 - (3) For a two-family or three-family rental: one hundred twenty-five dollars (\$125.00) per rental unit.
- (h) There shall be no fee for submission of an Exemption Form if submitted by February 1 of the year for which the Exemption is applicable. The fee for submission of an Exemption Form submitted after February 1 shall be fifty dollars (\$50.00) per dwelling structure.
- (i) If no application for a Certificate of Rental Registration is submitted when required by this Chapter, the Building Commissioner shall charge the owner or operator the fee set forth in this Section.
- (j) The City shall reinstate a Certificate of Rental Registration that has been revoked when the owner, operator or agent has done all of the following:
 - (1) Submitted a new application for a Certificate and paid the appropriate application fee;
 - (2) Paid the reinstatement fee, which shall be fifty dollars (\$50.00), in addition to the appropriate application fee; and
 - (3) Successfully completed any procedure required by the Building Commissioner, under the rules and regulations established as permitted in this Chapter, by which the owner has demonstrated that the property has been brought into substantial compliance with the City Codes that were the basis of the revocation.

1485.035 Transient Rental Regulations

No owner of a dwelling unit shall permit the dwelling unit, or a portion of the dwelling unit, to be rented to, or occupied by, transient renters, except as set forth in this section.

- (a) ***Renter Occupied Dwelling Units: No owner of a dwelling unit registered as a rental unit under 1485.03 shall permit the rental unit to be rented to, or occupied by transient renters.***
- (b) ***Owner Occupied Dwelling Units: The owner of a dwelling unit who occupies that dwelling unit may have transient rentals, provide as follows:***
 - (1) ***The total number of calendar days, or parts of calendar days, that a transient renter occupies a dwelling unit does not exceed fourteen (14) days total in any calendar year;***
 - (2) ***The owner of the dwelling unit used/occupied the dwelling unit as his/her primary residence for at least 351 days of the calendar year;***
 - (3) ***The owner of a dwelling unit or rental unit shall not permit single room rentals to transient renters. "Single room rentals" as used herein is an arrangement where multiple renters, under separate rental agreements, have exclusive possession of an individual sleeping facility and shared access with other renters to all other facilities within a dwelling unit. This prohibition shall not apply in the event that the owner of the dwelling unit is concurrently occupying the dwelling unit with the transient renters.***
 - (4) ***The owner shall obtain a transient rental registration certificate with the City of North Royalton, in accordance with this chapter. It shall be prima facie evidence of a short-term rental operation if a short-term rental guest is found to be occupying or using a short-term rental.***
 - (5) ***The owner shall submit, if applicable, written authorization of consent from the home owners association, condo association or other person of interest to short term rentals.***

(6)The dwelling unit shall have adequate onsite parking for all transient renters and occupants in compliance with North Royalton Ord. No. 1282.05. (one additional onsite parking space for each rented room).

(7) Transient rental property owners shall be required to display the permit on any medium used to advertise the short term rental. Failure to display shall result in the automatic revocation of the transient rental permit.

(8) A short-term rental property owner shall retain and, upon request, make available to the Building Commissioner or law enforcement officials records to demonstrate compliance with this section, including, but not limited to, primary residency, the name of the short-term rental guest responsible for the reservation and/or who rented the unit on each night, dates and duration of stay in a short-term rental.

1485.04 INSPECTION OF RENTAL DWELLINGS.

(a) The Building Commissioner, Safety Director or designee is authorized to conduct an inspection of single-family rentals, ***transient rentals***, and multiple dwelling rental units as determined by the Building Commissioner.

(b) Nothing herein shall prevent, or be construed as preventing, more frequent inspections upon complaint or upon reasonable suspicion by the Building Commissioner or Safety Director that a violation of the City's Codes exists upon the property.

(c) It shall be the duty of the owner or agent, upon consent, to cause the structure be open for inspection at the time arranged and/or noticed, which shall be during regular business hours. If the owner, agent, or occupant/tenant refuses to consent to an inspection of the subject property or if consent is otherwise unobtainable, the Building Commissioner or Safety Director or designee shall not make such inspection without first obtaining a search warrant, based upon probable cause, except in the case of an existing emergency in which case entry may be made at any time and no search warrant is necessary.

1485.05 CERTIFICATE OF RENTAL ~~MULTIPLE DWELLING~~ INSPECTION.

Upon inspection of the residential rental dwelling unit, the Building Commissioner shall issue a Residential Rental Inspection report. Except in the case of immediate danger to the public health or safety, such report shall contain the order for the correction of any code violations noted on the report, which shall be corrected by the owner of the property within ninety days of the issuance of the report, unless for good cause shown, the Building Commissioner has extended the time for such completion.

1485.06 FORMS, RULES AND REGULATIONS; APPEALS.

The Building Commissioner is authorized and directed to promulgate such forms, rules and regulations as are necessary for the efficient administration of this chapter. Rights of appeal from the decision of the Building Commissioner are provided for in Chapter 1264, except where the decision appealed involves a violation or interpretation of the Ohio Building Code, in which instance the rights of appeal shall be as provided under the laws of the State of Ohio.

1485.07 COMPATIBILITY WITH STATE LAW AND REGULATIONS; SEVERABILITY.

(a) Nothing herein is intended to conflict with any state law or regulation pertaining to multi-family or apartment buildings, including but not limited to provisions of the Ohio Building Code.

(b) If any provision of this chapter is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the chapter shall not be invalidated.

1485.99 PENALTY.

Whoever fails to comply with the registration provisions of this chapter is guilty of a misdemeanor of the first degree and shall be punished as provided in Section 698.02.