

CHAPTER 1330 Rental Occupancy Inspection

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1330.01 - PURPOSE AND DURATION

The rental occupancy registration imposed by this ordinance is for the purpose of providing such regulation as may be required for administering the health, safety, and welfare of the community. Each registration shall be valid for one calendar year or until a change in occupancy has occurred and shall be filed pursuant to the City of Loveland, Ohio Code of Ordinances Section 184.23(a): Informational Reports by Landlords, Condominium Associations, and Other Organizations, unless otherwise provided herein.

1330.02 – DEFINITIONS

The following words, terms and phrases, when used in this ordinance, shall have the meaning ascribed herein:

“CITY” means The City of Loveland, Ohio or its agents.

“CODE OFFICIAL” means any individual who is charged with the administration and enforcement of this Chapter, including any employee of the City’s Fire Department and/or Building and Zoning Department.

“OPERATOR” means any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

“OWNER” means any person, agent, operator, firm or corporation, or any other group acting as a unit having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

“PERMANENT OCCUPANT” means a person(s) who resides in a dwelling more than 51% of the time during a calendar year, and the dwelling in which such person(s) resides shall be referred to as the Primary Residence.

“RED CARD” means a notice of violation of the City of Loveland, Ohio Code of Ordinances.

“RENTAL DWELLING UNIT” means one or more rooms which are arranged, designed, or occupied as living quarters for a person or family as a single housekeeping unit. A dwelling unit includes bathroom and kitchen facilities in addition to sleeping and living areas. Publicly accessible space separates a dwelling unit from any other dwelling unit. No doorway, perforated wall, or other passable opening exists between dwelling units.

“ROOMING UNIT” means any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

"SHORT-TERM RENTAL" means a dwelling that is leased or rented in full or in part for the purpose of overnight lodging for less than thirty (30) consecutive days by persons other than the Permanent Occupant or Owner from which the Permanent Occupant or Owner receives monetary compensation. Short-Term Rental units are, but are not limited to, a single-family detached or multiple-family attached unit, apartment complex, condominiums, or duplex. Short-Term Rentals are not considered Home Occupations as defined in section 1165.08 of the City's Code of Ordinances.

1330.03 – ADMINISTRATION OF ORDINANCE

The City shall administer the provisions of this ordinance, collect and record registrations; make, initiate, or cause investigations and inspections to ensure compliance with safety regulations; issue and collect fees; make reasonable regulations relating to the administration of this ordinance; and perform such other duties as may be duly assigned in accordance with the City of Loveland's Codified Ordinances Part - Eleven: Planning and Zoning Code; Part - Thirteen: Building Code; Part - Fifteen: Fire Prevention Code.

1330.04 – REGISTRATION REQUIRED, NEW AND RENEWAL

A. Registration and/or registration renewal of Owners and/or Operators of a Rental Dwelling Unit(s) and/or Rooming Unit(s) and/or property within the City limits shall be on a form approved of and provided by the City. Registration and/or renewal of rental properties shall contain the following:

- 1) Name of legal Owners and/or Operators of a Rental Dwelling Unit(s) and/or Rooming Unit(s) and/or property, including mailing address, parcel number, county registration number, telephone number, and email address. If the applicant is a corporation, firm, partnership, association, organization or other group acting as a unit, the applicant shall provide the name of the entity set forth exactly as shown on the articles of incorporation, partnership agreement, or other instrument by which the association, organization or group was established, and shall set forth the mailing address, telephone number, and email address of an individual who is the statutory agent, president, or managing individual, the state in which the company is incorporated or registered, and the entity or corporation number. A post office box will not be accepted.

- 2) The Owners and/or Operators of a Rental Dwelling Unit(s) and/or Rooming Unit(s) and/or property shall notify the City of any change in information contained in the Rental Registration Application within ten (10) days of the change.
- 3) A change in ownership of the Rental Dwelling Unit(s) and/or Rooming Unit(s) and/or property shall void the current registration and shall require the submission of a new Rental Registration Application and shall be cause for a new inspection of the property.
- 4) In the registration filed with the City, Owners and/or Operators of Rental Dwelling Unit(s) and/or Rooming Unit(s) and/or property shall acknowledge the following requirements:
 - a) The Owners and/or Operators of a Rental Dwelling Unit(s) and/or Rooming Unit(s) and/or property are jointly and severally responsible for ensuring that the Rental Dwelling Unit(s) and/or Rooming Unit(s) and/or property complies with all applicable local, state, and federal laws and regulations.
 - b) The Owners and/or Operators of a Rental Dwelling Unit(s) and/or Rooming Unit(s) and/or property are jointly and severally responsible for compliance with all City regulations, including but not limited to those regarding property maintenance, noise, parking, and occupancy.
- B. A change in occupancy of the Rental Dwelling Unit(s) and/or Rooming Unit(s) and/or property shall void the current registration and shall require the Owners and/or Operators of the Rental Dwelling Unit(s) and/or Rooming Unit(s) and/or property to submit a renewal of rental registration on a form approved of and provided by the City. The submission of a renewal of rental registration shall be cause for a new inspection of the property.
- C. Excluded from this Chapter are Short-Term Rentals.

1330.05 – AUTHORITY TO CONDUCT INSPECTIONS

- A. Upon display of the proper credentials, any Code Official may be permitted to inspect the Rental Dwelling Unit(s) and/or Rooming Unit(s) and/or property.
- B. If the request for inspection described in division (A) of this section is denied, any officer of the City may seek an administrative search warrant or other legal remedy from a court of competent jurisdiction authorizing said inspection.

1330.06 – INSPECTIONS

- A. To determine compliance with the City of Loveland Code of Ordinances, a cause for inspection of the Rental Dwelling Unit(s) and/or Rooming Unit(s) and/or property shall occur once a Rental Registration Application has been filed with the City and/or when a submission of rental registration renewal has been filed; but in no event shall an initial inspection take place less than every twenty-four (24) months from a previous inspection as determined by the City.
- B. An inspection guidelines checklist shall be available to each Owner(s) and/or Operator(s) of a Rental Dwelling Unit(s) and/or Rooming Unit(s) and/or property identifying the criteria for which inspections are to be conducted. Inspections shall be administered by the City's Code Official(s).
- C. Rental Dwelling Unit(s) and/or Rooming Unit(s) and/or property inspection reports shall be submitted to the City. The process for inspections to determine code compliance with the City of Loveland's Code of Ordinances is as follows:
 - 1) An initial inspection is conducted to observe the Rental Dwelling Unit(s) and/or Rooming Unit(s) and/or property for compliance with the City of Loveland's Code of Ordinances. If no violations are found, a No Violations Report shall be completed by and filed with the City.
 - 2) If minor violations are cited, said violations shall be documented on the Rental Occupancy Inspection Checklist and Owners and/or Operators of a Rental Dwelling Unit(s) and/or Rooming Unit(s) and /or property shall be issued a Red Card explaining the items to be corrected.

Following the issuance of a Red Card, the Owners and/or Operators of a Rental Dwelling Unit(s) and/or Rooming Unit(s) and /or property shall correct all items indicated on the Red Card.

Once the items on the Red Card have been completed, it shall be the responsibility of the Owners and/or Operators of a Rental Dwelling Unit(s) and/or Rooming Unit(s) and/or property to return the Red Card to the City's Fire Department confirming that the required corrections have been made. Upon receipt of confirmation to the City that the required items have been corrected, a report shall be completed by and filed with the City.

- 3) If the required corrections have not been completed within fifteen (15) days of the initial inspection, and no reasonable effort has been made or communicated to do so, the City may seek and impose any and all remedies as provided in Section 1330.07, or applicable state or federal law.

1330.07 – PENALTY

Whoever violates any section or provision of this chapter shall be guilty of a minor misdemeanor. Each violation shall be considered a separate offense. Jurisdiction for such

offenses may be in Loveland Mayor's Court, or any court of competent jurisdiction located in the county where the offense occurred and shall be prosecuted by the City Solicitor or his/her designee.

1330.08– PROPERTY TRANSFER

- A. No registration of a Rental Dwelling Unit(s) and/or Rooming Unit(s) and/or property under this chapter shall be transferable to another person, corporation, firm, partnership, association, organization, or other group acting as a unit, name, or franchise.
- B. In the event a property is sold having uncorrected violations and/or fees, the seller(s) shall be required to notify the City of the purchase date and the name(s) and address(es) of the buyer(s)
- C. Any transfer of the property does not alleviate the original property owner at the time of the offense from any liability imposed under Chapter 1330 of the Code.

1330.09– IMMUNITY

The City shall be immune from prosecution or civil suit for any claims arising from the implementation of the provisions of this Chapter. Furthermore, the City does not warrant or guarantee the status of the inspected properties.

1330.10– SEVERABILITY

In the event that any section or provision of this chapter shall be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this chapter as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.

1330.11– APPEALS

Owners and/or Operators of a Rental Dwelling Unit(s) and/or Rooming Unit(s) directly affected by a decision of the City under this Chapter shall have the right to appeal in accordance with Ohio Revised Code Chapter 2506.