

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 periodic 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 is hereby authorized to make and adopt rules and regulations for the internal administration of the rental dwelling permit program provided that such rules and regulations shall not be in conflict with provisions or intent of this ordinance or Building, Plumbing or Housing Code ordinances of the city of Portsmouth. The Health Commissioner shall develop and adopt a plan for the periodic inspection of rental dwellings subject to the provisions governing the issuance of a permit for the operation of such rental dwelling. Such plan for periodic inspection shall include a provision which will give tenants or occupants a minimum of twenty-four (24) hours notice prior to an inspection, however, the twenty-four (24) hour notice may be waived by the tenant or occupant.

(B) The Code Enforcement Official shall make inspections of rental dwellings pursuant to an inspection plan as authorized by this code, or in response to a complaint that an alleged violation of the provisions of this code or of rules and regulations adopted pursuant thereto has been committed, or when the Code Enforcement Official has a valid reason to believe that a violation of the provisions of the code, or any rules and regulations adopted pursuant thereto exists. If, upon inspection, a structure, building or dwelling unit is found in violation of this code, the Housing Code 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 thirty (30) days from the issuance of a notice of violation to correct such noted violations as have been noted or to request and be granted a hearing with the Health Commissioner provided if the request for such hearing is made within the time limits specified in the "violation notice." If, after thirty (30) days from the issuance of a notice of violation, such noted violations have not been begun in good faith, nearly corrected or corrected, and 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 comply 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 implement the procedures for Condemnation By Board of Health. Sec. 1311.01 of the Codified Ordinances of the city of Portsmouth.

1361.03 HEALTH COMMISSIONER HEARING

After such hearing, prescribed in Section 1355.01 (B) 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 person by certified mail.

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 provided it is the same calendar year for which the permit to operate was issued.

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, except in emergency situations.

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 property within the city of Portsmouth owned for rental purposes or occupied by a party other than the owner for a period of more than six (6) months during any single calendar year, shall require a rental dwelling permit from the Portsmouth Board of Health, Environmental Health Division.

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. Such an inspection shall be made within thirty (30) days after said application has

been made. 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 this code. Any permit granted or issued under the terms of this code to an owner or operator may be suspended or revoked at any time by the Code Enforcement Official upon satisfactory proof of violation of any provision pursuant to this code or which could have been grounds for failure to issue an original permit. Any person who feels aggrieved by such denial may pursue the remedies as outlined in Sec. 1311.01(e) Codified Ordinances Appeals Procedure. If a permit is suspended or revoked subsequent to failure to correct violation/violations noted on the Order to Comply, said permit shall be surrendered to the Code Enforcement Official within five (5) days of notification of such suspension or revocation.

(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 Board of Health. Failure to complete in full, the required permit application shall be grounds for denial of a permit.

(C) No rental dwelling permit shall be issued or received unless the applicant designates, in addition to himself or herself, an agent for the receipt of this process pursuant to this code. Said agent must be designated in writing on the application for said permit. Such agent must reside within Scioto County.

(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 of the new owner;
- B) The name and address of the previous owner; and
- C) The agent for the new owner as required under the provision of Section 1355.08C herein.

When rental property is sold, no refund will be issued if the property was rented during any portion of the year.

1361.11 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 occupancy 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.

1361.12 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, mortgagee, 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.

1361.13 EXPIRATION AND RENEWALS.

Every rental dwelling permit shall be renewed annually not later than the second day of January.

1361.14 FEES

A) The Portsmouth City Board of Health may charge fees for issuing and renewing rental dwelling permits.

B) The annual license fee for a rental dwelling permit is one hundred dollars for each unit.

1361.15 PENALTY

If a renewal application is not filed with the Portsmouth City Board of Health on or before the second day of January, the Board of Health shall assess a penalty. The amount of the penalty shall be twenty-five percent of the fee charged for renewing permits. If an applicant is subject to a penalty, the Code Enforcement Official shall not renew the permit until the applicant pays the penalty.

1361.16 DISPLAY OF PERMIT.

A permit issued under this ordinance shall be conspicuously displayed within the common ways of the rental dwelling.

1361.17 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.

(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 receipt of any monies from the tenant under said oral agreement.

1361.18 ENFORCEMENT

The Code Enforcement Official is hereby charged with the enforcement of this Chapter, the International Property Maintenance Code, and any other chapter 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.