

## CHAPTER 780 Rental Property Registration and Inspection<sup>1</sup>

Sections:

### 780.01 PURPOSE.

It is the purpose of this chapter to protect the public health, safety and welfare of the residents of Gahanna, to impose certain responsibilities and duties upon owners and operators to provide for the issuance of rental certification; to establish a fee schedule and to fix penalties for violations of this chapter. Rental housing units with code violations are a risk to new development, housing stock, property values, public health, safety, and welfare in the City of Gahanna. This chapter is hereby declared to be remedial and essential for the public interest, and it is intended that this chapter be liberally construed to effectuate the purposes as stated herein.

( Ord. No. 107-2020 , § 1(Exh. A), 11-17-20)

### 780.02 DEFINITIONS.

As used in this chapter, the words and terms below shall have the following meanings respectively prescribed to them in this chapter:

- (a) *Appeal* means a written notice to be filed with the Property Appeals Board challenging a notice of violation. Such appeal must be filed within ~~14~~30 days of the date of the notice of violation.
- (b) *City* means the City of Gahanna.
- (c) *Designated City Official* means the Director, and/or their designee, who is tasked with the oversight and enforcement of this chapter.
- (d) *Designated agent* means a business entity located in or an individual person 18 years or older residing in the State of Ohio with an address other than a post office box and named by an owner as a secondary point of contact regarding the use or condition of land and the occupancy and physical condition of structures on a platted lot or parcel of land.
- (e) *Dwelling* means any building or portion of a building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that is occupied for living purposes.
- (f) *Dwelling unit* means a space within a dwelling, comprised of a living, cooking and dining area, a sleeping room or rooms, storage closets and bathing and toilet facilities, all used by a tenant or tenants, and not open for public use.
- (g) *Family* means one or more persons occupying a dwelling unit that are related by blood, marriage, or adoption to the owner of the premises.

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<sup>1</sup>Editor's note(s)—Ord. No. 107-2020 , § 1(Exh. A), adopted Nov. 17, 2020, amended Chapter 780 in its entirety to read as herein set out. Former Chapter 780, §§ 780.01—780.17, 780.99, pertained to similar subject matter, and derived from Ord. No. 0053-2018, § 1(Exh. A), 7-2-18 .

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- (eh) *Lease* means the written or oral agreement that sets forth any and all conditions concerning the use and occupancy of rental units. Premises leased to a family member and not for rent are not subject to rental property registration and inspection pursuant to Chapter 780.05.
  - (hi) *Notice of violation* means a notice issued by the Designated City Official, to the owner of real property or to their designated agent that there has been a violation of a provision of this chapter or any other applicable section of the Gahanna City Code, ordinance, rule or regulation concerning the occupancy or condition of a premises that is leased or for lease, vacant or occupied.
  - (hj) *Premises* means a real property parcel of land and the structures on that parcel containing at least one residential dwelling unit, including lots in manufactured home parks or platted lots or parcels outside a manufactured home park where a mobile home, manufactured home or industrialized unit may be located.
  - (hk) *Owner* means any person, corporation, limited liability company, business trust, or partnership who, alone or jointly or severally with others, shall have the legal or equitable title to a property, and shall include executors, administrators, trustees or guardians of the estate of any individual owner, and any purchaser or assignee under a certificate of sale pursuant to a mortgage foreclosure. Any individual owner, regardless of whether he or she shares ownership responsibility with any other person, any general partner of a partnership, and any officer of a corporation or unincorporated association, shall have direct and personal responsibility and liability for compliance with the provisions of this chapter.
  - (kl) *Property manager* means a person other than the owner that has managing control of a rental unit.
  - (lm) *Rent* means the offering, holding out or actual leasing of rental property to an occupant other than the owner and generally involves the payment of money or other consideration. Except as provided for in Chapter 780.02(h).
  - (mn) *Rental dwelling unit* means any structure or part thereof rented or leased by a person or persons other than the owner for residential purposes. Rental dwelling units may also be known as a rental dwelling, rental unit, dwelling unit, or housekeeping unit and may be a mobile home, manufactured home, or industrialized unit.
  - (op) *Short-term rental* means any dwelling that is rented wholly or partly for a fee for less than 30 consecutive days by persons other than the permanent occupant or owner from which the permanent occupant or owner receive monetary compensation.
  - (ep) *Tenant* means any person who rents or leases a rental housing property for living or dwelling purposes with the consent of the landlord.

( Ord. No. 107-2020 , § 1(Exh. A), 11-17-20)

### **780.03 REGISTRATION REQUIRED.**

No person shall lease, rent, or cause to be occupied a rental dwelling unit until first registering, that specific dwelling unit in accordance with section 780.06 herein.

( Ord. No. 107-2020 , § 1(Exh. A), 11-17-20)

### **780.04 DESIGNATED AGENT; NOTICE AND SERVICE OF PROCESS.**

Every owner of a rental unit shall designate an agent who resides in the State, who shall be responsible for operation of the unit and who may accept service of process and official notices on behalf of the owner. All official notices of the City may be issued to the designated agent as well as the owner. An official notice or service of

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process issued to a designated agent shall be deemed as served or delivered upon the owner of record. Each owner or designated agent shall maintain a list of the name and number of tenants in each rental unit and shall advise the tenants of all known applicable City regulations regarding occupancy and premises conditions. Failure to maintain a property or any requirements regarding registration shall be grounds for revocation of an existing certificate or denial of issuance of a renewal certificate of registration.

( Ord. No. 107-2020 , § 1(Exh. A), 11-17-20)

#### 780.05 EXEMPT RENTAL DWELLING UNITS.

The following dwellings are exempt from the requirements of this chapter:

~~(a)~~ ~~(a)~~ Single-family, owner-occupied for more than 50 percent of the year, dwellings and dwelling units:

~~(b)~~ Occupied by family member(s) as defined in Chapter 780.02(g) and not for rent as defined in Chapter 780.02(m):

~~(b)~~ Hotels and motels with occupancy by the same tenant for 30 days or fewer:

~~(e)~~ Bed and breakfast inns, as defined in Chapter 1175 of the Gahanna City Code.

( Ord. No. 107-2020 , § 1(Exh. A), 11-17-20)

#### 780.06 REGISTRATION APPLICATION FORM.

- (a) Application for registration of rental dwelling units shall be on forms provided by the Designated City Official and shall include at a minimum the following:
- (1) Name, address, telephone, and e-mail address, if applicable, of an individual owner, sole proprietor or a corporate officer or business representative of a corporation, trust or other entity capable of holding title; and
  - (2) Name, address, telephone number, and e-mail address, if applicable, of a company or designated agent for the property; and
  - (3) Parcel identification number and date of building construction; and
  - (4) Address of each rental dwelling unit; and
  - (5) Number of detached structures on the lot or parcel and number of units per structure; and
  - (6) Number of parking spaces on the lot or parcel used for dwelling purposes; and
  - (7) For short-term rentals, the names of all hosting platforms on which the rental premises is registered for lease. If the short-term rental host is not the property owner, the host shall also provide written permission from the property owner that a short-term rental is permitted at the rental premises.
- (b) No post office boxes shall be accepted as a legal address for purposes of this chapter.
- (c) Registrations shall be retained by the City as a public record and made available to any other City department or public entity upon request.
- (d) Except as set forth in paragraphs (e) and (f) below, every person required to register a rental dwelling unit shall complete a new application ~~bi-annually~~ biennially. A new application shall also be completed upon amendment or change to any required information, within 30 days of said change. This information may be uploaded to the landlord/tenant portal on the City's website.

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(e) Upon sale or transfer of the premises, the previous owner shall provide the Designated City Official with the name and contact information of the new owner so that they may complete a new application for certificate of registration. The previous owner must notify the new owner in writing of the requirement to register a rental property upon sale and transfer of the property, and it shall be the responsibility of the new owner to complete and submit a new rental registration form within 30 days of the date of the date of the written notice from the previous owner.

(f) Upon construction of new rental dwelling units or conversion of existing building space not previously used for residential purposes, an owner shall complete and submit a rental registration form for each building or portion thereof used for rental purposes.

( Ord. No. 107-2020 , § 1(Exh. A), 11-17-20)

#### **780.07 REGISTRATION TERM AND RENEWAL.**

Registration shall be made no later than March 15<sup>th</sup> ~~bi-annually~~ biennially. Sale or transfer of property shall cause the registration to expire and no longer be valid. Any new owner shall make new application for registration for each dwelling unit immediately after closing so as to maintain a continuous record of ownership in case of damage, vandalism, premises condition or other requirement necessitating public notification to the owner, but in no case more than 30 days after sale or transfer of the rental property.

( Ord. No. 107-2020 , § 1(Exh. A), 11-17-20)

#### **780.08 FEES.**

The fees shall be set by the Director and adopted by City Council and shall be set forth in Section 135.10 of the Gahanna City Code.

( Ord. No. 107-2020 , § 1(Exh. A), 11-17-20)

#### **780.09 INSPECTIONS.**

- (a) The City shall conduct ~~bi-annual~~ biennial inspections of the exterior of all rental dwelling units. Such inspections may occur more than once per year if probable cause exists for a violation of this chapter.
- (b) Interior inspections of rental dwelling units may be performed at the request or consent of an occupant of said rental dwelling unit, or at the request of an owner or agent of the owner of a rental dwelling unit that is unoccupied.
- (c) Inspections shall be conducted by City personnel upon presentation of proper credentials. Nothing in this chapter shall be construed to require an occupant, owner, or agent to consent to a warrantless inspection of a rental dwelling unit except as provided by law.
- (d) If probable cause exists to conduct an interior inspection for a violation of any provision of this chapter, and a request to conduct said inspection by the Designated City Official or his/her agent has been denied by the owner, agent, or occupant of the rental dwelling unit, an administrative search warrant may be obtained from the Franklin County Municipal Court, Environmental Division. The Court may consider any of the following factors, along with such other matters as it deems relevant to the issue of whether a warrant shall be issued:
  - (1) Eyewitness account(s) of the violation;
  - (2) Citizen complaints;

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- (3) Tenant complaints;
  - (4) Violations in plain view from the public right-of-way, or viewed while conducting the exterior inspections required by this chapter;
  - (5) City records pertaining to past violations;
  - (6) Property deterioration;
  - (7) The nature of the alleged violation, and the risk to safety of the tenant(s);
  - (8) Passage of time since the last inspection.
- (e) If a warrant is issued, no owner, owner's agent, or occupant of the rental dwelling unit shall fail or neglect, upon presentation of the warrant, to properly permit entry to the Designated City Official or his agent/designee for purposes of the inspection.

( Ord. No. 107-2020 , § 1(Exh. A), 11-17-20)

#### **780.10 MAINTENANCE STANDARDS.**

Every owner, agent, or person in charge of a rental premises shall be responsible for the maintenance thereof in good repair and safe condition and in compliance with this chapter, the Residential Building Code of Ohio, and the International Property Maintenance Code as adopted by the City. In addition to the requirements stated in this section, all applicable Ordinances of the City of Gahanna shall apply and be subject of enforcement.

( Ord. No. 107-2020 , § 1(Exh. A), 11-17-20)

#### **780.11 TRANSFER OF OWNERSHIP.**

In the event there is a change in the ownership of record, the current valid rental unit registration issued under the provisions of this chapter to the former owner shall become null and void. Application for a new rental unit registration shall be made not more than 30 days after such change in ownership has occurred. Such new rental unit registration shall expire on the same date as the one which it replaced, and no fee shall be charged for said change.

( Ord. No. 107-2020 , § 1(Exh. A), 11-17-20)

#### **780.12 RETALIATORY EVICTION.**

It shall be a violation for any owner of a rental dwelling unit, or his agent, to bring or threaten to bring an action in Forcible Entry and Detainer against an occupant or tenant who requests the assistance of the Designated City Official or his agent in determining if violations of this chapter are present at a rental premises.

( Ord. No. 107-2020 , § 1(Exh. A), 11-17-20)

#### **780.13 APPEALS.**

The Property Appeals Board (the Board) shall have jurisdiction to hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Designated City Official in the enforcement or administration of this chapter.

Any person affected by any Notice of Violation which has been issued in connection with the enforcement of any of the provisions of this chapter may request and shall be granted a hearing on the matter by filing an appeal.

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The person shall file, in the office of City Council, an appeal with a written request for the hearing and shall set forth the name, address, and phone number of the appellant and a brief statement of the grounds for the hearing and appeal from any Notice of Violation of this chapter.

Requests shall be filed within ~~14-30~~ days of the date of the Notice of Violation. On receipt of the appeal, the Clerk of Council shall set a time and place for a hearing before the Board. The hearing shall be held within a reasonable time after a request has been filed. At the hearing, the appellant shall be given an opportunity to be heard and to show cause why the notice and order should be modified or dismissed, or why a variance should be granted. The failure of the appellant or his representative to appear and present his position at the hearing shall be grounds for dismissal of the request.

Any party entitled to appeal a decision of the Board may appeal to the Court of Common Pleas of Franklin County, Ohio or the Franklin County Municipal Court, Environmental Division, as permitted by Ohio Revised Code Chapters 2505 and 2506.

( Ord. No. 107-2020 , § 1(Exh. A), 11-17-20)

#### **780.14 PERMIT.**

Once an application has been submitted, a temporary permit shall be issued. When all provisions of this chapter have been satisfied, the Designated City Official shall issue a final permit for the leasing or rental of a rental premises or rental dwelling unit to the owner, agent, or short-term rental host. The permit shall take effect on the date of issuance of the temporary permit and shall expire upon either the last day of any tenant's leasehold term, or ~~by December 31<sup>st</sup> of the following year~~<sup>two calendar years</sup> from the date of issuance, whichever occurs first.

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The Designated City Official may deny an application for a permit if the applicant makes a material misrepresentation or omission in the application, or if the applicant has been convicted or found civilly liable for a violation of the City's Nuisance Code.

( Ord. No. 107-2020 , § 1(Exh. A), 11-17-20)

#### **780.15 DISCLAIMER OF LIABILITY.**

A permit issued pursuant to Section 780.14 herein is not a warranty or guarantee that there are no defects in a rental dwelling unit and the City shall not be held liable to any person for the condition of the property.

( Ord. No. 107-2020 , § 1(Exh. A), 11-17-20)

#### **780.16 SAVING CLAUSE.**

All proceedings pending and all rights and liabilities existing and acquired or incurred at the effective date of this chapter are saved and may be consummated according to the law in force when they were commenced.

( Ord. No. 107-2020 , § 1(Exh. A), 11-17-20)

#### **780.17 VALIDITY.**

Should any section, clause, or paragraph of this chapter be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of the chapter as a whole or any part thereof other than the part declared invalid.

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( Ord. No. 107-2020 , § 1(Exh. A), 11-17-20)

**780.99 PENALTIES.**

- (a) Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor of the fourth degree. Each separate violation shall constitute a separate offense, and a separate offense shall be deemed committed for each day during or on which a violation or non-compliance occurs or continues.
- (b) The imposition of any penalty shall not preclude the City from instituting any appropriate action or proceeding in a court of proper jurisdiction to prevent an unlawful repair or maintenance; to restrain, correct or abate a violation; to prevent the occupancy of a dwelling, building, structure or premises; or to require compliance with the provisions of this chapter of other applicable laws, ordinances, rules or regulations or with the orders or determination of the Designated City Official.
- (c) No criminal complaint for the violation of any of the provisions of this chapter shall be filed within ~~14~~30 days of the issuance of a Notice of Violation.

( Ord. No. 107-2020 , § 1(Exh. A), 11-17-20)