

ORDINANCE NO.: 15-2023 (As revised 3/14/2023)
INTRODUCED BY: Lentine

AN ORDINANCE AMENDING SECTION 761.04 AND ADDING SECTION 761.99 OF CHAPTER 761, "LANDLORD TENANT RELATIONS", TO REQUIRE LANDLORDS TO GIVE NOTICE TO NEW AND RENEWAL RESIDENTIAL TENANTS OF OUTSTANDING CODE VIOLATIONS AND ADOPTING A PENALTY FOR VIOLATIONS OF CHAPTER 761.

WHEREAS, there are several large residential rental apartment complexes in the City of Richmond Heights and those residential buildings currently have many outstanding property maintenance and building code violations;

WHEREAS, tenants in those apartment complexes are often unaware of the nature and/or extent of such municipal code and state code violations upon initially becoming tenants or renewing their tenant leases and should be well informed of the condition of the residential buildings and units therein in order to make informed decisions with respect to their leasing of a living unit for the protection of the tenant's and visitors' health and safety;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: Section 761.04, "Statement of Condition of Premises", of Chapter 761, "Landlord Tenant Relations" of the Codified Ordinances is hereby amended to hereinafter provide as follows:

"761.04 STATEMENT OF CONDITION OF PREMISES.

(a) The landlord shall provide to each new tenant **and a tenant that is renewing a lease** a signed statement **signed by both the landlord and the new or renewing tenant** as to the condition of the premises as of the time the tenant is to occupy the premises. ~~Such~~ **Such** statement ~~to~~ shall contain any items which need to be repaired, **including, but not limited to any and all outstanding violations of the Richmond Heights Codified Ordinances,** and the timetable for such repair which is mutually agreed upon by the landlord and tenant.

(b) **The landlord shall maintain a copy of the signed statement required by subdivision (a) of this section for a period of two (2) years after its execution and shall immediately produce a copy of any such statement to the City's Building Official upon the Building Official's request.**

(c) **The landlord shall post a copy of this section 761.04 in a place in the leased premises where a tenant can readily see and review this section.**

Section 2: Existing Section 761.04 of the Codified Ordinances is hereby repealed.

Section 3: Chapter 761, "Landlord Tenant Relations", is hereby amended to add new Section 761.99, "Penalty", to provide as follows:

"761.99 PENALTY.

(a) **Whoever violates or fails to comply with any of the provisions of this chapter is**

guilty of a misdemeanor of the first degree and shall be fined or imprisoned or both for each offence in accordance with section 501.99 of the General Offenses Code. Unless otherwise provided, a separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

(b) The application of the penalty provided in subdivision (a) of this section shall not be deemed to prevent the enforced removal of prohibited conditions or the exercise or application of any other equitable remedy."

Section 4: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: March 14, 2023

APPROVED: March 14, 2023

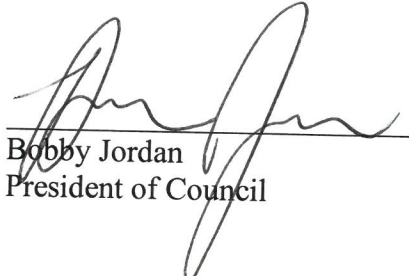


Kim A. Thomas, Mayor

ATTEST:



Donnie L. Hunter
Clerk of Council



Bobby Jordan
President of Council