

Ron Jackson, President
Stafford L. Shenett, Sr. Dist 1
Toni Jones, District 2
Ebony Miller, District 3



Terry Woody, Sr. District 4
Tanglyn Madden, District 5
Sharri Thomas, District 6
Edwina Agee, District 7

NOTICE

DATE: October 29, 2019

TO: Committee Member Toni Jones
Committee Member Ebony Miller
Members of City Council
Mayor Annette M. Blackwell

FROM: Sharri Thomas, Chairwoman

RE: **Housing/ Economic Development Committee Meeting**

In accordance with Section 220.01(e)(4) of the Codified Ordinances of the City of Maple Heights, a **Housing/Economic Development Committee Meeting** will be held on **Wednesday, October 30, 2019**, at 7:00 p.m. in Room 7, Maple Heights City Hall, 5353 Lee Road, Maple Heights, Ohio, to discuss the following:

- **Pending Legislation**
- **New Legislation**
- **Other City Housing Business**

The Law Director and Housing Manager are requested to attend this meeting.

Sharri Thomas/27c
Sharri Thomas, Chairwoman
Housing/Economic Development Committee
Maple Heights City Council

cc: Directors, Chiefs, Department Heads

RESOLUTION NO.: 2019-21, AS AMENDED
INTRODUCED BY: Mayor Annette M. Blackwell
MOTION FOR ADOPTION BY:

A RESOLUTION ENACTING A TEMPORARY MORATORIUM ON THE ENFORCEMENT OF SECTION 1494.07 OF THE CITY'S CODIFIED ORDINANCES REQUIRING INTERIOR POINT OF SALE/PROPERTY MAINTENANCE INSPECTIONS, AND DECLARING AN EMERGENCY.

WHEREAS, Section 1494.07 of the City's Codified Ordinances provides that the owner of record for any improved real estate used or intended to be used for residential dwelling unit(s) or commercial use group(s) shall obtain a certificate of inspection for the interior point of sale/property maintenance inspection prior to selling, transferring or conveying, or entering into an agreement to sell, transfer, or otherwise convey, an interest in such property; and

WHEREAS, currently pending in federal district courts for the Northern and Southern districts of Ohio are two class action lawsuits filed by residents challenging the constitutionality of a municipalities' interior point of sale and property maintenance inspection requirements; and

WHEREAS, while the lawsuits are pending and until the Ohio General Assembly provides guidance to municipalities with regard to interior point of sale and property maintenance inspections, the Mayor believes that it is prudent for a temporary moratorium to be placed on the enforcement of interior point of sale/property maintenance inspection requirements of Section 1494.07.

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

Section 1. A temporary moratorium is hereby placed on the enforcement of interior point of sale/property maintenance inspection requirements of Section 1494.07 of the City's Codified Ordinances, which moratorium shall remain in effect until Council, after consultation with the Mayor and Law Director, by a motion duly made, terminates the temporary moratorium. The requirement for exterior point of sale/property maintenance inspections under Section 1494.07 shall continue to be mandatory. Interior point of sale/property maintenance inspections may be conducted in the event that the owner of the property so requests and signs a consent form.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Legislation were adopted in an open meeting on the date indicated below, and that all deliberations of this Council and of 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 3. This Resolution constitutes an emergency measure necessary for the public health and general welfare of the City's residents and for the further reason to immediately cease enforcement of Section 1494.07 during the pendency of the lawsuits, and provided it receives the

affirmative vote of two-thirds (2/3) of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2019

Ron Jackson, Council President

Annette M. Blackwell, Mayor

Approved as to legal form:

Frank Consolo, Director of Law

ATTEST: _____
Leonette F. Cicirella, Clerk of Council

I, Leonette F. Cicirella, Clerk of Council of the City of Maple Heights, County of Cuyahoga, State of Ohio, do hereby certify the above to be a true and exact copy of the original as contained in the records of my office and that the same has been and will remain duly posted as required by law.

Date: _____

Leonette F. Cicirella, Clerk of Council

ORDINANCE NO.: 2018-28, AS AMENDED
INTRODUCED BY: Councilwoman Sharri Thomas
MOTION FOR ADOPTION BY:

AN ORDINANCE AMENDING SECTIONS 1486.02 AND 1486.03 OF THE CODIFIED ORDINANCES OF THE CITY CONCERNING RENEWAL OF RENTAL REGISTRATIONS AND TENANT RENTAL LICENSES AND ESTABLISHING FEES, AND DECLARING AN EMERGENCY.

WHEREAS, the Housing Committee of Council has recommended to Council that Sections 1486.02 and 1486.03 of the City's Codified Ordinances concerning rental registrations and tenant licenses be amended to provide that owners of rental property register all of their properties on one rental registration form on an annual basis and for an annual fee of Seventy-Five Dollars and No Cents (\$75.00) per owner. In addition, the Committee has recommended that tenant licenses shall be issued for each rental unit upon a change in tenant or ownership of the property and that a fee of One Hundred Fifty Dollars and No Cents (\$150.00) be charged for each tenant rental license.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Maple Heights, County of Cuyahoga, and State of Ohio that:

Section 1. Section 1486.02 of the City's Codified Ordinances is hereby amended to read as follows:

(a) Effective January 1, 2019, each owner of a property, both residential and commercial, as defined in Section 1486.01(f), or the agent in charge as defined in Section 1486.01(a), of a rental unit within the City shall register all such rental units on a rental registration form, per owner or agent in charge, with the Building Department designated City official on an annual basis, no later than January 31 of each calendar year for a non-refundable rental registration fee of \$75 per owner or agent in charge. If the owner or agent in charge acquires additional rental units during the calendar year then, within thirty days after the date of acquiring ownership or transfer of the title, and while the unit is still vacant, the owner or agent in charge shall file an updated rental registration with the Building Department for a non-refundable fee of \$35. The form to be used by the owner or agent in charge to register all their rental units shall be contained in or with a change or imminent change in tenant(s) by obtaining a "rental registration packet" available from the Maple Heights Building Department. A separate rental registration packet shall be required for each rental unit owner or agent in charge.

(b) The "rental registration packet" shall contain all necessary forms and information required by the Building Department, including rental registration forms for the owner or agent-in-charge to register all their rental units, and prospective tenant(s), proof of full payment of property taxes for each residential and commercial rental property or documentation of being on a county payment plan in good standing, and tenant forms, including a tenant information form for each of the owner's or agent in charge's rental units listed on the rental registration form and a completed Regional Income Tax Agency (RITA) form for both the owner and each of its tenants. The rental registration packet forms, including the tenant forms, must be completed and returned

to the Building Department by January 31 of each calendar year and before any tenant shall move into the unit.

~~(c) Upon return of the rental registration forms for the owner or agent-in-charge to register all their rental units appropriate forms in the rental registration packet to the City, the annual rental registration application fee of \$75 set forth in subsection (a), a tenant rental license fee, and a rental inspection fee shall be required to be paid by the property owner or agent in charge, as noted as a total amount in subsection (c), (d) and (e) hereof.~~

~~(c) Each application for rental registration of any rented unit or room within a single family, two family dwelling, duplex, the third floor of a two family dwelling, or duplex shall be accompanied by a non-refundable fee of two hundred twenty five dollars (\$225.00) per rental unit or room;~~

~~(d) Each application for rental registration of a dwelling unit within any multi-family building, apartment building(s), or multi-family condominiums, shall be accompanied by a non-refundable fee of two hundred twenty five dollars (\$225.00) for the first rental unit in each separate building and a non-refundable fee of one hundred seventy five dollars (\$175.00) for each additional unit in the building.~~

~~(e) Each application for rental registration for a commercial strip center(s), or commercially leased unit(s) shall be accompanied by a nonrefundable fee of three hundred twenty five dollars (\$325.00).~~

~~(f) If an owner fails to timely register a rental unit, does not obtain a tenant rental license before a tenant moves into the rental unit, or does not re-register upon the change of tenant(s), all rental registration fees, rental inspections fees, and tenant rental license fees shall be tripled for each unit. The owner shall also be subject to the penalty provisions as set forth in Section 1486.99.~~

(g d) Effective January 1, 2019, upon return of the tenant forms, including a tenant information form for each of the owner's or agent in charge's rental units listed on the rental registration form and a completed Regional Income Tax Agency (RITA) form for both the owner and its tenants, a "tenant rental license" fee of \$150 per rental unit shall be required to be paid by the owner or agent in charge. This tenant rental license fee shall not be required to be paid again by the owner or agent in charge so long as there is no change of tenants in the owner's or agent in charge's registered rental units. If there is a change in tenant(s) of the rental units after the owner or agent in charge has submitted its annual rental registration form, then the owner or agent in charge must file an updated rental registration packet with the Building Department and pay an updated rental registration fee of \$35 as set forth in subsection (a) and pay an additional tenant license fee of \$150. If there is more than one tenant change during a calendar year than the owner or agent in charge shall be required to pay \$75 for each additional tenant license fee.

(e) Upon payment of the tenant rental license fee the designated City Official shall After the fully completed rental registration packet is returned to the Building Department, and the total payment of the fees required in subsections (c), (d) and/or (e) hereof are received by the Building Department, the designated City official shall require a general inspection of the rental unit, of which cost is included in the initial tenant rental license fee. The purpose of the inspection is to insure each rental unit is safe, healthy and habitable and in compliance with City, Cuyahoga

County and Ohio health, safety, building and maintenance laws, rules and regulations. Within 30 days after the inspection, if the rental unit does not pass the inspection, the City Official shall provide to the owner or agent in charge by regular mail, a list of the violations for the rental unit or property that do not comply with the health, safety, building and maintenance codes. Upon re-inspection of the rental unit for code compliance, a re-inspection fee shall not be required for the first re-inspection, but will be required for subsequent inspections or for non-appearance of the owner or agent in charge of the property during the inspections. When the rental unit and property passes the inspection, the Building Official or the designee shall mail to the owner or agent in charge a “passed inspection report” and a “tenant rental license” for the tenant's occupation of the rental unit.

~~—(h) Upon receipt of a “passed inspection report”, the owner or agent in charge, shall mail to the Building Department the applicable tenant forms contained in the rental registration packet, including a completed Regional Income Tax Agency (RITA) form for both the owner and the tenant. If there are no planning and zoning requirements for the tenant, and the tenant and RITA forms are properly completed and returned, the City Official shall mail to the owner or agent in charge, a “tenant rental license” for the tenant's occupation of the rental unit.~~

(I f) A rental registration and a tenant rental license are not assignable or transferable, and shall be reapplied for with each change in ownership or transfer of title, and upon a change of tenant(s) in the rental unit as set forth in subsection (e).

Section 2. Section 1486.03 of the City’s Codified Ordinances is hereby amended to read as follows:

Effective January 1, 2019, the owner or agent in charge shall renew the rental registration of all of their rental units no later than January 31 of each calendar year. At the time of renewal, the owner or agent in charge shall be required to once again, fully comply with Section 1486.02.

Section 3. The Clerk of Council is authorized and directed to forward a certified copy of this Ordinance to the publisher of the Codified Ordinances of the City for immediate inclusion of amended Sections 1486.02 and 1486.03 in the current print and electronic editions of the City’s Codified Ordinances.

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 on the date indicated below, and that all deliberations of this Council and of 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 constitutes an emergency measure necessary for the public peace, safety and general welfare of the City and for the further reason that the Building Department needs sufficient time to implement the updated procedures and provided it receives the affirmative vote of two-thirds (2/3) of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2018

Ron Jackson, Council President

Annette M. Blackwell, Mayor

Approved as to legal form:

Frank Consolo, Director of Law

ATTEST: _____
Leonette F. Cicirella, Clerk of Council

I, Leonette F. Cicirella, Clerk of Council of the City of Maple Heights, County of Cuyahoga, State of Ohio, do hereby certify the above to be a true and exact copy of the original as contained in the records of my office and that the same has been and will remain duly posted as required by law.

Date: _____

Leonette F. Cicirella, Clerk of Council

RESOLUTION NO.: 2019-51

INTRODUCED BY: Mayor Annette M. Blackwell

MOTION FOR ADOPTION BY:

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH GOLDEN TRIANGLE DEVELOPMENT LLC TO SELL IT FOUR (4) UNIMPROVED VACANT LOTS WITH DEED RESTRICTIONS REQUIRING NEW CONSTRUCTION OF FOUR (4) SINGLE FAMILY HOUSES WITH ATTACHED TWO CAR GARAGE AND FRONT PORCH, AND DECLARING AN EMERGENCY.

WHEREAS, Golden Triangle Development LLC, a Louisiana limited liability company, has advised the Mayor and Housing Manager that it desires to purchase four (4) unimproved vacant lots located at **1) 16221 Friend Ave, Permanent Parcel No.: 781-06-016; 2) 14108 Summit Ave, Permanent Parcel No.: 785-13-002; 3) 16800 Gerard Ave, Permanent Parcel No.: 784-10-121; and 4) 5493 Morgan St, Permanent Parcel No.: 784-08-048** (collectively referred to as the “Golden Triangle Lots”); and

WHEREAS, the Golden Triangle Lots are owned by the City through its Land Reutilization Program and the Mayor desires to sell the lots, with deed restrictions requiring the construction of a new single family residence with two car attached garage and front porch, pursuant to R.C. 5722.07, at a fair market value of: **1) \$10,000 for the 16221 Friend Ave lot; 2) \$5,000 for the 14108 Summit Ave lot; 3) \$5,000 for the 16800 Gerard Ave lot; and 4) \$7,000 for the 5493 Morgan St lot**, as determined by the Cuyahoga County Fiscal Officer, and taking into account the deed restrictions.

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

Section 1. The Mayor is hereby authorized to enter into an Agreement to sell the Golden Triangle Lots, which are owned by the City through its Land Reutilization Program, to Golden Triangle Development LLC, with deed restrictions requiring the construction of a new single family residence with two car attached garage and front porch, pursuant to R.C. 5722.07, and at a fair market value of: **1) \$10,000 for the 16221 Friend Ave lot; 2) \$5,000 for the 14108 Summit Ave lot; 3) \$5,000 for the 16800 Gerard Ave lot; and 4) \$7,000 for the 5493 Morgan St lot.**

Section 2. Pursuant to R.C. 5722.07 the fair market value of the Golden Triangle Lots, as determined by the Cuyahoga County Fiscal Officer, and taking into account the deed restrictions, is **1) \$10,000 for the 16221 Friend Ave lot; 2) \$5,000 for the 14108 Summit Ave lot; 3) \$5,000 for the 16800 Gerard Ave lot; and 4) \$7,000 for the 5493 Morgan St lot**, and pursuant to R.C. 5722.08 all of the proceeds from the sale of the Golden Triangle Lots shall be used to maintain the remaining parcels of real property held by the City in its Land Reutilization Program.

Section 3. The Mayor, Housing Manager and the Law Director are authorized to prepare, sign and file with the County Recorder and Fiscal Officer all documents and tender any closing fees necessary as the Seller to effect the transfer of the Golden Triangle Lots from the Maple Heights Land Reutilization Program to the Buyer, Golden Triangle Development LLC.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting on the date indicated below, and that all deliberations of this Council and of 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 Resolution constitutes an emergency measure necessary for the public peace, safety and general welfare of the City and for the further reason to immediately allow the Buyer to use and develop the lots, and provided it receives the affirmative vote of two-thirds (2/3) of the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor, otherwise it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2019

Ron Jackson, Council President

Annette M. Blackwell, Mayor

Approved as to legal form:

Frank Consolo, Director of Law

ATTEST: _____
Leonette F. Cicirella, Clerk of Council

I, Leonette F. Cicirella, Clerk of Council of the City of Maple Heights, County of Cuyahoga, State of Ohio, do hereby certify the above to be a true and exact copy of the original as contained in the records of my office and that the same has been and will remain duly posted as required by law.

Date: _____

Leonette F. Cicirella, Clerk of Council