



LANDLORD TENANT HANDBOOK



FROM THE DESK OF MAYOR ANNETTE M. BLACKWELL

Dear Community Stakeholder,

Whether it was the proximity to the National Parks, Cleveland Metroparks, work, family, or the opportunity to return to the city you grew up in, Maple Heights is proud to have you as part of this Community. As we all work together every day to improve the City's housing stock, a partnership with tenants and landlords that observes the rights of Fair Housing, keeps the housing in good repair and properly maintained, and retains the quality of life for all is vital to the success of this effort. Thank you for doing your part to keep Maple Heights a desirable community to work, live, raise a family, and grow.

Sincerely,

Mayor Annette M. Blackwell

INTRODUCTION

Welcome to Maple Heights! This booklet was created by the Housing and Economic Development Committee of the City of Maple Heights in order to assist and guide both landlords and tenants on their responsibilities and commitment to our City. Information contained in this booklet covers fair housing laws, landlord and tenant rights and responsibilities, helpful resources and the ordinances affecting everyone's quality of life in our City. Please visit the City's webpage at www.citymapleheights.com which will have more detail from this booklet and will be updated regularly with new information.

Councilperson Toni Jones, Chair

Councilperson Christian Ostenson, member

Councilperson Richard Trojanski, member

DISCLOSURE

This handbook provides general information about issues affecting landlords and tenants in Maple Heights for the convenience of readers and should not be taken as legal advice. Each circumstance and case is unique and following the information contained herein does not guarantee a favorable outcome. The handbook and the content or use does not establish an attorney-client relationship between the City of Maple Heights and any reader. Again, Information in this manual is not legal advice. Consult your legal adviser regarding landlord-tenant law, eviction law, fair housing law, rental agreements and all other procedures, guidelines and warnings suggested in this handbook.

FAIR HOUSING

Fair Housing means you may freely choose a place to live without regard to:

- Race
- Religion
- Disability
- Familial Status
- Ancestry
- Color
- Sex
- National Origin or Ancestry
- Military Status

The Fair Housing Act was created on the principle that every American should have an equal opportunity to seek a place to live without being afraid of discrimination. Housing discrimination doesn't just mean that you've been denied rental of a dwelling unit. Discrimination also includes a landlord withholding or misrepresenting information about available housing, steering, setting higher standards of creditworthiness for minorities, or quoting different prices, terms or conditions for financing, insurance or sale. A variety of other federal civil rights laws, including Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act prohibit discrimination in housing.

Everyone deserves access to housing. If you believe any of your rights have been violated, please call the Fair Housing Center for Rights and Research at 216-361-9240 which is located in Cleveland on Euclid Avenue.



TENANTS AND ORAL RENTAL AGREEMENTS

Many tenants never sign a lease. If you do not have a lease in writing you should get the name and contact information of the landlord and property manager, know when and where to send your rent, know what utilities you as a tenant pay, and what the landlord will pay, how to terminate the lease, how you get your rent deposit back, and

Tenants should research their landlords for evictions, property tax delinquency and if the property is in foreclosure.

discuss snow removal and grass maintenance and have a witness who would testify regarding the oral agreement. Oral agreements are not recommended so get all the terms and conditions written out. Tenants should also do checks on their prospective landlord to check evictions, if the

property is current in property tax and is not in foreclosure. Check the property for pests such as roaches or bedbugs. All rental residents must be registered with the City of Maple Heights.

LEASES

Leases should contain the normal details of the property description, duration of the lease, security deposit, date rent is due and amount, description of any late charges, the date of the termination of the lease, who pays for utilities, responsibility of exterior yard maintenance (snow removal and grass maintenance) and tenant's rights and responsibilities. Be aware that any violation of any portion of the lease can be grounds for eviction. Read your lease thoroughly and ask questions to be sure you know your responsibilities.

Make sure your lease includes who is responsible for grass maintenance and snow removal.

TENANT RESPONSIBILITIES

- A tenant must pay rent on time and avoid damaging the property.
- Keep your home and property safe and sanitary.
- Dispose of all garbage and trash.
- Comply with all State and Local housing, health and safety codes as they apply to tenants.
- Do not destroy, deface, damage or remove any fixtures, appliances, or any other parts of the premises. Do not allow anyone on the premises such as visitors to do it either.
- Keep all appliances furnished by the landlord in good working order.
- Conduct yourself and your family in a way that will not disturb your neighbor's peaceful enjoyment of the premises. You are also responsible for ensuring that any invited guests do not disturb your neighbors.

DRUG ACTIVITY

Do not violate any State or Federal drug laws. You are responsible for ensuring anyone on your property with your permission including family and friends do not violate State or Federal laws. The landlord may be required to evict you if they have actual or reasonable knowledge that you, or anyone in your household, or anyone on your premises with your permission, has or is engaged in a violation of State or Federal laws.

Maple Heights Codified Ordinances Chapter 648 defines nuisance abatement where if two or more occurrences on the same property within a 12-month period of time or one felony drug activity can declare the property a nuisance and a form of abatement is revoking the landlord's tenant license.

REPAIRS AND WITHHOLDING RENT

Do not unreasonably withhold permission to allow your landlord to enter the home with proper notification. Landlords are allowed to enter the premises to conduct inspections, make repairs, show the house to prospective buyers and deliver parcels that may not fit in your mailbox. Landlords must give a 24-hour notice unless it is an emergency.

If the landlord is not making requested repairs to the premises, do not hold your rent on your own to force the landlord to make repairs. If a landlord fails to fulfill his landlord obligations under ORC 321.04, the tenant may give a written notice to the landlord outlining the violations and keep a copy of the notice. If the landlord fails to remedy the situation, the tenant is able to deposit the rent in an escrow account with the court.



MAPLE HEIGHTS QUALITY OF LIFE ORDINANCES

There are a number of laws that address the threat to our quality of life often called nuisances.

The following helps address issues with information allowing everyone to enjoy their property and quality of life. These conditions contribute to deterioration of property values and degrade the physical appearance of our City. Making our City attractive to ourselves and to others makes our community desirable. Public nuisances are conditions that are unsafe, unsanitary or disruptive.

Nuisance activities include, but are not limited, to loose dogs, barking dogs, cruelty to animals, disorderly conduct or activity, bullying, loitering, failure to disperse, intoxication, trespassing, inducing panic, curfew, littering, noise violations and vandalism.

Criminal nuisances include, but are not limited to, drug activity, possession or sales, endangering children, sexual offenses, offenses against another person or property, assault, aggravated menacing, theft, burglary, handgun possession and discharging or selling weapons or drugs.

CURFEW—Hours for youth under 14 years old are 9PM through 6AM and apply to juveniles not accompanied by an adult. Curfew hours for juveniles over 14 years old but under 18 are from 11PM to 5AM. Parents and guardians have the responsibility for enforcing curfew regulations.

TRESPASSING—No one has the right to cut across someone's lawn or rear yard, sit on their steps, or congregate in their driveway without the owner's permission.

LOITERING—No person shall congregate with others on the sidewalk, streets, parks, playgrounds or businesses with the intent to provoke or breach the peace of other persons, by threatening, insulting or abusive conduct or language and refusal to move when ordered by Police.

TRASH—All homes are provided with two cans including one for recycling. Maple Heights has two service days for collection of trash. Thursday is for residents living on the East side of Broadway including Broadway's odd numbered addresses. Friday's service is for residents living on the West side of Broadway including Broadway's even numbered addresses. Lumber, tree branches and brush must be cut in four-foot lengths and tied in bundles not exceeding two feet in diameter. Large appliances such as refrigerators and stoves, hot water tanks and furniture must have arrangements for bulk pickup by calling

216-587-9014. Mattresses and box springs **MUST** be wrapped in plastic as well as cloth or upholstered furniture.

Trash can be put out for collection no earlier than 6PM of the day before pickup, and cans must be returned to the rear yard the same day as pickup.

Garbage cans are not to be stored in front of the house.

Trash cans must be returned to the rear yard the same day as your pickup.

Recycling pickup is every other week (see website). If there is a parked car in front of your house the day of pickup, place the cans in the driveway apron for easy access.

Do not store garbage, tires, scrap, and junk or dismantled car parts in your yard or behind the garage which can attract rodents. No abandoned vehicle, meaning an unlicensed vehicle or one that is not in working order, is allowed to be stored in your yard.

LOUD MUSIC—Turn it down, lower your voices, be considerate. Our ordinances state that residents are not permitted to make unreasonably loud noise to the extent that it disturbs the neighbors. Loud noise is measured by the Police. If you plan on a party, it would be courteous to tell your neighbors. Ask them to call you instead of the Police if the noise becomes bothersome. Please do not play your car stereo or any audio system at a volume as to disturb the quiet or comfort or repose of other persons and this includes being upon any residence or public street. And here is a good neighbor tip concerning noise—ask your friends to ring the doorbell or knock at the door when they visit and tell them not to honk their horns!

LITTER—Keep your yard and property free of litter. This is your neighborhood and your City; please help to keep it clean and

attractive. If you see litter in your neighborhood, please be a good neighbor and pick it up!

Parking is not permitted on the front lawn.

PARKING—is not permitted on the front lawn. Parking is also prohibited on all streets between the hours of 4am and 6am. If snow reaches over 2 inches there is no parking on any City streets.

DOGS—Be a responsible pet owner. Pick up after your dog in your yard and when you walk your dog. All dogs must be on a leash or gated in your rear yard. Dogs should not howl, bark or yelp to disturb the quiet of any person. Remove all feces deposited by your pet on public or private property. All dogs must wear valid license tags issued by the County.

GRASS—must be maintained on a regular basis not to exceed six inches in height which includes weeds along the property line and flowerbed. All bushes should be maintained on a regular basis.

Grass must be maintained not to exceed six inches in height.

SNOW—must not be piled on the tree lawn to obstruct the view of oncoming cars. Removal of snow must stay on your own property.

TIPS FOR A SAFER NEIGHBORHOOD

A perfect way is to know your neighbors. Changes in our lifestyles have seen fewer long-term neighbors, and new residents moving in who are now strangers and whose level of trust is unknown. By getting to know your neighbors there is a common element of everyone wanting to feel safe, creating a bond between new and old neighbors. Mediation is also an amicable way to solve issues between neighbors; please call our Law Department for more information. And remember...if you see something, say something.

LANDLORD RESPONSIBILITY

- Landlord obligations are outlined in Ohio Revised Code 5321.04 and are summarized below:
- They must comply with all applicable building, housing, safety and health codes.
- Make all repairs and do what is reasonably necessary to have and keep the premises in a safe and habitable condition.
- Maintain all electrical, plumbing, sanitary, heating, ventilating, and appliances supplied by you in a good and safe working order.
- Provide appropriate trash receptacles.
- Supply running water, reasonable amounts of hot water and heat at all times.
- Do not abuse the right of access and give tenants 24 hours' notice except in cases of emergency.
- Promptly commence an action under Chapter 1923 of the ORC to remove a tenant that has engaged in a violation of Chapters 2925 or 3719 (drug offenses).
- And under Federal law, landlords must give a statement of any known lead paint hazards in or on the premises if the unit was built before 1978.

A landlord may not retaliate against a tenant by increasing rent, decreasing services obligated to the tenant, or evicting the tenant if the tenant has complained to the appropriate agency regarding a health and safety violation of the premises or the tenant has complained about a violation of the landlord's obligation of Section 321.04 of the ORC.

RENTAL APPLICATIONS

Before renting, check the tenant's credit history, references, evictions and complete a background check to include any felonies. Rental applications should include the following information:

Applicant's and any other co-tenants' names, date(s) of birth, employment and income verification, bank account information, applicant(s) social security number(s), and previous place of residence.

In addition, you can ask the following questions: Have you ever been arrested for a felony? Have you ever been convicted of a drug-related crime? Have you ever been filed upon for eviction? Have you ever been convicted of a DUI or disorderly conduct?

Applications should be signed by the applicant which states that any misrepresentation of information provides grounds for an eviction or refusal of tenancy.

To complete a felony check you will need to have the applicant's name and date of birth and you can check for free at <http://cpdocket.cp.cuyahogacounty.us>

BEING A RESPONSIBLE LANDLORD

Make sure your property is registered with the City of Maple Heights rental registration.

Use a written lease agreement and include all tenant obligations in the lease.

Handle security deposits in accordance with ORC.

Complete repairs on a timely fashion.

Be aware of your tenant’s right to privacy.

Provide the disclosure of lead paint upfront.

Carefully select, screen, supervise and train your property managers.

Take reasonable precautions to prevent criminal activity.

Know the difference between pets and assistance animals.

Hire a professional property manager or visit the property regularly to view exterior conditions. Interior inspections in Spring and Fall to take care of furnace upkeep may be a suggestion.

Be familiar with the Ohio Landlord-Tenant Law ORC Chapter 5321.

Landlord is always responsible to keep the water service on to their residential property.

HELPFUL THOUGHTS

Always do prior eviction and conviction checks.

Use cancelled checks and utility bills for proof of payment history; credit checks may be unreliable and not the best indicator of the applicant’s ability to pay household expenses.

Do not take the previous landlord’s word about the tenant.

Consider an anti-drug clause in your lease.

Consider the number of people that will occupy the property.

You, the landlord, are also responsible for the maintenance of the structure.

Make sure your rental units are registered with the City of Maple Heights. It is crucial for the City to have your contact information in case of fire or any nuisance violation. Most issues can be taken care of by a phone call or email which can save you the headache of receiving a code violation notice.

SELF-HELP EVICTIONS ARE ILLEGAL IN OHIO

A self-help eviction occurs when a landlord takes back possession without the permission of the tenant. A Landlord cannot change the locks while the tenant is gone and throw all of his stuff into the dumpster. The statute ORC 5321.15 also prohibits a landlord from shutting off utilities to make the tenant leave, even if you don't lock the tenant out. Further, a landlord cannot even threaten to lock the tenant out or shut off utilities.

COVID-19 AND RENTAL ASSISTANCE AND UTILITY ASSISTANCE

At the time of this publication, we are still in the midst of COVID-19. There are funds available to assist tenants in back rents and those resources are available at the rear of this pamphlet. Assistance is also available for water/sewer bills and both agencies, Cleveland Housing Partners and Step Forward Today (formerly CEOGC) have information on gas and electric bill assistance. Please also visit our City website for more detailed information and helpful hints that can help you maintain your investment in our City.

HELPFUL RESOURCES

- Legal Aid Society: www.lasclev.org
- Cleveland Housing Partners: www.chnhousingpartners.org at the time of publishing rental assistance is available on this site.
- COVID-19 resources for assistance are available on both websites.
- Rental and utility assistance: chnhousingpartners.org and www.stepforwardtoday.org
- Maple Heights Police Department non-emergency number: 216-662-1234
- Maple Heights Building Department: 216-663-4094
- Illuminating Company: firstenergycorp.com 1-800-686-9901
- Dominion East Ohio: dominionenergy.com 1-800-362-7557
- Cleveland Water Department: clevelandwater.com 216-664-3130
- City of Maple Heights Council Office: 216-587-9000
- Maple Heights Building Department: 216-663-4094
- Maple Heights Service Department: 216-587-9014
- Maple Heights City Website: citymapleheights.org
- Garfield Municipal Court: www.ghmc.org
- Ohio Revised Code Chapter 5321 Landlords/Tenants: codes.ohio.gov/orc/5321
- www.clevelandmunicipalcourt.org/housingcourt has a number of free forms to download.



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