

ORDINANCE NO. 148-2020

**TITLE: AMENDING BARBERTON CODIFIED ORDINANCES
CHAPTER 1478 – RENTAL PROPERTY REGISTRATION PROGRAM**

AN ORDINANCE AMENDING SECTION 1478.08 “REGISTRATION REQUIRED” (ORDINANCE NO. 65-2009).

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Barberton, State of Ohio:

SECTION 1. That Council hereby amends Ordinance No. 65-2009, Section 1478.08, “Registration Required,” by showing said amendment with a ~~striketrough~~ for any deletions and **bold** for any additions to read as follows:

1478.08 REGISTRATION REQUIRED

A. Registration is required on a form provided by the Building Department under the following circumstances:

1. all rental units that the owner owns or that the operator operates no later than ~~January 1~~ **March 31st** of each year; and
2. upon the completion of transfer of title to a premise with a rental unit.

B. The registration form shall include the following information and any additional information as determined by the Building Department: the total number of rental units the owner owns or that the operator operates; the number of premises with a rental unit; the address of each premises; the number of rental units on each premises; and information concerning the owner, which shall include:

1. if the owner is one or more individuals or a sole proprietorship, the owner’s name, address, date of birth, driver’s license number, and phone number;
2. if the owner is a partnership, the name, address, tax identification number, and phone number of the partnership, and the name, address, date of birth, driver’s license number and phone number of one of the partners;
3. if the owner is a corporation, the name, address, and phone number of the corporation, the name, address, and phone number of the corporation’s statutory agent, and the name, address, date of birth, driver’s license number and phone number of one of the officers; and
4. if the owner is a trust, the name, address, and phone number of the trust, and the name, address, date of birth, driver’s license number and phone number of one of the trustees.

C. If the owner of a rental unit is required to have an operator, or if the owner has an operator that is not the owner, then the registration form shall include, in addition to the information required by Section B, the following:

1. if the operator is one or more individuals or a sole proprietorship, the operator’s name, address, date of birth, driver’s license number and phone number;
2. if the operator is a partnership, the name, address and phone number of the partnership, and the name, address, date of birth, driver’s license number and phone number of one of the partners; and
3. if the operator is a corporation, the name, address and phone number of the corporation, the name and address of the corporation’s statutory agent, and the name, address, date of birth, driver’s license number and phone number of one of the officers; and
4. if the operator is a trust, the name, address and phone number of the trust, and the name, address, date of birth, driver’s license number and phone number of one of the trustees.

D. Within thirty (30) days of any change of information that is required on a registration form, the owner or operator of a rental unit(s) shall contact the Building Department, in writing, to update the information on the registration form. A ~~\$10.00~~ **\$25.00** fee shall be charged for updating the information on the registration except in the case of the death of the property owner.

E. A registration fee of ~~\$40.00~~ **\$100.00** per unit shall be imposed for each owner or operator.

F. If a registration form is filed late, an additional late fee of ~~\$25.00~~ **\$50.00** shall be imposed.

G. If an owner or operator becomes the owner or operator of additional rental units between registration periods, a minimum fee of ~~\$25.00~~ **\$45.00** shall be imposed in addition to the fees set forth in Section VIII(E).

H. ~~If upon the third (3rd) renewal of Rental Registration of Properties, no notices/orders or convictions set forth in Section X of this ordinance have been issued, the fee for registration shall be reduced by fifty percent (50%).~~ **Rental properties currently at the reduced \$20.00 registration rate, will remain at this rate unless there is a violation or change of ownership. If there is a violation or a change in ownership, the rental property registration will be increased and remain at the \$100.00 per unit, per year rate.**

Rental properties registered with the City of Barberton, that are in good standing, meaning they have not had any violations during the previous three (3) years (January 1, 2018 – December 31, 2020) where the year 2021 would represent the properties first year at the reduced \$20.00 rate, these properties will be grandfathered at the \$20.00 reduced rate. If there is a violation or a change in ownership, the rental property registration will be increased and remain at the \$100.00 per unit, per year rate.

Any rental properties that register with the City of Barberton for the 2021 registration year, prior to the passage and effective date of Ordinance 148-2020; effective date January 20, 2021, will be grandfathered at the \$40.00 per unit rate for the 2021 registration year only. Starting the registration year 2022, these units will be billed at the \$100.00 per unit per year registration rate.

I. Money collected under this Ordinance shall be used exclusively for the improvement of the housing, infrastructure and administration within the City and shall be held in a separate account.

J. A registration form shall be valid for one year, unless:
1. false information is furnished to the Building Department in the registration form; or
2. a transfer of title to a rental unit has been completed.

K. No person, including an operator, owner, purchaser, escrow agent, real estate agent, or realtor shall participate in a transfer of title to a premise or disperse proceeds from a transfer of title to a premise without having, in escrow, a copy of registration form completed by the purchaser of the premises or a statement from the purchaser that the premises contains only one dwelling unit, and will be occupied by the purchaser for one year after the transfer of title. The escrowed document shall be forwarded to the Building Department upon transfer of title.

L. Registration is *not* required if a dwelling or dwelling unit has been substantially altered so as not meet the requirements of a habitable residential dwelling or dwelling unit, as determined by the Building Commissioner, or his/her designee.

M. This ordinance shall be reviewed by City Council in November, 2022.

SECTION 2. That is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTOIN 3. That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2020

Clerk of Council

President of Council

Approved _____ 2020

Mayor