

CHAPTER 1644

Housing: Administration, Enforcement and Penalty

- 1644.01 Notice of violation.
- 1644.02 Designation of unfit dwellings, units and rooms.
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CROSS REFERENCES

- Housing certificates - see ORC 751.01 et seq.
- Powers of Board of Health re unfit dwellings - see ORC 3707.01
- Enforcement of orders of Board of Health - see ORC 3707.02, 3707.48, 3707.49 & 3707.99(C)
- Metropolitan Housing Authority - see ORC 3735
- Inspections - see EHC 1648

EHC Environmental Health Code **ORC** Ohio Revised Code **OAC** Ohio Administrative Code

1644. 01 NOTICE OF VIOLATION.

Whenever the Health Commissioner determines that any dwelling, dwelling unit or rooming unit, or the premises surrounding any of these, fails to meet the requirements set forth in this Housing Code or in applicable rules and regulations issued pursuant thereto, he shall issue a notice setting forth the alleged failures and advising the owner, occupant, operator or agent that such failures must be corrected. This notice shall:

- (a) Be in writing;
- (b) Set forth the alleged violations of this Housing Code or of applicable rules and regulations issued pursuant thereto;
- (c) Describe the dwelling, dwelling unit or rooming unit where the violations are alleged to exist or to have been committed;
- (d) Provide a reasonable time, not to exceed sixty days, for the correction of any violation alleged; and
- (e) Be served upon the owner, occupant, operator or agent of the dwelling, dwelling unit or rooming unit personally, or by certified mail, return receipt requested, addressed to the last known place of residence of the owner, occupant, operator or agent. If one or more persons to whom such notice is addressed cannot be found after diligent effort to do so, service may be

made upon such person or persons by posting a notice in or about the dwelling, dwelling unit or rooming unit described in the notice.

1644.02 DESIGNATION OF UNFIT DWELLINGS, UNITS AND ROOMS.

(a) Any dwelling, dwelling unit, rooming unit, dormitory or dormitory room shall be designated as unfit for human habitation when any of the following defects or conditions is found, and when, in the judgment of the Health Commissioner, such defect or condition creates a hazard to the health, safety or welfare of the occupants or of the public:

- (1) Damage, decay, dilapidation, unsanitary or unsafe condition or vermin-infestation;
- (2) Lack of illumination, ventilation or required sanitation facilities; or
- (3) The general condition or location is unsanitary, unsafe or unhealthful.

(b) Whenever any dwelling, dwelling unit, rooming unit, dormitory or dormitory room has been designated as unfit for human habitation, the Health Commissioner shall placard the dwelling, dwelling unit, rooming unit, dormitory or dormitory room, indicating that it is unfit for human habitation and, if occupied, shall order the dwelling, dwelling unit, rooming unit, dormitory or dormitory room vacated within a reasonable time.

(c) No dwelling, dwelling unit, rooming unit, dormitory or dormitory room which has been designated as unfit for human habitation, has been placarded as such and vacated shall be used again for human habitation until written approval is secured from the Health Commissioner and the placard removed by the Health Commissioner.

(d) The Health Commissioner shall rescind the designation as unfit for human habitation and remove the placard when the defect or condition upon which such designation and placarding were based has been removed or eliminated and the dwelling, dwelling unit, rooming unit, dormitory or dormitory room is deemed by the Health Commissioner as a safe, sanitary and fit place or unit for human habitation.

(e) No person shall deface or remove the placard from any dwelling, dwelling unit, rooming unit, dormitory or dormitory room which has been designated as unfit for human habitation and has been placarded as such, except as provided in subsection (d) hereof.

(f) Any person affected by any decision of the Health Commissioner or by any designation or placarding of a dwelling, dwelling unit, rooming unit, dormitory or dormitory room as unfit for human habitation shall be granted a hearing on the matter before the Board of Health under the procedure set forth in Section 1644.04.

1644.03 DEMOLITION OF DWELLINGS, UNITS AND ROOMS.

(a) The Board of Health shall order a dwelling, dwelling unit, rooming unit, dormitory or dormitory room to be demolished if it has been designated as unfit for human habitation, has been placarded as such, has been vacated and has not been put into proper repair so as to rescind the designation as unfit for human habitation and to cause the placard to be removed.

(b) The owner of any dwelling, dwelling unit, rooming unit, dormitory or dormitory room which has been ordered demolished shall be given notice of this order in the manner provided for service of notice in Section 1644. 01 and shall be given a reasonable time, not to exceed ninety days, to demolish such structure.

(c) If the owner fails, neglects or refuses to demolish an unfit, unsafe or unsanitary dwelling, dwelling unit, rooming unit, dormitory or dormitory room within the requisite time, the Board of Health may cause the demolition of such structure and shall certify the cost and expense of demolition to the County Auditor and the same shall become a lien upon the real estate.

(d) Whenever a dwelling is demolished, whether carried out by the owner or by the Board of Health, such demolition shall include the filling in of the excavation on which the demolished dwelling was located, in such a manner as to eliminate all potential danger to the public health, safety or welfare arising from such excavation.

(Resolution 190-77 adopted 11/18/77)

1644.04 RECONSIDERATION AND APPEALS; MODIFICATIONS, EXTENSIONS AND VARIANCES.

(a) Application for Reconsideration. Any person aggrieved by a notice of the Health Commissioner issued in connection with an alleged violation of any of the provisions of this Housing Code or of any applicable rule or regulation issued pursuant thereto, or by any order requiring repair, may apply to the Health Commissioner for an administrative conference for reconsideration of such notice or order, provided such application is made within fourteen days after the date the notice or order was issued. If the Health Commissioner holds an administrative conference for reconsideration of the notice or order, the same shall be held within two weeks of the date of filing the application therefor, and the Health Commissioner shall prepare a summary of the conference and shall state the decision reached. Such summary and statement shall become part of the public record.

(b) Appeals.

- (1) Any person aggrieved by a decision of the Health Commissioner made pursuant to subsection (a) hereof, or by the refusal of the Health Commissioner to hold an administrative conference under subsection (a) hereof, may appeal such decision to the Board of Health or may apply to the Board for reconsideration of the notice referred to in subsection (a) hereof provided such appeal or application is made within twenty-one days after the decision appealed from or after notice of refusal to hold an administrative conference, as the case may be.
- (2) Upon receipt of a valid petition, the Board shall either grant or deny the hearing requested and shall advise the petitioner of its decision in writing.
- (3) When the Board determines to hold a hearing, it shall serve the petitioner with a notice of its decision in the manner provided for service of notice in Section 1644.01.
- (4) At the hearing, the petitioner shall be given an opportunity to show cause why the decision of the Health Commissioner should be modified or revoked, why the notice

or order should be modified or withdrawn, why the period of time permitted for compliance should be extended or why a variance should be granted.

- (5) The Board shall have the power to affirm, modify or revoke the decision, notice or order and may grant an extension of time for the performance of any act required where the Board finds that there is practical difficulty or undue hardship connected with the performance of any act required by any of the provisions of this Housing Code or by applicable rules or regulations issued pursuant thereto, and that such extension is in harmony with the general purpose of this Housing Code to secure the public health, safety and welfare.
- (6) The Board may grant variances from the provisions of this Housing Code or from applicable rules and regulations issued pursuant thereto when the Board finds that there is practical difficulty or unnecessary hardship connected with the performance of any act required by this Housing Code and applicable rules and regulations issued pursuant thereto; that strict adherence to such provisions would be arbitrary in the case at hand; that extension would not provide an appropriate remedy in the case at hand; and that such variance is in harmony with the general purpose of this Housing Code to secure the public health, safety and welfare.

(Resolution 190-77 adopted 11/18/77)

1644.05 EMERGENCIES.

(a) Whenever, in the judgment of the Health Commissioner, an emergency exists which requires immediate action to protect the public health, safety or welfare, an order may be issued, without notice, conference or hearing, directing the owner, occupant, operator or agent to take appropriate action to correct or abate the emergency condition. If circumstances warrant, the Health Commissioner may act to correct or abate the emergency condition.

(b) The owner, occupant, operator or agent shall be granted a conference on the matter upon his request, as soon as practical, but such conference shall in no case stay the abatement or correction of such emergency condition.

1644.99 GENERAL CODE PENALTY.

(a) Whoever continues a violation of any of the provisions of this Housing Code or any rule or regulation issued pursuant thereto after the time allowed to him for the correction an alleged violation in the notice provided for in Section 1644.01 shall be deemed to be violation of ORC 3707.48. As set forth therein he shall be subject to the penalties provided in ORC 3707.99.

(b) Whoever violates or fails to comply with any provision of this Housing Code that is not subject to correction under the provisions of this chapter shall be in violation of ORC 3707.48, 3709.20, 3709.21 or 3709.22, and subject to penalties provided in ORC 3707.99 and 3709.99.

(Resolution 137-76 adopted 10/12/76 and Resolution 190-77 adopted 11/18/77)