



Legislation Text

File #: O-232-18, Version: 1

Amendment to Lead Safe Residential Rental Units
Department of Law
Joe McNamara (x1088)
(Revised)

Repealing Toledo Municipal Code Section 1760.04(a)(20) and paragraphs c, d, e and f of Section 1760.15 and enacting new language to correct technical issues with Chapter 1760, “Registration of Lead Safe Rental Units”; and declaring an emergency.

SUMMARY & BACKGROUND:

Toledo City Council passed Ordinance 226-16 in August of 2016, which created Chapter 1760 of the Toledo Municipal Code, to require that certain rental properties be inspected by Local Lead Inspectors and then certified by the Toledo-Lucas Health Department as lead safe. The compliance deadline in Chapter 1760 was modified by Ordinance 167-17 to a three-year phase in with the first deadline coming due on June 30, 2018. Chapter 1760 incorporates a definition of the word “owner” that is causing confusion. To clarify the intent of Chapter 1760, this Ordinance changes the definition of “owner” to mean any legal entity or person who has legal title to the Residential Rental Property. This Ordinance also removes the duplicative paragraph at Toledo Municipal Code Section 1760.15(c). This Ordinance does not contain any other substantive changes.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That Section 1760.04(a)(20) of the Toledo Municipal Code that states as follows:

- (20) “Owner” has the same meaning as specified in Toledo Municipal Code Section 1726.01.

is repealed.

SECTION 2. That a new Section 1760.04(a)(20) of the Toledo Municipal Code is enacted as follows:

- (20) “Owner” means any legal entity or person who has legal title to the Residential Rental Property.

SECTION 3. That paragraphs c, d, e and f of Section 1760.15 of the Toledo Municipal Code that state as follows:

(c) Anyone assessed an administrative fine under the proceeding section shall have the right to appeal the imposition of the administrative fine to the Board of Nuisance Abatement/ Housing Appeals by filing an application in writing with the Board of Nuisance Abatement/Housing Appeals the applicable one hundred dollar (\$100.00) non-refundable filing fee no later than thirty (30) calendar days from the date notice of the fine was received.

(d) Anyone in violation of Section 1760.07 shall be subject to a five hundred dollar (\$500.00) fine per violation as an administrative penalty.

(e) Anyone assessed an administrative fine under the proceeding section shall have the right to appeal the imposition of the administrative fine to the Board of Nuisance Abatement Housing Appeals by filing an application in writing to the Director of the Department of Neighborhoods and a one-hundred dollar (\$100.00) non-refundable filing fee no later than thirty (30) calendar days from the date notice of the fine was received.

(f) All fines imposed and collected pursuant to this Section shall be transferred to and used by the Health Department for the administration, implementation and compliance activities related to this Chapter. are repealed.

SECTION 4. That new paragraphs c, d and e of Section 1760.15 of the Toledo Municipal Code are enacted as follows:

(c) Anyone in violation of Section 1760.07 shall be subject to a five hundred dollar (\$500.00) fine per violation as an administrative penalty.

(d) Anyone assessed an administrative fine under the proceeding section shall have the right to appeal the imposition of the administrative fine to the Board of Nuisance Abatement Housing Appeals by filing an application in writing to the Director of the Department of Neighborhoods and a one-hundred dollar (\$100.00) non-refundable filing fee no later than thirty (30) calendar days from the date notice of the fine was received.

(e) All fines imposed and collected pursuant to this Section shall be transferred to and used by the Health Department for the administration, implementation and compliance activities related to this Chapter.

SECTION 5. That this Ordinance is declared to be an emergency measure and shall take effect and be in force from and after its passage. The reason for the emergency lies in the fact that this Ordinance is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that this Ordinance must be immediately effective in order to ensure a consistent and understandable timeline for compliance.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor