

WHEREAS, The purpose of this chapter is to ensure that vacant, foreclosed properties are protected and maintained and that city officials are alerted to the location of these vulnerable properties. This chapter is enacted in order to protect blighted foreclosed properties and prevent their further degradation, as well as to address the problem of blight and the threat to the public health, safety and welfare that can result from unmonitored vacant, foreclosed properties.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MT. HEALTHY, STATE OF OHIO:

Section 1. DEFINITIONS.

For the purposes of this chapter/ordinance, words and phrases shall have their ordinary meaning unless defined in the following subsections.

(A)"City Law Director" shall mean the City Law Director of the City of Mt. Healthy or his or her designee.

(B)"Code official" shall mean the property maintenance deputy of the department of buildings and inspections of the City of Mt. Healthy or his designee.

(C)"Foreclosed" shall mean a property upon which a mortgagee has filed an action in foreclosure in order to recover monies pursuant to a mortgage agreement which has been secured by a lien on property.

(D)"Mortgagee" shall mean any party to a mortgage agreement whose interest in that agreement is secured by a lien on property who has filed an action in foreclosure on the particular premises at issue. For the purposes of Chapter _____, the party shall be considered the mortgagee until title to the premises is transferred to a bona fide owner-occupant or unaffiliated third-party.

(E)"Person in control" shall mean the person, persons, or entity holding title to the freehold estate of the premises; a mortgagee or vendee in possession; a receiver; an executor; a trustee; and any person, public or private entity, lessee or holder of a lesser estate in the premises, and/or its duly authorized agent(s), with the authority to bring a building or premises into compliance with the provisions of this code, including, but not limited to any mortgagee that has filed an action in foreclosure on the particular premises at issue, until title to the premises is transferred to a third party.

(F)"PMCE" shall refer to the property maintenance code enforcement division of the department of buildings and inspections of the City of Mt. Healthy.

(G)" Property" shall mean parcel of land within the corporate limits of the City of Mt. Healthy which contains a dwelling or structure that provides living accommodations for persons, or commercial/business operations.

(H)"Vacant" shall mean unoccupied or without authorized human inhabitants.

(I)"Vacant, foreclosed property registration form" shall mean a form publicly available from the PMCE division that mortgagees subject to the requirements of this chapter must complete and submit as specified in this section.

Section 2. REGISTRATION OF VACANT, FORECLOSED PROPERTY.

(A)Within ten (10) business days of filing a foreclosure action on property that is vacant at the time of filing, the mortgagee shall submit a vacant, foreclosed property registration form for the property to the city's PMCE division.

A mortgagee is not required to submit the vacant, foreclosed registration form if the ~~residential~~ property is not vacant on the date of the filing of a foreclosure action on the property. However, if the property becomes vacant at any point during the foreclosure process, the mortgagee shall submit a vacant, foreclosed property registration form regarding the property to the city's PMCE division within ten (10) business days of the vacancy.

The vacant, foreclosed property registration form shall contain the following information:

- (1) Description of the property, including, but not limited to, the street address and parcel identification number;
- (2) The name, street address, and telephone number of a natural person, 18 years of age or older, or a business entity registered with the Ohio Secretary of State designated by the mortgagee as an authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of the mortgagee in connection with enforcement of this chapter, and this person or entity must maintain an office in Ohio or must actually reside in Ohio; and
- (3) The mortgagee shall pay the initial registration fee listed in section _____.

(B)The mortgagee shall notify the city's PMCE division within ten (10) business days of any change of information on the foreclosed property registration form. The vacant, foreclosed property registration form shall be maintained with accurate information until the property is transferred to a bona fide owner-occupant, or an unaffiliated third party. The mortgagee shall notify PMCE in writing when the property is transferred to a bona fide owner-occupant or an unaffiliated third party, or the property is reoccupied, so the property may be promptly removed from the registry.

(C)On an annual basis, the mortgagee shall pay the annual registration fee listed in section _____.

Section 3. FEES.

Mortgagees shall pay any required fees until the property is transferred to a bona fide owner-occupant or an unaffiliated third-party. The fees for the various requirements under this chapter are as follows:

Subsection	Title of fee	Fee amount
(1)	Initial registration fee	\$500
(2)	Annual registration fee	\$500

All fees shall be directed to a special fund designated only for use in administering and operating the registry program. The fee is non-refundable and cannot be prorated. In the event the mortgagee shall fail to pay the appropriate registration fee within the time prescribed by this Chapter, then the City of Mt. Healthy may assess the foreclosed property the amount of the registration fee due as an encumbrance upon the foreclosed property.

Section 4. MAINTENANCE OBLIGATIONS OF MORTGAGEES.

During the period that the property is registered, the mortgagee shall have the obligations set forth in this section.

- (A) Vacant, foreclosed property shall be maintained free of all outward appearances of foreclosure and vacancy during the registration period including:
- (1) No signs or placards on the exterior of the building or in the windows indicating that the property is vacant or foreclosed;
 - (2) Grass shall be no higher than 7 inches at any time and all noxious weeds shall be removed;
 - (3) The premises shall be maintained free of debris and litter;
 - (4) The premises shall remain secure and locked. Broken windows and doors which are visible from the right-of-way may be covered with plywood or similar boarding material on an emergency basis, but for no more than ten (10) business days, while arrangements are being made to replace broken glass or broken parts of the existing windows and doors. Broken windows and doors on the rear or sides of the building may be boarded until the windows and doors are repaired for re-occupancy provided that the boarded openings are not visible from public right-of-way;
 - (5) Windows and doors which are visible from the right-of-way may not be boarded and shall be maintained in good repair;
 - (6) Handbills, circulars, and advertisements shall be removed from porches and yards in a timely manner; and
 - (7) Standing water on the premises, including but not limited to standing water in swimming pools, shall be eliminated.
- (B) The maintenance requirements and penalties in this chapter related to vacant, foreclosed properties are in addition to, and shall not be considered in conflict with, any and all other property maintenance requirements of the Mt. Healthy Municipal Code. Nothing within this chapter shall be construed to limit the responsibilities of persons in control to comply with and adhere to any and all building, housing, health, and zoning ordinances established by the city. Nothing within this chapter shall be construed to limit or conflict with the responsibilities of persons in control to comply with and adhere to any and all state and federal laws.

Section 5 PENALTIES.

- (A) Failure to register a vacant, foreclosed property shall constitute a 4th degree misdemeanor on the first day, and having once been notified under this Chapter, each additional day that the property remains unregistered shall constitute a separate, subsequent offense.
- (B) Failure to maintain accurate information once having registered shall constitute a 4th degree misdemeanor, and each additional day that the information remains inaccurate shall constitute a separate, subsequent offense.
- (C) Failure to maintain the property in accordance with the maintenance provisions contained in this Chapter (Maintenance Obligations of Mortgagees) shall constitute a 4th degree misdemeanor on the first day, each additional day that the property fails to meet the maintenance provisions shall constitute a separate offense.

Section 6. POINT OF SALE INSPECTIONS ON VACANT, FORECLOSED PROPERTIES.

(A)Point of sale inspections are hereby authorized on all properties that are subject to the vacant, foreclosed property registration. Mortgagees shall arrange to have all properties subject to the requirements of this chapter inspected by the code official within five (5) business days of filing for the property to be sold at a judicial sale. If the mortgagee fails to arrange an inspection, the property shall be inspected by the code official pursuant to Ohio Revised Code § 2329.17(B) prior to the property being sold at a judicial sale or pursuant to a search warrant issued by a court of competent jurisdiction.

(B)If, as a result of the above inspection, the code official determines that health code violations, housing code violations, hazards, or structural defects exist on the property, the code official shall provide written notice via certified mail to the mortgagee or the mortgagee's agent, as designated on the foreclosed vacant property registration form, the owner of record, and any equitable lien holders, informing the parties of the following:

- (1) The need to repair and correct the violations, hazards, or structural defects prior to the judicial sale;
- (2) If the property is not brought into compliance within thirty (30) calendar days of the issuance of the notice of violation, the code official may correct or repaired some or all of the violations;
- (3) If the code official corrects or repairs some or all of the violations, the code official shall notify the city law director and the city law director shall promptly place a priority lien on the property for the total cost of abating the violations. The city law director shall collect the priority lien from the proceeds of the judicial sale of the property, or upon any subsequent sale of the property, or by the methods provided in ORC § 715.261. When notice is given as provided for in this section, the lien shall be a priority over liens of prior record and the lien will be effective on the date the city incurs the costs of repairs as provided in ORC § 715.26(B).

Section 7. JOINT AND SEVERAL LIABILITY.

Any owner of property, person in control of property, or subsequent owner of property for which a notice of violation is issued under this Chapter and Chapter 153 to correct health or building code violations shall be jointly and severally liable for the costs incurred by the city for the abatement of violations on the property. Joint and several liability shall be attributed to each entity in the chain of title from the date of issuance of orders forward.

Section 8. SEVERABILITY.

Should any provision, section, paragraph, sentence, or word of this section be determined or declared invalid by any final court action or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this section shall remain in full force and effect.

Section 9. That this Ordinance shall be in full force and effect from and after the first date provided by law.

Passed this 21 day of June, 2016.

Ron Butts

President of Council

Attest: Melanie Burt
Clerk of Council

Approved this 21 day of June, 2016.

[Signature]
Mayor