

Frequently asked Questions for Residential Rental Inspection (RRI) Program

Q. What is the Residential Rental Inspection (RRI) program?

A. The City of Cincinnati created the Residential Rental Inspection pilot program in the CUF, East Price Hill, and Avondale neighborhoods in response to concerns raised by tenants, neighbors, community councils, and housing advocates about substandard conditions in rental housing. The goal of this program is to increase the quality of life for all City residents and prevent a minority of owners with code violations from detracting from the City's vibrant rental housing market.

By focusing on property owners with unresolved code violations, delinquent property tax bills, a history of maintaining significant health and/or safety hazards in a rental unit, or who meet other similar criteria demonstrating deficient property management, RRI focuses on the known problem places in the neighborhood and encourages an improvement in the housing quality for residents and neighbors. Landlords with good rental property management history with none of the issues mentioned above, though located in the pilot area, will not need to be inspected under the program.

Q. When does the RRI program go into effect?

A. The City of Cincinnati passed ordinance 405-2019 on October 30, 2019, which created the RRI program. Ordinance 99-2020, passed on April 1, 2020, provides that the program will go into effect on September 1, 2020.

Q. Does the RRI program apply to all rental properties in the City of Cincinnati?

A. No. This program is being launched as a four-year pilot program that only applies to troubled rental properties in three smaller areas or census tracts within the focus neighborhoods: CUF, East Price Hill, and Avondale.

Q. How does a property become subject to the RRI program?

A. A property that falls under one or more of the following categories will be required to apply for the Rental Inspection certificate and will be subject to an inspection.

- (1) Is currently the subject of a delinquent lead hazard control order issued by the Cincinnati health department;
- (2) Has been ordered vacated in part by the Cincinnati building department pursuant to section 1101-65 of the Cincinnati Municipal Code, but which remains partially occupied;
- (3) Has been determined to be a public nuisance pursuant to section 1101-57 of the CBC;
- (4) Has been the subject of two or more orders issued within a twelve-month period by the department of buildings and inspections, the Cincinnati fire department, and/or the board of health or its designee for building, housing, fire prevention, public health, quality of life, or health code violations;

- (5) Has been the subject of four or more validated complaints received by the department of buildings and inspections of housing or zoning code violations within a twelve-month period;
- (6) Has been declared by the City of Cincinnati as being a chronic nuisance as set forth in section 761-3 of the CMC;
- (7) Is currently or within the past twenty-four (24) months has been the subject of civil or criminal prosecution by the City of Cincinnati for violations of the ORC, Cincinnati Municipal Code, or Cincinnati Building Code; or
- (8) Is certified as tax delinquent by the Hamilton County Treasurer.

The Department of Buildings and Inspections will be sending notifications in July 2020 to rental property owners who fall under one or more of the above qualifiers. The notification will include a pre-inspection checklist, FAQs, and application form.

A property can qualify any time after the implementation of this program on September 1, 2020 and become required to apply for and obtain a Rental Inspection Certificate.

Q. I own and occupy a duplex in the RRI target area and rent the upper unit. Will my tenant unit be included in the RRI program?

A. No, owner occupied two-family residential properties are exempt from the RRI requirements.

Q. What information am I required to provide on my Rental Inspection Certificate application?

A. Property owners must provide the following information:

- (1) A description of the Residential Rental Property, including, but not limited to, the street address and parcel identification number;
- (2) The name, street address, and telephone number of the owner or person in control;
- (3) A copy of the owner's current rental registration with the Hamilton County Auditor pursuant to Ohio Revised Code Section 5323, or in the alternative, the same information that would otherwise be provided by the owner to the Auditor on the Auditor's rental registration form; and
- (4) A written certification providing whether the owner or person in control of the Residential Rental Property consents to an inspection of the property.

Q. When will my property be inspected?

A. In August 2020, Buildings & Inspections will be sending out letters informing qualifying rental property owners they are required to apply for a Rental Inspection Certificate and are subject to inspection of their property(s) to comply with the program. The name and contact information of the assigned inspector will be included, as well as a pre-inspection checklist, FAQs, and application form. A proposed inspection date and time will be indicated. The owner will have 60 days to apply for the Certificate and re-schedule the inspection(s) if the proposed date is unacceptable.

Q. Is it my responsibility as the owner to notify the tenants of the scheduled inspection?

A. The owner or person in control of the Residential Rental Property shall be responsible for notifying the tenants of a scheduled inspection in accordance with notice requirements under applicable landlord-tenant regulations. The State of Ohio requires owners to notify tenants at least 24 hours prior to entering the unit.

Q. What if the tenant does not want their unit inspected?

A. Owners will know the inspection date and time 60 days in advance. This provides owners with plenty of time to notify tenants of the inspection. Under Ohio law, property owners can inspect occupied rental units if the tenant receives 24 hours advanced notice. The Department of Buildings & Inspections recommends that property owners post an inspection notice on each unit door at least two (2) days before the inspection(s) is to occur.

Q. What is my cost for this program?

A. The base fee for the Residential Rental Inspection is \$100 per unit. The cost for the program for properties found to be safe, sanitary and code compliant will receive a four-year certificate. Units found with violations, such that it is deemed non-compliant, will only be granted a one-year certificate after necessary corrections are made. Those that fail to make the necessary corrections will be placed on a re-inspection schedule at 30-day interval, with the inspection fee per unit increasing each time a unit is remains non-compliant.

The re-inspection fee schedule for each unit re-inspected is as follows:

(1) First re-inspection	\$70
(2) Second re-inspection	\$140
(3) Third re-inspection	\$210
(4) Forth or more re-inspection	\$280

Q. Does the \$100 per unit inspection fee apply to units in the building?

A. Yes. If a building qualifies for the program all units will be inspected at \$100 per unit. For properties that have multiple buildings, the determination to inspect would be made on a building-by-building basis.

Example: If a complex has five buildings, but only buildings #1 and #3 have open orders; buildings #2, #4, and #5 would not be subject to inspection. Therefore, the property owner would only be responsible for paying the inspection fees for the number of units in buildings #1 and #3.

Q. When do I have to pay the \$100 per unit inspection fee?

A. You will pay the fee at the time of application.

Q. How long is the Residential Rental Inspection certificate valid?

A. This will depend on the condition of the building and the buildings rental units at the time of inspection. Well maintained buildings that are substantially compliant will receive a four-year RRI certificate. If any units within the building are found to be non-compliant, the building cannot receive a four-year certificate. Instead, a one-year RRI certificate will be issued after the violations have been corrected.

Q. What happens when my RRI certificate expires?

A. If the property is still subject to the program when the certificate expires, an application for renewal shall be filed with Buildings & Inspections within 30 days of the certificate expiration. Buildings & Inspections will schedule an inspection of the property and determine if the property would fall under the four-year or one-year certificate and if any corrections were required prior to renewing.

Q. What will the inspectors look for?

A. The inspectors will be applying the codes applicable to housing, health and safety including but not limited to the existing housing maintenance code, the building, fire code, and the zoning code. Buildings & Inspections will provide a pre-inspection checklist prior to the initial inspection which can be used by property owners as a guide to prepare for the inspection. The checklist is a detailed list of many of the items the inspector will be assessing. Owners are encouraged to make any necessary repairs or corrections prior to their scheduled inspection to ensure they qualify for the four-year certificate and avoid any re-inspection fees.

Q. What are the inspection intervals or levels?

A. Residential Rental Properties shall be inspected and evaluated according to the following intervals:

(1) Code Compliant

Properties found to be code compliant shall be issued a certificate and shall be inspected again after forty-eight months, prior to the expiration of the certificate or prior to the expiration of the Pilot Program, whichever comes first.

(2) Substantially Compliant

Properties found to be substantially compliant shall be inspected at thirty-day intervals following the initial inspection, or at reasonable intervals established by the director as necessary to promote and sustain code compliance, to verify whether previously identified code violations have been cured. Once compliance is achieved, the property shall be issued a certificate and shall be inspected again after forty-eight months, prior to the expiration of the certificate or prior to the expiration of the Pilot Program, whichever comes first.

(3) Non-Compliant

Properties found to be non-compliant shall be inspected at thirty-day intervals following the initial inspection, or at reasonable intervals established by the director as necessary to promote and sustain code compliance, to verify whether previously identified code violations have been cured. Once compliance is achieved, the property shall be inspected in twelve months following the initial inspection or prior to the expiration of the Pilot Program,

whichever comes first. Based on the level of non-compliance, if any, found upon inspection, the director may change the inspection interval as determined necessary to attain compliance.

Q. What happens if the inspector finds substantially compliant or non-compliant conditions?

A. If the inspector finds substantially compliant or non-compliant conditions, an order to correct the conditions, which includes a compliance deadline will be issued. If the property is non-compliant, they will be issued a one-year certificate after resolving the issues. If the property is substantially compliant, they will receive a four-year certificate after resolving the issues.

Q. What happens if I do not correct violations within the allotted timeframe?

A. Buildings & Inspections will re-inspect the property on 30-day intervals to determine if compliance has been achieved. If compliance is not achieved with re-inspections Buildings & Inspections will enforce all orders in the same way it enforces other orders. Failure to comply with an order will subject the property owner to further enforcement action such as re-inspection fees, civil citations, court action, etc.

Owners who submit a work plan that is approved by the department will be monitored based on the due dates in the workplan. Failure to meet those dates will result in the property being placed in the monthly reinspection process.

Q. When will Buildings & Inspections conduct the RRI inspections?

A. The building inspection will be scheduled at least 60 days after notice is given to a property owner of the inspection requirement. The initial mailing of notice will occur in August 2020. The notice letter will contain a pre-selected inspection date. Subsequent notices of inspection may be sent by the department.

Q. Can I request a different inspection date?

A. Yes, if your request is made no later than 30 days prior to the pre-selected inspection date. You will need to contact Buildings & Inspections at 352-3275 to request an alternative inspection date. Alternative inspection dates are limited based on availability.

Q. What happens if I forget and miss the inspection appointment?

A. If the owner fails to provide access to all units within the building on the agreed upon date and time, Buildings & Inspections may issue a civil citation. A new inspection date shall be scheduled.

Q. What happens if I purchase a rental property within one of the RRI target areas?

A. Upon the transfer in ownership of a Residential Rental Property or the transfer of a controlling interest in any entity that owns a Residential Rental Property, the owner or

person in control shall notify the new owner or person in control of their obligation to maintain a residential rental inspection certificate for the property.

Q. Can I lose my Certificate?

A. A residential rental certificate may be revoked at the discretion of the director if violations are considered to be unsafe or unfit pursuant to the code observed during an inspection. If after issuance of a four-year certificate the department subsequently finds that the dwelling or unit is found in violation of the building maintenance or zoning codes, the department may revoke the four-year certificate and in lieu thereof issue a one-year certificate. The dwelling or unit shall again be eligible for a four-year certificate only upon the expiration of the annual certificate, and as of the first subsequent annual inspection, no non-compliant conditions are found. The director may also revoke either a four-year or one-year certificate if he or she determines that violations are of a critical nature that constitute an unsafe or unfit condition.

Q. I disagree with the inspector and the department about the condition of the unit. Who can I appeal to?

A. The owner of the property disagrees with the determination of inspector or department they can use the following avenues to appeal:

a. Administrative Ruling

Any person who has a bona fide controversy with the interpretation, application, or enforcement of the provisions of this section may petition the director for a written decision, order, or adjudication pursuant to section 1101-80.1 of the CBC.

b. Appeals

Any person adversely affected by a final, appealable decision, order, or adjudication issued by the Director of the Department of Buildings and Inspections under section 1127-07.I S (a) may appeal to the Board of Housing Appeals within 30 days from the date of the mailing of the final, appealable decision, order, or adjudication.

Q. What are the penalties if I fail to apply for the required Residential Rental Certificate?

A. An owner failing to apply for a residential rental certificate of compliance shall be subject to a class B civil offense, \$150, on the first offense. The owner, having once been notified of the requirements, commits a separate offense for each and every day the owner fails to apply for the certificate, and is subject to a daily fine of \$300, until application is made. An owner failing to comply with any other provisions of this section shall be subject to the penalties provided in Sections- 1501-5 and 1501-13 of the Cincinnati Municipal Code.

Q. Is this just a money grab by the City to increase revenue and raise taxes?

A. No, because the fees are calculated only to support this program and cover the estimated implantation and administrative costs making it revenue neutral.