

ATTENTION POTENTIAL INVESTORS

Thank you for your interest in Cleveland, Ohio. Our city and its vibrant neighborhoods are actively improving the quality of life for our residents by building and renovating homes, expanding parks and recreational opportunities, and providing the best services possible.

Dealing with the difficulties imposed by abandoned and vacant homes is a major focus in our efforts to improve our neighborhoods. The country is facing a mortgage-and-foreclosure crisis that has created market failure, blight, and an increased number of vacant and abandoned homes in our neighborhoods. That is why the City of Cleveland is telling potential investors that the City will fully enforce its Building and Housing Codes. You may view these codes on the Internet at www.clevelandcitycouncil.org under the link “Codified Ordinances.”

There are several common requirements in the Building and Housing Codes that you should know about. First, you must obtain a Certificate of Disclosure for any structure that contains one, two, three, or four dwelling units.¹ You must obtain this before you purchase the property. This disclosure will tell you if there are any outstanding violation notices—including condemnation notices declaring that the structure is unsafe to occupy—for the property. If the property contains five or more dwelling units or is a commercial property, then the seller must provide the buyer with a copy of any outstanding violation notices and a copy of the Certificate of Occupancy or a Statement of Authorized Use.² You can obtain applications for these forms from the Department of Building & Housing.

If you purchase a residential property that you intend to rent, then you must register the property with the Department of Building & Housing.³ This is an annual registration that provides contact and other information about the landlord to the City.

After you purchase a property—regardless of the use—you must immediately begin to comply with any outstanding violation notices on the property.⁴ The Building Code places responsibility on both the seller and the buyer to find out whether there are violation notices on the property.⁵ And Ohio law allows the City to prosecute the buyer for violation notices that the City issued to prior owners without additional notice to the buyer.⁶ Further, when there are outstanding violation notices, the buyer must submit a written plan to the Department of Building & Housing within 10 days from the transfer

¹ Cleveland Codified Ordinance (C.C.O) § 367.12(c).

² C.C.O. § 367.12(a).

³ C.C.O. Chap. 365.

⁴ C.C.O. § 3103.09(e)(4)(C).

⁵ C.C.O. § 3103.09(e)(4)(A).

⁶ Ohio Revised Code § 5301.253.

date stating the plan to abate all the violations.⁷ When you do this, the Director of Building & Housing will set a reasonable timeframe for you to abate all the violations.

Building & Housing and other City departments may have taken action to abate nuisances at the property that you are considering purchasing. The Building Code makes the owner responsible for those costs.⁸ If the owner fails to pay these costs, then the City may place a lien on the property.⁹ You may, therefore, be purchasing a property that has liens for board-ups, demolitions, grass cutting, and clean ups. These liens could be in addition to liens for the electric, sewer, and water charges. If you fail to pay these liens, then the City may take legal action to collect them.

Lastly, if you purchase a condemned structure, or if the City condemns the structure while you own it, you cannot escape legal liability for future demolition costs by “flipping” the property to another owner. The Building Code¹⁰ and the Housing Code¹¹ make all owners from the condemnation date through the demolition date jointly responsible for all demolition costs. In other words, if you sell a condemned property, and the new owner fails to correct the violations, then the City can demolish the structure and sue you for the demolition costs and related costs like attorney fees.

If you have any questions, call me at 216.664.3664.

Very truly yours,

A handwritten signature in black ink that reads "Edward W. Rybka, Director". The signature is written in a cursive style.

Edward W. Rybka, Director
Department of Building & Housing

⁷ C.C.O. § 3103.09(c).

⁸ C.C.O. § 3103.09(k).

⁹ C.C.O. § 3103.09(k)(3).

¹⁰ C.C.O. § 3103.09(k)(2).

¹¹ C.C.O. § 367.08(b).