

**AN ORDINANCE AMENDING AND OR SUPPLEMENTING SECTION 291.01 OF CHAPTER 291 "RESIDENTIAL HOUSING ASSISTANCE BOARD" OF THE CODIFIED ORDINANCES OF THE CITY OF FAIRLAWN**

**NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF FAIRLAWN, OHIO:**

**Section 1.** That City of Fairlawn Code Section 291.01 is hereby amended as described in Exhibit A attached hereto and made a part hereof.

**Section 2.** That all other sections of Chapter 291 remain unchanged.

**Section 3.** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of the Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all requirements, including Section 121.22 of the Ohio Revised Code.

**Section 4.** This ordinance shall be in full force and effect from and after its adoption and approval by the Mayor or at the earliest period allowed by law.

Enacted: October 1, 2012

Tonja K Caldwell  
Tonja K. Caldwell, Clerk of Council

Russell T. Sharnsky  
Russell T. Sharnsky, President of Council

Approved: October 1, 2012

William J. Roth, Jr.  
Mayor William J. Roth, Jr., Mayor

Approved as to Form:  
Edward J. Riegler  
Edward J. Riegler, Director of Law

**CERTIFICATION OF PASSAGE**

I, Tonja K. Caldwell, Clerk of Council of the City of Fairlawn, Summit County, Ohio, do hereby certify that the foregoing Ordinance 2012-063A was duly and regularly passed at a Regular Meeting on October 1, 2012.

Tonja K Caldwell  
Tonja K. Caldwell, Clerk of Council

**CERTIFICATION OF POSTING**

This is to certify that on October 3, 2012 the within Ordinance was published by posting a true copy of the same in five public places within the City as prescribed in Section 222.03(a), Codified Ordinances of Fairlawn.

Tonja K Caldwell  
Tonja K. Caldwell, Clerk of Council

**AMENDED  
EXHIBIT A**

**291.01 Residential Housing Assistance Board**

291.01 RESIDENTIAL HOUSING ASSISTANCE BOARD.

(a) The Residential Housing Assistance Board shall consist of a minimum of ten (10) members appointed by the Mayor with the approval of Council for overlapping terms of three (3) years until a successor is appointed and the terms shall be staggered.

(b) The Residential Housing Assistance Board shall include a balanced representation of the following groups located within the City of Fairlawn.

- (1) A bank or other financial institution that loans money;
- (2) A nonprofit builder or developer of housing;
- (3) A for profit builder or developer of housing;
- (4) A for profit builder or developer of rental housing;
- (5) A real estate broker licensed under Ohio R.C. Chapter 3745;
- (6) A professional with knowledge regarding rental housing and fair housing issues;
- (7) A resident of the City of Fairlawn that could receive housing assistance through this program;
- (8) A member of the Real Property Maintenance Board;
- (9) A member of Fairlawn City Council;
- (10) A member of City of Fairlawn Administration.

(c) A member who has a personal or financial interest in the premises or dwelling that is the subject of the hearing or determination by the Residential Housing Assistance Board shall be precluded from sitting on the Residential Housing Assistance Board for that particular hearing or determination.

(d) Meetings shall commence at a time and place designated by the Residential Housing Assistance Board. No business shall proceed without a quorum present. A quorum shall consist of a majority of members appointed to the Residential Housing Assistance Board.

(e) The Residential Housing Assistance Board shall, by its own vote, elect at the first meeting of each year a chairperson who shall preside at each meeting as well as a vice chairperson who shall preside in the absence of the chairperson.

(f) The Residential Housing Assistance Board is a public board and shall meet the requirements of the open records and meetings provisions of the Ohio Revised Code, Codified Ordinances of the City of Fairlawn and Charter of the City of Fairlawn.

(g) The following residents of the City of Fairlawn shall be eligible to receive the reimbursement of funds through the administration of the Residential Housing Assistance Board.

(1) Owner occupants of residential property constructed within the City of Fairlawn on or before January 1, 1990 and/or are five (5) years beyond its certificate of occupancy for the residential structure.

(2) Owner occupants of two (2) family residential property constructed within the City of Fairlawn on or before January 1, 1990 and/or are ten (10) years beyond its certificate of occupancy for the residential structure.

(h) An eligible owner occupant may receive reimbursement after installation and receiving inspection approval for implementation of water control devices installed on or after July 1, 2003 within the subject real estate for the lesser of fifty percent (50%) of the reasonable and necessary cost of the material and installation of said flood control devices up to a maximum of two thousand five hundred dollars (\$2,500.00) which are intended to prevent storm water or waste water flooding, including, but not limited to, back flow preventers, sump pumps, sump pump back-up battery systems,

the disconnecting of storm drains from sanitary drains; surface mounding in flood plain areas constructed pursuant to the requirements of Chapter 1460 of this Code; and other related items including surface drainage devices such as french drains and interior perimeter floor french drains connected to a sump pump which empties into a storm water sewer or exterior surface drainage device. Priority for the installation of water control devices is: first, back flow preventers; second, sump pumps and sump pump back-up battery systems; third, disconnecting of storm drains from sanitary sewers; fourth, surface drainage devices such as mounding and french drains, and fifth, other flood control related items. The following flood control related items shall not be considered flood control devices: (1) Landscaping and/or other changes to topography of the applicant's real estate; (2) Basement wall waterproofing, interior or exterior; and (3) Cleaning or replacing gutters and down spouts. An eligible owner occupant is entitled to reimbursement for up to two thousand five hundred dollars (\$2,500.00) during the life of this program.

(i) The Council of the City of Fairlawn shall each year appropriate funds it determines are available for said program and the Residential Housing Assistance Board shall be limited in its power to approve reimbursements to approve the eligible residents by the amount appropriated for this purpose by Fairlawn's City Council. The Residential Housing Assistance Board shall formulate rules, regulations and forms to implement the payment of the appropriations of Fairlawn's City Council for this program.

(1) The rules and regulations formulated by the Residential Housing Assistance Board shall be presented to Council for review and final approval before implementation.

(2) The Residential Housing Assistance Board shall receive applications from eligible residents each calendar year from January 1 through August 31. The applications received during the aforementioned period of each calendar year shall be considered by the aforementioned board for eligibility, priority, and payment.

(3) The Board shall give priority to eligible residents who are over the age of sixty-five (65); persons receiving government disability payments, permanently or totally disabled under the age of sixty-five (65) and entitled to the homestead exemption provided by Ohio Law; a surviving spouse entitled to the homestead exemption provided by Ohio Law, or whose household income is at or below federal poverty standards. Applicants may volunteer to provide or not to provide the foregoing information.

(j) The decision of the Residential Housing Assistance Board shall be final and the resident shall have the right to appeal said decision by the method provided by the Ohio Revised Code for the appeal of administrative decisions.

(k) Inspections required by the Residential Housing Assistance Board shall be performed by the County of Summit Department of Environmental Services or any other entity so designated by the City of Fairlawn Administration.

(1) Inspections of water control devices implemented and installed prior to the passage of this Ordinance may be performed by a qualified employee of the City of Fairlawn designated by the Mayor of the City of Fairlawn.

(l) The deadline for submitting claims for funds shall be August 31 of the calendar year for which funds are appropriated for this purpose by the Council of the City of Fairlawn. All applications must be actually received by the City on or before August 31 of the calendar year.