

AN ORDINANCE AMENDING AND/OR SUPPLEMENTING SECTION 291.01 "RESIDENTIAL HOUSING ASSISTANCE BOARD" AND SECTION 291.02 "RESIDENTIAL HOUSING REHABILITATION FINANCIAL ASSISTANCE PROGRAM"; OF CHAPTER 291 "RESIDENTIAL HOUSING ASSISTANCE BOARD"; TITLE EIGHT "BOARDS AND COMMISSIONS"; PART TWO "ADMINISTRATIVE CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF FAIRLAWN

WHEREAS, the Residential Housing Assistance Board was established to provide assistance to owner occupants of residential property in the City of Fairlawn; and

WHEREAS, the Residential Housing Rehabilitation Financial Assistance Program is beneficial to the City of Fairlawn and its residents; and

WHEREAS, the City desires to improve and expand said program.

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

Section 1: SECTION 291.01 "RESIDENTIAL HOUSING ASSISTANCE BOARD" AND SECTION 291.02 "RESIDENTIAL HOUSING REHABILITATION FINANCIAL ASSISTANCE PROGRAM" be amended and/or supplemented as described in Exhibit A which is attached hereto and made a part hereof.

Section 2: All other sections of Chapter 291 remain unchanged.

Section 3: It is hereby found and determined that this legislation complies with Section 121.22, O.R.C. regarding notification of meetings and all deliberations of this Council pertaining hereto have been conducted in accordance therewith.

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

Enacted: January 23, 2017
Tonja K Caldwell
Tonja K Caldwell, Clerk of Council

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

Approved: January 23, 2017
William J. Roth, Jr.
William J. Roth, Jr., Mayor

Approved as Form:
R. Bryan Nace
R. Bryan Nace, 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 2016-091A was duly and regularly passed at a Regular Meeting on January 23, 2017.

Tonja K Caldwell
Tonja K Caldwell, Clerk of Council

CERTIFICATION OF POSTING

This is to certify that on January 24, 2017 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

EXHIBIT A
Ordinance 2016-091A

291.01 Residential Housing Assistance Board.

291.02 Residential Housing Rehabilitation Financial Assistance Program.

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) The Board may meet as many times per year as it determines is appropriate under the circumstances, however, the Board shall meet at least once annually in the last quarter of the year.
- (e) 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.
- (f) 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.

(g) 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.

(h) 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, 2000 and/or are five (5) years beyond its certificate of occupancy for the residential structure.

(2) Owner occupants of two (2) family or three (3) family residential property constructed within the City of Fairlawn on or before January 1, 2000 and/or are ten (10) years beyond its certificate of occupancy for the residential structure.

(i) 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.

(j) 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. The applications received 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.

(k) 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.

(l) 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 section may be performed by a qualified employee of the City of Fairlawn designated by the Mayor of the City of Fairlawn.

291.02 RESIDENTIAL HOUSING REHABILITATION FINANCIAL ASSISTANCE PROGRAM.

(a) There is hereby created Fairlawn City Code Section 291.02 known as the Residential Housing Rehabilitation Financial Assistance Program.

(b) Rehabilitation assistance may be provided to low income persons living in single family residences in the City of Fairlawn through the program known as the Residential Housing Rehabilitation Financial Assistance Program administered as the Residential Housing Assistance Board.

(c) The Residential Housing Assistance Board shall review and approve or disapprove applications for financial assistance.

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

(e) The Residential Housing Assistance Board may establish deadlines for submitting an application for funds appropriated for this purpose by the Council of the City of Fairlawn and, upon the approval of the Residential Housing Assistance Board, the Finance Director is authorized and directed to make payment for said financial assistance from the funds so appropriated.

- (f) (1) Applicant shall be an individual owner and/or joint owners, occupying a single family, two (2) family or three (3) family residence located in a residentially

zoned district in the City of Fairlawn for a minimum of three (3) years prior to the application for assistance.

- A. If the residence is owned jointly, one of the owners must be an occupant and must meet the residency and ownership requirements stated herein.
- (2) Application forms shall be developed and implemented by the Residential Housing Assistance Board and may be modified from time to time as approved by the Board.
- A. All owners of the property must be listed on the application and must sign the application thereby verifying the accuracy of the information contained therein and further consenting to be bound by all Federal, State and local laws as well as all Rules and Regulations promulgated by the Residential Housing Assistance Board.
- (3) The Residential Housing Assistance Board shall satisfy itself that there is sufficient unencumbered equity in the subject real property to cover the anticipated loan requested under this program.
- (4) Low interest loans or deferred no interest loans, a minimum of which shall be one thousand dollars (\$1,000.00) and a maximum of which shall not exceed ten thousand dollars (\$10,000.00), shall be available in accordance with subsections (g) and (h) herein for repair or replacement of the following items:
- A. Roofs
 - B. Exterior painting
 - C. Gutters
 - D. Exterior siding
 - E. Windows
 - F. Sidewalk
 - G. Driveway
 - H. Garage door
 - I. Structural integrity
- (5) Priority shall be given to applicants who have received a notice to comply from the Zoning, Housing and Residential Building Commissioner.
- (6) All permit and inspection fees must be paid by the applicant.
- (g) Criteria for the Zero Percent (0%) Deferred Loan shall be:
- (1) The owner-occupant must be sixty-five (65) years of age or older or be totally and permanently disabled. The owner-occupant must have owned and occupied the residence for a minimum of three (3) years prior to the application and the residence must be located in a City of Fairlawn residentially zoned district.

- (2) All utilities, property insurance, property taxes, and City of Fairlawn income tax must be current and remain current throughout the loan period.
 - (3) The total annual household income shall not exceed the eligibility limitations set forth herein.
 - (4) A loan not to exceed ten thousand dollars (\$10,000) shall be secured by a promissory note and a mortgage deed on the real estate both of which shall be executed by all the owners and recorded with the Summit County Fiscal Office (SCFO). No monthly payment or interest shall be charged on this loan.
 - (5) The full amount of the loan shall become due and payable upon the sale or any other transfer of an interest in whole or in part in the real estate, death of the owner-occupant, or the real estate is no longer used as the owner-occupant's principal residence.
- (h) Criteria for the Low Interest Loan shall be:
- (1) The owner-occupant must have owned and occupied the residence for a minimum of three (3) years prior to the application and the residence must be located in a City of Fairlawn residentially zoned district.
 - (2) All utilities, property insurance, property taxes, and Fairlawn income tax must be current and remain current throughout the loan period.
 - (3) The total annual household income shall not exceed the eligibility limitations set forth herein.
 - (4) A loan not to exceed ten thousand dollars (\$10,000) shall be secured by a promissory note and a mortgage deed on the real estate, both of which shall be executed by all the owners, and recorded with the Summit County Fiscal Office (SCFO). The maximum time period of this loan shall be fifteen (15) years with a fixed interest rate not to exceed five percent (5%).
 - (5) The remaining balance of the loan including interest shall become due and payable upon the sale or any other transfer of an interest in whole or in part in said real estate, death of the owner-occupant, or the real estate is no longer used as the owner-occupant's principal residence.
- (i) (1) The annual income eligibility limitations for the City of Fairlawn's loan program shall be based upon the adjusted gross income of the owner occupant as reported on the owner occupant's Federal income tax return filed in the year the application for assistance is received by the City.
- (2) The annual income eligibility shall be 200% of the Federal poverty guidelines for the forty-eight (48) contiguous states and the District of Columbia for the year of application, as published in the Federal Registry by the Secretary of the Department of Health and Human Services.
 - (3) Applicant shall provide the Residential Housing Assistance Board the following:

- A. Copies of Federal, State and local income tax returns for the immediate prior three (3) calendar years from the date of the application; and
 - B. Copies of all bank, credit union, brokerage statements and any other financial institutional statements in which applicant has an interest for the six (6) month period immediately preceding the date of the application; and
 - C. Written description of the project for which the application is being made and copies of all estimates and/or proposals for the same; and
 - D. Any other documentation and information deemed appropriate by the Residential Housing Assistance Board.
- (j) (1) Each loan requires:
- A. Inspection by the City of Fairlawn Zoning, Housing and Residential Building Commissioner at the time an application is submitted and periodically throughout the construction period.
 - B. Owner shall obtain more than one (1) bid for each project and bids from an immediate family member are not acceptable.
 - C. The City may provide technical assistance in selecting a contractor.
 - D. Distribution of funds jointly to the owner and contractor providing the work.
- (k) (1) Limitations of the Loan.
- A. The Loans approved by the Residential Housing Assistance Board shall be limited to the lowest bid submitted by the applicant but shall not be greater than ten thousand dollars (\$10,000).
 - B. All owners of the property shall indemnify the City of Fairlawn, its public officials and employees from any loss, cost, damage, expense or liability arising out of or in connection with their duties with the City or the contractor's respective performance in this matter.