

## Chapter 1127 GENERAL INSPECTION PROGRAMS

### Sec. 1127-01. Title and Administration.

1127-01.1 *Title*: This Chapter of the Cincinnati Building Code (CBC) shall be known as the "General Inspection Programs Code" and may be cited as such.

1127-01.2 *Administration*: The administration of the General Inspection Programs Code is governed by the applicable provisions of Chapter 1101 of the Cincinnati Building Code (CBC), the Administrative Code, and the Cincinnati Municipal Code, with special reference to the following:

- (1) § 1101-07 Liberal Construction
- (2) § 1101-17 Permits
- (3) § 1101-43 Inspection, General
- (4) § 1101-45 Right of Entry and Credentials
- (5) § 1101-51 Penalties
- (6) § 1101-61 Orders and Notice of Violations
- (7) § 1101-71 Failure to Comply With Orders
- (8) § 1101-81 Appeals to the Board of Building Appeals

(Ordained by Emer. Ord. No. 329-2016, § 6, eff. Oct. 19, 2016)

### Sec. 1127-03. Facades of Tall Buildings.

1127-03.1 *Purpose*: The purpose of this section is to ensure that the facades of tall buildings of advanced age are maintained in a safe condition and do not pose public safety hazards.

1127-03.2 *Applicability*: The requirements of this section shall apply to all buildings (i) that have a completed construction date of fifteen years or greater and (ii) all, or a portion of which, is at least five stories or at least sixty feet above established grade, whichever is less.

The requirements of this section shall not apply to those portions of buildings located:

- i. At or above five stories or sixty feet above established grade, whichever is less, to the extent they are set back more than twenty-five feet from the base of the building and the area set back from the base of the building is only made accessible to those performing exterior maintenance to the building; or
- ii. Twelve inches or less from the exterior wall of an adjacent building.

1127-03.3 *Building Categories*: Each building subject to the requirements of this section shall be categorized according to the following definitions:

- i. "Category I Building" means a building constructed with exterior walls and parts thereof that are primarily reinforced with, or are in direct contact with, non-corrodible metal.
- ii. "Category II Building" means a building constructed with exterior walls and parts thereof that are primarily reinforced with, or are in direct contact with, corrosion-resistant metal.

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- iii. "Category III Building" means a building constructed with exterior walls and parts thereof that are primarily secured to the substrate by adhesive bond or with masonry headers.
  - iv. "Category IV Building" means a building constructed with exterior walls and parts thereof that are primarily reinforced with, or are in direct contact with, corrodible metal.

1127-03.4 *Facade Examination*: The owner or person in control of a building subject to the requirements of this section shall cause an examination of the building's facade to be performed by a professional according to the schedule prescribed in subsection 1127-03.8. The examination shall include all of the following:

- i. A close-up visual examination of the building to be performed from a platform or device which allows an inspection of the facade area which can be reached by one scaffold drop per elevation. Other methods may include photographic magnification techniques, remote observation equipment or infra-red or thermography cameras, which can demonstrate reasonable reliability and which may be approved in addition to the close-up visual examination by the director on a case-by-case basis.
- ii. A remote examination of those facade areas which are not accessible during the close-up visual examination.
- iii. A complete review of the most recently prepared inspection report.
- iv. A complete review of the pertinent drawings and specifications of the building to determine the specified designs of the facades on the building.
- v. A complete review of the drawings, specifications, and maintenance reports on previous repair work performed on the facades.
- vi. Documentation of the condition of the facades through photographs and drawings.
- vii. Identification of any wall areas that are bowed, bulged, displaced or leaning inward or outward and, where such defects exist, an examination of the condition of a sufficient number of metal ties, anchors and shelf angles that support the wall at these locations.
- viii. Examination of the substrate of wall areas with external visible distress.

1127-03.5 *Remote Examination*: The director may authorize a remote examination in place of the examination prescribed in subsection 1127-03.4 on facades, or those portions of facades, that are more than twenty-five feet from all adjacent street lines, alleys, sidewalks, paved walkways, plazas, play areas, and other areas accessible to the public. A remote examination shall include all of the following:

- i. Methodically scanning the facade area through the use of magnification devices.
- ii. Viewing vertically from street grade and down from parapet where possible and along all corners for alignment of facade elements.
- iii. Viewing horizontally to check for alignment of bands of facade elements, such as cornices, water tables, balconies, window lintels and sills.
- iv. Examining any areas which are bowing, bulging, displaced or leaning inward or outward by performing a critical examination.

1127-03.6 *Inspection Reports*: Each professional conducting a facade examination shall prepare a written inspection report to document the findings of the examination. Each report shall be prepared with the understanding that, because of the physical properties of the many materials commonly used for constructing facades, and the limitations on detecting concealed internal wall distress, the report might not document all "unsafe and imminently hazardous" conditions in facades that are not visible from the exterior. Therefore, an inspection report shall not constitute a representation that all "unsafe and imminently hazardous" conditions in the facade that is the subject of the report have been identified.

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- i. Each inspection report shall include:
    - a. The name and address of the building.
    - b. The name, address, and phone number of the building owner or person in control, and their agents if applicable.
    - c. The name, business address, and phone number of the professional preparing the report.
    - d. A site plan of the building showing adjacent streets and alleys, and the relationship of the building to property lines and adjacent buildings.
    - e. A description of the building, including the number of stories, height, plan dimensions, age, and type of exterior wall construction, describing (as applicable) cornices, soffits, or similar overhangs or features.
    - f. Overall photographs or drawings of all elevations of the building.
    - g. A detailed description of the facade examination in narrative form, including start and completion dates.
    - h. A designation of the building façade's status by the professional as "safe," "safe with ordinary repair and maintenance," "unsafe," or "unsafe and imminently hazardous," as those terms are defined in subsection 1127-3.10.
    - i. Drawings or photographs describing the locations and extent of all significant distress or deteriorated conditions observed in the facade.
    - j. A description of recommended repair work and precautionary measures that should be taken to safeguard the public, emergency responders, and building occupants, if any, and the recommended completion date of such work.
    - k. Where appropriate, a comparison of conditions of the building facade with conditions observed during previous examinations of the same facade.
    - l. A recommendation for future examination if earlier than the time period specified in subsection 1127-03.8.
    - m. The signature and seal of the professional who performed the examination.
    - n. The signature of the owner or person in control acknowledging his or her knowledge of the building's condition and responsibility to maintain the building in a safe condition.
    - o. The date of the report.
    - p. Other documents, notes, summaries, memoranda, letters, or ancillary reports pertinent to the inspection report prepared by the professional.

1127-03.7 *Building Status*: The owner or person in control of the building shall file an original and two copies of the required inspection report with the director and pay the review fee established pursuant to Section 1101-85 no less than 30 days following the completion of a facade examination; except, however, any professional retained to provide an inspection report must notify the director of any determination that a building facade, or part thereof, is "unsafe and imminently hazardous" within one business day of making the determination. The director shall review each report and issue orders to make needed repairs based on each respective building status as follows:

- i. *Buildings Determined "Safe."* Upon determining an inspection report finding a building facade "safe" is satisfactory, the director shall attach a certificate to the report indicating the director's agreement with the report and specifying the due date of the next report. The director shall then return one copy of

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the certificate and report to the owner or person in control and one copy of the certificate and report to the professional.

- ii. *Buildings Determined "Safe With an Ordinary Repair and Maintenance Program."* Upon determining an inspection report finding a building facade "safe with an ordinary repair and maintenance program" is satisfactory, the director shall attach a certificate to the report indicating the director's acceptance of the report and specifying the due date of the next report. The director shall then (a) return one copy to the owner or person in control and one copy to the professional and (b) order that the repairs and maintenance recommended in the report be performed within the timeframe recommended and that the owner or person in control submit a report no later than 30 days thereafter indicating that the repairs and maintenance conform to the recommendations. The director may also issue supplemental orders as necessary to address potentially unsafe conditions identified in the inspection report.
- iii. *Buildings Determined "Unsafe."* Upon determining an inspection report finding a building facade "unsafe" is satisfactory, the director shall attach a certificate to the report indicating the director's acceptance of the report and specifying the due date of the next report. The director shall then (a) return one copy to the owner or person in control and one copy to the professional and (b) order that the recommended repairs and maintenance be performed within the recommended timeframe and that the owner or person in control retain a professional and submit a report within 30 days thereafter indicating that the repairs and maintenance conform to the recommendations. The director may also issue supplemental orders as necessary to address unsafe and potentially unsafe conditions identified in the inspection report.
- iv. *Buildings Determined "Unsafe and Imminently Hazardous."* Upon determining an inspection report finding a building facade "unsafe and imminently hazardous" is satisfactory, the director shall attach a certificate to the report indicating the director's acceptance of the report and specifying the due date of the next report. The director shall then return one copy to the owner or person in control and one copy to the professional. The director shall further order the following:
  - a. That appropriate precautionary measures be taken by the owner or person in control prior to a scheduled city inspection to prevent further deterioration and to make the building safe to the public, emergency responders, and building occupants. If the owner or person in control fails to take these measures prior to the city inspection, the director may cause the precautionary measures to be taken. The cost incurred by the city in taking necessary precautionary measures may be charged against the real estate upon which the building is located. If that cost is so charged, it is a lien upon such real estate and may be assessed and collected as a special charge.
  - b. Submission to the city of a repair plan within three business days of the director's acceptance of the inspection report.
  - c. That the owner or person in control retain a professional to submit a report noting when repairs have been performed to bring the building into a "safe" condition based upon a schedule created by the director and provided to the owner or person in control.
  - d. That the owner or person in control retain a professional to submit a maintenance plan for the building and monthly reports of the maintenance work performed to the director.
  - e. That a facade examination be performed within one year following the director's acceptance of the inspection report.
  - f. Any supplemental orders as necessary to address unsafe and imminently hazardous conditions identified in the inspection report.

1127-03.8 *Facade Examination Schedule*: The owner or person in control of a building subject to the requirements of this section shall cause an examination of the building's facade to be made and shall file an

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inspection report with the director according to the following schedule, unless otherwise ordered by the director to address known or probable public safety hazards:

- i. Category I Buildings.
  - a. If a building has a completed constructed date prior to January 1, 1920, its facade shall be inspected on or before July 1, 2017 and every twelve years thereafter.
  - b. If a building has a completed constructed date between January 1, 1920 and December 31, 1950, its facade shall be inspected on or before July 1, 2018 and every twelve years thereafter.
  - c. If a building has a completed constructed date after December 31, 1951 or later and is fifteen years old or older, its facade shall be inspected on or before July 1, 2019 and every twelve years thereafter.
- ii. Category II and III Buildings.
  - a. If a building has a completed constructed date prior to January 1, 1920, its facade shall be inspected on or before July 1, 2017 and every eight years thereafter.
  - b. If a building has a completed constructed date between January 1, 1920 and December 31, 1950, its facade shall be inspected on or before July 1, 2018 and every eight years thereafter.
  - c. If a building has a completed constructed date after December 31, 1951 or later and fifteen years or older, its facade shall be inspected on or before July 1, 2019 and every eight years thereafter.
- iii. Category IV Buildings.
  - a. If a building has a completed constructed date prior to January 1, 1920, its facade shall be inspected on or before July 1, 2017 and every five years thereafter.
  - b. If a building has a completed constructed date between January 1, 1920 and December 31, 1950, its facade shall be inspected on or before July 1, 2018 and every five years thereafter.
  - c. If a building has a completed constructed date after December 31, 1951 or later and fifteen years or older, its facade shall be inspected on or before July 1, 2019 and every five years thereafter.
- iv. Any building not otherwise described in subsections i-iii above must be examined within one year of reaching fifteen years beyond its completed construction date and must be subsequently examined consistent with the prescribed schedule for its respective building category.
- v. If a facade inspection report was completed more recently than the prescribed timeframes for the category and age of a building, the report may be submitted to the director for review in lieu of a new report. If the director approves the report finding that it substantially complies with this section, the next report will be due within five, eight, or twelve years of when that report was originally completed, consistent with the prescribed schedule for the respective building categories described herein.

*1127-3.9 Recovery of Additional Costs Incurred in Program Administration and Enforcement:* The director is authorized to charge the owner or person in control of a premises subject to inspection under this Section 1127-03 for the recovery of reasonable costs incurred in its administration and enforcement of this inspection program. Additional costs may include the cost of third-party technical experts hired to assist the director in the administration and enforcement of this inspection program.

*1127-03.10 Definitions:* The following words and terms shall have the meanings indicated below for the purposes of this Section 1127-03 only:

- i. "Close-up visual examination" means that a professional, architect-in-training, engineer-in-training, technician, contractor, or skilled trades person, under a professional's direct supervision, must actually

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- touch the facade by hand or tool, unless other methods are approved prior to the inspection by the director.
- ii. "Corrodible metal" means unprotected carbon steel, shop-primed steel, uncoated reinforcing bars, and other metals that are capable of corroding.
  - iii. "Corrosion-resistant metal" means corrodible metal that is galvanized, epoxy-coated, or painted specifically to resist corrosion, so long as the finish remains intact.
  - iv. "Facade examination" means a close-up visual examination of the condition of one scaffold drop per elevation of facade, or parts thereof, performed by or under the direct supervision of a professional for the purpose of determining if remedial work is required. The facade area which cannot be examined through a close-up visual examination shall be subject to a remote examination. The professional responsible for the facade examination shall be qualified by education and experience in design, inspection or repair design of the type of exterior wall system(s) on the building being examined and shall perform services only in the areas of his or her competence.
  - v. "Facade" means all areas on the exterior of the building, except for horizontal roof areas. The facade includes all walls, windows, balconies, cornices, parapets, and appurtenances. The facade also includes walls supported on roofs, such as penthouse walls, chimneys, and other appurtenances.
  - vi. "Non-corrodible metal" means stainless steel, aluminum, or other metal that does not corrode under normal atmospheric conditions.
  - vii. "Professional" means a registered architect or registered engineer authorized to practice in the state of Ohio.
  - viii. "Remote examination" means an examination performed by a professional and involving the use of binoculars, photographic magnification techniques, remote observation equipment, or infra-red or thermography cameras, which can demonstrate reasonable reliability in determining the condition of a facade in the absence of the ability to conduct a close-up visual examination.
  - ix. "Repair plan" means a plan created by a professional that identifies the nature of the defect to be corrected, a detailed procedure for making repairs to the defect, a detailed sketch of the corrections or installation to be performed, a plan outlining protective measures for the public when applicable, and a time schedule for the repairs.
  - x. "Safe" means a condition of a building facade, or part thereof, at the time of a facade examination that does not exhibit (i) an unsafe and imminently hazardous condition and (ii) an unsafe condition; or (iii) a safe with an ordinary repair and maintenance program condition, as these terms are defined in this section.
  - xi. "Safe with an ordinary repair and maintenance program" means a condition of a building facade, or part thereof, that does not pose any immediate safety hazards at the time of inspection but requires ordinary repairs or maintenance within a time period designated by a professional, to be no later than the next required facade inspection date under subsection 1127-03.8 of this section, in order to prevent its deterioration into an unsafe or unsafe and imminently hazardous condition.
  - xii. "Scaffold drop" means a movement from top to bottom of a building facade and covering an area at least 24 feet wide using scaffolding, cranes, hoists, cherry pickers, ladders, and other devices that permit a close-up visual examination of the facade at elevations above grade level.
  - xiii. "Story" means the space in a building between the surfaces of any floor and the floor next above or below, or roof next above, or any space not defined as basement, interior balcony, or mezzanine. The number of stories of a multistory building includes all stories except the basement, interior balcony, or mezzanine.

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- xiv. "Unsafe and imminently hazardous condition" means a condition in which a building facade, or part thereof, poses immediate safety hazards, has no reliable means of structural support, or is otherwise dangerous to people or property.
  - xv. "Unsafe condition" means a condition of a facade, or part thereof, which was reported as safe with an ordinary repair and maintenance program in an earlier inspection report but, upon subsequent inspection, it is determined that the recommended repair and maintenance program has not been performed within the timeframe recommended by the professional in the prior report.

1127-03.11 *Penalties*: Whoever fails to comply with an order of the director pursuant to this Section 1127-03 shall be liable for a Class D Civil Offense, as provided by Cincinnati Municipal Code § 1501-9(a), for an initial offense. For each subsequent offense occurring within one year after having once been notified of an initial offense, any person who fails to comply with an order of the director pursuant to this Section 1127-03 shall be liable for a Class E Civil Offense, as provided by Cincinnati Municipal Code § 1501-9(a). Each additional day that a person fails to comply with an order of the director shall constitute a separate civil offense.

1127-03.12 *Appeals*: Any person adversely affected by a notice of violation, order, or decision of the director made pursuant to this Section 1127-03 may appeal the notice of violation, order, or decision of the director to the Board of Building Appeals pursuant to the procedures set forth in Section 1101-81 and the procedures established by the board.

(Ordained by Emer. Ord. No. 329-2016, § 6, eff. Oct. 19, 2016)

## **Sec. 1127-05. Fire Escapes.**

1127-05.1 *Purpose*: This purpose of this section is to ensure that exterior fire escapes are maintained in a safe condition, are capable of performing their intended purpose, and do not pose public safety hazards.

1127-05.2 *Applicability*: The requirements of this section shall apply to all buildings that have an exterior fire escape.

1127-05.3 *Professional Examination*: The owner and any person in control of a building with one or more exterior fire escapes attached thereto are responsible for obtaining an examination of each exterior fire escape by a professional based on the following schedule:

- i. For buildings with a completed construction date prior to January 1, 1920, fire escapes shall be inspected on or before July 1, 2017 and every five years thereafter.
- ii. For buildings with a completed construction date between January 1, 1920 and December 31, 1950, fire escapes shall be inspected on or before July 1, 2018 and every five years thereafter.
- iii. For buildings with a completed construction date after December 31, 1951 or later and fifteen years or older, fire escapes shall be inspected on or before July 1, 2019 and every five years thereafter.
- iv. For all other buildings, fire escapes shall be inspected within one year of reaching fifteen years beyond its completed construction date and every five years thereafter.

1127-05.4 *Inspection Report Contents*: Each inspection report shall include the following information:

- i. The name and address of the building.
- ii. The name, address, and phone number of the owner or person in control of the building, and their agents if applicable.
- iii. The name, business address, and phone number of the professional preparing the report.
- iv. A description of the building, including the number of stories, height, plan dimensions, age, type of exterior wall construction, and all exterior fire escapes attached thereto.

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- v. Overall photographs or drawings of all fire escapes attached to the building.
  - vi. Drawings or photographs describing the locations and extent of all significant distress or deteriorated conditions observed in the fire escapes.
  - vii. A detailed description of the examination in narrative form, including start and completion dates.
  - viii. A designation of each fire escape's status by the professional as "safe," "safe with ordinary repair and maintenance," "unsafe," or "unsafe and imminently hazardous," as those terms are defined in subsection 1127-5.7.
  - ix. A description of recommended repair work and precautionary measures necessary to safeguard the public, emergency responders, and building occupants, if any, and the recommended completion date of such work.
  - x. Where appropriate, a comparison of conditions of the fire escapes on the building with conditions observed during previous examinations.
  - xi. A recommendation for future examination, if earlier than required under subsection 1127-05.3.
  - xii. The signature and seal of the professional who performed the examination.
  - xiii. The signature of the owner or person in control acknowledging his or her receipt of the report and responsibility to maintain the fire escapes in a safe condition.
  - xiv. The date of the report.
  - xv. Other documents, notes, summaries, memoranda, letters, or ancillary reports pertinent to the inspection report prepared by the professional.

1127-05.5 *Fire Escape Status*: The owner or person in control of the building subject to this section shall file an original and two copies of the required inspection report with the director and pay the review fee established pursuant to Section 1101-85 of the CBC no less than 30 days following the completion of an examination; except, however, any professional retained to provide an inspection report must notify the director of any determination that a fire escape, or part thereof, is "unsafe and imminently hazardous" within one business day of making the determination. The director shall review each report and issue orders to make needed repairs based on each respective fire escape status as follows:

- i. *Fire Escapes Determined "Safe."* Upon determining an inspection report finding all fire escapes "safe" is satisfactory, the director shall attach a certificate to the report indicating the director's agreement with the report and specifying the due date of the next report. The director shall then return one copy of the certificate and report to the owner or person in control and one copy to the professional.
- ii. *Fire Escapes Determined "Safe With an Ordinary Repair and Maintenance."* Upon determining an inspection report finding one or more fire escapes "safe with ordinary repair and maintenance" is satisfactory, the director shall attach a certificate to the report indicating the director's acceptance of the report and specifying the due date of the next report. The director shall then (a) return one copy of the certificate and report to the owner or person in control and one copy to the professional and (b) order that the repairs and maintenance recommended by the professional be performed within the recommended timeframe and that the owner or person in control submit a report no later than 30 days thereafter indicating that the repairs and maintenance conform to the recommendations.
- iii. *Fire Escapes Determined "Unsafe."* Upon determining an inspection report finding one or more fire escapes "unsafe" is satisfactory, the director shall attach a certificate to the report indicating the director's acceptance of the report and specifying the due date of the next report. The director shall then (a) return one copy to the owner or person in control and one copy to the professional and (b) order that the recommended repairs and maintenance be performed within the recommended timeframe and that the owner or person in control submit a report no later than 30 days thereafter



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indicating that the repairs and maintenance conform to the recommendations. The director may also issue supplemental orders as necessary to address unsafe and potentially unsafe conditions identified in the inspection report.

- iv. *Fire Escapes Determined to be "Unsafe and Imminently Hazardous."* Upon determining an inspection report finding one or more fire escapes "unsafe and imminently hazardous" is satisfactory, the director shall attach a certificate to the report indicating the director's acceptance of the report and specifying the due date of the next report. The director shall then return one copy of the certificate and report to the owner or person in control and one copy to the professional. The director shall further order the following:
- a. That appropriate precautionary measures be taken by the owner or person in control prior to a scheduled city inspection to prevent further deterioration and to make the fire escape(s) safe to the public, emergency responders, and building occupants. If the owner or person in control fails to take these measures prior to the city inspection, the director may cause the precautionary measures to be taken. The cost incurred by the city in taking the necessary precautionary measures may be charged against the real estate upon which the fire escapes are located, and if that cost is so charged it is a lien upon such real estate and may be assessed and collected as a special charge.
  - b. That the owner or person in control provide a safe alternative means of egress for emergency responders and the occupants of the building until the fire escapes are repaired and rendered safe.
  - c. Submission of a repair plan within three business days of the director' acceptance of the inspection report.
  - d. That the owner or person in control retain a professional to submit a report noting when repairs have been performed to bring the fire escapes into a "safe" condition on a schedule created by the director and provided to the owner or person in control and the professional.
  - e. That the owner or person in control retain a professional to submit a maintenance plan for the fire escapes and monthly reports of the maintenance work performed to the director.
  - f. That a professional examination be performed within one year following the director' acceptance of the inspection report.
  - g. Any supplemental orders as necessary to address unsafe and imminently hazardous conditions identified in the inspection report.

*1127-5.6 Recovery of Additional Costs Incurred in Program Administration and Enforcement:* The director is authorized to charge the owner or person in control of a premises subject to inspection under this Section 1127-05 for the recovery of reasonable costs incurred in its administration and enforcement of this inspection program. Additional costs may include the cost of third-party technical experts hired to assist the director in the administration and enforcement of this inspection program.

*1127-05.7 Definitions:* The following words and terms shall have the meanings indicated below for the purposes of this Section 1127-05 only:

- i. "Professional" means a registered architect or registered engineer authorized to practice in the state of Ohio.
- ii. "Professional examination" means a close-up visual examination of each fire escape attached to a building, performed by or under the direct supervision of a professional employed by the owner or person in control of the building to determine whether the fire escapes are in a safe condition, are capable of performing their intending purpose, present public safety hazards, and/or require remedial

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work. The professional responsible for the examination shall be qualified by education and experience and shall perform services only in the areas of his or her competence.

- iii. "Safe" means a condition of an exterior fire escape, or part thereof, at the time of the critical examination that does not exhibit (i) an unsafe and imminently hazardous condition, (ii) an unsafe condition, or (iii) a safe with an ordinary repair and maintenance program condition, as these terms are defined in this section.
- iv. "Safe with an ordinary repair and maintenance program" means a condition of an exterior fire escape, or part thereof, that is capable of performing its intended purpose and does not pose any immediate safety hazards at the time of inspection but requires ordinary repairs or maintenance within a time period designated by the professional, not to be later than the next required professional examination date under subsection 1127-05.3 of this section, in order to prevent its deterioration into an unsafe or unsafe and imminently hazardous condition.
- v. "Unsafe" means a condition of an exterior fire escape, or part thereof, which was reported as safe with an ordinary repair and maintenance program in an earlier critical examination report but, upon subsequent inspection, it is determined that the recommended repair and maintenance program has not been performed within the timeframe recommended by the professional in the prior report.
- vi. "Unsafe and imminently hazardous" means a condition in which an exterior fire escape, or part thereof, is not capable of performing its intended purpose, has no reliable means of structural support, or is otherwise dangerous to people or property.

1127-05.8 *Penalties*: Whoever fails to comply with an order of the director pursuant to this Section 1127-05 shall be liable for a Class D Civil Offense, as provided by Cincinnati Municipal Code § 1501-9(a), for an initial offense. For each subsequent offense occurring within one year after having once been notified of an initial offense, any person who fails to comply with an order of the director pursuant to this section shall be liable for a Class E Civil Offense, as provided by Cincinnati Municipal Code § 1501-9(a). Each additional day on which a person fails to comply with an order of the director shall constitute a separate civil offense.

1127-05.9 *Appeals*: Any person adversely affected by a notice of violation, order, or decision of the director made pursuant to this Section 1127-05 may appeal the notice of violation, order, or decision of the director to the Board of Building Appeals pursuant to the procedures set forth in Section 1101-81 and the procedures established by the board.

(Ordained by Emer. Ord. No. 329-2016, § 6, eff. Oct. 19, 2016)

## **Sec. 1127-07 Residential Rental Property Inspection Pilot Program.**

1127-07.1. *Definitions*. As used in this section, the following words and terms shall have the meanings indicated in the definition herein. Words and terms used and not specifically defined in this section, but which are defined in the Cincinnati Building Code ("CBC"), shall have the meanings defined in the CBC.

1127-07.1-A. *Applicable Codes*. "Applicable Codes" includes, but is not limited to, the Residential Code of Ohio ("RCO"), the Ohio Building Code ("OBC"), Chapter 3742 of the Ohio Revised Code ("ORC"), the CBC, and the following provisions of the Cincinnati Municipal Code ("CMC"): Chapter 1117 - Housing Code; Title XII - Cincinnati Fire Prevention Code; Title XIV - Zoning Code; Title XVII - Land Development Code; Chapter 761 - Chronic Nuisance Premises; Chapter 714 - Littering, and Chapter 731 - Weed Control; and any other building, housing, health and safety codes and provisions applicable to residential rental property that materially affect the public health, safety and welfare.

1127-07.1-C. *Code Compliant*. "Code Compliant" means a residential rental property that, upon inspection by the city under this section, is found to be compliant with all applicable code provisions. In determining whether a

residential rental property is Code Compliant, the director may consider additional factors including, without limitation, whether the properties which are well maintained; have any code violations; require some routine maintenance work but not beyond responding to normal wear and use expected for the property age and type of construction; are suitable for rental occupancy and affords the occupants a decent, safe, and sanitary habitation; the maintenance and management of the property does not contribute to depreciating neighboring property values and does not adversely impact the peaceful enjoyment of surrounding properties; there is no history of ignoring substantiated housing violation-related complaints about the property within the previous twelve months.

1127-07.1-N. *Non-compliant*. "Non-compliant" means a residential rental property that, upon inspection by the city under this section, is found to have one or more violations of applicable codes that (1) constitute an immediate hazard or threat to the occupants of the property or (2) in their totality indicate that the rental unit is not being properly maintained. In determining whether a residential rental property is Non-compliant, the director may consider additional factors including, without limitation, whether properties are not being maintained in compliance with the applicable codes; have a number of code violations, some of which appear to be longstanding and/or could materially affect the health and safety of the occupants; have deferred maintenance and/or have evidence of lack of routine maintenance of the halls, yard, common areas or dwelling units; unless the violations are promptly corrected and the premises proactively and routinely maintained, are not suitable for rental occupancy and would not afford the occupants a decent, safe, and sanitary habitation.

1127-07.1-P. *Pilot Residential Areas*. "Pilot Residential Areas" are specified census tracts within the statistical neighborhood boundary maps of the neighborhoods of Avondale, East Price Hill and Clifton-University Heights-Fairview. The qualifying census tract numbers within each Pilot Residential Area are listed below:

Neighborhood	Qualifying Census Tract Numbers
Avondale	6900, 6600, 27000
East Price Hill	9200, 9300, 9400, 9500, 9600
Clifton-University Heights-Fairview	2500, 2600, 2700, 2900

1127-07.1-R. *Residential Rental Properties*. "Residential Rental Properties" shall have the same meaning as O.R.C. Section 5323.01(E).

- (a) The director may consider one or more of the following criteria in identifying whether real property constitutes residential rental property for purposes of this Chapter:
  - (1) The property does not receive an owner occupancy tax credit based on the records of the Hamilton County Auditor;
  - (2) The property contains a dwelling unit registered as a rental property with the Hamilton County Auditor pursuant to O.R.C. Chapter 5323;
  - (3) The property is owned by a corporate entity and not individually;
  - (4) For single-family homes, the water records kept by greater Cincinnati water works reflect third-party billing;
  - (5) The Hamilton County Auditor has applied any of the following land use codes to the property:

CATEGORY	DESCRIPTION	DEPT. OF TAX EQUALIZATION	HAMILTON COUNTY
COMMERCIAL	APARTMENTS—4 TO 19 UNITS	401	401
COMMERCIAL	APARTMENTS—20 TO 39 UNITS	402	402

COMMERCIAL	APARTMENTS—40+ UNITS	403	403
COMMERCIAL	RETAIL—APARTMENTS OVER		404
COMMERCIAL	OFFICE—APARTMENTS OVER		431
RESIDENTIAL	TWO FAMILY DWELLINGS	520	520
RESIDENTIAL	THREE FAMILY DWELLINGS	530	530
RESIDENTIAL	LOW INCOME HOUSE TAX CREDIT (residential)	569	569
RESIDENTIAL	OTHER STRUCTURES	599	599

- (6) The property has been registered as a residential rental property with the Hamilton County Auditor as required by Ohio Revised Code 5323.02 and/or the city of Cincinnati;
  - (7) Other reasonable indicators that real property has been rented to tenants for residential purposes, for example, the existence of a lease agreement.
- (b) Real property or a portion thereof used exclusively for the following purposes shall be exempt from the requirements of this section:
- (1) Hotels or motels;
  - (2) College or university dormitories that are state-owned and are inspected for code compliance under other procedures or licensure;
  - (3) Two-family units that are owner-occupied;
  - (4) Properties that are currently unoccupied because they have been ordered vacated by the director;
  - (5) Properties that are available to the public for rental for a period of thirty days or less;
  - (6) Non-residential purposes when separate and distinct from a portion used as a residential rental property, e.g., first floor retail in a multi-story mixed-use apartment building.
- (c) In the event of a dispute over whether a property is subject to the application and inspection provisions of this ordinance, property owners may submit evidence to the director demonstrating that their property is not "Residential Rental Property" for purposes of this section.

1127-07.1-S. *Substantially Compliant*. "Substantially Compliant" means a residential rental property that, upon inspection by the city under this section, is found to have one or more violations of applicable codes that (1) do not constitute an immediate hazard or threat to the occupants of the residential rental property and (2) do not indicate in their totality that the rental unit is not being properly maintained. In determining whether a residential rental property is Substantially Compliant, the director may consider additional factors including, without limitation, whether the owner of a substantially compliant property has demonstrated a plan and capacity to abate the violations within thirty (30) days, or in a reasonable time as determined by the director; the maintenance and management of a substantially compliant property does not contribute to depreciating neighboring property values and does not adversely impact the peaceful enjoyment of surrounding properties; and based on the number of units at the property, there have been few or no substantiated complaints of code violations on the premises within the previous twelve months and there is no history of ignoring substantiated code violations.

1127-07.3. *Purpose*. The purpose of this section is to protect the public health, safety and welfare by authorizing the periodic evaluation of certain residential rental property businesses for compliance with applicable codes, including, but not limited to, the RCO, the OBC, ORC Chapter 3742, the CBC, and the following provisions of the CMC: Chapter 1117 - Housing Code; Title XII - Cincinnati Fire Prevention Code; Title XIV - Zoning Code; Title XVII

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- Land Development Code; Chapter 761 - Chronic Nuisance Premises; Chapter 714 - Littering, and Chapter 731 - Weed Control; and any other building, housing, health, and safety codes and provisions applicable to residential rental property that materially affect the public health, safety and welfare. This section incorporates provisions of CBC Chapter 1101 by reference.

1127-07.5. *Scope.*

- (a) This section authorizes a pilot inspection program to determine the effectiveness and benefits of proactive enforcement and periodic inspection and evaluation, with enhanced reactive enforcement, of rental property businesses in specified 2010 U.S. Census tracts and blocks in the following three neighborhoods Avondale, East Price Hill and Clifton-University Heights-Fairview that meet certain conditions described in section 1127-07.1-R of this section.
- (b) The duration of the pilot program shall be four years from the effective date of this section.
- (c) This section does not preempt, supersede, cancel or set aside the requirements of any other applicable landlord-tenant laws, and building, housing, zoning or related regulations.

1127-07.7. *Applicable Properties: Residential Rental Properties.* This section shall apply to any Residential Rental Property as defined in section 1127-07.1-R of this chapter that is located in the Pilot Residential Areas and that:

- (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 CBC, 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 to be a chronic nuisance as set forth in section 761-5 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, CMC, or CBC; or
- (8) Is certified as tax delinquent by the Hamilton County Treasurer.

1127-07.9. *Rental Inspection Certificate Application Process.*

- (a) All owners and persons in control of Residential Rental Properties as that term is defined in subsections 1127-07.1-R and 1127-07.7 of this Section in the pilot residential areas shall apply for a rental inspection certificate under this section within thirty (30) days of enactment of this ordinance.
- (b) Application for a rental inspection certificate shall be made on forms and instructions prescribed by the director. The application shall include:
  - (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;

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- (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 whether the owner or person in control of the Residential Rental Property consents to an inspection of the property.
  - (c) An application for a residential rental certificate shall not be construed by the city as a waiver of the owner's Fourth Amendment rights.

1127-07.11. *General Inspection Requirements.*

- (a) Upon receipt of a complete application and the applicable fee, the director shall perform a visual inspection of the interior and exterior of a Residential Rental Property to determine whether the property complies with all applicable codes.
- (b) The director shall inspect Residential Rental Properties at a reasonable time agreed to by the owner or person in control of the Residential Rental Property; provided, however, if an owner, person in control, or tenant refuses to provide the director with permission to inspect the private areas of the Residential Rental Property at a reasonable time, the director shall obtain an administrative search warrant from a court of competent jurisdiction as allowed by law.
- (c) 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.
- (d) All dwelling units in a Residential Rental Property shall be inspected.
- (e) If a Residential Rental Property is inspected and found to be compliant, the director shall issue a residential rental inspection certificate to the owner or person in control of a Residential Rental Property following the inspection. The certificate shall indicate that the property is compliant and indicate the next required inspection date based upon the inspection interval for compliant properties provided for in section 1127-07.13 of this section.
- (f) If a Residential Rental Property is inspected and found to be substantially compliant or non-compliant, the director shall provide the owner or person in control with a written order specifying the reasons for the designation and establishing an inspection schedule based upon the inspection intervals provided for in section 1127-07.13 of this section.
- (g) A residential rental inspection certificate shall expire thirty (30) days following the required inspection date indicated on the certificate; provided, however, a residential rental inspection certificate shall expire six months following the transfer in ownership of a Residential Rental Property or the transfer of a controlling interest in any entity that owns Residential Rental Property if occurring sooner than thirty (30) days following the required inspection date indicated on the certificate.
- (h) 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.
- (i) The director is authorized to seek the assistance of personnel from the fire department, health department, police department, and other enforcement agencies concerned with the operation of residential rental property in carrying out the inspections authorized in this section.
- (j) The provisions of this section shall not limit or restrict the director or any other authorized official from conducting inspections of residential rental property in administering or enforcing the laws, rules, and

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regulations they are charged with enforcing, e.g. responding to tenant complaints or upon probable cause that a violation is present.

1127-07.13. *Inspection Intervals.*

- 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.

1127-07.15. *Appeals.*

- 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 1127-07.15(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.

1127-07.17. *Recovery of Additional Costs Incurred in Program Administration and Enforcement.* The director is authorized to charge the owner or person in control of a Residential Rental Property subject to inspection under this section for the recovery of reasonable costs incurred in its administration and enforcement of this inspection program. Additional costs may include the cost of third-party technical experts hired to assist the director of buildings and inspections in the administration and enforcement of this inspection program.

1127-07.19. *Inspection Fees.*

- a. Initial inspections will be charged a \$100 per unit inspected inspection fee. The re-inspection fee schedule for each unit re-inspected is as follows:
  - (1) First re-inspection \$70.00
  - (2) Second re-inspection 140.00
  - (3) Third re-inspection 210.00
  - (4) Fourth or more re-inspection 280.00
- b. All fees and fine penalties collected under this Section shall be deposited in the building hazard abatement fund.

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1127-07.21. *Rules and Regulations.* The city manager or the city manager's designee is authorized to promulgate rules and regulations to effectuate the provisions and purposes of this section.

1127-07.99. *Penalties.*

- a. An owner or person in control of Residential Rental Property in one of the three pilot neighborhoods who fails to apply for a residential rental inspection certificate commits a Class B civil offense under section 1501-5 of the CMC.
- b. Having once been notified of the violation under Section 1501-13, an owner or person in control of Residential Rental Property commits a separate, subsequent Class C civil offense on each additional day on which the owner or person in control fails to apply for a rental inspection certificate.

(Ordained by Ord. No. 405-2019, § 1, eff. Sept. 1, 2020; a. Emer. Ord. No. 0100-2020, § 1, eff. April 1, 2020)