

By Comm. Lovelace

No. 31361-14

AN ORDINANCE

Amending the Revised Code of General Ordinances
Sections 93.101 and 93.102 Relating to Vacant
Foreclosed Residential Properties.

WHEREAS, The Commission approved Ordinance No. 31263-13 on August 7, 2013, implementing the Vacant Foreclosed Residential Properties program as a pilot project in zip codes 45406, 45410, 45405, 45403, 45417, and 45402 within in the City of Dayton; and

WHEREAS, The Commission desires to implement the Vacant Foreclosed Residential Properties program throughout the City; and

WHEREAS, It is in the public interest to change to the boundaries to encompass the entire City of Dayton; now, therefore,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. That Section 93.101 of the Revised Code of General Ordinances be, and hereby is, amended to read as follows:

Sec. 93.101. Definitions.

For the purposes of §§ 93.101 through 93.108, inclusive, the following definitions shall apply:

- (A) "Code official" shall mean the director of the City of Dayton Department of Planning and Community Development or his or her designee.
- (B) "Foreclosed" shall mean a property upon which a mortgagee filed an action in foreclosure pursuant to a mortgage agreement secured by a lien on property.
- (C) "Mortgagee" shall mean any party to a mortgage agreement whose interest in that agreement is secured by a lien on residential property.
- (D) "Person in control" shall mean the person, persons, or entity holding title to the freehold estate of the residential premises; a mortgagee or vendee in possession; a receiver; an executor; a trustee; and any person, public or private entity, lessee or holder of a lesser estate in the residential premises; and/or its duly authorized agent(s), with the authority to bring the residential property into compliance with the provision of this code, including, but not limited to any mortgagee that has filed an action in foreclosure on the residential premises at issue.

A mortgagee who has filed a foreclosure action pursuant to a mortgage agreement secured by a lien on residential property shall be considered a person in control until:

- (1) The mortgagee releases all liens encumbering the property;
- (2) A Court issues a final Confirmation of Sale of the property to a person other than the mortgagee; or
- (3) The property is no longer vacant. The mere dismissal of a foreclosure action shall not be construed to terminate a mortgagee's status as a person in control.

(E) "Residential property" shall mean a parcel of land which contains a dwelling or structure that provides living accommodations for persons.

(F) "Vacant" shall mean unoccupied or without authorized human inhabitants.

(G) "Vacant foreclosed property registration form" shall mean a form publicly available from the Department of Planning and Community Development that persons in control subject to the requirements of §§ 93.101 through 93.108, inclusive, must complete and submit.

Section 2. That Section 93.102 of the Revised Code of General Ordinances be, and hereby is, amended to read as follows:

Sec. 93.102. Registration of vacant foreclosed residential property.

(A) Within 15 business days of filing an action in foreclosure upon a residential property located within the City of Dayton that is vacant at the time of filing, the person in control shall submit to the code official a completed vacant property registration form for the property.

A person in control is not required to submit a vacant foreclosed property registration form if the foreclosed residential property is not vacant on the date of the filing of an action in foreclosure on the property. However, if the residential property becomes vacant at any time during the foreclosure action, the person in control shall submit a vacant foreclosed property registration form for the property to the code official within 15 business days of the vacancy.

The vacant foreclosed property registration form shall be as prescribed by the code official and shall contain the following information:

- (1) Description of the residential property, including, but not limited to, the street address and parcel identification number; and
- (2) The name, street address, telephone number, and email address of a natural person 18 years of age or older or of a business entity designated by the person in control as an authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of the person in control in connection with

enforcement of §§ 93.101 through 93.108, inclusive. The authorized agent shall be capable of responding to communication from the code official within 24 hours.

(B) The person in control shall within ten days notify the code official of any change in information on the vacant foreclosed property registration form. The vacant foreclosed property registration form shall be maintained with accurate information. The person in control shall notify the code official in writing when the property is transferred to a bona fide owner-occupant or an unaffiliated third party, the property is reoccupied, or the property is sold at a judicial sale and a Court issues a Confirmation of Sale of the residential property to a person other than the mortgagee, or until the mortgagee releases all liens encumbering the property, so the property may be promptly removed from the registry.

(C) Upon becoming a person in control of a vacant foreclosed residential property pursuant to this section, the person in control shall pay the initial registration fee listed in § 93.103 or, if the person in control meets the exemption requirements in § 93.106, the person in control shall pay the exception fee listed in § 93.103.

(D) On an annual basis, the person in control shall pay the annual registration fee listed in § 93.103 or, if the person in control meets the exemption requirements in § 93.106, then the person in control shall pay the exception fee listed in § 93.103.

Section 3. That existing Sections 93.101 and 93.102 of the Revised Code of General Ordinances are repealed.

PASSED BY THE COMMISSION December 22, 2014

SIGNED BY THE MAYOR December 22, 2014

Yan Whaley
Mayor of the City of Dayton, Ohio

Attest:

[Signature]
Clerk of the Commission

Approved as to form:

[Signature]
City Attorney