

**City of Fairlawn
Housing Department
Russell T. Sharnsky, Mayor
Foreclosure Registration Form
Per Ordinance 2014-075**

Please Print or Type

A. Property Address: _____

B. Current Owner's Name: _____

Address _____ City _____
State _____ Zip _____ Phone (_____) _____ Cell (_____) _____

C. List information of the Company (Plaintiff) pursuing the foreclosure action:

Company Name _____
Name of Representative _____ Title _____
Address _____ City _____ State _____
Zip _____ Phone (_____) _____ 24 Hour Emergency Phone (_____) _____
Email _____

D. List information of the Attorney Representing the Plaintiff: _____

Address _____ City _____ State _____
Zip _____ Phone (_____) _____ 24 Hour Emergency Phone (_____) _____
Email _____

E. If the property is vacant it is required that a local agent be continuously employed and be responsible for security and maintenance of the structure. List information for the local agent:

Company Name _____
Name of Representative _____ Title _____
Address _____ City _____ State _____
Zip _____ Phone (_____) _____ 24 Hour Emergency Phone (_____) _____
Email _____

F. The subject property is currently:

_____ Vacant
_____ Occupied by Defendant Owner
_____ Occupied by _____
Address _____ City _____
State _____ Zip _____ Phone (_____) _____ Cell (_____) _____

G. Include a registration fee of \$200 which is due annually until the structure is no longer in foreclosure. Additionally, include a fee of \$100 for the required City inspection of the structure if it is vacant.

Following are the requirements to maintain a valid registration:

- Duty to Inspect Occupied Properties. The entity which commenced the foreclosure action shall be required to inspect those exterior portions of occupied properties which can be observed from the street. Said exterior inspections shall be performed once every thirty (30) days, and the entity shall thereafter submit to the City a completed inspection report describing any safety, security or maintenance issues that were observed by the person performing the inspection of the property.

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- Inspection of Unoccupied Properties. The City shall inspect the interior and exterior of any unoccupied residential property that is the subject of a foreclosure proceeding, and shall make a report concerning its inspection findings. In addition to the registration fee of two hundred dollars (\$200), the City shall charge the entity which commenced the foreclosure action an additional fee of one hundred dollars (\$100.00) for the inspection of unoccupied residential properties. The entity which has filed the foreclosure action shall be responsible for maintaining the interior and exterior of any unoccupied property in accordance with all applicable City ordinances. **Electrical service to the property shall be maintained at all times.** The entity which has filed the foreclosure action shall continuously employ a local agent to perform monthly inspections on the property to verify compliance with the requirements of this section, and any other applicable laws, for the duration of the foreclosure proceedings.
- Security of Unoccupied Properties. The entity which has filed the foreclosure action is responsible for maintaining any unoccupied property in foreclosure in a secure manner so as not to be accessible to unauthorized persons. A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child or unauthorized adult to access the interior of the property and/or structure. Broken windows shall be secured by reglazing or replacing of the window. Any excavations, swimming pools or other attractive nuisances must be filled in with dirt or otherwise be made safe. Appropriate security lighting shall be maintained on the property. Any unoccupied property shall be posted with the name and twenty-four (24)-hour contact telephone number of the local agent. The posting shall be clearly visible from the street, and shall prominently display the name and twenty-four (24)-hour telephone number of the local agent.
- Duty to Provide Updated Information. The entity that has registered a property must report any change of information contained on the Registration Form within ten (10) days of the change. If the Registration Form submitted by the entity stated that the foreclosed property was occupied, the entity must report by telephone to the City's Residential Chief Building Official any knowledge the entity may later acquire showing that the property is no longer occupied. Such telephone report shall be made within seventy-two (72) hours of the entity acquiring any knowledge that the property is no longer occupied.
- Termination of Registration. Once the property is no longer in foreclosure, or is sold to a person or entity other than the mortgagee, the mortgagee must provide proof of sale or written notice of termination of the foreclosure proceedings to the City. Confirmations of sale must be immediately recorded by the entity which has obtained the said confirmation of sale.

I have read and understand the rental registration information accompanying this registration form and I hereby acknowledge under penalty of law that I have completed this registration from truly and accurately to the best of my knowledge.

Company Agent Signature

_____/_____/_____
Date

Print Name

Foreclosure Home Inspection Report

Print this form and take it with you when you perform the inspection. Use it to record your observations and note defects. This form is intended to be used as a guide for compliance to the City's foreclosure registration requirements.

Foreclosure Registration #	Home Address:		
Inspector's name & phone number			
Inspector's e-mail address			
Date of Inspection:			
Is house vacant?	<input type="checkbox"/> Yes <input type="checkbox"/> No (If the house is occupied, only inspect exterior areas from the street and complete Section A)		
If vacant:			
	Is electric service connected?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Has house been winterized?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	Are security lights working?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Home Inspection Checklist

Home Address: _____

Section A - Exterior

FEATURE	CONDITION
Front door	_____
Front screen door	_____
Back door	_____
Back screen door	_____
Screen and storm windows	_____
Glass and frames	_____
Siding/brick, etc.	_____
Mailbox	_____
House number	_____
Paint and trim	_____
Patios and decks	_____
Roof and flashing	_____
Chimney	_____
Gutters	_____
Eaves	_____
Driveway	_____
Shed	_____
Garage	_____
Outdoor lighting	_____
Drainage	_____
Retaining wall	_____
Yard	_____

Section B - Interior

FEATURE	CONDITION
Windows	_____
Floors	_____
Walls	_____
Ceiling	_____
Lights and switches	_____
Outlets	_____
Stove	_____
Refrigerator	_____
Sink	_____
Cabinets and counter	_____
Baseboards	_____
Trim	_____
Stair treads	_____
Stair structure	_____
Landing and handrail	_____
Evidence of Rodents?	_____
Evidence of Pests?	_____
Heating/Cooling system	_____
Plumbing System	_____
Sump Pump	_____
Basement	_____

Visible Condition of the Property: Using the key below, apply the letter that best describes the condition of each item.

Key

- M – Missing
- G – Good condition
- S – Scratched
- D – Damaged
- B – Broken
- R – Repair/Replacements needed

Comments

AN ORDINANCE CREATING SECTION 1504.07 "REGISTRATION, INSPECTION AND MAINTENANCE REQUIREMENTS FOR RESIDENTIAL PROPERTIES IN FORECLOSURE" OF CHAPTER 1504 "REGULATIONS OF DWELLING UNITS"; TITLE TWO "HOUSING MAINTENANCE CODE"; PART FIFTEEN "PROPERTY MAINTENANCE CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF FAIRLAWN EFFECTIVE JANUARY 1, 2015

WHEREAS, foreclosure proceedings have been commenced with regard to residential properties in the City of Fairlawn; and

WHEREAS, safety and maintenance issues frequently arise with regard to residential properties involved in foreclosure proceedings; and

WHEREAS, the public health and welfare of the City of Fairlawn would be protected by imposing requirements on those entities which commence foreclosure proceedings involving residential property.

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

Section 1: Section 1504.07: "REGISTRATION, INSPECTION AND MAINTENANCE REQUIREMENTS FOR RESIDENTIAL PROPERTIES IN FORECLOSURE" OF CHAPTER 1504 "Regulations of Dwelling Units"; TITLE TWO "Housing Maintenance Code"; PART FIFTEEN "PROPERTY MAINTENANCE CODE" of the Codified Ordinances of the City Of Fairlawn is hereby created and enacted, to be effective January 1, 2015, and shall read as follows:

1504.07 REGISTRATION, INSPECTION AND MAINTENANCE REQUIREMENTS FOR RESIDENTIAL PROPERTIES IN FORECLOSURE

(a) **Registration of Foreclosure Proceeding Affecting Residential Properties.** Within ten days of the filing of a complaint in a court seeking to foreclose upon a mortgage or similar instrument on a residential property, the entity which filed the foreclosure action must: (1) register the property with the City as described herein, and (2) submit to the City the Registration Form described herein, and (3) pay the fees described herein.

(b) **Registration Forms.** The City will make available the Registration Forms used to register a property in foreclosure. The party which has commenced the residential foreclosure action must fully complete the City's Registration Form, sign the Registration Form and submit the completed form to the City's Building Department. The City's Registration Form shall, at a minimum, require the party which has commenced the foreclosure action to provide the following information: (1) a statement whether, after due inquiry, the party commencing the foreclosure action believes the property is or is not occupied; (2) the property address; (3) the owner's name; (4) the mailing address and telephone number of the owner of the property; and (5) the name, mailing address, and telephone number and email address of a representative of the entity which has filed the foreclosure action who will be available to address security and maintenance issues regarding the property. Mailing addresses may not be a post office box.

(c) **Designation of Local Agent.** If the Registration Form submitted by the entity which has commenced the foreclosure action states that the property is not occupied, then the entity must designate on the Registration Form, and thereafter continuously employ, a local individual or local property management company as the entity's agent responsible for the security and maintenance of the property during the foreclosure proceedings. In such case, the Registration Form shall include the local agent's name, mailing address, telephone number and email address. The local

agent must answer the telephone number given to the City 24 hours a day. Mailing addresses may not be a post office box.

(d) **Registration Fee.** Foreclosure registrations are valid for one calendar year. An annual registration fee of \$200 shall accompany each registration form. Subsequent annual registrations and fees are due within 30 days of the expiration of the previous registration.

(e) **Termination of Registration.** Once the property is no longer in foreclosure, or is sold to a person or entity other than the mortgagee, the mortgagee must provide proof of sale or written notice of termination of the foreclosure proceedings to the City. Confirmations of sale must be immediately recorded by the entity which has obtained the said confirmation of sale.

(f) **Duty to Provide Updated Information.** The entity that has registered a property under this article must report any change of information contained on the Registration Form within ten days of the change. If the Registration Form submitted by the entity stated that the foreclosed property was occupied, the entity must report by telephone to the City's Residential Chief Building Official any knowledge the entity may later acquire showing that the property is no longer occupied. Such telephone report shall be made within 72 hours of the entity acquiring any knowledge that the property is no longer occupied.

(g) **Duty to Inspect Occupied Properties.** The entity which commenced the foreclosure action shall be required to inspect those exterior portions of occupied properties which can be observed from the street. Said exterior inspections shall be performed once every 30 days, and the entity shall thereafter submit to the City a completed inspection report describing any safety, security or maintenance issues that were observed by the person performing the inspection of the property.

(h) **Inspection of Unoccupied Properties.** The City shall inspect the interior and exterior of any unoccupied residential property that is the subject of a foreclosure proceeding, and shall make a report concerning its inspection findings. In addition to the registration fee described in Section 1504.05 (d), the City shall charge the entity which commenced the foreclosure action an additional fee of \$100 for the inspection of unoccupied residential properties. The entity which has filed the foreclosure action shall be responsible for maintaining the interior and exterior of any unoccupied property in accordance with all applicable City ordinances. Electrical service to the property shall be maintained at all times. The entity which has filed the foreclosure action shall continuously employ a local agent to perform monthly inspections on the property to verify compliance with the requirements of this article, and any other applicable laws, for the duration of the foreclosure proceedings.

(i) **Security of Unoccupied Properties.** The entity which has filed the foreclosure action is responsible for maintaining any unoccupied property in foreclosure in a secure manner so as not to be accessible to unauthorized persons. A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child or unauthorized adult to access the interior of the property and/or structure. Broken windows shall be secured by reglazing or replacing of the window. Any excavations, swimming pools or other attractive nuisances must be filled in with dirt or otherwise be made safe. Appropriate security lighting shall be maintained on the property. Any unoccupied property shall be posted with the name and 24-hour contact telephone number of the local agent. The posting shall be clearly visible from the street, and shall prominently display the name and 24-hour telephone number of the local agent.

(j) **Penalties.** Whoever violates any of the provisions of this Chapter or any rule or regulation promulgated under authority of this Chapter, or fails to comply with any written notice or written order issued by the City under this Section, shall be subject to the imposition of

Administrative Penalties and/or Criminal Penalties as provided in Chapter 1520 of this code. Each day such violation occurs or continues to occur shall constitute a separate offense. The imposition of a criminal penalty shall not preclude the Director of Law from instituting an appropriate action or proceeding in a court of proper jurisdiction to prevent or restrain violations of this Section, or to restrain, correct or abate a violation, or to require compliance with the provisions of this Section, or other applicable laws, ordinances, rules or regulation, or the orders or determinations of the Residential Chief Building Official.

Section 2: All other sections of Chapter 1504 remain unchanged.

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this 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 legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: That 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 6, 2014

Tonja K Caldwell
Tonja K. Caldwell, Clerk of Council

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

Approved: October 6, 2014

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 2014-075 was duly and regularly passed at a Regular Meeting on October 6, 2014.

Tonja K Caldwell
Tonja K. Caldwell, Clerk of Council

CERTIFICATION OF POSTING

This is to certify that on October 9, 2014 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