



City of Cleveland

Frank G. Jackson, Mayor

Department of Building & Housing
Division of Code Enforcement
601 Lakeside Avenue, Room 510
Cleveland, Ohio 44114-1070
216/664-2910
www.cleveland-oh.gov

To: Potential Property Owners in the City of Cleveland

From: Ayonna Blue Donald, Director of Building and Housing

Re: Legal Responsibilities for Property Buyers

Thank you for your interest in purchasing and investing in property in Cleveland, Ohio. Our City and its vibrant neighborhoods are actively improving the quality of life for our residents by building and renovating homes, expanding parks and recreational opportunities, and providing the best services possible.

Dealing with the difficulties imposed by abandoned and vacant homes is a major focus in our efforts to improve our neighborhoods. The country is facing an unprecedented wave of 1.8 million subprime mortgages that have started to reset and will continue to reset in the near future. This translates into the threat of market failure, blight and an increased number of vacant and abandoned homes in our neighborhoods. That is why the City of Cleveland is telling potential investors and homebuyers that the City will fully enforce its Building, Housing, and Zoning Codes.

You are here today to consider purchasing a home that was foreclosed on by a mortgage company. In many cases, these homes were the source of incredible community concern. The City may have condemned some of these homes. In those cases, the City may be preparing to demolish the house for safety reasons. In cases where the City has already condemned the structure, we may attempt to send a copy of the condemnation notice to you before we demolish it, but we are not legally required to do so.

All homes in our City, including those being considered for sale today, must meet all Building and Housing Codes. You can view these codes online at www.clevelandcitycouncil.org under the link "Codified Ordinances."

Although this list is not exhaustive, there are several common requirements in the Building and Housing Codes that you should know about. First, you must obtain a Certificate of Disclosure for any structure that you purchase that contains one, two, three, or four dwelling units.¹ This disclosure will tell you if there are any outstanding violation notices—including condemnation notices—for the property. If the property contains five or more dwelling units or is a commercial property, then the seller must provide the buyer with a copy of any outstanding violation notices and a copy of the Certificate of

¹ Cleveland Codified Ordinance (C.C.O) § 367.12(c)

Occupancy or a Statement of Authorized Use.² You can obtain applications for these forms from Building and Housing.

After you purchase a property—regardless of the use—you must immediately begin to comply with any violation notices on the property.³ The Building Code places responsibility on both the seller and the buyer to find out whether there are violation notices on the property.⁴ And Ohio law allows the City prosecute the buyer for violation notices that the City issued to prior owners without additional notice to the buyer.⁵ Further, when there are outstanding violation notices, the buyer must submit a written plan to the Department of Building and Housing within 10 days from the transfer date stating the plan to abate all the violations.⁶ When you do this, Building and Housing will set a reasonable timeframe for you to abate all the violations.

Lastly, Building and Housing and other City departments may have taken action to abate nuisances at the property that you are considering purchasing. The Building Code makes the owner responsible for those costs.⁷ If the owner fails to pay these costs, then the City places a lien on the property.⁸ You may, therefore, be purchasing a property that has liens for board-ups, demolitions, grass cutting, and clean ups. These liens could be in addition to liens for the electric, sewer, and water charges. If you fail to pay these liens, the City may take legal action to collect them.

As you consider living and investing in our City, there may be programs of assistance for which you may qualify. Within the program standards, the Afford-A-Home, Repair-A-Home, or other repair and assistance programming may help in the affordable and comprehensive repair to these homes presented today. You may contact the Department of Community Development, Division of Neighborhood Services, at (216) 664-2045 for guidelines and prospective assistance.

Once again, thank you for considering living and investing in our City and becoming part of the many exciting and vibrant activities that make our City a Community of Choice.

² C.C.O. § 367.12(a)

³ C.C.O. § 3103.09(e)(4)(C)

⁴ C.C.O. § 3103.09(e)(4)(A)

⁵ Ohio Revised Code § 5301.253

⁶ C.C.O. § 3103.09(C)

⁷ C.C.O. § 3103.09(k)

⁸ C.C.O. § 3103.09(k)(3)