

BY MR. Williams.....

NO. 30565-06.....

AN ORDINANCE

Enacting Section 93.54 of the Revised Code of General Ordinances Requiring the Filing of a Certificate of Disclosure Upon the Conveyance of Real Property.

WHEREAS, A person served a notice of violation by a city housing inspector is required to remediate the violation; and

WHEREAS, The conveyance of real property by a person served a notice of violation may delay remediation of the property; and

WHEREAS, Requiring the purchaser and seller of real property subject to a notice of violation to exchange and comply with a Certificate of Disclosure will facilitate the more timely remediation of the violation; now, therefore

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

Section 1. That Section 93.54 of the Revised Code of General Ordinances is enacted to read as follows:

Section 93.54 Certificate of Disclosure

- (A) No person shall convey a fee interest in real property without completing and filing with the city a Certificate of Disclosure issued by the city and containing, or having attached to the Certificate of Disclosure, the following information:
- (1) The name, current residential address and telephone number of the person conveying and the person acquiring the real property;
 - (2) The name, current address, and telephone number of any real estate agent, title company, appraiser, and mortgage or lending institution assisting or participating in the conveyance;
 - (3) The location of the real property, described by address and either city lot number or auditor's parcel number;
 - (4) A statement signed by a Housing Inspector of the City certifying: (a) that the property conveyed is not subject to a notice of violation or, (b) that the violations set forth in the notice are fully remediated or (c) if the violations are not fully remediated, that a true and accurate copy of the notice of violation is attached to the Certificate of Disclosure; and
 - (5) Whenever applicable, a sworn statement signed by the person acquiring a fee interest in the real property that the person is in

receipt of a true and accurate copy of the notice of violation attached to the Certificate of Compliance and shall either comply with the terms of the notice of violation within a reasonable time established by the city or request a hearing pursuant to R.C.G.O. section 93.06 within ten (10) days of receiving the Certificate of Disclosure.

- (B) A person required to complete a Certificate of Disclosure shall file a completed Certificate of Disclosure with the Housing Inspection Division of the city no later than three (3) days prior to executing the instrument(s) of conveyance.
- (C) The city shall charge a processing fee of \$60.00 for each Certificate of Disclosure issued pursuant to this section; provided, however, that the city shall not charge a processing fee when the property conveyed is not subject to a notice of violation.
- (D) This section does not apply to any conveyance:
 - (1) Made pursuant to judicial order;
 - (2) Made to or by the state, a political subdivision of the state, or another governmental entity;
 - (3) Made between spouses or former spouses as a result of a decree of divorce, dissolution of marriage, annulment, or legal separation or as a result of property settlement agreement incidental to a decree of a divorce, dissolution of marriage, annulment, or legal separation.
- (E) Any person who violates this section, or assist another to violate this section, is guilty of a minor misdemeanor for a first offense and a misdemeanor of the fourth degree for each subsequent offense.

Section 2. That this ordinance shall take effect on January 1, 2007.

PASSED BY THE COMMISSION JUNE 7....., 2006

SIGNED BY THE MAYOR JUNE 7....., 2006



Mayor Rhine McLin, City of Dayton, Ohio

ATTEST:


Clerk of the Commission

APPROVED AS TO FORM:


City Attorney