

10/13/15

To: All Members of Council
Mayor: Sam Keller
SSD: Tom Braun
Law Director: Mark Waters

A meeting of Laws, Rules and Ordinances was held in Council's Meeting Room at City Hall on Tues. Oct 13, 2015. The meeting was called to order at 7:20 PM.

In attendance were:

Pres. of Council: Debbie Slaughter. Council Members: Amy Richter and Jim Martin.
Committee Members: Bill Clark, Leslie Roden, Dennis Dinkelacker and Chair Kitty Zech.
Also in attendance: SSD Tom Braun and Resident Mike Wellwerth of Lovell Ave.

Topic under discussion was the Rental Inspection Ord. under consideration in Cheviot. Information received from other local communities, American Legal Services, and the assistant to Steve Wolf, Mayor of Mt Healthy was discussed. It was learned that recently, a Federal Court in southern Ohio, declared Inspections of Rental Properties Unconstitutional. The Center for Constitutional Law, based in Columbus, Ohio, called Rental codes "back door tactics to collect revenue", and stated that "property owners are entitled to seek repayment of inspection fees related these unconstitutional inspections".

A further search revealed that several other states such as Penn., Mich. Texas, New York, Virginia, California, etc .have also deemed Rental Inspections Unconstitutional and a violation of the 4th Amendment. Any and all fees must be returned. These Inspections *may be* legal only if the inspection is voluntary, the property is vacant and there is no fee involved. Some cities have amended and watered down their Rental Codes to meet these criteria. However, in reference to these amended Rental Codes, the Ohio Federal Court noted that "the Court expresses no opinion on the constitutionality of or any other claim from these revised ordinances. In some cases even these amended ord. are being challenged successfully by both landlords and tenants alike.

Based on this info, the committee decided to drop their pursuit of a Rental Inspection at this time and look into other solutions.

Respectfully submitted,

Kitty Zech, Chair



Dennis Dinkelacker

Bill Clark



Leslie Roden

Jim Sunderhaus

