

VACANT PROPERTY REGISTRATION PROCEDURE

- 1) Inspection of Property
 - a) Initial Inspection. Whenever a bank, lender or other financial institution shall directly, or through an agent or servicing company, initiate foreclosure proceedings upon a real property, the bank, lender or other financial institution, either directly or through its agent or servicing company, shall cause a physical inspection to be made of the property not later than 30 days from the date of notice and in no event later than 30 days after the filing of foreclosure proceedings. One or more photographs shall be taken of the property accurately portraying the condition of the exterior premises. Photographs shall be dated and preserved.
 - b) Periodic Inspections. Any bank, lender or financial institution, or its agent or servicing company, shall perform a re-inspection of a premises subject to foreclosure proceedings at least once every 30 days following the initial inspection until such time as the property is no longer in default as a result of agreement with the owner, or is sold at a sheriff's sale or is otherwise lawfully conveyed to a new owner. One or more photographs shall be taken at each re-inspection and shall be dated and preserved in the same manner as is required upon initial inspection.

- 2) Registration of Vacant Property
 - a) If, upon inspection of property required by Section 1333.03, it should be determined that the property is abandoned, the bank, lender, other financial institution or its responsible agent or servicing company, shall register the property in the name of the lien holder with the City on a form prescribed by the City that includes, but is not limited to, information identifying the location of the property, the last known owner or owners of the property, the date foreclosure proceedings were commenced and the docket number of the foreclosure action, a description of the external condition of the property and whether there is an accessible structure on the property. Registration information shall identify the agent or servicing company, if any, that is authorized by the lien holder to enter upon the property and to conduct repairs or maintenance as required in Section 1333.05.
 - b) Registration of abandoned property shall be made within 5 working days of inspection. The fee for registration of abandoned property is \$75.00. If it should appear that the registration is filed 6 or more days after the inspection, an additional late fee of \$25.00 will be charged. The registration shall be valid from the date the registration form is completed and filed with the City if the registration fee is received by the City within 7 days of receipt of the registration form. If the registration fee is not received within 7 days of receipt of the registration form, an additional late fee of \$25.00 will be charged.
 - c) The registration will be dissolved and considered void upon receipt by the City of written evidence of a sale in foreclosure, redemption of the property by the lien holder or other transfer of the lien holder's interest.

3) Registrant Duties

- a) The property maintenance duties of a registrant are limited to the following:
 - i) Assuring that there are no accessible structures on the premises.
 - ii) Assuring that there are no conditions upon the property presenting an immediate risk to health and safety of the public including removing or abating fire hazards, removing or containing potentially toxic materials and explosives, securing the perimeters of swimming pools, ponds or other bodies of water, and maintaining public walkways and thoroughfares free from ice, snow, mud and other debris consistent with the requirements of subsection (c) hereof.
- b) A registrant shall include a statement in the registration form identifying any action taken or planned to be taken to comply with the requirements of subsection (a) hereof. From and after registration of the abandoned property, or from and after the time that registration is required to be made, and until the abandoned property has been sold at a sheriff's foreclosure sale or has otherwise been legally conveyed to a new owner, the City may make a finding that the conditions of the premises constitute an immediate threat to the health, safety and welfare of the public and, upon such finding, may issue a written order to the registrant to abate the condition. If the registrant, or party with a duty to register, fails to comply with the order of the City within 10 days, the City may enter and abate said nuisance and the cost thereof shall be certified to the County Auditor for collection in the same manner as other taxes and assessments are collected. This remedy is in addition to other penalties and/or remedies available to the City.
- c) The minimum requirements of a registrant, or party with a duty to register, for preservation and protection of premises, absent a specific order of the City to abate a condition of the premises, shall be consistent with the rules, regulations and other requirements published by the Federal Housing Administration (FHA) of the United States Department of Housing and Urban Development for the preservation and protection of single-family properties secured by FHA loans as those requirements may be amended by FHA mortgagee letters or otherwise, and as applied by the FHA to the State of Ohio including guidelines related to winterization and heating systems. Under these guidelines, debris removal shall be deemed to include snow and ice removal, and the elimination of weeds and other plant growths. The City may require a registrant, or party with a duty to register, to repay the Department the reasonable costs incurred by the Department related to abatement of conditions that are subject to FHA guidelines identified in this paragraph or which are subject to an order under subsection (b) hereof and threaten the health, welfare and safety of the public.
- d) A registrant shall maintain written records, including photographs, of any re-inspection required herein that identifies any change in condition of the abandoned real property requiring correction under subsections (a) and (b) hereof, and identifying actions taken or planned to assure compliance. Written records of re-inspection shall be made available to the City or City's designee upon request.

- e) A registrant, or registrant's agent or servicing company, shall provide notice to the City in a manner to be prescribed by the City, within 15 working days, of any agreement executed by the lawful owner with the party or parties asserting a mortgage lien interest curing or otherwise forgiving default of the mortgage lien, or within 15 days of a sheriff's sale in foreclosure or other sale or lawful conveyance of the abandoned property, and declaring that registrant is no longer responsible for inspection of the registered property or for securing or maintaining the property. If the foreclosing entity purchases the subject property at Sheriff's Sale or otherwise, its duties as specified in Sections 1333.03 through 1333.05 shall remain unaffected until such time as the foreclosing entity lawfully conveys the property to another. Upon receipt of the notice required in this paragraph, the City shall dissolve the registration.
- 4) Appeals
- a) Any person aggrieved by any of the requirements of this Chapter may appeal insofar as such appeal is allowed under Chapter 1309.
- 5) Penalty
- a) Failure to Inspect. Any person, firm, bank, lender, financial institution or an agent or servicing company that fails its duty to inspect or re-inspect property as required herein shall, upon conviction, forfeit not less than \$250 nor more than \$1,000, together with the cost of the action, and in default of payment thereof may be imprisoned for not less than 10 days nor more than 40 days.
- b) Failure to Register. Any person, firm, bank, lender, financial institution or an agent or servicing company that fails its duty to register abandoned property as required hereunder shall, upon conviction, forfeit not less than \$500 nor more than \$2,000, together with the cost of the action, and in default of payment thereof may be imprisoned for not less than 20 days nor more than 80 days.
- c) Failure to Secure and Maintain. Any person, firm, bank, lender, financial institution or an agent or servicing company having a duty to register abandoned property that fails its duty to secure and maintain the property as required hereunder shall, upon conviction, forfeit not less than \$350 nor more than \$1,500, together with the cost of the action, and in default of payment thereof may be imprisoned for not less than 14 days nor more than 60 days.
- d) Failure to Maintain Records or Provide Written Notice. Any person, firm, bank, lender, financial institution or responsible agent or servicing company that fails to maintain records as required hereunder or to provide the notices required hereunder shall, upon conviction, forfeit not less than \$100 nor more than \$500, together with the cost of the action, and in default of payment thereof may be imprisoned for not less than 4 days nor more than 20 days.



DEVELOPMENT DEPARTMENT
PO Box 280
Clayton, OH 45315
P:(937) 836-3500 F:(937) 836-6773

Date Received: _____ Inspection Date: _____ Reviewed By: _____
Filing Fee \$ _____ Cash Credit Card Check# _____
(Fee: \$75.00 within 5-working days of inspection) / (Add'l Late Fee: \$25.00 if filed later than 5-working days of inspection)

Vacant Property (Residential/Commercial) Registration

Property Owner: _____ Phone: _____

Mailing Address: _____

Email Address: _____

Agent: _____ Phone: _____
(Responsible for Maintenance/Repairs)

Mailing Address: _____

Email Address: _____

Property Address: _____

Parcel ID#: _____ Foreclosed Date: _____ Docket #: _____

Existing Structures:
Principal Structure [Residential Commercial] - Approx. Size: _____
 Accessory Building/Shed - Approx. Size: _____ Deck/Patio - Approx. Size: _____
 Swimming Pool - Approx. Size: _____ Sign - Approx. Size: _____
Other: _____

Describe Existing Conditions: _____

I hereby authorize and grant to the City of Clayton Officials and employees the right to come onto the above described property for the purpose of inspecting and evaluating the premises regarding this application. I further release said City employees and officials from any and all liability during said inspection and related matters.

I swear that the above information and attached exhibits, to my knowledge, are true and correct. I understand that if the information on this application is not correct or complete, the result may be the invalidation of the approval and all subsequent permits issued in conjunction with this approval.

Property Owner or Agent Signature

Date

**All fields must be completed, and fee paid for registration to be accepted.*

***Note: This registration will be dissolved and considered void upon receipt by the city of written evidence of a sale in foreclosure, redemption of the property by the lien holder or the transfer of the lien holder's interest.*