

CHAPTER 801

Housing

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CROSS REFERENCES

Duty of owner, etc. to repair – see ORC 3703.08
Electrical service requirements – see National Electrical Code
Enforcement by Board re: sewage systems – see OAC 3701-29-06
Enforcement of orders of Board of Health – see ORC 3707.02, 3707.48, 3707.49, & 3707.99(C)
General provisions – see EHC 100
Landlord and tenant – see ORC 5321
Lead Removal – see EHC 803, ORC 3742
Means of egress - see OAC 4101
Private water systems – see EHC 200
Powers of Board of Health re: unfit dwellings – see ORC 3707.01
Powers of Board of Health, re: ventilation – see ORC 3707.01
Right of entry, generally – see EHC 100.03
Venting of heaters and burners – see ORC 3701.82

EHC Environmental Health Code **ORC** Ohio Revised Code **OAC** Ohio Administrative Code

801.01 DEFINITIONS

As used in the following Sections, the following words, phrases and clauses, unless otherwise provided or contextually defined, are defined as:

- (a) “Alter” or “Alteration” means any change or modification in construction or occupancy.
- (b) “Approved” means approved by the Board.

- (c) “Attractive Nuisance” means a condition that can attract and be detrimental to the health or safety of children whether it is a building on the property of a building or upon an unoccupied lot. This includes, but is not limited to: abandoned buildings, abandoned wells, shafts, basements, excavations, abandoned freezers, refrigerators, swimming pools, motor vehicles, any structurally unsound fences or structures, lumber, trash, debris, or that may prove hazardous .
- (d) “Basement” means that portion of a building which is partly underground and which has one-half or more of its ceiling height above ground level.
- (e) “Bathroom” means a non-habitable room containing plumbing fixtures including any or all of the following; a toilet, a sink, a bathtub and/or a shower.
- (f) “Board” or “Board of Health” means Summit County Combined General Health District dba Summit County Public Health or its authorized representative including the Health Commissioner, Environmental Health Director, Environmental Health Manager, Environmental Health Supervisor, Sanitarians, Public Health Nurse, and any other authorized employee or agent.
- (g) “Building” means a fixed construction with walls, a foundation and a roof built for the support, shelter or enclosure of persons, animals, chattels or property of any kind, together with its property. This can be a house, factory, garage or other structure. The term shall be construed as if followed by the words “or part thereof”..
- (h) “Cellar” means the portion of a building wholly below, or with less than half of its ceiling height above ground level.
- (i) “Disposal” means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or onto any land or water so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.
- (j) “Dwelling” means any space or spaces used for residential purposes, for some or all of the following: living, sleeping, cooking, and eating. The term ‘dwelling’ shall also include industrialized housing and modular construction, or any other residential structure, which conforms to nationally accepted industry standards. The term ‘dwelling’ shall also include all interior passageways, hallways, foyers, stairways, basements and other rooms used or intended for use by the occupants. Whenever the word “dwelling” is used, it shall be construed as though followed by the words “or any part thereof”.

- (k) “Egress” or “Means of Egress” means an arrangement of exit facilities to assure a safe means of exit from a building or structure. If above or below the ground level of a building, the egress must provide safe passage to ground level.
- (l) “Extermination” means the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating or trapping; or by any other recognized and legal pest elimination methods approved by the Board.
- (m) “Exterior Wall” means any wall, bearing or non-bearing, which is used as an enclosing wall for a building, but is not necessarily suitable for use as a common wall or firewall.
- (n) “Fire Code” means the adopted fire code for the individual municipality, township or other governmental entity.
- (o) “Foundation” means a wall below the first floor extending below the adjacent ground level and serving as a support for a wall, pier, column, or other structural part of a building.
- (p) “Garbage” means the animal and vegetable waste resulting from the handling, preparation, cooking, serving and non-consumption of food.
- (q) “Hazardous Waste” means solid waste or a combination of solid waste, which, because of its quantity, concentration or physical, chemical or infectious characteristics may (1) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or (2) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed; or meets the definition of OAC 3745-51-03.
- (r) “Heated Water” means water that is heated to a minimum temperature of 120 degrees Fahrenheit at the outlet.
- (s) “Infestation” means the presence, within or around a dwelling, of a large number of any insects, rodents or pests so as to increase the likelihood of causing disease, increasing health risks, or causing damage.
- (t) “Kitchen” means a space that is used for the cooking or preparation of food.

- (u) “Let” means to permit, provide or offer possession of a dwelling(s), building, structure or property by a person or entity who is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of the land to another individual or entity for a fee.
- (v) “Mail” means the delivery of a notice or other communication by regular, certified, registered or first class mail, whether requiring a signature or not or hand delivered to the residence. If the recipient has agreed to accept delivery of notification by email or fax, delivery by that method satisfies the mailing requirement.
- (w) “Maintenance” means conformance of a building and its facilities to the code under which the building was constructed or the regular and required upkeep to a building and its facilities to ensure habitability.
- (x) “Mold” means any microscopic organisms or fungi that can grow in damp conditions.
- (y) “Multiple Dwelling” means any structure containing more than two dwellings.
- (z) “Nuisance” means one or more of the following: 1) any public health nuisance; 2) any attractive nuisance; 3) physical conditions dangerous to human life or detrimental to health; or 4) unsanitary conditions or anything offensive to the senses or dangerous to health.
- (aa) “Occupant” means any person living, sleeping, cooking, or eating in, or having actual possession of a dwelling, excluding guests as defined above.
- (bb) “Operator” means any person who, alone or jointly or severally with others, has charge, care or control of any property, or part thereof, in which there are one or more dwellings whether as owner, manager, agent of the owner, or due to conduct that demonstrates the person’s position of responsibility concerning the dwelling.
- (cc) “Owner” means any person, agent, firm or corporation having a legal or equitable interest in the property.
- (dd) “Pest” means any mammals, birds, insects, rodents or reptiles, which may be a potential vector for human diseases or presents a public health threat.
- (ee) “Plumbing fixture” means a receptacle or device which is either permanently or temporarily connected to the water distribution system of the property and demands a

- (ff) supply align with food/septic definitions of water therefrom; or discharges used water, liquid borne waste materials, or sewage either directly or indirectly to the drainage system of the property; or which requires both a water supply connection and a discharge to the drainage system of the property.
- (gg) “Post, posting or posted” means the act of personally delivering a notice to a property, including affixing a notice to a property or personally delivering a notice to the owner, person in charge of the property, or occupier, at the property location. In the event of a vacant property, or conditions that make posting impractical, mailing a notice to the property owner at the last known address as listed with the County Fiscal Officer’s Tax Assessor Office using certified mailing with return receipt satisfies the posting requirement.
- (hh) “Potable water” means water that is safe to drink or to use for food consumption and must come from an approved source such as the Ohio EPA or Board of Health.
- (ii) “Privacy” means an area or room, which may be closed off from the other rooms with a solid door with a locking device thereon.
- (jj) “Property” means all lands, including all structures, improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith.
- (kk) “Public area” means an unoccupied space adjoining a building and on the same property that may be accessed and utilized by all residents of a multi-family dwelling. This may include, but is not limited to lobbies, courtyards, and vestibules.
- (ll) “Public health nuisance” means environmental situations, which have the potential to cause the spread of disease.
- (mm) “Rental housing” means all dwelling or dwellings let by the owner to one or more persons to be used as a regular residence.
- (nn) “Rodents” include, but are not limited to mice, rats or squirrels.
- (nn) “Rubbish” means combustible and noncombustible waste materials, except garbage, including the residue from the burning of wood, coal, coke, and other combustible material, paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, plastics, dust and other like materials.

- (oo) Sanitation facilities” refers to the toilet, sink, shower or bathtub.
- (pp) “Stairway” means one or more flights of stairs and the necessary landings or platforms connecting them to for a continuous and uninterrupted passage from one story to another in a building or structure.
- (qq) “Supplied” means anything that is paid for, furnished, or under the control of, the owner or operator.
- (rr) “Unfit for human habitation” means any dwelling found to be unsafe or unhealthy for people to live in.
- (ss) “Vacated” means that, subsequent to a finding that the dwelling has been deemed unfit for human habitation, all occupants of said dwelling must be removed until the dwelling has been remediated.
- (tt) “Ventilation” means the adequate supply and removal of air to and from a space through windows, skylights, doors, grilles, ducts, or mechanical devices.
- (uu) “Violation” means any condition that is in or on the property of a rented, owned, or vacant dwelling which fails to meet any requirement of this Housing Code.

801.02 GENERAL PROVISIONS

- (a) Compliance required for occupancy or lease
 - (1) No person shall occupy as an owner or occupant, or let to another for occupancy, any dwelling or dwellings, for the purposes of living, sleeping, cooking or eating therein, which does not comply with the requirements of this chapter.

801.03 ADMINISTRATION, ENFORCEMENT AND PENALTIES

- (a) Notice of Violations
 - (1) Whenever the Board determines that any housing, or the property surrounding it, fails to meet the requirements set forth in this Housing Code or in applicable rules and regulations issued pursuant thereto, a notice shall be

- (2) issued setting forth the alleged failures and advising the owner, occupant, operator, or agent that such failures must be corrected. This notice shall:
 - (a) Be in writing;
 - (b) Include a list of violations, refer to the section violated, and order remedial action which will achieve compliance with the provisions of this code;
 - (c) Describe the dwelling(s), where the violations exist or have been committed using the parcel number or address of the property;
 - (d) Specify a reasonable time frame for the correction of any violation alleged; and
 - (e) Be served upon the owner, occupant, operator, or agent of the rental housing by one of the following methods:
 - (i) Personally
 - (ii) Posted in a conspicuous location on the property affected and/or;
 - (iii) Regular mail
 - (iv) By certified mail, return receipt requested, addressed to the last known place of residence of the owner, occupant, operator or agent. If returned undelivered, then another method must be attempted.
- (b) Designation of dwellings, units, and rooms as unfit for human habitation
 - (1) Any dwelling shall be designated as unfit for human habitation when any of the following defects or conditions are found, and when, in the judgment of the Board, such defect or condition creates a hazard to the health, safety or welfare of the occupants or to the public:
 - (a) Damage, decay, dilapidation, unsanitary or unsafe condition or pest infestation;
 - (b) Lack of required functional sanitation facilities; or
 - (c) The general condition is unsanitary, unsafe or unhealthy
 - (d) Lack of proper utilities including heat source, electricity, or potable water
 - (2) Whenever any dwelling has been designated by the Board as unfit for human habitation, the Board shall placard the dwelling indicating that it is unfit for human habitation and, if occupied, shall order it to be vacated within a reasonable time.
 - (3) Any dwelling which has been designated as unfit for human habitation, has been placarded as such and vacated shall not be used again for human

- (4) habitation until written approval has been secured from the Board and the placard removed with approval from the Board.
- (5) No person shall deface or remove the placard from any dwelling(s) which has been designated as unfit for human habitation and placarded as such.
- (6) The Board shall rescind the designation as unfit for human habitation and remove the placard when the defect or condition upon which such designation and placarding was based has been removed or eliminated, via appropriate methods, including utilization of workmanlike practices by licensed tradesmen and verified by permit inspectors as necessary, and the dwelling is deemed by the Board as a safe, sanitary, and fit place or unit for human habitation.

(c) Emergencies

- (1) Whenever, in the judgment of the Board, an emergency exists which requires immediate action to protect the public health, safety, or welfare, an order may be issued in accordance with R.C. 3707.01 or any other applicable section of this code and the Board shall proceed in accordance therewith.

(d) General code penalty

- (1) Whoever violates or fails to comply with any of the provisions of this Environmental Health Code shall be in violation of ORC 3707.48, 3707.01, 3707.02, 3709.20, 3709.21, 3709.22, and may be subject to the penalties provided in ORC, 3707.02, 3707.021, 3709.211, 3707.99 and 3709.99.

801.04 INSPECTIONS

(a) Authority to inspect dwellings

- (1) The Board may enter and inspect at any reasonable time all dwellings subject to the provisions of this Housing Code for the purpose of determining compliance with these provisions.

(b) Authority to inspect property

- (1) The Board may inspect the property surrounding dwellings subject to this Housing Code for the purpose of determining compliance with these provisions.

- (c) Right of entry and access
 - (1) The owner, occupant or other person in charge of a dwelling, upon presentation of proper identification by the Board, shall give the Board entry and free access to every part of the dwelling or to the property surrounding any of these.
 - (2) If an owner, occupant or other person in charge of a dwelling fails or refuses to permit free access and entry to the structure or property under their control, or any part thereof, with respect to which an inspection authorized by this Housing Code is sought to be made, the Board may, upon a showing that probable cause exists for the inspection and for the issuance of an order directing compliance with the inspection requirements of this chapter with respect to such dwelling petition and obtain such an order from a court of competent jurisdiction.
 - (3) When required, the Board shall obtain a warrant to inspect a dwelling for violations related to this Housing Code.

801.05 RESPONSIBILITIES OF OWNERS AND OCCUPANTS

- (a) Condition of let properties
 - (1) No owner shall occupy or let to another person any dwelling unless it and the property is clean, sanitary, fit for human occupancy in accordance with all applicable requirements of state law and the regulations of the Board.
- (b) Maintenance of shared or public areas
 - (1) Every owner of a dwelling containing two or more dwellings shall maintain in a clean and sanitary condition the common areas of the dwellings and property thereof to avoid nuisances.
- (c) Maintenance of areas occupied and controlled
 - (1) Every occupant of a dwelling shall maintain in a clean and sanitary condition that part or those parts of the dwelling and property thereof that they occupy and control to avoid nuisances.
- (d) Facilities and containers for storage and disposal of garbage and rubbish

- (1) Every owner of a multiple dwelling, containing three or more dwellings shall supply sufficient external receptacles for the temporary storage of garbage and rubbish until collection and removal.
 - (2) In the case of single or two-family dwellings, it shall be the responsibility of each occupant to furnish receptacles for temporary storage of garbage and rubbish.
 - (3) The external receptacles for all garbage and rubbish must be free of any leaks, have close-fitting lids, clean, and pest-proof.
 - (4) The area for the storage of all garbage and rubbish containers must be kept in a clean and sanitary condition.
 - (5) The total capacity of all provided garbage or rubbish containers shall be sufficient to meet the needs of the occupants of the dwelling.
 - (6) It is the owner of the multiple dwelling of three or more dwellings responsibility to coordinate for timely and adequate garbage and/or rubbish removal from the property.
- (e) Extermination of insects and pests
- (1) The owner of a dwelling shall maintain the structure in a way that keeps it free from insect, rodent, and pest infestation.
 - (2) Every dwelling, multiple dwelling, or accessory structure and the property on which they are located shall be maintained in a way to prevent rat and rodent infestation.
 - (3) For a multiple dwelling of three or more dwellings, a pest management professional with a certification or license must develop and integrate an Integrated Pest Management plan.
 - (4) A licensed pest control operator must be used to eliminate pest infestations.
 - (5) Documentation from a license pest control operator shall be provided on request after treatment.
- (f) General storage nuisances
- (1) No owner or occupant of any dwelling may allow the accumulation of any items within or outside the dwelling that may have a negative impact on the health or safety of the occupants or neighbors or create a nuisance.
- (g) Provision of required services

- (1) The owner of any dwelling shall provide access to electricity, potable water, and natural gas if natural gas is available.
 - (2) No owner, operator, or occupant shall cause any service, facility, equipment, or utility, which is required by this Housing Code, to be removed or shut off from, or discontinued for, any occupied dwelling let or occupied, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies when discontinuance of service is approved by the Board.
 - (a) If there is to be a planned interruption in service for more than 12 hours, the owner or operator must provide the occupant, in writing, notice of the date and times of such interruption at least three working days prior to the interruption.
 - (b) If the interruption is to be more than 24 hours, alternative delivery of the required services and facilities, in a manner approved by the Board, must be provided to the occupant.
 - (c) If the interruption is an emergency situation, as determined by the Board, these requirements do not apply.
- (h) Animal wastes
- (1) The owner or person having immediate control of an animal shall promptly remove and dispose of in a sanitary manner, any excreta left or deposited by the animal to avoid a nuisance.
 - (2) All pens, yards, structures or areas where animals are kept shall be maintained in a nuisance-free manner. Droppings and manure shall be removed regularly and disposed of properly in the garbage so as not to attract insects or rodents, cause a nuisance, or cause objectionable odors.
- (i) Hazardous wastes
- (1) No occupant or owner shall store or keep home hazardous waste in a manner that can be potentially dangerous to both the environment and personal health.
 - (2) Storage containers of hazardous waste shall be kept clean and free of any leaks or spillage.
- (j) Lead hazards
- (1) No occupant or owner shall deposit, cause to be deposited, maintain, or otherwise create a dust-lead hazard or soil-lead hazard at a premises of any dwelling, dwelling unit, outbuilding or child care facility.

- (2) Removal of lead must be in accordance with EH Code 803 and ORC 3742.

801.06 STANDARDS FOR BASIC EQUIPMENT AND FACILITIES

(a) Structural components

(1) The owner of a dwelling:

- (a) Shall provide windows and doors that are safe, sound, reasonably weather tight, have the ability to lock, be waterproof, and rodent and pest proof.
 - (i) All windows used or intended to be used for ventilation, all other openings, and all exterior doorways which might provide an entry for rodents or pests, shall be supplied with adequate screens or other such devices as will effectively prevent the entrance of pests into the structure.
- (b) Shall maintain the foundation, walls, ceilings, and roof in a manner that is safe, sound, reasonably weather tight and rodent and pest proof.
 - (i) If excessive dampness exists, corrective measures shall be required to relieve this dampness.
 - (ii) If any mold growth is seen inside a structure due to excessive dampness, corrective measures shall be required to remediate this mold growth or any structural damage.
- (c) Shall provide and maintain gutters and downspouts in good working order to provide proper drainage of stormwater in order to not create a nuisance.
- (d) Shall provide either sewage or household sewage treatment systems in accordance with OAC 3701-29-06.

(b) Facilities and equipment to be provided

(1) Each dwelling shall have:

- (a) A kitchen area consisting of:
 - (i) Sufficient connections for the operation of kitchen appliances, such as, but not limited to: a stove, an oven, a refrigerator, a microwave, and/or a freezer.
 - (ii) Cabinets, countertops and drawers shall be in sufficient quantity and in a condition that the occupants can store their food safely. All equipment shall be constructed and maintained in such a manner that it can be cleaned.

- (iii) A sink in good, working order which provides adequate flow of heated and unheated water under pressure such that the faucets operate properly and is connected to an approved sewerage system or household sewage treatment system.
 - (iv) Adequate flooring that is reasonably impervious to water and which permits such floor to be easily kept in a clean and sanitary condition.
- (b) A bathroom area consisting of:
- (i) A flush toilet in good working condition, that is easily cleanable, and is connected to both a water system that provides an adequate amount of running water to operate and an approved sewerage system or household sewage treatment system for removal of waste.
 - (ii) A lavatory sink in good working condition, that is easily cleanable and is connected to a water supply system that provides an adequate flow of heated and unheated water under pressure such that the faucets operate properly and is an approved sewerage system or household sewage treatment system.
 - (iii) A bathtub or shower in good working condition, that is easily cleanable and is connected to a water supply system that provides an adequate flow of heated and unheated water under pressure such that the faucets operate properly and is an approved sewerage system or household sewage treatment system.
 - (iv) Adequate flooring that is reasonably impervious to water and to permit such floor to be easily kept in a clean and sanitary condition.
- (c) A heating system capable of maintaining a temperature of at least sixty-eight degrees Fahrenheit (68 degrees F) shall be maintained in all habitable rooms, the bathroom, and the toilet compartments.
- (i) All heating systems must be vented to the outside of the structure in an approved manner in accordance with local building standards. These heating systems must be supplied with sufficient air to continuously support the combustion of the fuel, wood, or other approved heating sources. All heating devices shall be maintained and operated in such a manner as to minimize accidental burns.

- (ii) in certain situations, there may be a need to provide alternative temporary heating systems for the safety of the occupants. These systems may not be used for more than three consecutive days. If there is a need for an alternate temporary heating system to be used for a longer time period, the owner must submit documentation to the Board for approval of the time extension.
- (d) A system for providing an adequate amount of water that is heated to a minimum of one hundred twenty degrees Fahrenheit (120⁰ F) must be provided and maintained in good working order.
 - (i) In certain situations, there may be a need to provide alternative temporary water heating systems for the use of the occupants. These systems may not be used for more than three consecutive days. If there is a need for an alternate temporary water heating system to be used for a longer time period, the owner must submit documentation to the Board for approval of the time extension.
- (e) At least one smoke detector per floor of living space or the minimum required by local fire codes and at least one carbon monoxide detector per dwelling.
 - (i) The owner is responsible for maintaining and testing the equipment in common areas.
 - (ii) The occupant is responsible for maintaining and testing the equipment in areas under their control.
- (f) Access to ingress and egress.
 - (i) Access to an egress from each dwelling shall be provided without passing through any other dwelling. The method of entering or exiting the dwelling shall not be blocked nor shall individuals be impeded from entering or exiting the building by accumulations of any materials.
 - (ii) Access doors to a dwelling shall have secure functioning locks to insure privacy.
 - (iii) Every dwelling shall have egresses in accordance with OAC Chapter 4101.
 - (iv) Any dwelling located in a basement must have a means of egress as approved by ORC 4101-1-10-01.
- (g) Windows and skylights for ventilation
 - (i) Every habitable room, regardless of use for that room, shall have at least one window or skylight facing directly

- (ii) outdoors which can be opened easily or such other device as will light and ventilate the room adequately.
- (h) Minimum capacity of electrical facilities
 - (i) Permanent wiring must comply with the provisions of the National Electrical Code.
 - (ii) Temporary wiring must comply with the provisions of Article 590 of the National Electrical Code.
 - (iii) Every space in a dwelling; habitable, non-habitable, or common space shall contain at least one supplied ceiling or wall-type electric light fixture that provides at least 30 foot-candles of light measured at a distance of 30 inches above floor level.
 - (iv) All outlets and switches shall be maintained in such a manner as to prevent the danger of electrical shock.
 - (v) All switch plates or outlet covers must be in place and in good condition to prevent accidental electrical shock.
 - (vi) In bathrooms, kitchens and laundry rooms, Ground Fault Circuit Interrupter (GFCI) outlets must be installed when the outlet is less than six feet from a water source.

801.07 DENSITY, SPACE, USE, AND LOCATION REQUIREMENTS

- (a) Floor Space
 - (1) Every dwelling shall contain at least one hundred fifty square feet of floor space for the first occupant.
 - (2) Every dwelling shall provide at least one hundred additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the basis of total habitable room area.
- (b) Sleeping Areas
 - (1) In every dwelling of two or more rooms, every room occupied for sleeping purposes by one occupant shall contain at least seventy square feet of floor space.
 - (2) Every room occupied for sleeping purposes by more than one occupant shall contain at least fifty additional square feet of floor space for each additional occupant thereof.
- (c) Bathroom Access

- (1) No dwelling containing two or more sleeping rooms shall have the rooms arranged such that access to a bathroom or water closet compartment, intended for use by occupants of more than one sleeping room, can be had only by going through another sleeping room, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room, bathroom, or water closet compartment.

(d) Basements

- (1) Basement space, when occupied for living, shall meet all requirements of a dwelling.