

**CHAPTER 1331****Residential Rental Property Permits**

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**1331.01 FINDINGS, PURPOSE AND INTENT**

In adopting this Chapter, Berea City Council acknowledges that there has been an increase in the number of residential rental properties in the City which are both short-term and long-term in nature and that these rental properties have particular issues, concerns and problems that are not as prevalent with non-rental properties. These concerns include, but are not limited to, the safety of tenants and the quiet tranquility of the surrounding residential neighborhoods, both of which may be impaired by, among other things, building and life safety code violations as well as the significant increase in parking of motor vehicles. It is with these concerns in mind that Berea City Council now adopts this Chapter as an effort to help preserve the housing stock and ensure safe living conditions, adequate parking areas, upkeep of residential structures, to avoid overcrowding and to preserve the peace and tranquility of neighborhoods.

**1331.02 DEFINITIONS**

- (a) “Dwelling” means any building or portion thereof designed or used as the residence or sleeping place of one or more persons. A “dwelling” does not include a tent, trailer, hotel, motel or dormitory.
- (b) “Dwelling Unit” means one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family. A “dwelling unit” does not include mobile or manufactured homes but does include industrialized units.
- (c) “Hosting Platform” means a person or entity in whatever form or format that facilitates, through advertising or any other means, a short-term rental booking transaction for accommodations between a short-term rental host and short-term rental guest,

- (d) “Long Term Rental” means the lease of all or any portion of a dwelling for dwelling, lodging, sleeping or any other purpose generally associated with a dwelling for any period of thirty (30) consecutive days or more shall be considered a long-term rental.
- (e) “Multi-family dwelling” means a building used to exclusively to provide three or more dwelling units for occupancy by three or more families.
- (f) “Owner” means an individual(s), trust, corporation, or partnership that has legal title and control of a dwelling.
- (g) “Dwelling, Single Family” means a building exclusively to provide one dwelling unit for occupancy.
- (h) “Dwelling, Two-Family” means a building used exclusively to provide two dwelling units for occupancy by one family for each individual dwelling unit.
- (i) “Short Term Rental” means the lease of all or any portion of a dwelling for dwelling, lodging, sleeping or any other purpose generally associated with a dwelling for any period of less than thirty (30) consecutive days shall be considered a short term rental, whether such compensation is paid directly by the short term rental guest or is collected and remitted by a hosting platform.
- (j) “Short Term Rental Guest” means persons renting temporary lodging from a short-term rental host, or through a hosting platform on behalf of the short-term rental host, for less than thirty (30) consecutive days.
- (k) “Landlord” means the owner, lessor or sublessor of a premises, the agent of the owner, lessor or sublessor, or any person authorized by the owner, lessor or sublessor to manage the premises or to receive payment from a tenant.
- (l) “Tenant” means a person entitled under an agreement to the use and occupancy of a dwelling unit.
- (m) “Transient” means the occupant of a dwelling unit or sleeping unit for not more than thirty (30) consecutive days.

### **1331.03 PERMIT REQUIRED - LONG-TERM RENTAL PERMIT APPLICATION.**

- (a) Except in multi-family dwellings, no owner shall rent or lease any dwelling or dwelling unit as a long-term rental without first obtaining a Rental Permit.
- (b) Long-term Rental Permits shall be required annually for a period covering October 1 – September 30 of each year.
- (c) Applications for a Long-term Rental Permit shall be made by supplying information necessary to determine compliance with applicable laws, ordinances, rules and regulations for the existing use or occupancy or the intended use or occupancy.

(d) Any owner who does not reside in or have their principal place of business in Cuyahoga County or an adjacent county shall be required to designate a local agent, who shall be authorized to receive notification of complaints, damages, emergencies, substandard conditions or other communications, including service of process. A designated local agent shall reside in or have their principal place of business in Cuyahoga County or an adjacent county.

#### **1331.04 PERMIT REQUIRED - SHORT-TERM RENTAL PERMIT APPLICATION**

(a) Effective April 1, 2026, all dwellings and dwelling units, including those dwelling units in multi-family structures, to be used as short-term rental units are required to obtain a Short-term Rental Permit in accordance with this section, which shall be valid through September 30, 2026. The cost of the permit for the period of April 1, 2025 – September 30, 2026, shall be Thirty Dollars (\$30.00). Thereafter, owners of short-term rental dwellings and dwelling units shall obtain an annual Short-term Rental Permit for the period covering October 1 – September 30 of each year.

(b) Applications for a Short-term Rental Permit shall be made by supplying information necessary to determine compliance with applicable laws, ordinances, rules and regulations for the existing use or occupancy or the intended use or occupancy.

(d) Any owner who does not reside in or have their principal place of business in Cuyahoga County or an adjacent county shall be required to designate a local agent, who shall be authorized to receive notification of complaints, damages, emergencies, substandard conditions or other communications, including service of process. A designated local agent shall reside in or have their principal place of business in Cuyahoga County or an adjacent county.

#### **1331.05 LONG-TERM AND SHORT-TERM RENTAL PERMIT APPROVAL PROCESS**

(a) The City shall issue a short-term or long-term rental permit for a dwelling or dwelling unit if it finds all of the following:

- (1) The dwelling unit and property complies with the provisions of Part Thirteen of the Codified Ordinances of the City of Berea; and
- (2) The water bill for the dwelling unit is paid in full, as of the date of application; and
- (3) The property taxes for the property are current, as reported by the Fiscal Officer of Cuyahoga County; and
- (4) The Leasing Permit Application fee is paid in full; and
- (5) All of the information requested in the application has been provided; and
- (6) That the property was not declared a nuisance for any reason specified in Chapter at any time in the previous permitting period.

(7) Sufficient evidence that the property has been registered with the Cuyahoga County Fiscal Office, if applicable, in accordance with Ohio Revised Code 5323.02

(b) The City shall rely on information provided by the applicant and in public records when determining whether the application for a Leasing Permit should be approved.

#### **1331.06 FEES**

(a) Except as otherwise designated in 1331.04(a), a non-refundable permit fee of Sixty Dollars (\$60.00) shall be paid upon submission of any Rental Permit Application.

(b) Effective October 1, 2026, rental permit application fees not paid by October 1 shall be subject to an additional \$60 late-fee.

#### **1331.07 DENIAL OF SHORT-TERM OR LONG-TERM RENTAL PERMIT - APPEAL**

(a) An applicant who has been denied a short-term or long-term rental permit for any of the reasons stated in subsection 1331.06(a), may within ten (10) calendar days of mailing a notice of denial, request that the Director of Public Safety or her designee reconsider the permit application. The Director of Public Safety or her designee shall review and reconsider the permit application and send a written decision, by regular mail, within seven (7) business days.

(b) Any applicant who has been adversely affected by a decision of the Director of Public Safety or her designee, may seek further appeal to the Municipal Planning Commission in accordance with the procedure set forth in Chapter 103 of the Zoning Code of the City of Berea.

#### **1331.08 REVOCATION OF LONG-TERM OR SHORT-TERM RENTAL PERMIT – APPEAL – REINSTATEMENT FEE**

(a) A Leasing Permit may be revoked for any false statement made by the applicant in connection with the issuance of such permit, or for substantial noncompliance with any requirement set forth in Part 13 of the Codified Ordinances of the City of Berea. An applicant may request that the permit revocation be reconsidered by the Director of Public Safety or her designee within ten (10) calendar days of receipt of notice of a permit revocation. The Director of Public Safety or her designee shall review and reconsider the circumstances leading to the revocation and send a written decision, by regular mail, within seven (7) business days.

(b) Any applicant who has been adversely affected by a decision of the Director of Public Safety or her designee, may seek further appeal to the Municipal Planning Commission in accordance with the procedure contained in Chapter 103 of the Zoning Code of the City of Berea.

(c) A fee of One-Hundred Dollars (\$100.00) shall be paid before any revoked long-term or short-term rental permit is reinstated.

### **1331.09 NUISANCE CONDITIONS AT RENTAL PROPERTIES PROHIBITED - PROCEDURES**

(a) The following activities occurring on any privately-owned lot that is subject to Chapter 1331, or within 30 feet from the property line of same, and engaged in by an owner, occupant, tenant, guest or invitee of one lawfully residing or occupying the premises or establishment on the subject lot, are hereby declared to be nuisances:

- (1) Any act that would constitute a violation of any section of Part Nine "General Offense" of the Codified Ordinances of the City of Berea, or any similar Ohio Revised Code provision, except any act that would constitute an offense against a family member in violation of a provision of Chapter 937 of the Codified Ordinances of the City of Berea or Chapter 2919 of the Ohio Revised Code or a person in a dating relationship, as defined in Section 3113.31 of the Revised Code;
- (2) Any act that would constitute a violation of Chapter 321 of the Codified Ordinances of the City of Berea, Garbage and Rubbish or similar Ohio Revised Code provision;
- (3) Any act that would constitute a violation of Chapter 327 of the Codified Ordinances of the City of Berea, Trees and Weeds or similar Ohio Revised Code provision;
- (4) Any act that would constitute a violation of Chapter 751.02(a), 751.02(b), 751.02(s), 751.02(t) and Chapter 751.04 of the Codified Ordinances of the City of Berea, Parking Generally or similar Ohio Revised Code provision;
- (5) Any act that would constitute a violation of Chapter 1329 of the Building Code of the City of Berea, Exterior Maintenance or similar Ohio Revised Code provision;
- (6) Any act that would constitute a felony under the Ohio Revised Code except any act that would constitute an offense against a family member in violation of any provision of Chapter 2919 of the Ohio Revised Code or a person in a dating relationship, as defined in Section 3113.31.
- (7) Any act that would constitute a violation of Chapter 1519 of the Codified Ordinances of the City of Berea, Fireworks.

(b) The Director of Public Safety or a designee, upon finding that one or more nuisance activities declared in subsection (a) herein above have occurred within thirty (30) feet of any property line of the same premises, may cause a written warning letter to be sent via regular mail to the last known address of the property owner declaring that such property may be declared a nuisance property upon continued violations. A copy of the warning letter shall also be sent via regular mail to the subject property addressed to the occupant(s).

(c) The Director of Public Safety or a designee, upon finding that two (2) or more nuisance activities declared in subsection (a) above have occurred within the twenty-four (24) month period immediately preceding the second nuisance activity, at or within thirty (30) feet of any property line of the subject premises, shall cause written notice and order to be sent via regular mail to the last known address of the property owner declaring that such property may be subject to the nuisance law upon a third or subsequent offense. A copy of the notice and order shall also be sent by regular mail to the subject property, addressed to the occupant(s).

(d) The notice and order shall set forth the nature of the nuisance(s), the estimated cost to abate any future nuisance(s), and state that the owner may avoid being charged the cost of abatement by the City by taking steps to prevent any further nuisance activity. The notice and order shall also state that if a third or subsequent nuisance activities occurs within twenty-four (24) months of the date of the first nuisance activity, the City may abate the nuisance by responding to the activities using administrative and law enforcement actions, and the costs of such abatement shall be assessed to the nuisance property.

(e) If within twenty-four (24) months after the occurrence of the first of the two previous nuisance conditions, a third or subsequent nuisance activity occurs, the City may declare the property a criminal nuisance and abate the nuisance by responding to the activity using administrative and law enforcement actions, with the cost calculated as set forth in subsection (d) of this section. The cost of such abatement may be assessed on the nuisance property, and notice to the owner of the nuisance property of the City's intent to assess the costs of abatement against the owner's property at least thirty (30) days before such costs are certified to the County for assessment against the property, and such notice shall contain a description of the nuisance activity that is the basis for the notice of intent to assess the property, and the cost to abate. Notice shall be sent by regular mail to the last known address of the property owner and posted on the subject property.

(f) Costs of Abatement shall be based upon the hourly wage of each City employee involved in the enforcement and abatement of the nuisance activity, plus 75%, to recoup the costs of fuel, materials, vehicle and equipment depreciation and other related expenses, multiplied by the number of hours expended by City employees required to abate the nuisance plus the additional direct cost to the City if abatement activities were performed by an outside contractor. The minimum cost of abatement shall be seven hundred fifty dollars (\$750.00) per incident. Any portion of time less than one hour shall be rounded up to the next whole hour.

(e) Appeal of Nuisance Condition to the Municipal Planning Commission

(1) Any applicant who has been adversely affected by a decision of the Director of Public Safety may seek further appeal to the Municipal Planning Commission in accordance with the procedure contained in Chapter 103 of the Zoning Code of the City of Berea. Any such appeal shall not stay any actions by the City to abate the nuisance activity.

(2) The Planning Commission may consider testimony of city officials, owners and agents of the leased property, neighbors impacted by the conduct of the parties, tenants, witnesses and other interested parties.

(3) The City must demonstrate by a preponderance of the evidence the existence of each violation that is subject to the appeal and that the declaration of the property as a nuisance property or of the intent of the City to assess the property for abatement costs, whichever is applicable, is justified.

(4) The City shall be deemed to have failed to meet this standard if the owner demonstrates by a preponderance of evidence that:

- i. He or she was not the owner at the time of any of the nuisance activity that is the basis of the notice; or
- ii. He or she had knowledge of the nuisance activity, but has promptly and vigorously taken all actions necessary to abate each nuisance including, without limitation, compliance with the requirements of Ohio Revised Code Sections 5321.17(C) and 5321.04(A)(9); or
- iii. He or she had no knowledge of the nuisance activity and could not, with reasonable care and diligence, have known of the nuisance activity, and upon receipt of the notice that the property is or may be designated as a nuisance property, he or she promptly took all actions necessary to abate the nuisance including, without limitation, compliance with the requirements of Ohio Revised Code Sections 5321.17(C) and 5321.04(A)(9).

5. The Planning Commission may:

- i. Find that the City failed to demonstrate that the conditions subject to the appeal constitute a nuisance or that the owner proved by a preponderance of evidence one of the factors listed in subsection (c) above, and rescind the declaration and notice;
- ii. Affirm or modify the declaration and notice;
- iii. Affirm, modify or dismiss the assessment of costs to abate or respond to the nuisance conditions.
- iv. Approve, revoke or reinstate a leasing permit

#### **1331.10 CONFLICT AND OTHER REMEDIES.**

(a) In the event of conflict between any provisions of this Chapter, and any other provisions of the Ordinances of the City, the more restrictive provisions shall prevail.

(b) The declaration of a nuisance property, an order to abate a nuisance, or the assessment of costs by the City on a property, do not affect or limit the City's right or authority to bring criminal prosecution

or other legal action against any person for violation of the City's ordinances. The remedies provided in this chapter are cumulative and do not restrict or limit any other civil remedy or criminal penalty provided for elsewhere in the Codified Ordinances of the City of Berea or the Ohio Revised Code.

#### **1331.11 NOTICE TO TENANTS.**

(a) The City shall provide information on its website to tenants, including but not limited to, their rights and obligations pursuant to Chapter 5321 of the Ohio Revised Code, the City's Exterior Property Maintenance Code and the nuisance provisions of this Chapter.

(b) If a dwelling is used as a short-term rental unit, the owner shall be required to post in a conspicuous manner, such as on a front window or front door, a summary of local parking, trash, noise and any other relevant ordinances designed to preserve the character and enjoyment of the residential neighborhood. The required language for the posting shall be provided by the Building Department upon issuance of the short-term rental permit. A QR Code with a link to the required information may be posted in a conspicuous manner on the outside of the dwelling in lieu of posting the required language on the outside of the dwelling. Such notice shall be posted throughout the duration of any short-term rental agreement.

#### **1331.99 PENALTY.**

Whoever violates any provision of Chapter 1331 shall be, upon conviction of the same, guilty of a misdemeanor of the fourth degree, and have sentence imposed pursuant to Ohio R.C. 2929.21 and 2929.22, provided that no portion of any fine imposed shall be suspended upon a condition. A separate offense shall be deemed committed each day on which a violation or noncompliance occurs or continues.