



Housing Renewal Commission Chapter 1173

1173.01 COMPOSITION, APPOINTMENT AND TERMS

The Housing Renewal Commission shall consist of five members appointed by Council for terms of five years each with preference given to those with experience in the building trades.

(Ord. 98-32 AC. Passed 3-16-98)

1173.02 HEARINGS, OFFICERS, QOURUM AND RULES

The hearings of the Housing Renewal Commission shall be public and held at the call of the chairman and at such times as the Commission may determine. The Commission shall organize annually and elect a chairman, vice-chairman and secretary. The Commission shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of the Building Code, and keep a record of its proceedings showing the action of the Commission and the vote of each member upon each question considered. The presence of three members shall be necessary to hold a meeting. Concurrence of three members of the Commission shall be necessary to reverse any ruling of the Chief Building Official or Residential Building Code. The Commission shall hear an appeal of any owner of property or building contractor adversely affected by a decision of the Chief Building Official or Residential Building Official. The chairman or acting chairman of the Commission shall have the power to administer oaths during any public hearing.

(Ord. 11-22 AC CMS. Passed 4-18-11)

1173.03 APPEALS: HEARING PROCEDURE

Appeals may be taken to and before the Housing Renewal Commission by any person aggrieved by an order of any officer, department, board or bureau of the City in the enforcement of Housing Codes. The appeal shall be taken within ten days from the date of the decision by filing the following with the office of the Chief Building Official and Residential Building Official of the City:

- a) A notice of appeal specifying the grounds thereof;
- b) The name and address of the appellant or his/her agent: and
- c) A detailed plan and description of the proposed building, addition or remodeling question.

The Chief Building Official or Residential Building Official, when the foregoing have

been filed with him/her, shall immediately transmit the same to the chairman of the Commission together with the other papers constituting the records, plus a concise written statement of the reasons for his/her actions citing a specific ordinance or ordinances justifying his/her action.

The Commission shall fix a reasonable time for a hearing to be held on the appeal and give notice of the hearing by certified mail, return receipt requested, upon those property owners or contractors named in the appeal, process an additional notice by a legal ad published once in two newspapers having a general circulation in the City, all of such notices to be sent and/or published at least two weeks before the date set for the hearing. Notice of the hearing shall also be sent to Council.

Any party to the appeal may present such witnesses as they may desire. Any persons so testifying shall do so under oath and both the appellant and the appellee shall not only have the right to present testimony, but also have the right of cross examination.

The entire record of the proceedings shall be taken by tape recorder and upon payment of the costs by the party desiring a transcript, the record shall be transcribed into typewritten form.

Upon the conclusion of all testimony, the Commission may go into executive session for discussion. The Commission shall render its decision within fifteen days from the date of the hearing. Upon failure to render a decision, the order of the Chief Building Official or Residential Building Official shall be deemed to be upheld.

Each party receiving notice of the Commission meeting shall also receive notice of its decision.

(Ord. 11-22 AC CMS. Passed 4-18-11)

1173.04 JURISDICTION; VARIANCES

A. Authority. Upon hearing an appeal, the Housing Renewal Commission shall have the following authority provided the appeal has been perfected in accordance with the provisions of Section 1173.03:

1. To review the actions of the administrative officer from which the appeal is taken and render a determination as to whether the actions of the officer are in accordance with the ordinances of the City. If the Commission finds that the actions are not in accordance with City ordinances, it shall reverse the actions and render findings and judgment in accordance with such ordinances.

2. If the Commission determines that the actions of the administrative officials are in accordance with the ordinances of the City, it shall hear evidence on the questions of permitting exceptions and variances to such ordinances.

B. Variances. The Housing Renewal Commission shall vary any provision of Part Eleven, Building Code of the Codified Ordinances, excluding Chapters 1185 and 1187 in any particular case, when, in its opinion:

1. Enforcement, thereof, would do manifest injustice, or

2. Enforcement, thereof, would be contrary to the spirit and the purpose of the Building Code or the public interest.

C. Findings of Commission. In granting any of the exceptions and/or variances, the Commission shall make the following findings:

1. That the appeal is upon one of the foregoing grounds, subsections (b)(1) or (2), and specify the same;

2. That the proposed appeal:

- A. Is reasonable and necessary;
- B. Will not be contrary to the public interest;
- C. Will not increase the danger of fire or endanger the public safety;
- D. Will not unreasonably diminish or impair established property values in the surrounding areas; and
- E. Will not, in any respect, impair the public health, safety, morals or welfare of the inhabitants of the City.

3. In addition, under hardship appeals, the Commission shall define the specific practice or hardship found by the Commission.

4. In the event the foregoing findings of fact are not made, the Commission shall disapprove the appeal.
(Ord. 1333AC. Passed 12-19-77.)

1173.05 APPEAL OF COMMISSION'S DECISION TO COUNCIL

(a) Appeal Notice. Any party aggrieved by the decision of the Housing Renewal Commission may, within thirty days of the decision of the Commission, appeal to Council by filing a notice of appeal with the Commission and with the Clerk of Council.

(b) Transcript to Council. Within twenty days from the date of filing the notice of appeal, the person appealing shall, at his/her expense, file a transcript of the testimony presented at the hearing before the Housing Renewal Commission, to Council, and Council shall hear and decide the appeal within thirty days from the filing of the transcript and may hear any additional evidence presented. Council shall have the right to consider any additional evidence.

(c) Council Decision. Council shall affirm the decision of the Housing Renewal Commission unless it finds:

- (1) That the Commission erred as a matter of law; or
- (2) That the decision is not supported by reliable and probative evidence.

(d) Transcript Cost Reimbursement. If Council reverses the decision of the Housing Renewal Commission and decides in favor of the appellant, the person appealing shall be reimbursed the costs of filing the transcript of testimony.

(e) Further Appeal Action. The property owner, after the decision of Council has been made, shall have the right to further appeal to the Court of Common Pleas as provided in the Administrative Appeals Act of the State Legislature.

(Ord 1333AC. Passed 12-19-77.)

1173.06 FURTHER COMMISSION POWERS

It shall further be the power of the Housing Renewal Commission to:

A. Annually review with the Chief Building Official and Residential Building Official, the Building Code of the City, and

B. Report and recommend to Council any amendment, deletion or addition to the Building Code the Commission deems necessary.

(Ord 11-22 AC CMS. Passed 4-18-11.)