



## Proposed City Ordinance Will Mandate Building Façade Inspections

By Jack Waldeck

Walter | Haverfield LLP

**A**fter several recent incidents of building façades deteriorating and falling onto public walkways around Greater Cleveland, City Council has responded with a newly proposed ordinance that would require regular inspections of the building façades of older buildings. The ordinance is still in the legislative process, so some of the provisions may change.

Councilman Joe Cimperman led the charge, proposing the new Chapter 3143 which would require inspections every five years on buildings that are five stories high or 75 feet above grade (whichever is shorter) at any point along their perimeters and more than 30 years old. Buildings subject to the new inspection requirement must also have a protected distance (defined as the space between the building and public way, other structure or adjoining property) that is equal to or less than the height of the substantial structure from its tallest height above grade. One-, two- and three-family residential buildings are exempt from the ordinance.

Although no injuries had been reported as a result of the falling façades, property damage did occur and the potential does exist for people to get hurt. One of the most newsworthy incidents of a deteriorated façade occurred at East 6th Street near Euclid, where a large piece of the façade fell from the building, damaging public property and several vehicles. Other downtown buildings have experienced similar problems in recent years.

Downtown Cleveland is not the only part of the city with a high percentage of older buildings that would be subject to the new inspection requirements. Numerous buildings on

Lorain Avenue, as well as throughout Ohio City and Tremont and around University Circle would also be directly affected. Nor is Cleveland alone in implementing such an ordinance. Other cities that already require building owners to periodically inspect certain building facades to help ensure public safety include Columbus, Pittsburgh, Detroit, Chicago, New York, Boston, Milwaukee, Philadelphia and St. Louis.

Once approved, the new ordinance will take effect within 60 days, although building owners would have one year to complete and document the required inspections. The inspection report

will need to document all significant deterioration, unsafe conditions and movement observed. Building owners are then expected to begin repairs or implement reinforcement or precautionary measures immediately. Assuming a building passes the inspection, a certificate will be issued and should be conspicuously displayed to communicate that the building has met the imposed requirements.

Failure to comply with the new ordinance carries stricter penalties than is the case with many city ordinances. Building owners who do not comply with any of the provisions of the Chapter can be found guilty of a misdemeanor of the first degree. Each day of noncompliance constitutes a separate offense. Perhaps of equal importance, and certainly something building owners must be mindful of, is the fact that owners

not possessing the required certificate evidencing compliance may have trouble refinancing or transferring the property.

The final terms and requirements of the ordinance are still being debated. NAIOP, DCA and BOMA have orga-

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nized a task force that is providing comments and recommendations for making the new ordinance more workable. The work of the task force is described in the NAIOP News column

in this issue. Currently, for example, building owners would be subject to a separate offense for every day that the building remains occupied after the passage of the ordinance. Since there will likely be a schedule backlog for inspectors immediately after the new ordinance passes, it will be difficult and, potentially, very costly for building owners who cannot immediately comply.

The new ordinance will also make it more important for developers and property owners to involve legal counsel experienced in real estate matters for the transfer of properties covered under the ordinance to ensure their new acquisitions are in full compliance. **P**

*Jack Waldeck is a partner and chair of the real estate practice group of Cleveland-based Walter | Haverfield, LLP.*

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