

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT: Employee Housing	PAGE <u>1</u> OF <u>6</u>
	NUMBER: 22-BUS-01
RULE/CODE REFERENCE: A.R. 5120-5-09	SUPERSEDES: 22-BUS-01 dated 05/23/12
RELATED ACA STANDARDS:	EFFECTIVE DATE: February 23, 2016
	APPROVED: 

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to establish a standard policy regulating the administration of the employee housing program.

III. APPLICABILITY

This policy applies to all employees of the Department of Rehabilitation and Correction. It applies to institutional Managing Officers who have been given the responsibility for administering the housing program, as well as the Division of Business Administration and any institution employee's spouse, minor child or dependent relative occupying employee housing.

IV. DEFINITIONS

Emergency Events - An unexpected or sudden occurrence of a serious and urgent nature that demands immediate action. A situation with the ability to jeopardize the health, welfare and safety of the agency or the general public. A situation which has a devastating impact upon one or more agencies located in a particular region or multiple regions within the state of Ohio.

Employee Housing - Houses, apartments or rooms, furnished or unfurnished, which are used as permanent or temporary dwellings by employees of the Department of Rehabilitation and Correction, which are under the Department's jurisdiction.

Housing Committee - A group of institution or other Department employees appointed to review applications for employee housing and make recommendations concerning their occupancy to the Managing Officer having jurisdiction over the housing. The Managing Officer shall appoint the Housing Committee.

Landlord - The owner of residential premises, the agent or Managing Officer of the owner or any person authorized by the owner to manage the premises or to receive rent from a tenant under a rental agreement.

Tenant - An employee entitled under a rental agreement to the use and occupancy of residential premises such as land, a house, a garage, an office, or the like, to the exclusion of others for a period of time.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction that the Department may make certain housing facilities available for the use of institutional and Departmental personnel who are officially assigned to, or on duty at, the various institutions. All Department employees are eligible to apply for housing at any facility with employee housing.

VI. PROCEDURES

- A. The Managing Officer shall be responsible for the housing program within his/her institution and may delegate certain responsibilities to his/her Deputy Wardens. The Managing Officer may issue institution rules regarding the care of employee housing, conduct of tenants, and the assignment of housing. However, institution rules may not conflict with policies, administrative rules, or the rental agreement of the Department of Rehabilitation and Correction.
- B. Institution rules must be filed with the Division of Business Administration and approved by the Director or designee. No person may demand employee housing as a matter of right or a condition of employment.
- C. Employee housing may be shared by two institution employees with the approval of the Managing Officer, in which case the payroll deduction may be made from the salary of either occupant or shared. Employee housing shall not be shared by an institution employee and a non-employee unless such person is the spouse, minor child, or dependent relative of such institution employee.
- D. All employee housing, including garages, shall be identified by name or number, or both, and type of facility. The Chief of the Division of Business Administration (DBA Chief) with the approval of the Director, shall issue periodically a rental rate schedule establishing the rental rates for employee housing. Rent shall be paid bi-weekly, in advance, by payroll deduction unless otherwise approved by the DBA Chief. Trash, gas, water, electric and any other utility used at the house shall be separately metered and the tenant shall be responsible for payment of the cost of the service to the provider unless an exception is approved by the DBA Chief.
- E. The Chief of the Bureau of Budget Planning and Analysis maintains the Property Receipts Rotary Fund. Rents collected from employee housing shall be returned to those institutions that generated them and shall be used by the institution to offset the expenses incurred in maintaining employee housing. The DBA Chief shall approve all expenditures prior to purchases being made. Exception: Emergency repairs as defined in this policy shall be made without the

approval of the DBA Chief. Notification and justification of the emergency repair shall be communicated with the DBA Chief immediately. The DBA Chief shall provide a written response.

- F. Any employee requesting employee housing must complete an Application for Employee Housing (DRC1781) and submit it to the Managing Officer having jurisdiction over the requested housing.
1. The Managing Officer shall date stamp the request upon receipt and hold until the next available vacancy in employee housing. The application shall be considered at that time.
 2. The Housing Committee shall review all applications filed in a timely manner whenever a vacancy occurs. The Housing Committee shall make recommendations regarding the awarding of Employee Housing to the Managing Officer. The Managing Officer shall retain ultimate responsibility for awarding housing and for administering of the housing program.
 3. The Managing Officer and Housing Committee shall consider the extent to which an employee's presence in the institution or on its grounds during an emergency situation would be beneficial to the institution as a basis for assigning Employee Housing.
 4. The Managing Officer shall make the housing assignment as soon as practicable after all applications have been reviewed. All employee housing shall be inspected prior to it being occupied and notation made of the condition of subject property. Institution staff at the institution holding jurisdiction over the housing shall make pre-inspection.
 5. If the applicant is approved for employee housing, a notation by the Managing Officer shall be made on the application with reasons considered at that time. The approved Rental Agreement (DRC1782) shall be submitted to the landlord's Payroll Officer.
 6. A tenant shall not have more than one (1) active Rental Agreement (DRC1782) with the agency.
 7. All applications shall have a notation regarding the date of consideration and the numbers of all applications considered at that time.
 8. All applications not approved for employee housing shall be kept on file for one (1) year and shall be considered for all subsequent housing vacancies within that year.
- G. Applicants approved for employee housing shall sign a State of Ohio, Department of Rehabilitation and Correction Rental Agreement (DRC1782). All adults residing in the employee housing and the responsible Deputy Warden shall sign the agreement. In cases where the Managing Officer is the tenant of employee housing, the Chief, Division of Business Administration, shall approve the State of Ohio, Department of Rehabilitation and Correction Rental Agreement (DRC1782) as the landlord.

When the tenant has accepted a position at a location other than the landlord institution, the tenant shall provide written notification to the landlord's institution Payroll Officer and the new work location's Payroll Officer. When the tenant works at a location other than the landlord

institution, the landlord institution's Payroll Officer shall provide the approved Rental Agreement (DRC1782) detailing the bi-weekly rental fees to the tenant's new work location's Payroll Officer. Written verification that the proper amount is being deducted from the employee's pay as stated on the approved Rental Agreement (DRC1782) shall be provided to the landlord institution. An audit shall be performed periodically to ensure proper notice and payment is taken for the entire rental period.

- H. The tenant's breach of any covenant contained in the Rental Agreement (DRC1782) or duty imposed by law may cause a demand that the tenant surrender possession of the premises upon three (3) calendar days notice from the Managing Officer. Failure to surrender premises shall be grounds for eviction.

The Managing Officer must secure the consent of the DBA Chief in consultation with Legal Services to serve the three (3) calendar days notice to vacate. Legal Services shall evaluate whether any of the following statutory criteria are present justifying eviction:

1. The tenant has breached an obligation imposed on them by the Rental Agreement (DRC1782) or law;
2. The tenant is holding over or is in default of rent or other money obligation under the Rental Agreement (DRC1782);
3. The tenant complained of a building, housing, health, or safety code violation, and such violation was caused primarily by any act or lack of reasonable care by the tenant, or by any other person in the tenant's household, or by any person on the premises with the consent of the tenant;
4. The tenant must be deprived of the use of the premises so that the institution can alter, remodel, or demolish the premises to comply with applicable building, housing, health, or safety codes or law;
5. The tenant has failed to fulfill any obligation imposed on him or her by R.C. § 5321.05 and that failure materially affects health or safety;
6. The tenant, or any person in the tenant's household, or any person on the premises with the consent of the tenant, previously has or presently is engaged in a violation of Chapter 2925 (drug offenses) or 3719 (controlled substances) of the Revised Code; or
7. The tenant, or any person in the tenant's household, or any person residing on the premises with the consent of the tenant, resides in or occupies the premises located within one thousand (1000) feet of any school premises and the tenant or person's name appears on the state registry of sex offenders and child-victim offenders or the state registry of sex offenders and child-victim offenders indicates that the resident or occupant was convicted of or pleaded guilty to either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for that offense.

Legal Services shall advise the Managing Officer of the appropriate content for the three (3) days notice. The notice must contain the following statement in a separate paragraph in bolded all caps: "YOU ARE BEING ASKED TO LEAVE THE PREMISES. IF YOU DO NOT LEAVE, AN EVICTION ACTION MAY BE INITIATED AGAINST YOU. IF YOU ARE IN DOUBT REGARDING YOUR LEGAL RIGHTS AND OBLIGATIONS AS A TENANT, IT IS RECOMMENDED THAT YOU SEEK LEGAL ASSISTANCE."

A three (3) calendar day notice to vacate may be served by certified mail, return receipt requested, by handing a written copy of the notice to the tenant, by leaving it at the tenant's usual place of abode, or by posting it on the outside of the door of the employee housing.

- I. Termination of employment with the Department of Rehabilitation and Correction or upon notice from either party at least thirty (30) days in advance of the effective termination date, shall automatically terminate the Rental Agreement (DRC1782). These tenants must be afforded thirty (30) calendar days notice to vacate.

Whenever the tenant vacates the premises, the Rental Agreement (DRC1782) is terminated. All non-employee(s) such as the spouse, minor child, or dependent relative of such institution employee shall vacate the premises along with the tenant.

If the premises are rendered unfit and uninhabitable by fire, explosion, storm, earthquake or other casualty, or act of nature, then the Rental Agreement (DRC1782) shall terminate on the date of such casualty or act of nature.

- J. Employees renting employee housing are subject to the cost of repairing any damages to rental property caused by acts of negligence by the employee, the employee's family, or guests of the employee. Costs of damages shall be assessed at a fair market rate to be determined by the Division of Business Administration.

Employees renting housing shall be responsible for notifying the Managing Officer, in writing, of a need for repairs to any part of the premises. The Managing Officer shall have the responsibility for making the necessary repairs to employee housing as soon as practical after receiving written notification of the need for repairs and as funds are available.

- K. The Managing Officer shall order annual inspections of employee housing units under his/her jurisdiction. The annual inspection shall be to determine compliance with this policy, Administrative Rule 5120-5-09, Employee's Housing, and requirements of all applicable building, housing, health and safety codes that materially affect health and safety, as well as an inventory of any State-provided appliances or fixtures and any firearms or ammunition on the leased premises. An assessment of the property's condition shall be made at the time of inspection using the Employee Housing Inspection Report (DRC1863). A copy of the completed inspection report shall be given to the responsible Deputy Warden.

- L. Employees of the Ohio Department of Rehabilitation and Correction who live in employee housing and possess firearms and/or ammunition shall store said item(s) in a locked metal storage cabinet.

All employees living in employee housing who have personal firearms and ammunition shall complete and submit a Personal Weapons Inventory (DRC2594) to the responsible Deputy Warden. Any changes in the inventory shall be immediately reported to the responsible Deputy Warden, in writing.

The employee shall permit an audit/inspection of personal firearms and ammunitions by the responsible Deputy Warden every six (6) months. Upon completion of each inspection, the responsible Deputy Warden shall forward a report of the inspection to the Managing Officer. These reports are due no later than January and July of each calendar year.

- M. Any deviation from this policy or Department rules regarding employee housing shall be made only with the approval of the Director or his designee.

Related Department Forms

Application for Employee Housing	DRC1781
Rental Agreement	DRC1782
Employee Housing Inspection Report	DRC1863
Personal Weapons and Ammunitions Inventory	DRC2594