



City of Cincinnati

801 Plum Street
Cincinnati, OH 45202

Agenda - Final

Public Safety & Governance

Councilmember Scotty Johnson, Chair
Vice Mayor Jan-Michele Kearney, Vice Chair
Councilmember Mark Jeffreys
Councilmember Liz Keating
Councilmember Jeff Cramerding

Tuesday, October 4, 2022

9:30 AM

Council Chambers, Room 300

PRESENTATIONS

Overview of Criminal Housing Docket
Erica Faaborg, Deputy City Solicitor

Overview of the Sports Gaming Proprietor
Karen Alder, Director of Finance & Ted Nussman, Tax Commissioner

AGENDA

- [202201775](#) ORDINANCE submitted by Sheryl M. M. Long, City Manager, on 9/14/2022, MODIFYING Chapter 311 of the Cincinnati Municipal Code, "City of Cincinnati Income Tax," by ENACTING new Sections 311-9-L2, "Lottery Sports Gaming," 311-9-S7, "Sports Gaming," 311-9-S8, "Sports Gaming Facility," 311-9-T9, "Type B Sports Gaming Proprietor," and by AMENDING Section 311-31, "Collection at Source; Casino and VLT," for the purpose of requiring Type B sports gaming proprietors and lottery sales agents to withhold and remit municipal income tax to satisfy requirements made necessary by the legalization of sports betting in Ohio as of January 1, 2023. (PUBLIC HEARING WILL BE HELD ON 10/18/2022)

Sponsors: City Manager

Attachments: [Transmittal](#)
[Ordinance](#)
- [202201882](#) PRESENTATION, dated 10/03/2022, submitted by Councilmember Johnson, from Emily Woerner, City Solicitor, Overview of Criminal Housing Docket.

Sponsors: Johnson

Attachments: [Housing Docket Overview Presentation](#)

ADJOURNMENT

September 14, 2022

To: Mayor and Members of Council 202201775
From: Sheryl M.M. Long, City Manager
Subject: Ordinance Modifying Chapter 311 “City of Cincinnati Income Tax”

Transmitted herewith is an ordinance captioned as follows:

MODIFYING Chapter 311 of the Cincinnati Municipal Code, “City of Cincinnati Income Tax,” by ENACTING new Sections 311-9-L2, “Lottery Sports Gaming,” 311-9-S7, “Sports Gaming,” 311-9-S8, “Sports Gaming Facility,” 311-9-T9, “Type B Sports Gaming Proprietor,” and by AMENDING Section 311-31, “Collection at Source; Casino and VLT,” for the purpose of requiring Type B sports gaming proprietors and lottery sales agents to withhold and remit municipal income tax to satisfy requirements made necessary by the legalization of sports betting in Ohio as of January 1, 2023.

Ohio HB 29, passed by the Ohio Legislature in December 2021, legalized and regulated sports gaming in Ohio starting January 1, 2023. The three types of sports gaming authorized include on-line sports gaming-mobile applications (type A), sports gaming facilities operated within casinos or professional sports arenas (type B), and lottery sports gaming machines located mostly at bars and restaurants (type C). Gambling and sports winnings are currently subject to local tax in accordance with Section 311-9-1(d). This ordinance will require proprietors of sports gaming facilities within the city on or after January 1, 2023, to withhold and remit local income tax on type B winnings if the winnings exceed the federal income tax reporting threshold of \$600.

c: William “Billy” Weber, Assistant City Manager
Karen Alder, Finance Director

Attachment

City of Cincinnati

KKF

EESW

An Ordinance No. _____

- 2022

MODIFYING Chapter 311 of the Cincinnati Municipal Code, “City of Cincinnati Income Tax,” by **ENACTING** new Sections 311-9-L2, “Lottery Sports Gaming,” 311-9-S7, “Sports Gaming,” 311-9-S8, “Sports Gaming Facility,” 311-9-T9, and “Type B Sports Gaming Proprietor,” and by **AMENDING** Section 311-31, “Collection at Source; Casino and VLT,” for the purpose of requiring Type B sports gaming proprietors and lottery sales agents to withhold and remit municipal income tax to satisfy requirements made necessary by the legalization of sports betting in Ohio as of January 1, 2023.

WHEREAS, the Ohio General Assembly amended Ohio Revised Code Section 718.031 so municipalities must require proprietors of sports gaming facilities to withhold local income tax on “Type B” winnings if they exceed the federal income tax reporting threshold of \$600; and

WHEREAS, amendments to the Cincinnati Municipal Code are required in order to carry out the purpose of the recently amended Ohio Revised Code Section 718.031; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Chapter 311-9 of the Cincinnati Municipal Code is hereby amended by enacting Sections 311-9-L2, “Lottery Sports Gaming,” 311-9-S7, “Sports Gaming,” 311-9-S8, “Sports Gaming Facility,” and 311-9-T9, “Type B Sports Gaming Proprietor,” as follows:

Sec. 311-9-L2. – Lottery Sports Gaming.

“Lottery sports gaming” has the same meaning as in Section 3770.23 of the Ohio Revised Code or a successor statute or section.

Sec. 311-9-S7. - Sports Gaming.

“Sports gaming” has the same meaning as in Section 3775.01 of the Ohio Revised Code or a successor statute or section.

Sec. 311-9-S8. - Sports Gaming Facility.

“Sports gaming facility” has the same meaning as in Section 3775.01 of the Ohio Revised Code or a successor statute or section.

Sec. 311-9-T9. – Type B Sports Gaming Proprietor.

“Type B sports gaming proprietor” has the same meaning as in Section 3775.01 of the Ohio Revised Code or a successor statute or section.

Section 2. That Section 311-31 of the Cincinnati Municipal Code is hereby amended as follows:

Sec. 311-31. – Collection at Source; Casino, and VLT, and Sports Gaming Proprietors.

(a) For tax years beginning on or after January 1, 2016, a casino facility or a casino operator, as defined in section 311-9-C3 of this chapter, or a lottery sales agent conducting video lottery ~~terminal~~ sales on behalf of the state shall withhold and remit municipal income tax with respect to amounts other than qualifying wages as provided in Section 718.031 of the Ohio Revised Code.

(b) For tax years beginning on or after January 1, 2023, a type B sports gaming proprietor offering sports gaming at a sports gaming facility, or a video lottery terminal sales agent conducting lottery sports gaming offered in a video lottery terminal facility, shall withhold and remit municipal income tax with respect to amounts other than qualifying wages as provided in Section 718.031 of the Ohio Revised Code. “Type B sports gaming proprietor.” “sports gaming.” “sports gaming facility.” “video lottery terminal sales agent.” “lottery sports gaming.” and “video lottery terminal.” are as defined in Section 311-9 of this chapter.

~~(b)~~ (c) Amounts deducted and withheld on behalf of the Municipality shall be allowed as a credit against payment of the tax imposed by the Municipality and shall be treated as taxes paid for purposes of Section 311-33 of this chapter for the person for whom the amount is deducted and withheld.

~~(e)~~ (d) The tax commissioner shall prescribe the forms of the receipts and returns required under this section.

Section 3. That existing Section 311-31, “Collection at Source; Casino and VLT,” of the Cincinnati Municipal Code is hereby repealed.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2022

Aftab Pureval, Mayor

Attest: _____
Clerk

New language underscored. Deleted language indicated by strikethrough.

Overview of Criminal Housing Docket

Public Safety & Governance Committee | October 4, 2022
Law Department – Quality of Life Division

Hamilton County's Criminal Housing Docket

- Created by Hamilton County Municipal Court in 2003, with City Council support
- County-wide jurisdiction over building, housing, sanitation, health, fire, zoning, or safety codes applicable to buildings, structures, and real property
- Convenes weekly, Tuesday mornings

Case Referral Process

- 2017: Quality of Life assumes docket
- Cases referred by City's code enforcement departments, Hamilton County Sheriff
- Typical cases: illegal dumping, housing/property conditions threatening public and tenant safety, long-standing blighted properties

Case Referral Process

- Each case is reviewed and authorized by individual inspector and their supervisor, the Quality of Life prosecutor and Chief Counsel
- Reason for possible rejection: owner-occupancy, minimal enforcement history, absence of person in control

Prosecutions 2012-22

| Year | Cases Filed | |
|------|---------------------------|--|
| 2012 | 19 | |
| 2013 | 10 | |
| 2014 | 22 | |
| 2015 | 102 | |
| 2016 | 156 | |
| 2017 | 30 (January-June 2017) | 20 (June '17-on; QoL assumes docket) |
| 2018 | 36 | |
| 2019 | 43 | |
| 2020 | 31 | |
| 2021 | 19 (12 dumping cases) | |
| 2022 | 7 (5 dumping cases) | |

Ideal Prosecution Outcomes

- Compliance achieved; healthy housing; blight elimination
- Deter future violations
- General policy is to recommend community service (and restitution in dumping cases); jail time for egregious violations
- Sentencing is at the Judge's discretion

Pending Cases

- 1027 Ross (W. Price Hill)
 - Good Investments, LLC/Avi Ohad
 - Occupied rental property without heat source; tenants relocated
 - Civil citations failed to result in compliance; charges filed February '22
 - Bench trial October 11, 2022

Pending Cases

- 1027 Ross (W. Price Hill)



Pending Cases

- 414-20 Oregon (Mt. Adams)
 - Pankaj Desai
 - Failing retaining wall (200'x137') below Rookwood Pottery building; landslide concern
 - Civil orders and citations issued from 2018-on
 - Charges filed November '21; engineering firms retained, work in progress

Pending Cases



Contact

Erica Faaborg, Deputy City Solicitor
Law Department