

City of Cincinnati

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An Ordinance No. _____ - 2023

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MODIFYING the provisions of Chapter 871, “Landlord-Tenant Relationships,” of the Cincinnati Municipal Code by **ORDAINING** new Section 871-10, “Unlawful Eviction Prohibited” to affirm the rights and protections afforded to residential tenants, including their rights to be free from unlawful practices and to secure damages from landlords engaged in unlawful eviction practices.

WHEREAS, owners of occupied residential rental units are entitled to initiate eviction proceedings consistent with the limitations set forth in the Ohio Revised Code when a tenant violates the terms of the rental agreement; and

WHEREAS, tenants living in residential rental units are afforded specific procedural rights and due process in any action filed pursuant to Ohio Revised Code Chapter 1923, “Forcible Entry and Detainer”; and

WHEREAS, it is unlawful under Ohio law for a landlord to initiate an unlawful, or constructive or “self-help,” eviction by, for example, setting out a tenant’s belongings, seizing a tenant’s property, changing locks at the rental property, or shutting off utility services to the rental property; and

WHEREAS, consistent with the state law prohibition against unlawful, constructive, and “self-help” eviction, specifying damages that tenants may collect will both assure tenants of their recovery rights and deter bad-faith landlords from engaging in this unlawful conduct; and

WHEREAS, the Mayor and Council intend to adopt a Tenants Bill of Rights to affirm and protect the rights of residential tenants in the city of Cincinnati; now, therefore,

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

Section 1. That new Section 871-10, “Unlawful Eviction Prohibited,” of Chapter 871, “Landlord-Tenant Relationships,” of the Cincinnati Municipal Code is hereby ordained as follows:

Sec. 871-10. –Unlawful Eviction Prohibited.

- (a) Unlawful Eviction. No landlord shall initiate any act, including a constructive eviction, termination of utilities or services, exclusion from the premises, seizing a tenant’s property, or threat of any unlawful act, against a tenant, or a tenant whose right to possession has terminated, for the purpose of recovering possession of residential premises, other than as provided in Chapters 1923, 5303, and 5321 of the Ohio Revised Code.

(b) If a landlord engages in an unlawful eviction in violation of section (a), unlawfully seizes the property of a tenant, or makes repeated threats of initiating an unlawful eviction for the purpose of recovering possession of residential premises, the tenant is entitled to any or all of the following forms of relief:

- (1) At the tenant's option, either recovery of actual damages resulting from the landlord's act, seizure, or demands, or recovery of damages of an amount not less than \$1,000;
- (2) Injunctive relief to prevent the recurrence of the conduct;
- (3) Judgment for reasonable attorney's fees; and
- (4) Termination of the rental agreement.

Section 2. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2023

Aftab Pureval, Mayor

Attest: _____
Clerk