

EMERGENCY

City of Cincinnati

CMZ

173W

An Ordinance No. 38 - 2024

AMENDING Ordinance No. 415-2023 to renumber new Section 871-10, “Landlord’s Obligation to Provide Tenant Relocation Assistance,” to Section 871-14, “Landlord’s Obligation to Provide Tenant Relocation Assistance,” because Section 871-10 already exists in the Cincinnati Municipal Code.

WHEREAS, on September 13, 2023, Council passed Ordinance No. 315-2023 to amend Chapter 871, “Landlord-Tenant Relationships,” to enact new Section 871-10, “Unlawful Eviction Prohibited”; and

WHEREAS on December 6, 2023, Council passed Ordinance No. 415-2023 to amend Chapter 871, “Landlord-Tenant Relationships,” which inadvertently enacted another new Section 871-10, this section titled “Landlord’s Obligation to Provide Tenant Relocation Assistance,” and to amend other sections of the Municipal Code related to landlord-tenant obligations; and

WHEREAS, Ordinance No. 415-2023 must be amended to renumber Section 871-10, “Landlord’s Obligation to Provide Tenant Relocation Assistance,” to Section 871-14, “Landlord’s Obligation to Provide Tenant Relocation Assistance,” to prevent confusion and to avoid having two sections of the Municipal Code with the same number; now, therefore,

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

Section 1. That Section 1 of Ordinance No. 415-2023 is hereby amended as follows:

Section 1. That Section ~~871-10~~871-14, “Landlord’s Obligation to Provide Tenant Relocation Assistance,” of Chapter 871, “Landlord-Tenant Relationships,” of the Cincinnati Municipal Code is hereby ordained as follows:

Sec. ~~871-10~~871-14. - Landlord’s Obligation to Provide Tenant Relocation Assistance.

- (a) *Relocation assistance required.* If a tenant household is or will be displaced as a result of the issuance of a vacate order by the director of buildings and inspections or the board of health due to uninhabitable or unsafe living conditions that are the result of intentional or unintentional neglect or deferred maintenance by the landlord, the landlord shall provide relocation assistance to the displaced tenant household. The relocation assistance shall be provided in addition to any damages or other amounts to which the tenant may otherwise be entitled by law.

This section does not apply if the landlord either provides alternative or temporary housing that complies with the applicable provisions of the Cincinnati Municipal

Code or demonstrates the existence of another exception under section ~~871-10871-14~~(b). The director of buildings and inspections is hereby authorized to establish rules and regulations as are necessary and appropriate to the administration of this section. Such rules and regulations shall include, but not be limited to, minimum size requirements of proposed alternative or temporary housing.

Relocation assistance shall be provided as follows:

- (1) Within three business days of the issuance of a vacate order, the landlord shall pay a relocation amount of \$2,500 to each tenant household impacted by the vacate order and shall refund any prepaid rent and/or security deposit remitted to the landlord by the tenant household; and
- (2) If more than three business days have passed since the issuance of the vacate order and the landlord has not provided the relocation assistance required by section ~~871-10871-14~~(a)(1), the tenant may claim in a court action against the landlord the greater of either the relocation assistance provided in section ~~871-10871-14~~(a)(1) or the following amounts:
 - (A) A refund of any and all prepaid rent;
 - (B) A refund of the full balance of the current month's rental payment;
 - (C) A refund of any security deposit;
 - (D) Payment or repayment of the reasonable and necessary costs of the tenant household's relocation costs, such as moving company or rental moving van expenses, with such payments limited to relocations within a fifty mile radius;
 - (E) Payment or repayment of the tenant household's fees for normal and initial reconnection of any utilities at the tenant household's new residence, not including arrearage due and owing to the utility company by the tenant household; and
 - (F) Any and all reasonable and necessary local hotel and/or motel costs incurred by the tenant household if the tenant household is given less than thirty days' notice to vacate their rental unit. The landlord's obligation to each tenant household to reimburse for such hotel or motel costs is limited as follows:
 - i. the landlord shall be obligated to payment of no more than fourteen days of a tenant household's hotel or motel stay, and

- ii. the amount of hotel or motel costs for which the landlord shall be obligated to reimburse to the tenant household shall not exceed the average daily rate, including taxes, which hotels and motels located in the City customarily charge for comparable accommodations.
 - (3) If any tenant household is given less than seven days' notice to vacate a rental unit, the landlord shall provide a one-time payment of \$50.00 per tenant, but no more than \$300.00 total, to the tenant household to cover the tenant household's cost to replace food and other incidental items.
- (b) *Exceptions.* If the landlord can demonstrate by clear and convincing evidence the existence of one of the following, the landlord shall not be liable to pay relocation assistance:
 - (1) The vacate order is the direct result of conditions caused by the tenant or the tenant's guest or invitee;
 - (2) The vacate order is the direct result of disconnection of utilities for non-payment and the tenant has agreed in a written lease to assume responsibility for payment of the account(s);
 - (3) The vacate order results from conditions arising from a natural disaster including, but not limited to, a windstorm, tornado, landslide, earthquake, or flood;
 - (4) The landlord has obtained an active judgment against the tenant household for possession of the rental unit;
 - (5) The vacate order is rescinded or withdrawn or is overturned by a court prior to the time the tenant household has taken definitive steps to move;
 - (6) The landlord and tenant household reach a separate agreement regarding relocation, provided that the relocation premises comply with the applicable provisions of the Cincinnati Municipal Code and the terms of the agreement otherwise comply with applicable provisions of the Ohio Revised Code and Cincinnati Municipal Code governing landlord and tenant agreements; or
 - (7) The landlord has moved the tenant household into another unit or building after the tenant has voluntarily agreed to accept the replacement unit in lieu of payment for relocation under this section and the replacement unit complies with all applicable zoning, building, and housing codes.
- (c) *Rental of vacant and uninhabitable rental units prohibited.* If a rental unit is or becomes vacant because vacate orders have been issued due to uninhabitable

living conditions, a landlord shall not enter into a rental agreement for the rental unit or allow new tenants to occupy the vacant rental unit until the conditions are corrected.

(d) *Director's involvement in relocation assistance.* The director of buildings and inspections may provide the relocation assistance required by the landlord under section ~~871-10871-14~~(a) to tenant households if the landlord fails or refuses to pay for required relocation costs. If the director provides relocation assistance to a tenant household because of the landlord's failure to comply with its obligation under section ~~871-10871-14~~(a), the landlord shall be liable to the city for any and all such costs.

(e) *Penalties.*

(1) *Renting vacant and uninhabitable rental unit.* If a landlord knowingly violates section ~~871-10871-14~~(c) and rents a vacant and uninhabitable rental unit, in addition to being liable for the relocation assistance set forth in section ~~871-10871-14~~(a), the tenant renting a vacant and uninhabitable rental unit may also recover from the landlord either two months periodic payments of rent or up to three times the actual damages the tenant household sustained as a result of the violation, whichever is greater.

(2) *Failure to provide relocation assistance or repay relocations costs.*

(A) A landlord's failure to provide relocation assistance in accordance with section ~~871-10871-14~~(a) or to repay costs incurred by the director in providing relocation assistance in accordance with section ~~871-10871-14~~(d) shall constitute a class D civil offense under Section 1501-9(a) for every tenant household displaced.

(B) Each and every day on which a landlord continues to violate section ~~871-10871-14~~(a) shall constitute a separate offense.

(f) *Appeals.*

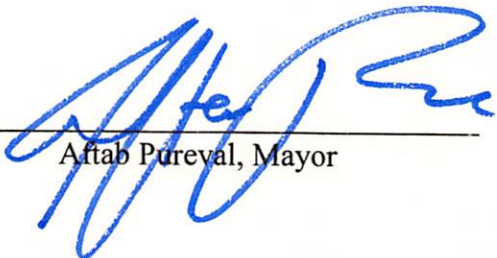
(1) *Administrative Ruling.* A landlord who has a controversy with the city as to the interpretation or application of this section may seek a written determination from the director pursuant to Section 1101-80 of the Cincinnati Building Code.

(2) *Appeal of Director's Ruling.* A landlord aggrieved by an order of the director made pursuant to this section may appeal the order to the Board of Housing Appeals in accordance with Section 1101-83 of the Cincinnati Building Code.

Section 2. That all terms of Ordinance No. 415-2023 not amended in this ordinance remain in full force and effect.

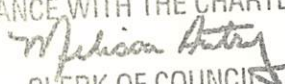
Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to correct the numbering of Section 871-14, "Landlord's Obligation to Provide Tenant Relocation Assistance," of the Municipal Code to prevent confusion with existing Section 871-10, "Unlawful Eviction Prohibited."

Passed: January 31, 2024


Aftab Pureval, Mayor

Attest: Nicole Chazyond
Acting Clerk

New language underscored. Deleted language indicated by strikethrough.

I HEREBY CERTIFY THAT ORDINANCE NO. 38-2024
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 2/13/2024

CLERK OF COUNCIL