

Date: October 18, 2023

To: Members of City Council 202302208
From: Mayor Aftab Pureval
Subject: EMERGENCY ORDINANCE – Funded Repair of Essential Services

Attached is an Emergency Ordinance captioned as follows:

MODIFYING the provisions of Chapter 1101, “Administration,” of Title XI, “Cincinnati Building Code,” of the Cincinnati Municipal Code by **ORDAINING** new Section 1101-62, “Emergency Correction of Essential Building Facilities Within Residential Rental Buildings,” to authorize the Director of Buildings and Inspections to remediate the failure of essential building facilities, such as heat, electrical, and fire safety exiting facilities, within residential rental buildings on an emergency basis; **AMENDING** Section 1101-64, “Recovering Total Cost of Correcting Hazardous Condition of Building and/or Abating Nuisance,” to provide for recovery of the costs of emergency remediation under Section 1101-62; and **ESTABLISHING** Fund 346, “Emergency Remediation of Defects in Rental Housing,” into which shall be deposited revenue from the total costs of remediation and abatement recovered under Section 1101-64 to be used for expenses related to emergency remediation and abatement of failed essential building facilities within residential rental housing expended in enforcement of Section 1101-62.

The purpose of the ordinance is to establish a new property maintenance code enforcement program to reduce the number of evacuations of residential tenants due to unsafe conditions within residential rental properties. The department has at times experienced cases where a landlord has been ordered to correct “Essential Services” required to maintain the basic livability of one or more dwelling units in a building. Examples might include replacing nonfunctional furnaces in the winter, fixing collapsed sewer pipes prohibiting use of toilets and sinks, maintaining water pipes flow for drinking and sanitary purposes, replacing arcing and hazardous electrical panels, or ensuring that fire exits are secure and hazard free. When a landlord does not correct violations in a timely manner, the department may be caused to order tenants to vacate the building with minimal notification, disrupting their lives and often causing challenges for tenants both finding and affording alternative housing, and making it uncertain when or if they will return to their home.

With this new “Essential Services Program”, when the department has ordered such hazardous or unlivable violations to be corrected, and the landlord has not caused corrections to occur in a reasonable and timely manner, and vacating the tenants is an imminent certainty, the Director will have discretion to authorize city approved contractors to proceed with immediately correcting the violations, alleviating the need for the tenants to be ordered to vacate. Such work shall be funded by an initial \$500,000 allocation previously approved by City Council this fiscal year. Upon completion of the work by the city, the department will seek reimbursement from the property owner for all associated costs incurred as a result

of the department's actions to remedy the situation. The department will bill for these expenses, and has authority to forward the expenses to collection, to assess the costs to the property tax bill for repayment, or to potentially foreclose on property for lack of payment.

City Council should note that procedurally, this process is similar to protocols the department currently utilizes to enforce the Hazard Abatement Program, Barricade Program, and PLAP Program.

This ordinance further establishes a dedicated fund, 346, which when reimbursements from property owners are received, will be returned to their source and be available for future properties needing their Essential Services corrected. This too is modeled after another department fund, 347, which is replenished with reimbursements received from our city paid for demolitions within our Hazard Abatement Program

The Administration recommends passage of the attached Emergency Ordinance.

cc: Art Dahlberg, Director, Buildings & Inspections