



# City of Cincinnati

801 Plum Street  
Cincinnati, OH 45202

## Agenda - Final

### Equitable Growth & Housing

*Chairperson, Jeff Cramerding*  
*Vice Chairperson, Reggie Harris*  
*Councilmember, Meeka Owens*  
*Councilmember, Mark Jeffreys*  
*Councilmember, Liz Keating*  
*Vice Mayor, Jan-Michele Kearney*  
*Councilmember, Victoria Parks*  
*Councilmember, Scotty Johnson*  
*Councilmember, Seth Walsh*

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Tuesday, October 24, 2023

1:00 PM

Council Chambers, Room 300

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ROLL CALL

## PRESENTATIONS

### Pathway to Success

Dr. Holly McGee, University of Cincinnati

## AGENDA

- [202302113](#) **PRESENTATION** dated 10/10/2023, submitted by Councilmember Cramerding titled, "Pathway to Success."  
**Sponsors:** Cramerding  
**Attachments:** [Presentation](#)
- [202302213](#) **ORDINANCE** submitted by Mayor Aftab Pureval, on 10/18/2023, **MODIFYING** Chapter 871 of the Cincinnati Municipal Code, "Landlord-Tenant Relationships," by ordaining new Section 871-10, "Landlord's Obligation to Provide Tenant Relocation Assistance," and amending Sections 871-1, "Purpose and Construction," 871-3, "Definitions," and 871-15, "Court Action,"; **MODIFYING** Chapter 1117 of the Cincinnati Municipal Code, "Housing Code," by amending Sections 1117-31, "Connection of Fixtures," and 1117-35, "Heating Facilities"; and **MODIFYING** Title XV, "Code Compliance," by amending Section 1501-9, "Class D Civil Offenses," all to establish a procedure by which tenants may receive relocation assistance if ordered by the City to vacate their residences due to unsanitary living conditions that are either created, or knowingly and willfully left unabated, by the landlord.  
**Sponsors:** Mayor  
**Attachments:** [Transmittal](#)  
[Ordinance](#)

3. [202302208](#) **ORDINANCE (EMERGENCY)** submitted by Mayor Aftab Pureval, on 10/18/2023, **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.
- Sponsors:** Mayor
- Attachments:** [Transmittal](#)  
[Ordinance](#)
4. [202302211](#) **ORDINANCE** submitted by Mayor Aftab Pureval, on 10/18/2023, **MODIFYING** the provisions of Title XI, "Cincinnati Building Code," of the Cincinnati Municipal Code by **AMENDING** Section 1127-07, "Residential Rental Property Inspection Pilot Program," to make permanent the pilot program and expand its geographic area; and **AMENDING** Section 1501-5(a), "Class B Civil Offenses," and Section 1501-8(a), "Class C1 Civil Offenses," of Title XV, "Code Compliance and Hearings," of the Cincinnati Municipal Code.
- Sponsors:** Mayor
- Attachments:** [Transmittal](#)  
[Ordinance](#)
5. [202302220](#) **MOTION**, submitted by Vice Mayor Kearney, **WE MOVE** that the Administration prepare a report within the next thirty (30 days) on plans for a new disparity study ("Croson Study") for the City of Cincinnati including the timeline for issuing a new Request for Proposal from vendors through the targeted completion date for the study, as well as the proposed scope of the new disparity study.
- Sponsors:** Kearney
- Attachments:** [202302220](#)

ADJOURNMENT

# Pathway to Success: Homeless Student Housing Initiative

SUSTAINABLE. COLLABORATIVE. AFFORDABLE.

## HOUSING INSECURITY IN THE QUEEN CITY

### University of Cincinnati



11%  
Homeless  
(4,840 @ 44K)

### Xavier University



12%  
Homeless  
(840 @ 7K)

### Cincinnati State



25-30%  
Homeless  
(2,100 @ 8K)

Sources: *Journal of College Student Development*, *Journal of Social Service Research*,  
*Community College Journal of Research & Practice*, Teacher's College Press.

“Students will [pay] only part of their rent, [skimp] on utility bills, or [sleep] on friends’ couches...and sometimes in their cars.”

- “In College and Homeless,” New York Times, 2020

## REAL PEOPLE REAL REPURCUSSIONS

*Mardy Gilyard (UC)*



*Urban Homeless Challenge (XU)*



### Immediate Consequences

- Food Insecurity
- Sexual Assault
- Victim of random crime
- Incarceration
- Death (hypothermia)

### Long-Term Consequences

- Stunted Employment
- Mental Health Issues
- Physical Health Issues
- Drug Use

Vehicular homelessness is on the rise across the nation, and since 2016 39% of 187 cities surveyed by the NLCHP had adopted ordinances that criminalized homeless people in cars.

- National Law Center on Homelessness and Poverty

## THE “LUCKY” ONES

*7 days a week...*



*Rain, sleet, or snow...*



*Freezing weather or blistering heat...*



“It costs \$1,250 to keep someone from becoming homeless compared to \$3,900 to assist them after they become homeless.”

- Strategies to End Homelessness, Cincinnati (OH) 2019

# LIVING ROUGH IN OHIO

## Percent of Homeless Students Living Doubled Up

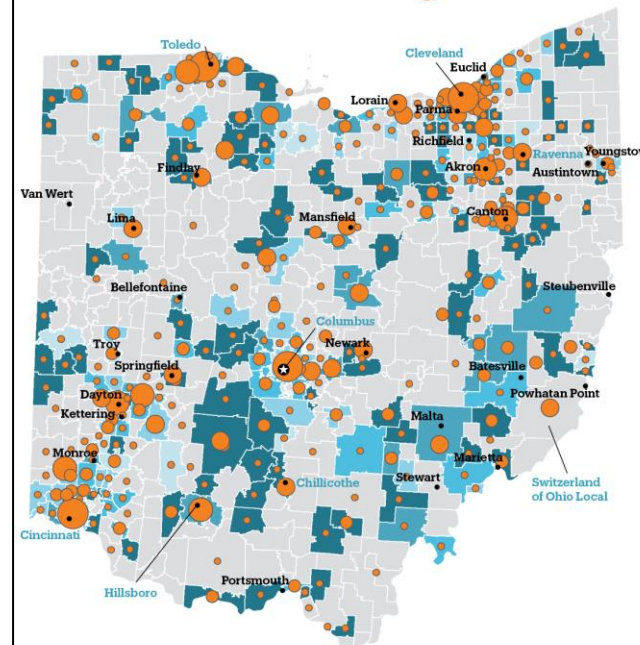
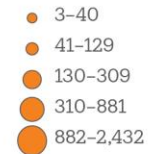


## Statewide

Total homeless students:  
**27,939**

Percent of homeless students doubled up:  
**76%**

## Total Homeless Students



- Ohio has 27,000+ students facing housing (and food) insecurities.
- Ohio has the 11th highest number of homeless students and the 41st highest rate of student homelessness in the nation.

# Pathway to Success: Homeless Student Housing Initiative

SUSTAINABLE. COLLABORATIVE. AFFORDABLE.

## THE CINCINNATI MODEL



To work together and more effectively, Pathway to Success needs YOU!

- Assess homeless student need(s) and services.
- Establish a “*Community of Colleges*” with representatives from all three institutions.
- Create an Advisory Committee of both corporate and social service providers.
- Secure dedicated/perpetual institutional and city/county financial support.

Date: October 18, 2023

To: Members of City Council 202302213  
From: Mayor Aftab Pureval  
Subject: ORDINANCE – Tenant Relocation

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Attached is an ordinance captioned as follows:

**MODIFYING** Chapter 871 of the Cincinnati Municipal Code, “Landlord-Tenant Relationships,” by ordaining new Section 871-10, “Landlord’s Obligation to Provide Tenant Relocation Assistance,” and amending Sections 871-1, “Purpose and Construction,” 871-3, “Definitions,” and 871-15, “Court Action,”; **MODIFYING** Chapter 1117 of the Cincinnati Municipal Code, “Housing Code,” by amending Sections 1117-31, “Connection of Fixtures,” and 1117-35, “Heating Facilities”; and **MODIFYING** Title XV, “Code Compliance,” by amending Section 1501-9, “Class D Civil Offenses,” all to establish a procedure by which tenants may receive relocation assistance if ordered by the City to vacate their residences due to unsanitary living conditions that are either created, or knowingly and willfully left unabated, by the landlord.

This ordinance is to shift the cost burden of moving expenses from the City, to the housing provider who has allowed a dwelling to become so neglected, unsafe or unsanitary that it is no longer suitable for human occupancy. Upon encountering this kind of housing situation, City inspectors issue orders to promptly cause the dwelling to be made safe. When an owner fails to comply with the repair order, as a last resort, an order to vacate the dwelling must be issued. The occupants are then required to relocate from the unsafe housing and out of harm’s way. More times than not tenants will be mentally and financially unprepared to pack up and move. The City has assisted occupants in this unfortunate situation with assistance from the B&I Housing Services Coordinator to quickly find suitable decent, safe and sanitary housing in which to move, and provide financial assistance in the form of the first months, rent and/or deposit and moving expense. In many cases the struggling occupants of this housing do not have the savings to be able to pay a deposit and first month rent in advance and would otherwise have to remain in the unsafe conditions until financially able to move. The ordinance will place this cost burden on the housing provider responsible for the neglect and development of unsafe conditions.

This ordinance also clarifies the responsibility for providing water service when the lease requires the tenant to pay for water service. This is a common arrangement in detached single-family homes. Rather than include the water service costs in a fixed monthly rent amount, housing providers prefer the tenants pay for the water they use separately to encourage conservation. The code change will shift responsibility from the housing provider to the tenant when water service is shut off due to non-payment by the tenant when the lease agreement requires the tenant to pay. A house that must be vacated for lack of sanitation due to water shut off will afford the housing provider a defense to code enforcement when the tenant has agreed to pay for water service but fails to do so.

The Administration recommends passage of the attached ordinance.

cc: Art Dahlberg, Director, Buildings & Inspections



**MODIFYING** Chapter 871 of the Cincinnati Municipal Code, “Landlord-Tenant Relationships,” by ordaining new Section 871-10, “Landlord’s Obligation to Provide Tenant Relocation Assistance,” and amending Sections 871-1, “Purpose and Construction,” 871-3, “Definitions,” and 871-15, “Court Action,”; **MODIFYING** Chapter 1117 of the Cincinnati Municipal Code, “Housing Code,” by amending Sections 1117-31, “Connection of Fixtures,” and 1117-35, “Heating Facilities”; and **MODIFYING** Title XV, “Code Compliance,” by amending Section 1501-9, “Class D Civil Offenses,” all to establish a procedure by which tenants may receive relocation assistance if ordered by the City to vacate their residences due to unsanitary living conditions that are either created, or knowingly and willfully left unabated, by the landlord.

WHEREAS, buildings with residential rental units are on occasion found to have severe code violations that threaten the health, safety, and welfare of the tenants, including such unsanitary or unsafe conditions that the City is required to order the building vacated and uninhabitable; and

WHEREAS, these code violations often result from intentional and unintentional neglect or deferred maintenance by landlords, and the unsanitary or unsafe conditions may constitute a breach of the landlords’ implied warranty of habitability, a violation of the landlords’ obligation pursuant to Ohio Revised Code 5321.04(A)(2) to maintain residential rental properties in a fit and habitable condition, and may result in the constructive eviction of tenants from residential rental units; and

WHEREAS, when the Department of Buildings and Inspections inspects a rental property and finds it to be uninhabitable due to substandard living conditions that are a direct result of the landlord’s actions or inaction, the City is often forced to vacate tenants; and

WHEREAS, exposure to lead dust and paint chips is detrimental to the health, safety, and welfare of tenants, and, especially in the case of children, may result in lead poisoning and cause significant negative effects on a child’s health and neuropsychological development; and

WHEREAS, the Cincinnati Health Department is occasionally required to issue a Notice of Noncompliance and Order to Vacate residential properties due to the existence of unabated lead hazards that make the properties unsafe for human occupation, and the failure to abate is due to the landlord’s failure to cooperate with the City’s lead hazard abatement enforcement efforts; and

WHEREAS, during cold weather months, the Cincinnati Health Department and Department of Buildings and Inspections are regularly alerted to rental properties where there is insufficient heat and are required to issue orders requiring the vacation of these properties to protect the health and safety of their occupants; and

WHEREAS, in November 2015, the City was forced to vacate and provide relocation assistance to 23 families residing at 1026 Burton Avenue due to a roof failure following a significant period of intentionally deferred maintenance by the landlord, who had been on notice for months that the roof of the building needed to be repaired; and

WHEREAS, in December 2022, the City was forced to provide relocation to dozens of tenant households residing in properties across Cincinnati who were displaced due to flooding and lack of heat resulting from deferred maintenance of electrical, heating, and plumbing systems; and

WHEREAS, vacate orders are issued by the City as a last resort, when necessary to protect the public health, safety, and welfare where living conditions become unsafe, and only after reasonable attempts to attain compliance have been exhausted; and

WHEREAS, the expenses incurred in moving and the difficulty of finding affordable replacement housing create a financial hardship on tenants, especially low-income tenants; and

WHEREAS, the City currently provides minimal tenant relocation assistance out of goodwill, not as a legal requirement, to help tenants who are forced to vacate their rental units due to substandard living conditions to obtain safe and sanitary housing; and

WHEREAS, landlords who fail to provide safe and sanitary housing, consistent with their obligations under Chapter 5321 of the Ohio Revised Code, should bear responsibility for the costs incurred by the City in providing relocation assistance to displaced tenants; and

WHEREAS, this ordinance is needed to supplement existing state and common law remedies that are insufficient to address the problems facing the tenants and the City when a rental property is deemed uninhabitable by the City's code enforcement officers due to substandard living conditions; and

WHEREAS, providing a more comprehensive relocation assistance to displaced tenants conforms to the guiding policy principles to "[d]evelop a culture of health embodied by thriving residents" and to "[l]ead by example to strengthen our region" as described on pages 80 and 83 of Plan Cincinnati (2012), and the "Live" goal to "[i]mprove housing quality" by "[p]rovid[ing] quality healthy housing" as described on pages 164 to 168 of the Plan; and

WHEREAS, requiring landlords to pay for the relocation costs incurred by displaced tenants or the City will encourage landlords to correct code violations and is in the interests of the public health, safety, morals, and general welfare; now, therefore,

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

Section 1. That Section 871-10, "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. - Landlord's Obligation to Provide Tenant Relocation Assistance.**

(a) *Relocation assistance required.* A landlord shall provide relocation assistance to a tenant household that is or will be displaced due to uninhabitable or unsafe living conditions that are the result of intentional or unintentional neglect or deferred maintenance by the landlord where the director of buildings and inspections or the board of health issues a vacate order following inspection of a rental unit. The relocation assistance shall be provided in addition to any damages or other amounts to which the tenant may otherwise be entitled by law. 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 871-10(a)(1), the tenant may claim in a court action against the landlord the greater of either the relocation assistance provided in section 871-10(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; 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 871-10(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 871-10(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 871-10(c) and rents a vacant and uninhabitable rental unit, in addition to being liable for the relocation assistance set forth in section 871-10(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 871-10(a) or to repay costs incurred by the director in providing relocation assistance in accordance with section 871-10(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 871-10(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 Sections 871-1, "Purpose and Construction," 871-3, "Definitions," and 871-15, "Court Action," of Chapter 871, "Landlord-Tenant Relationships," of the Cincinnati Municipal Code are hereby amended to read as follows:

**Sec. 871-1. - Purpose and Construction.**

- (a) The purpose of this chapter is to improve the housing stock in Cincinnati, ~~and~~ promote equitable relationships between landlords and tenants, and ensure that tenants have access to decent, safe, and sanitary housing. To this end, the chapter shall be liberally construed.
- (b) If any of the provisions of this chapter conflict with the laws, rules, and regulations of the United States or the state of Ohio, such laws, rules, and regulations shall govern.

**Sec. 871-3. - Definitions.**

As used in this Chapter 871, the following words and terms shall have the meanings indicated in this section. Words and terms used and not specifically defined in this section, but which are defined in the Cincinnati ~~Ohio Basic~~ Building Code, Title XI of the Cincinnati Municipal Code, shall have the meanings there defined. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine, and the feminine the masculine.

- (a) “Director of Buildings and Inspections” or “Director” shall be construed to include the director of buildings and inspections and authorized employees appointed to perform specific duties of the Department of Buildings and Inspections in the enforcement of the provisions of the Ohio Building Code and the Cincinnati Building Code.
- (b) “Landlord” means the owner of a rental unit.
- (c) “Rental agreement” means any contract or lease, whether written, oral, or implied by operation of law, for the rental of the rental unit.
- (d) “Rental unit” means the whole or part of a building including common areas used by a person for living dining, cooking, sleeping, and sanitation purposes owned or controlled by another, under an agreement for the periodic payment of rent.
- (e) “Security deposit” means any deposit of money or other property however denominated whose primary function is to secure the performance of the tenant under a rental agreement.
- (f) “Tenant” means an occupant of a rental unit other than an owner or operator.
- (g) “Tenant household” means an individual tenant who lawfully resides in a rental unit or two or more individuals who lawfully reside in the same rental unit, whether or not such individuals are related to one another by blood or marriage.

(h) “Vacate order” means an order to vacate and keep vacant an occupied rental unit, which order is issued pursuant to the city’s police powers to protect public health, safety, and welfare, including pursuant to Section 3742.40 of the Ohio Revised Code, Rule 370-30-11 of the Ohio Administrative Code, Section 602-7 or Section 1101-65 of the Cincinnati Municipal Code, or the director’s authority pursuant to Section 5, Article XXI of the Cincinnati Administrative Code.

**Sec. 871-15. – Court Action.**

- (a) The obligations imposed upon landlords and tenants under of this chapter, including the duty of the landlord to maintain the rental unit in substantial compliance with the Cincinnati—~~Ohio Basic~~ Building Code, the Cincinnati Fire Prevention Code, and the Regulations of the Board of Health confer in the other party to a rental agreement a concomitant right to enforce those obligations. A landlord or tenant may bring an action for mandatory or injunctive relief to secure compliance with these obligations.
- (b) A landlord or tenant may recover damages, including damages for injury to person or property, for the breach of any obligation imposed by this chapter.
- (c) The city may recover costs from a landlord for any relocation assistance that it provides in accordance with Section 871-10(d).
- (d) A tenant may seek the ~~appoint~~ appointment of a receiver for the building in which the tenant ~~he~~ resides only in any pending action where the tenant and landlord are parties. The tenant shall show that a city official has ordered the landlord to make repairs to the building, that such order has not been complied with within the time allotted for compliance, and that there is a pattern of neglect of the building on the part of the landlord. The tenant shall also show that the orders are for the correction of conditions which are in violation of the Cincinnati —~~Ohio Basic~~ Building Code, the Cincinnati Fire Prevention Code, the Regulations of the Board of Health, or related laws and ordinances. Finally, the tenant shall show that the conditions of the building impose a serious threat to the life, health, or safety of the occupants.
- (e) Upon appointment, a receiver shall collect all rents for the building due the landlord for a period not to exceed six months and use the sums collected for the purpose of correcting violations of the Cincinnati —~~Ohio Basic~~ Building Code or for such other purposes authorized by the court. The obligation of a tenant to pay rent shall be discharged upon payment of rent due to the receiver. A building may not be placed under a receivership more than once in a period of 365 days to run from the time of appointment.
- (f) A receiver may be allowed out of the rents collected a fee for services. The fee allowed shall be as determined reasonable by the court but shall not exceed 20 percent of the amount actually and reasonably expended for repairs.

- (g) If a receiver is appointed at the request of the tenant, the tenant may be allowed as part of the costs of the action expenses and a reasonable attorney's fee for services relating to the appointment and service of the receiver.

Section 3. That Sections 1117-31, "Connection of Fixtures," and 1117-35, "Heating Facilities," of Chapter 1117, "Housing Code," of the Cincinnati Municipal Code are hereby amended to read as follows:

**Sec. 1117-31. - Connection of Fixtures.**

1117-31.1 *Water supply:* All plumbing fixtures in every residential building shall be connected to an approved water supply.

1117-31.2 *Sewer connection:* All plumbing fixtures in every residential building shall be provided with a public sewer connection, or an approved private sewage disposal system.

1117-31.3 *Hot and cold running water:* All sinks, lavatories, bathtubs, and showers shall be supplied with hot and cold running water. It shall be an affirmative defense to a charge brought under this section that the tenant of the dwelling unit has agreed in writing to provide or pay for the required water service for the unit occupied by that tenant.

**Sec. 1117-35. - Heating Facilities.**

1117-35.1 *General:* The owner, person in control, or operator of any dwelling, other than those erected exclusively for summer use, shall provide heating facilities which are capable of safely heating all habitable rooms and toilet rooms to a temperature of 70° F., at a distance of three feet above the floor level at the center of the room when the outside temperature is 0° F. The owner, person in control, or operator shall cause such heating facilities to be installed in an approved manner, ~~safely~~ safely maintained, and in good working condition. ~~It shall be an affirmative defense to a charge brought under this section that the tenant of the dwelling unit has agreed in writing to provide or pay for the required heating facilities for the unit occupied by that tenant. No landlord may evict a tenant or refuse to rent to a prospective tenant solely because the tenant fails to agree to provide the required heating facilities.~~

1117-35.2 *Flue connections:* All heating and water heating devices which burn gaseous, liquid or solid fuel shall be connected to an approved flue.

*Exception:* Unvented gas space heaters equipped with oxygen depletion sensors and listed in accordance with ANSI Standard "Z21.11.2 1978" or later edition, shall be permitted in one-family and two-family dwellings.



1117-35.3 *Flues to be clean and unobstructed:* The owner or person in control of the dwelling shall be required to see that flues are clean and unobstructed, provided with a cleanout, and capable of providing the draft necessary to remove the products of combustion from heating or water heating equipment connected thereto.

1117-35.4. *Sale of Space Heaters:* It shall be unlawful to sell, offer for sale, or display for sale in the City of Cincinnati any gas space heater which is not an approved vented gas space heater equipped with an approved gas pressure regulator.

*Exception:* Unvented gas space heaters equipped with oxygen depletion sensors and listed in accordance with ANSI Standard “Z21.II.2-1978” or later edition, shall be permitted in one-family and two-family dwellings.

1117-35.5. *Installation of Space Heaters:* It shall be unlawful to install in the City of Cincinnati any gas space heater which is not an approved vented gas space heater equipped with an approved gas pressure regulator without connecting such gas space heater to an approved flue in an approved manner.

*Exception:* Unvented gas space heaters equipped with oxygen depletion sensors and listed in accordance with ANSI Standard “Z21.11.2-1978” or later edition, shall be permitted in one-family and two-family dwellings.

1117-35.6. *Authority to Shut-Off Gas-Fired Space Heaters and Water Heaters:* Whenever it shall appear on inspection that gas equipment used for space heating or water heating is discharging dangerous fumes, or is unsafe for use, and when, in the opinion of the director of buildings and inspections or other persons in the fire division or department of health authorized by the city manager, immediate action is necessary, they shall be authorized to shut off the supply of gas to the equipment by turning off the valve or cock to the equipment, or when required, by capping or plugging gas lines to the equipment or other mechanical means to accomplish shut off of gas to the equipment and attaching thereto a tag and seal out of service so as to make inoperative or to take any steps necessary in the interest of the public safety with or without notice to the owners or persons in control of the property or equipment involved.

1117-35.7. *Nonconforming Gas-fired Equipment:* Whenever it shall appear on inspection that gas equipment used for space heating or water heating is in violation of any of the requirements of any section of this Code, or of any law or ordinance relating to the same subject matter, an order shall be issued to the owner or the person in control of the gas equipment to correct same. After such order and the failure of the owner or person in control of such gas equipment to correct the violation within the time specified in the order, the director of buildings and inspections or other persons in the fire division or department of health authorized by the city manager, shall be authorized to shut off the supply of gas to the gas equipment in the manner herein provided.

1117-35.8. *Sealing Device Not to Be Removed:* It shall be unlawful to remove the tag, seal, cap, plug, or other mechanism or sealing device or to use or permit to be used any gas equipment which use has been ordered discontinued in accordance with

§ 1117-35.6 or 1117-35.7 CBC until such equipment is made to comply with the applicable provisions of the CBC and OBC.

Section 4. That Section 1501-9, “Class D Civil Offenses,” of Title XV, “Code Compliance and Hearings,” of the Cincinnati Municipal Code is hereby amended to read as follows:

**Sec 1501-9. - Class D Civil Offenses.**

A person who violates a standard of conduct set forth in a provision of the Cincinnati Municipal Code listed below is liable for the civil fine specified in § 1501-99 for a Class D Civil Offense. If the provision is listed under paragraph (a) below, the otherwise applicable civil fine is reduced by 50% if the person charged shows in accordance with § 1501-15 that the violation has been corrected. If a person has previously been found to have violated the same provision of the Cincinnati Municipal Code within one year that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine for the subsequent offense provided below, which fine is specified in § 1501-99 and is not subject to reduction for correction of the violation.

(a) Class D Civil Offenses With Civil Fines Subject to 50% Reduction for Correction of Violation:

			Civil Fine for Subsequent Offense
(1)	§ 720-13	Private Facilities	Class E
(2)	§ 720-45	Notice of Violations	Class E
(3)	§ 720-69	Notice to Correct Drainage	Class E
(4)	Chapter 855	Rooming Houses	Class D
(5)	Chapter 895	Outdoor Advertising Signs	Class D
(6)	Chapter 1101	Administration, Cincinnati Building Code	Class E
(7)	Chapter 1106	General and Specialty Contractors	Class E
(8)	Chapter 1107	Elevator and Conveyor Equipment	Class E
(9)	Chapter 1117	Housing Code	Class E
(10)	Chapter 1119	Building Hazard Abatement Code	Class E
(11)	Chapter 1127	General Inspections Programs Code	Class E
(12)	Title XIV	Zoning Code	Class E
(13)	§ 1201-21	Maintenance	Class D
(14)	§ 1201-33	Evacuation	Class D

(15)	§ 1201-35	Spills and Leaks	Class D
(16)	Chapter 1235	Detectors, Early Fire Warning Systems	Class D
(17)	§ 1123-11(a)	Vacant Foreclosed Property Registration - Failure to register a vacant, foreclosed property.	Class E
(18)	§ 874-07(a)	Failure to Register Residential Rental Property	Class D
(19)	§ 871-10	<u>Landlord's Obligation to Provide Tenant Relocation Assistance</u>	<u>Class D</u>

(b) Class D Civil Offenses With Civil Fines Not Subject to 50% Reduction for Correction of Violation:

			Civil Fine for Subsequent Offense
(1)	§ 718-25	Secret Street Uses	Class E
(2)	§ 721-59	Taking Material from Streets	Class E
(3)	§ 729-71(c)(2)	Personal Property Left Abandoned on Streets and Sidewalks- 4 or more items	Class D
(4)	§ 761-14	Eviction or Retaliation by Landlord	Class E
(5)	Chapter 891	Home Improvement	Class E
(6)	§ 1201-47	Failure to Comply with Orders	Class D
(7)	§ 1219-21	Causing Fire Through Negligence	Class D
(8)	Chapter 1251	Fire Starting Apparatus	Class D
(9)	§ 759-4	Use of a Motor Vehicle to Facilitate a Drug Related Crime	Class D
(10)	Chapter 722	Management and Control of the Use of the City Right-of-Way	Class E
(11)	Chapter 730	Commercial Waste Franchises	
(12)	§ 856-25(c)	Violation of Limitations on Operators or Operation of Short Term Rentals	Class D
(13)	§ 1125-17(1)	Failure to Register a Vacant Building	Class E
(14)	§ 1601-57	Enforcement of Emergency Orders	Class D
(15)	§ 1601-59	Enforcement of Health Orders	Class D
(16)	§ 723-79	Failure to Obtain Streetcar Power-Down or Shutdown Work Permit	Class D
(17)	Chapter 811	e-Scooter Rental Franchises	Class D

Section 5. That existing Sections 871-1, “Purpose and Construction,” 871-3, “Definitions,” and 871-15, “Court Action,” of Chapter 871, “Landlord-Tenant Relationships,” of the Cincinnati Municipal Code, Sections 1117-31, “Connection of Fixtures,” and 1117-35, “Heating Facilities,” of Chapter 1117, “Housing Code,” and Section 1501-9, “Class D Civil Offenses,” of Title XV, “Code Compliance and Hearings,” of the Cincinnati Municipal Code are hereby repealed.

Section 6. 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

\_\_\_\_\_  
New language underscored. Deleted language indicated by strikethrough.

Date: October 18, 2023

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

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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

## EMERGENCY

MSS

-2023

**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.

WHEREAS, Council is concerned with securing and maintaining the viability of safe and accessible rental housing within the City of Cincinnati; and

WHEREAS, Council finds that many residential rental dwelling units are unsafe because building owners or others responsible for property maintenance fail to provide properly functioning essential building facilities such as plumbing, heating, electrical, structural, or fire safety exiting facilities; and

WHEREAS, residents of such rental units frequently have no practical options other than to live in unsafe conditions, without timely remediation of such conditions or the ability to secure alternative housing, because they lack the means either to afford alternative housing or to cause the repair of essential building facilities themselves and utilize available procedures to recoup the costs of doing so; and

WHEREAS, Council has authorized the Department of Buildings and Inspections to repair and stabilize structures that are in a dangerous condition when property owners fail to do so and the property presents an immediate hazard, with the cost of such repairs and stabilization recovered from property owners; and

WHEREAS, this authority has proven to be a vital and necessary tool in ameliorating such conditions on an emergency basis, providing for the safety of the community and preventing buildings from falling into further disrepair; and

WHEREAS, rental dwelling units and buildings lacking properly functioning essential facilities pose an immediate and emergent threat to the health, safety, and welfare of residents; and

WHEREAS, residential rental property owners are responsible for providing properly functioning essential building facilities and should bear the cost of maintaining such facilities and providing emergency remediation when they fail, but may be unwilling or unable to do so; and

WHEREAS, Sections 715.26, 715.261, and 715.29 of the Ohio Revised Code authorize the City to regulate unsanitary and unsafe conditions, compel their remediation, and recover the costs of remediation from property owners when the City is required to remediate such conditions because of the owner's or person in charge's failure to do so; and

WHEREAS, Council intends through this ordinance to provide tools to the Director of the Department of Buildings and Inspections to expeditiously resolve unsafe living conditions caused by emergency situations related to essential building facilities in residential rental properties and to recover the costs of doing so from the property owners; and

WHEREAS, it is desirable to establish a dedicated fund to provide resources for the Department of Buildings and Inspections' remediation and abatement activities authorized by this ordinance, into which the recovered costs of remediation and abatement shall be deposited for the continued enforcement of the provisions of this ordinance; now, therefore,

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

Section 1. That Section 1101-62, "Emergency Correction of Essential Building Facilities Within Residential Rental Buildings," of Chapter 1101, "Administration," of the Cincinnati Municipal Code is ordained as follows:

**Sec. 1101-62. – Emergency Correction of Essential Building Facilities Within Residential Rental Buildings.**

1101-62.1 *Definitions:* For the purposes of this section, the following words and phrases shall have the following meaning:

*Emergency Condition:* "Emergency condition" means any condition resulting from the failure of essential building facilities that is dangerous or injurious to the health or safety of the occupants of the dwelling unit or building, or occupants of a neighboring dwelling unit or building. It includes, but is not limited, to the following:

- (1) A mechanical failure of a ventilation or heating system, including failure by such system to maintain a minimum temperature of 60 degrees Fahrenheit inside the dwelling unit;
- (2) Lack of adequate water supply, including an adequate supply of hot water, to the dwelling unit or building due to mechanical failures of pipes or appliances such as boilers or hot water heaters;



- (3) A structural, mechanical, or electrical defect that creates a substantial and serious risk of fire, accident, injury to health or safety, or other calamity;
- (4) Lack of adequate and properly functioning sanitary facilities in the dwelling unit; or
- (5) A failure of fire safety exiting devices to function properly.

*Essential Building Facilities:* “Essential building facilities” means the devices and systems that must be fully functional to allow for the safe and healthy habitation of a legal residential dwelling unit or building, including but not limited to:

- (1) Heating System, including boilers and furnaces, and associated delivery systems and facilities providing fuel sources or air handling necessary to utilize such system;
- (2) Plumbing System, including drinking, bathing, and sanitary fixtures and pipes, and all facilities necessary to utilize such system;
- (3) Structural System, including foundational and structural support systems necessary to stabilize and support the envelope of the building and structures supporting the prescribed emergency exiting path within the building;
- (4) Electrical System, including panels, outlets, wiring, service lines, and all facilities necessary to utilize such system; or
- (5) Fire Safety System, including fire escapes, fire exit stairs, and emergency doors.

1101-62.2 *Limitation on Repair of Essential Building Facilities.* Whenever the director determines that an emergency condition exists, the director may act according to the provisions of this section unless the director estimates the cost of proceeding under this section to exceed forty percent of the assessed improvement value of the subject building as determined from the records of the Hamilton County Auditor. If the director may not proceed under this section because the cost of remediation exceeds this threshold, the director may utilize any other remedy available under law as the director deems appropriate to ameliorate the emergency condition.

1101-62.3 *Emergency Repair of Essential Building Facilities.* If the director determines that an emergency condition exists and elects to proceed under this section, the director shall issue an order pursuant to Section 1101-61 specifying the condition requiring correction, the timeframe in which remedial action must be taken, and the consequences of failure to comply with the order. The director shall issue the order promptly to the property owner or person in control of the property responsible for the maintenance, operation, and repair of such structures, equipment, or systems. After such order has been served pursuant to Section 1101-61, the director may enter upon the premises pursuant to Section 1101-45 and repair or cause to be repaired such condition,

in a workmanlike manner by a licensed and registered contractor. All costs of proceeding under this section shall be recoverable as total cost under Section 1101-64.

1101-62.4 *Fund for Repair of Essential Building Facilities*: Total cost, as defined in Section 1101-64, recovered pursuant to Sections 1101-62.3 and 1101-64 shall be paid to the city treasurer and credited to a fund established for the purpose of making resources available for the continued enforcement of this section. The director may use such resources as are in the fund, in addition to other resources available, to aid in the enforcement of this section. The director shall make all reasonable attempts to recover the total cost incurred in proceeding under this section for crediting to the fund.

Section 2. That Section 1101-64, “Recovering Total Cost of Correcting Hazardous Condition of Building and/or Abating Nuisance,” of Chapter 1101, “Administration,” of the Cincinnati Municipal Code is amended as follows:

**Sec. 1101-64. – Recovering Total Cost of Correcting Hazardous Condition of Building Conditions, Abating Emergency Conditions Related to Essential Building Facilities, and/or Abating Nuisance-Nuisances.**

- (a1) The director may collect the total cost of abatement activities from the property owner or person in control of a property ~~whose~~ when the property has benefitted from the abatement activity using one or more of the following methods ~~prescribed in division (a)(1-4) of this section;~~
- (1a) The director may invoice the property owner or person in control of the benefitted property ~~pursuant to the quarterly fee schedule established pursuant to Section 1101-85;~~
- (2b) The director may place a lien on the benefitted property in accordance with the process set forth in Ohio Revised Code Sections 715.26, 715.261, and 731.54 or any successor sections;
- (3c) The city solicitor may commence a civil action ~~to recover the total costs, including from against~~ the property owner or person in control of the benefitted property at the time the costs were incurred;
- (4d) The director may file a lien against and pursue a foreclosure of the benefitted property in accordance with the process set forth in Ohio Revised Code Sections 323.65 to 323.79, and 715.261(B)(3) or any successor sections; or

- (e) The director may invoice the property owner or person in control of the benefitted property pursuant to the quarterly fee schedule established under Section 1101-85 of this chapter.
- (b2) For the purposes of this section, the following words and phrases shall have the following meaning:
- (1a) “Abatement activity” means each instance of any of the following:
- (A) Removing, repairing, or securing insecure, unsafe, structurally defective, abandoned, deserted, or open and vacant buildings or other structures;
- (B) Making emergency corrections of hazardous conditions;
- (C) Abatement of any nuisance condition by the director as authorized by the Ohio Revised Code; ~~and~~
- (D) All code enforcement activity undertaken to abate a nuisance condition that exists for more than sixty days following the director’s issuance of orders describing the nuisance condition including, but not limited to, inspections and attempts to achieve code compliance; or
- (v) Correction, abatement, or remediation of emergency conditions related to essential building facilities within residential buildings.
- (b) “Emergency condition” has the same meaning as in Section 1162.1
- (c) “Essential building facilities” has the same meaning as in Section 1162.1.
- (2d) “Nuisance condition” means any violation of a building code, housing code, zoning code, quality of life code, and any other codes under the jurisdiction of the director.
- (3e) “Total cost” means the sum of the following costs incurred or borne by the city in pursuit of abatement activity authorized under this chapter: any costs incurred due related to the use of employees, materials, or equipment of the city; any accrued quarterly code enforcement monitoring fees resulting from abatement activities associated with Section 1101-64(2)(a)(iv); any costs arising out of related to contracts for labor, materials, or equipment; and any costs of related to issuance or service of notice or publication as required under Chapter 11 of the Cincinnati Municipal Code this chapter. “Total cost” includes, but is not limited to, any attorney’s fees, costs of inspection, administrative and support staff fees, property maintenance costs, court costs, title search fees, process

server fees, and skip tracing expenses;; any costs of police, fire, and medical services provided to abate the nuisance conditions;; any costs of collection or prosecution, including discovery and deposition expenses, ~~incurred under this section relating~~ related to the demolition, repair, alteration, securing or boarding of a building or structure or for abating any other nuisance condition; and any costs of providing emergency temporary housing authorized by the Cincinnati Municipal Code related to abatement activity.

- (e3) The director may suspend the obligation to pay the total cost of abatement activities for a period of up to one year provided that the property owner or person in control of the benefitted property demonstrates to the satisfaction of the director that the person requesting the suspension:
  - (1a) has a bona fide and viable plan to correct the conditions that gave rise to the abatement activity;
  - (2b) has the financial capacity to implement the plan or is making a bona fide effort to obtain the financial resources to implement the plan;
  - (3c) will suffer an undue burden if required to pay the costs of abatement activity prior to implementation of the plan; and
  - (4d) ~~demonstrates that the subject~~ maintains the benefitted property in a condition that does not pose an unreasonable hazard to emergency personnel and the health and safety of the public, including trespassers.
- (d4) All suspensions issued under subsection (e3) of this section are subject to the following conditions:
  - (1a) The ~~subject~~ benefitted property must be maintained in a manner that does not pose an unreasonable hazard to emergency personnel and the health and safety of residents or the public, including trespassers;
  - (2b) Any condition that arises or is discovered during the suspension period that poses an unreasonable hazard to emergency personnel and the health and safety of residents or the public, including trespassers, must be repaired promptly, as required by the director;
  - (3c) The condition or conditions giving rise to the abatement activity must be corrected prior to the expiration of the suspension period; and
  - (4d) The director shall be permitted to inspect the interior and exterior of the ~~subject~~ benefitted property based on an inspection schedule established by the director as necessary to ensure ongoing compliance with applicable laws and conditions.

- (e5) The director may impose additional conditions on a suspension issued under subsection (e3) to the extent necessary to ensure that the subject-benefitted property is maintained in a manner that does not pose an unreasonable hazard to emergency personnel and the health and safety of the public, including trespassers, during the suspension period.
- (f6) The director may approve the assignment of an existing suspension to a subsequent purchaser or person in control of the subject-benefitted property upon determining that they meet the same standards ~~on~~-pursuant to which the suspension was granted. Upon approval, the purchaser or person in control of the benefitted property shall have the same rights and responsibilities as the initial petitioner to whom the suspension was granted.
- (g7) The director may terminate a suspension at any time and levy all suspended costs upon determining that the petitioner knowingly violated applicable law or a condition imposed on the suspension. Costs reinstated under this section shall be a debt due and payable to the city within 30 days of the decision and shall be collectible as a total cost as provided for in this section.
- (h8) The director shall certify that any costs suspended during the period are permanently waived upon correction of the conditions that gave rise to the abatement activity.
- (9) The director is authorized to promulgate rules and regulations to carry out the purposes of this section.

Section 3. That the establishment of Fund 346, “Emergency Remediation of Defects in Rental Housing,” is authorized, 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.

Section 4. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Sections 1 through 3.

Section 5. 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 need to implement the property maintenance programs and policies adopted as soon as possible to ensure that the Department of Buildings and Inspections is fully authorized to implement the program.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk

\_\_\_\_\_  
New language underscored. Deleted language indicated by strikethrough.

Date: October 18, 2023

To: Members of City Council 202302211  
From: Mayor Aftab Pureval  
Subject: ORDINANCE – Residential Rental Inspection Expansion

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Attached is an ordinance captioned as follows:

**MODIFYING** the provisions of Title XI, “Cincinnati Building Code,” of the Cincinnati Municipal Code by **AMENDING** Section 1127-07, “Residential Rental Property Inspection Pilot Program,” to make permanent the pilot program and expand its geographic area; and **AMENDING** Section 1501-5(a), “Class B Civil Offenses,” and Section 1501-8(a), “Class C1 Civil Offenses,” of Title XV, “Code Compliance and Hearings,” of the Cincinnati Municipal Code.

This ordinance is to expand and make permanent the Residential Rental Inspection (RRI) Pilot Program enacted in 2020. The pilot program has demonstrated that additional oversight of recalcitrant housing providers through routine and ongoing inspection motivates and incentivizes the correction of code violations and the continued maintenance required to prevent deterioration of the housing stock.

To increase the protection of public health, safety, and welfare against the harm of neglected deteriorating housing, the ordinance will expand the scope of the program from three neighborhoods to seven neighborhoods. To the original three pilot neighborhoods of Clifton- University Heights Fairview (CUF), Avondale, and East Price Hill, will be added the four neighborhoods of West Price Hill, Westwood, College Hill, and Madisonville. These neighborhoods were selected due to the higher number of rental properties, the aged housing stock, and the volume of code violations occurring.

In addition to expanding the geographic scope of the eligible properties, the ordinance provides a feature for better addressing poorly operating housing providers. Namely, if a housing provider owns a property within any of the identified neighborhoods that falls into disrepair and otherwise becomes eligible for the rental inspection program, the eligibility will trigger a review of the owner’s entire portfolio located anywhere within the corporate limits of Cincinnati. Any properties owned by the same owner or person in control will be reviewed to determine if there has been a pattern of neglect. Those eligible properties will enter the RRI Program and receive additional attention until fully code compliant. The same eligibility criteria of the ordinance (such as history of non-compliance) will be used to determine eligibility of properties both in the focus neighborhoods, and when triggered by ownership throughout the City.

The Administration recommends passage of the attached ordinance.

cc: Art Dahlberg, Director, Buildings & Inspections





**MODIFYING** the provisions of Title XI, “Cincinnati Building Code,” of the Cincinnati Municipal Code by **AMENDING** Section 1127-07, “Residential Rental Property Inspection Pilot Program,” to make permanent the pilot program and expand its geographic area; and **AMENDING** Section 1501-5(a), “Class B Civil Offenses,” and Section 1501-8(a), “Class C1 Civil Offenses,” of Title XV, “Code Compliance and Hearings,” of the Cincinnati Municipal Code.

WHEREAS, rental housing provides affordable housing for many City residents with the existing rental housing stock of approximately 80,000 units accounting for half of all of the City’s housing stock, and the City has a significant interest in ensuring that rental housing remains a viable housing option for its citizens; and

WHEREAS, over time, due to neglect by property owners, managers, and tenants, rental housing often deteriorates, resulting in substandard or hazardous conditions that adversely affect the value of neighboring structures; and

WHEREAS, property owners often choose not to make necessary repairs because of cost, tenants do not report deficiencies because they lack knowledge or fear retaliatory eviction, and mismanaged rental property often becomes dilapidated, disorderly, an environment for crime, and a public nuisance, disturbing the peace and safety of the neighborhood and causing surrounding property values to depreciate; and

WHEREAS, the City of Cincinnati suffers from a shortage of affordable rental housing units, which will be exacerbated if residential rental properties that are eligible to receive federal housing assistance are not maintained in good repair; and

WHEREAS, residential rental properties require greater health and safety regulation than other types of property, and the governmental interest in protecting the community from unsafe housing is more critical with rental property, which has numerous residents, common areas, and greater access by the general public; and

WHEREAS, the Residential Rental Property Inspection Pilot Program, which has operated in the Clifton-University Heights-Fairview, East Price Hill, and Avondale neighborhoods since 2021, has helped to ensure that rental housing units in these areas are in compliance with minimum standards, do not contribute to blight, and provide decent, safe, and sanitary housing for residential rental tenants; and

WHEREAS, the neighborhoods of Avondale, Clifton-University Heights-Fairview, College Hill, East Price Hill, Madisonville, West Price Hill, and Westwood were selected due to the higher than average concentration of aging rental properties with known or suspected code violations; and

WHEREAS, the Residential Rental Inspection Pilot Program and code enforcement data demonstrates that deferred maintenance and neglect frequently exists across the entire portfolio of an ownership entity and, accordingly, that a comprehensive approach providing for inspection of all properties in an ownership entity's portfolio, regardless of in which neighborhood any particular property is located, is necessary to provide for the greatest impact and improvement of rental housing in Cincinnati; and

WHEREAS, the Avondale neighborhood is an important part of the program because it contains a significant number of older, multi-family rental housing units owned and operated by out-of-town and absentee landlords; and

WHEREAS, the Clifton-University Heights-Fairview neighborhood is an important part of the program because it contains a significant number of student housing rentals characterized by frequent turnover, which can more quickly result in deterioration of housing conditions, property damage, and a higher risk of fire deaths; and

WHEREAS, the College Hill Neighborhood is an important part of the program because it contains a significant number of older, single- and multi-family rental housing units owned and operated by out-of-town and absentee landlords, which housing units have historically suffered from deferred maintenance; and

WHEREAS, the East Price Hill neighborhood is an important part of the program because it contains a significant number of older, single-family, and multi-family housing rentals with out-of-town and absentee landlords, has the highest rate of housing-related code enforcement activity in Cincinnati, and because a property condition survey of East Price Hill completed by Price Hill Will indicates that conditions at rental properties in the area are inferior to those of owner-occupied properties; and

WHEREAS, the Madisonville Neighborhood is an important part of the program because it contains a significant number of older, single- and multi-family rental housing units that have historically suffered from deferred maintenance; and

WHEREAS, the West Price Hill neighborhood is an important part of the program because it contains a significant number of older, single- and multi-family rental housing units owned and operated by out-of-town and absentee landlords, and has the third highest rate of housing-related code enforcement activity in Cincinnati; and

WHEREAS, the Westwood neighborhood is an important part of the program because it contains a significant number of multi-family rental housing units that have suffered from deferred maintenance for decades, and because it has the second highest rate of housing-related code enforcement activity in Cincinnati; and

WHEREAS, the pilot program demonstrated that regular inspections of residential rental properties protects the health, welfare, and safety of tenants by incentivizing correction of code violations before housing deteriorates to the point of becoming uninhabitable and assists in the City's broader goal of preserving all available housing stock; and

WHEREAS, Council finds that making permanent and expanding the program is in the interests of the public health, safety, morals, and general welfare; now, therefore,

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

Section 1. That Section 1127-07, “Residential Rental Property Inspection Pilot Program,” of Title XI, “Cincinnati Building Code,” of the Cincinnati Municipal Code is hereby amended to read as follows:

**Sec. 1127-07 - RESIDENTIAL RENTAL PROPERTY INSPECTION PILOT PROGRAM**

**1127-07.1. - Definitions.** As used in this section, the following words and terms shall have the meanings indicated in the definition herein. Words and terms used and not specifically defined in this section, but which are defined in the Cincinnati Building Code (“CBC”), shall have the meanings defined in the CBC.

**1127-07.1-A. - Applicable Codes.** “Applicable Codes” includes, but is not limited to, the Residential Code of Ohio (“RCO”), the Ohio Building Code (“OBC”), Chapter 3742 of the Ohio Revised Code (“ORC”), the CBC, and the following provisions of the Cincinnati Municipal Code (“CMC”): Chapter 1117 - Housing Code; Title XII - Cincinnati Fire Prevention Code; Title XIV - Zoning Code; Title XVII - Land Development Code; Chapter 761 - Chronic Nuisance Premises; Chapter 714 - Littering, and Chapter 731 - Weed Control; and any other building, housing, health and safety codes and provisions applicable to residential rental property that materially affect the public health, safety and welfare.

**1127-07.1-C. - Code Compliant.** “Code Compliant” means a residential rental property that, upon inspection by the city under this section, is found to be compliant with all applicable code provisions. In determining whether a residential rental property is Code Compliant, the director may consider additional factors including, without limitation, whether the properties which are well maintained; have any code violations; require some routine maintenance work but not beyond responding to normal wear and use expected for the property age and type of construction; are suitable for rental occupancy and affords the occupants a decent, safe, and sanitary habitation; the maintenance and management of the property does not contribute to depreciating neighboring property values and does not adversely impact the peaceful enjoyment of surrounding properties; there is no history of ignoring substantiated housing violation-related complaints about the property within the previous twelve months.

**1127-07.1-N. - Non-compliant.** “Non-compliant” means a residential rental property that, upon inspection by the city under this section, is found to have one or more violations of applicable codes that (1) constitute an immediate hazard or threat to the occupants of the property or (2) in their totality indicate that the rental unit is not being properly maintained. In determining whether a residential rental property is Non-compliant, the director may consider additional factors including, without limitation, whether properties are not being maintained in compliance with the applicable codes;

have a number of code violations, some of which appear to be longstanding and/or could materially affect the health and safety of the occupants; have deferred maintenance and/or have evidence of lack of routine maintenance of the halls, yard, common areas or dwelling units; unless the violations are promptly corrected and the premises proactively and routinely maintained, are not suitable for rental occupancy and would not afford the occupants a decent, safe, and sanitary habitation.

**1127-07.1-P. - ~~Pilot~~ Residential Areas.** “~~Pilot~~ Residential Areas” are specified census tracts within the statistical neighborhood boundary maps of the neighborhoods of Avondale, Clifton-University Heights-Fairview, College Hill, East Price Hill, Madisonville, West Price Hill, and Westwood. The qualifying census tract numbers within each ~~Pilot~~ Residential Area are listed below:

<b>Neighborhood</b>	<b>Qualifying Census Tract Numbers</b>
Avondale	<u>66, 68, 69, 270</u>
East Price Hill	<u>92, 93, 94, 95, 96</u>
Clifton-University Heights-Fairview	<u>25, 26, 27, 29.01, 29.02, 30</u>
<u>College Hill</u>	<u>81, 82.01, 82.02, 84, 111 (partial tract)</u>
<u>Madisonville</u>	<u>55 (partial tract), 56 (partial tract), 242 (partial tract), 244.01 (partial tract), 276</u>
<u>West Price Hill</u>	<u>97 (partial tract), 98, 99.01 (partial tract), 99.02 (partial tract), 100.05, 107 (partial tract), 214.01</u>
<u>Westwood</u>	<u>88, 100.02, 100.03, 100.04, 101, 102.01 (partial tract), 102.02, 109(partial tract), 209.01</u>

**1127-07.1-R. - Residential Rental Properties.** “Residential Rental Properties” shall have the same meaning as O.R.C. Section 5323.01(E).

- (a) The director may consider one or more of the following criteria in identifying whether real property constitutes residential rental property for purposes of this Chapter:
- (1) The property does not receive an owner occupancy tax credit based on the records of the Hamilton County Auditor;
  - (2) The property contains a dwelling unit registered as a rental property with the Hamilton County Auditor pursuant to O.R.C. Chapter 5323;
  - (3) The property is owned by a corporate entity and not individually;
  - (4) For single-family homes, the water records kept by greater Cincinnati water works reflect third-party billing;

- (5) The Hamilton County Auditor has applied any of the following land use codes to the property:

CATEGORY	DESCRIPTION	DEPT. OF TAX EQUALIZATION	HAMILTON COUNTY
COMMERCIAL	APARTMENTS - 4 TO 19 UNITS	401	401
COMMERCIAL	APARTMENTS - 20 TO 39 UNITS	402	402
COMMERCIAL	APARTMENTS - 40+ UNITS	403	403
COMMERCIAL	RETAIL - APARTMENTS OVER		404
COMMERCIAL	OFFICE - APARTMENTS OVER		431
RESIDENTIAL	TWO FAMILY DWELLINGS	520	520
RESIDENTIAL	THREE FAMILY DWELLINGS	530	530
RESIDENTIAL	LOW INCOME HOUSE TAX CREDIT (residential)	569	569
RESIDENTIAL	OTHER STRUCTURES	599	599

- (6) The property has been registered as a residential rental property with the Hamilton County Auditor as required by Ohio Revised Code 5323.02 and/or the city of Cincinnati;
- (7) Other reasonable indicators that real property has been rented to tenants for residential purposes, for example, the existence of a lease agreement.
- (b) Real property or a portion thereof used exclusively for the following purposes shall be exempt from the requirements of this section:
- (1) Hotels or motels;
  - (2) College or university dormitories that are state-owned and are inspected for code compliance under other procedures or licensure;
  - (3) Two-family units where one unit is ~~are~~ owner-occupied;
  - (4) Properties that are currently unoccupied because they have been ordered vacated by the director;
  - (5) Properties that are available to the public for rental for a period of thirty days or less;

- (6) Non-residential purposes when separate and distinct from a portion used as a residential rental property, e.g., first floor retail in a multi-story mixed-use apartment building.
- (c) In the event of a dispute over whether a property is subject to the application and inspection provisions of this ordinance, property owners may submit evidence to the director demonstrating that their property is not “Residential Rental Property” for purposes of this section.

**1127-07.1-S. - Substantially Compliant.** “Substantially Compliant” means a residential rental property that, upon inspection by the city under this section, is found to have one or more violations of applicable codes that (1) do not constitute an immediate hazard or threat to the occupants of the residential rental property and (2) do not indicate in their totality that the rental unit is not being properly maintained. In determining whether a residential rental property is Substantially Compliant, the director may consider additional factors including, without limitation, whether the owner of a substantially compliant property has demonstrated a plan and capacity to abate the violations within thirty (30) days, or in a reasonable time as determined by the director; the maintenance and management of a substantially compliant property does not contribute to depreciating neighboring property values and does not adversely impact the peaceful enjoyment of surrounding properties; and based on the number of units at the property, there have been few or no substantiated complaints of code violations on the premises within the previous twelve months and there is no history of ignoring substantiated code violations.

**1127-07.3. - Purpose.** The purpose of this section is to protect the public health, safety and welfare by authorizing the periodic evaluation of certain residential rental property businesses for compliance with applicable codes, including but not limited to, the RCO, the OBC, ORC Chapter 3742, the CBC, and the following provisions of the CMC: Chapter 1117 - Housing Code; Title XII - Cincinnati Fire Prevention Code; Title XIV - Zoning Code; Title XVII - Land Development Code; Chapter 761 - Chronic Nuisance Premises; Chapter 714 - Littering, and Chapter 731 - Weed Control; and any other building, housing, health, and safety codes and provisions applicable to residential rental property that materially affect the public health, safety and welfare. This section incorporates provisions of CBC Chapter 1101 by reference.

This section does not preempt, supersede, cancel or set aside the requirements of any other applicable landlord-tenant laws, and building, housing, zoning or related regulations.

**1127-07.5. — Scope.**

- ~~(a) — This section authorizes a pilot inspection program to determine the effectiveness and benefits of proactive enforcement and periodic inspection and evaluation, with enhanced reactive enforcement, of rental property businesses in specified 2010 U.S. Census tracts and blocks in the following three neighborhoods Avondale, East Price Hill and Clifton University Heights Fairview that meet certain conditions described in section 1127-07.1-R of this section.~~

~~(b) The duration of the pilot program shall be four years from the effective date of this section.~~

~~(c) This section does not preempt, supersede, cancel or set aside the requirements of any other applicable landlord-tenant laws, and building, housing, zoning or related regulations.~~

**1127-07.7. - Applicable Properties: Residential Rental Properties.**

(a) This section shall apply to any Residential Rental Property as defined in section 1127-07.1-R of this chapter that is located in the ~~Pilot~~ Residential Areas and that:

- (1) Is currently the subject of a delinquent lead hazard control order issued by the Cincinnati health department;
- (2) Has been ordered vacated in part by the Cincinnati building department pursuant to section 1101-65 of the CBC, but which remains partially occupied;
- (3) Has failed an inspection of the U.S. Department of Housing and Urban Development Real Estate Assessment Center within the last twelve (12) months;
- (4) Has been determined to be a public nuisance pursuant to section 1101-57 of the CBC;
- (5) Has been the subject of two or more orders issued within a twelve-month period by the department of buildings and inspections, the Cincinnati fire department, and/or the board of health or its designee for building, housing, fire prevention, public health, quality of life, or health code violations;
- (6) Has been the subject of four or more validated complaints received by the department of buildings and inspections of housing or zoning code violations within a twelve-month period;
- (7) Has been identified by the City of Cincinnati as being at risk of being declared a chronic nuisance as set forth in section 761-3 of the CMC;
- (8) Is currently or within the past twenty-four (24) months has been the subject of civil or criminal prosecution by the City of Cincinnati for violations of the ORC, CMC, or CBC; or
- (9) Is certified as tax delinquent by the Hamilton County Treasurer.

(b) This section shall also apply to any Residential Rental Property, as defined in section 1127-07.1-R of this section, that is owned entirely or in part, operated, or managed by an individual, entity, or person in control, as defined by Cincinnati

Municipal Code Section 1101-03, regardless of its location in the city of Cincinnati, who owns or has an ownership interest in, operates, or manages any Residential Rental Property that qualifies for this program under subsection 1127-07.7(a), including Residential Rental Properties owned entirely or in part, managed, or operated by related entities, sister entities, parent entities, holding entities, subsidiary entities, or distinct entities where there is evidence of a common principal, board, shareholder base, or headquarters.

**1127-07.9. - Rental Inspection Certificate Application Process.**

- (a) All owners and persons in control of Residential Rental Properties as that term is defined in subsections 1127-07.1-R and 1127-07.7 of this Section in the ~~pilot~~ residential areas shall apply for a rental inspection certificate under this section ~~within thirty (30) days of enactment of this ordinance.~~
- (b) Application for a rental inspection certificate shall be made on forms and instructions prescribed by the director. The application shall include:
  - (1) A description of the Residential Rental Property, including but not limited to the street address and parcel identification number;
  - (2) The name, street address, and telephone number of the owner or person in control;
  - (3) A copy of the owner's current rental registration with the Hamilton County Auditor pursuant to Ohio Revised Code Section 5323, or in the alternative, the same information that would otherwise be provided by the owner to the Auditor on the Auditor's rental registration form; and
  - (4) A written certification whether the owner or person in control of the Residential Rental Property consents to an inspection of the property.
- (c) An application for a residential rental certificate shall not be construed by the city as a waiver of the owner's Fourth Amendment rights.

**1127-07.11. - General Inspection Requirements.**

- (a) Upon receipt of a complete application and the applicable fee, the director shall perform a visual inspection of the interior and exterior of a Residential Rental Property to determine whether the property complies with all applicable codes.
- (b) The director shall inspect Residential Rental Properties at a reasonable time agreed to by the owner or person in control of the Residential Rental Property; ~~provided, however, if an owner, person in control, or tenant refuses to provide the director with permission to inspect the private areas of the Residential Rental Property at a reasonable time, the director shall obtain an administrative search warrant from a court of competent jurisdiction as allowed by law.~~



- (c) The owner or person in control of the Residential Rental Property shall be responsible for notifying the tenants of a scheduled inspection in accordance with notice requirements under applicable landlord-tenant regulations.
- (d) All dwelling units in a Residential Rental Property shall be inspected.
- (e) If a Residential Rental Property is inspected and found to be compliant, the director shall issue a residential rental inspection certificate to the owner or person in control of a Residential Rental Property following the inspection. The certificate shall indicate that the property is compliant and indicate the next required inspection date based upon the inspection interval for compliant properties provided for in section 1127-07.13 of this section.
- (f) If a Residential Rental Property is inspected and found to be substantially complaint or non-compliant, the director shall provide the owner or person in control with a written order specifying the reasons for the designation and establishing an inspection schedule based upon the inspection intervals provided for in section 1127-07.13 of this section.
- (g) A residential rental inspection certificate shall expire thirty (30) days following the required inspection date indicated on the certificate; provided, however, a residential rental inspection certificate shall expire six months following the transfer in ownership of a Residential Rental Property or the transfer of a controlling interest in any entity that owns Residential Rental Property if occurring sooner than thirty (30) days following the required inspection date indicated on the certificate.
- (h) Upon the transfer in ownership of a Residential Rental Property or the transfer of a controlling interest in any entity that owns a Residential Rental Property, the owner or person in control shall notify the new owner or person in control of their obligation to maintain a residential rental inspection certificate for the property.
- (i) The director is authorized to seek the assistance of personnel from the fire department, health department, police department, and other enforcement agencies concerned with the operation of residential rental property in carrying out the inspections authorized in this section.
- (j) The provisions of this section shall not limit or restrict the director or any other authorized official from conducting inspections of residential rental property in administering or enforcing the laws, rules, and regulations they are charged with enforcing, e.g., responding to tenant complaints or upon probable cause that a violation is present.

**1127-07.13. - Inspection Intervals.**

- a. Residential Rental Properties shall be inspected and evaluated according to the following intervals:

- (1) Code Compliant. Properties found to be code compliant shall be issued a certificate and shall be inspected again after forty-eight months, ~~prior to the expiration of the certificate or prior to the expiration of the Pilot Program, whichever comes first.~~
- (2) Substantially Compliant. Properties found to be substantially compliant shall be inspected at thirty-day intervals following the initial inspection, or at reasonable intervals established by the director as necessary to promote and sustain code compliance, to verify whether previously identified code violations have been cured. Once compliance is achieved, the property shall be issued a certificate and shall be inspected again after forty-eight months, ~~prior to the expiration of the certificate or prior to the expiration of the Pilot Program, whichever comes first.~~
- (3) Non-Compliant. Properties found to be non-compliant shall be inspected at thirty-day intervals following the initial inspection, or at reasonable intervals established by the director as necessary to promote and sustain code compliance, to verify whether previously identified code violations have been cured. Once compliance is achieved, the property shall be inspected in twelve months following the initial inspection ~~or prior to the expiration of the Pilot Program, whichever comes first.~~ Based on the level of non-compliance, if any, found upon inspection, the director may change the inspection interval as determined necessary to attain compliance.
- (4) Revocation. Following the issuance of a certificate, any code compliant, substantially compliant, or non-compliant property that becomes subject to one of the conditions set forth in Section 1127-07.7(a)(1)-(8) shall have its certificate revoked by the director and be subject to the application and inspection processes set forth in Sections 1127-07.9 and 1127-07.11.

**1127-07.15. - Appeals.**

- a. *Administrative Ruling.* Any person who has a bona fide controversy with the interpretation, application, or enforcement of the provisions of this section may petition the director for a written decision, order, or adjudication pursuant to section 1101-80.1 of the CBC.
- b. *Appeals.* Any person adversely affected by a final, appealable decision, order, or adjudication issued by the Director of the Department of Buildings and Inspections under section 1127-07.15(a) may appeal to the Board of Housing Appeals within 30 days from the date of the mailing of the final, appealable decision, order, or adjudication.

**1127-07.17. - Recovery of Additional Costs Incurred in Program Administration and Enforcement.** The director is authorized to charge the owner or person in control of a Residential Rental Property subject to inspection under this section for the recovery of reasonable costs incurred in its administration and enforcement of this inspection program. Additional costs may include the cost of third-party technical experts hired to

assist the director of buildings and inspections in the administration and enforcement of this inspection program.

**1127-07.19. - Inspection Fees.**

- a. Initial inspections will be charged a \$100 per unit inspected inspection fee. The re-inspection fee schedule for each unit re-inspected is as follows:
  - (1) First re-inspection \$70
  - (2) Second re-inspection \$140
  - (3) Third re-inspection \$210
  - (4) Fourth or more re-inspection \$280
- b. All fees and fine penalties collected under this Section shall be deposited in the building hazard abatement fund.

~~**1127-07.21. - Rules and Regulations Warrant Requirement.** The city manager or the city manager’s designee is authorized to promulgate rules and regulations to effectuate the provisions and purposes of this section. If an owner, person in control, or tenant refuses to provide the director with permission to inspect the private areas of the Residential Rental Property at a reasonable time, the director shall obtain an administrative search warrant from a court of competent jurisdiction as allowed by law.~~

**1127-07.23. - Rules and Regulations.**

- a. The city manager or the city manager’s designee is authorized to promulgate rules and regulations to effectuate the provisions and purposes of this section.
- b. This section does not preempt, supersede, cancel, or set aside the requirements of any other applicable landlord-tenant laws or any building, housing, zoning, or related laws or regulations.

**1127-07.99. – Penalties.**

- a. An owner or person in control of a Residential Rental Property ~~in one of the three pilot neighborhoods~~ who fails to apply for a residential rental inspection certificate, commits a Class ~~B~~ C1 civil offense as defined by CMC Section 1501-8(a) on the first day, and having once been notified under CMC Section 1501-13, “Notice of Civil Offense and Civil Fine; Procedures, each additional day that the owner or person in control fails to apply for a residential rental inspection certificate shall constitute a separate, subsequent Class D civil offense.~~under section 1501-5 of the CMC.~~
- b. ~~Having once been notified of the violation under Section 1501-13, an owner or person in control of Residential Rental Property commits a separate, subsequent~~

~~Class C D civil offense on each additional day on which the owner or person in control fails to apply for a rental inspection certificate.~~

Section 2. That Section 1501-5(a), “Class B Civil Offenses,” of Title XV, “Code Compliance and Hearings,” of the Cincinnati Municipal Code is hereby amended as follows:

			Civil Fine for Subsequent Offense
(1)	§ 720-15	Public [Stormwater] Facilities	Class C
(2)	§ 720-29	[Stormwater] Permits and Plan Review	Class B
(3)	§ 721-83	Street Contractor's License	Class C
(4)	§ 723-3	Unauthorized Wires, etc., in Streets	Class C
(5)	§ 1219-3	Material Subject to Spontaneous Ignition	Class B
(6)	§ 1219-7	Baled Material	Class B
(7)	§ 1219-9	Combustible Containers	Class B
(8)	§ 1219-15	Fire Doors, Shutters and Windows	Class B
(9)	§ 1219-29	Drip Pans	Class B
(10)	§ 1219-41	Exhaust Fans	Class B
(11)	§ 1219-45	Gas Shutoff Valves	Class B
(12)	Chapter 1225	Smoking and the Use of Open Flame	Class B
(13)	§ 1231-11	Obstructing Fire Hydrants	Class B
(14)	§ 718-9	Advertising in the Public Right-of-Way	Class C
(15)	Chapter 765	Special Event Permits	Class B
(16)	§ 1601-7	Early Fire Warning System	Class C
(17)	§ 1127-07.99	<del>Rental Property Inspection Pilot Program</del>	<del>Class C</del>

Section 3. That Section 1501-8(a), “Class C1 Civil Offenses,” of Title XV, “Code Compliance and Hearings,” of the Cincinnati Municipal Code is hereby amended as follows:

			Civil Fine for Subsequent Offense
(1)	§ 714-11	Duty to Keep Sidewalks Free of Litter	Class D
(2)	§ 714-35	Litter on Occupied or Unoccupied Private Property	Class C1
(3)	§ 714-37	Owner or Person in Control to Maintain Premises Free of Litter	Class C1
(4)	§ 714-39	Litter on Vacant Lots	Class C1
(5)	§ 731-3	Height Restrictions on Unoccupied Private Property (grass and weed control)	Class C1
(6)	Chapter 313	Outdoor Advertising Sign Excise Tax	Class C1
(7)	Chapter 315	Short Term Rental Excise Tax	Class C1

(8)	Chapter 886	Equitable Restrooms (eff. January 1, 2022)	Class C1
(9)	§ 511-31	Storage of Unlicensed or Inoperable Vehicles in Residence or Commercial Districts	Class C1
(10)	§ 1127-07.99	<u>Rental Property Inspection Program</u>	<u>Class D</u>

Section 4. That existing Section 1127, “Residential Rental Inspection Pilot Program,” of Title XI, “Cincinnati Building Code,” and Section 1501-5(a), “Class B Civil Offenses,” and Section 1501-8(a), “Class C1 Civil Offenses,” of Title XV, “Code Compliance and Hearings,” of the Cincinnati Municipal Code are hereby repealed.

Section 5. That this ordinance shall take effect November 1, 2023.

Passed: \_\_\_\_\_, 2023

\_\_\_\_\_  
Aftab Pureval, Mayor

Attest: \_\_\_\_\_  
Clerk



*20230720*

**Jan-Michele Lemon Kearney**  
*Vice Mayor*

October 16, 2023

### MOTION

WE MOVE that the Administration prepare a report within the next thirty (30 days) on plans for a new disparity study ("Croson Study") for the City of Cincinnati including the timeline for issuing a new Request for Proposal from vendors through the targeted completion date for the study, as well as the proposed scope of the new disparity study.

*Jan Michele Lemon Kearney*  
Vice Mayor Jan-Michele Lemon Kearney

_____	_____
_____	_____
_____	_____
_____	_____

### STATEMENT