

City of Cincinnati
An Ordinance No. 249

MRM

EESW

- 2025

MODIFYING Chapter 871, "Landlord-Tenant Relations," of the Cincinnati Municipal Code by **AMENDING** Section 871-3, "Definitions," and **ORDAINING** new Section 871-17, "Retaliation Prohibited," to protect tenants and tenant organizations against retaliation for reporting hazardous or substandard living conditions and advocating regarding their tenancy.

WHEREAS, tenants living in residential rental property are entitled to safe and sanitary living conditions; and

WHEREAS, the City of Cincinnati's enforcement of building, health, fire, and safety code provisions is primarily driven by complaints from residents, including tenants of residential rental property; and

WHEREAS, it is critical that tenants of residential rental property who report code violations and substandard living conditions at their place of residence can access the City's code enforcement services; and

WHEREAS, tenants of residential rental property who seek intervention from the City's code enforcement service providers should be protected from retaliation to ensure that City officials can perform their jobs and ensure owners of residential rental properties comply with health and safety regulations; and

WHEREAS, R.C. Section 5321.02(A)(1) prohibits retaliation against tenants living in residential rental housing who make complaints regarding the condition of their residence; and

WHEREAS, Council desires to create local protections for tenants living in residential rental properties who seek intervention by the City's code enforcement officials to address reports of building, housing, health, fire, and safety code violations; now, therefore,

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

Section 1. That existing Section 871-3, "Definitions," of Chapter 871, "Landlord-Tenant Relations," of the Cincinnati Municipal Code is amended as follows:

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 Building Code, Title XI of the Cincinnati Municipal Code - Ohio Basic Building 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) “Protected activity” or “protected activities” means any advocacy or action related to advocacy by a tenant or tenant organization intended to influence or impact the health, safety, or welfare of a tenant of residential rental property; the terms of a rental agreement; or the amount or payment of rent including, but not limited to:
 - (1) Reporting or complaining to an appropriate governmental agency of a violation of a building, housing, health, fire, or safety code that is applicable to the premises of the residential rental property;
 - (2) Reporting or complaining to the landlord, landlord’s agent or representative, or person in control of the residential rental property of any violation of R.C. 5321.04, Section 871-9, or any substantially similar successor statute or ordinance;
 - (3) Using or indicating an intent to use a right or remedy provided under R.C. 5321.07 or any substantially similar successor statute;
 - (4) Communicating or joining with other tenants for the purpose of negotiating or dealing collectively with the landlord on any of the terms and conditions of a rental agreement;
 - (5) Establishing or operating an organization intended to advocate for tenants or engage in protected activity;
 - (6) Distributing, posting, or placing leaflets on doors of rental units, in lobby areas, or common areas;
 - (7) Conducting door-to-door surveys to determine interest from tenants in establishing a tenant organization or promoting tenant rights;
 - (8) Offering information about tenant organizations, tenant rights, or landlord obligations;
 - (9) Assisting tenants to participate in tenant organization activities; or

- (10) Convening meetings of tenants to discuss, advocate, or plan to respond to issues related to tenant health, safety, or welfare; criminal activity at the premises; enforcement action by a governmental entity regarding the premises; or violations of building, health, or fire safety laws or standards.
- (d) “Rental agreement” means any contract or lease, whether written, oral, or implied by operation of law, for the rental of the rental unit.
- (e) “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.
- (f) “Retaliate” means increasing the tenant’s rent, decreasing services that are due to the tenant, or bringing or threatening to bring an action for possession of the tenant’s premises, serving a notice to leave the premises, terminating the tenant’s rental agreement, refusing to renew the tenant’s rental agreement or to continue the tenant’s tenancy, shutting off or interfering with access to utilities, refusing to accept rent payments, interfering with the tenant’s lawful use of the premises, or any other action or threat intended to deter or punish a tenant or tenant organizer from engaging in a protected activity.
- (g) “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.
- (h) “Tenant” means an occupant of a rental unit other than an owner or operator.
- (i) “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.
- (j) “Tenant organization” means any group of people who establish a group at the invitation or request of tenants for the purpose of addressing issues related to the health, safety, and welfare of tenants; the terms and conditions of their tenancy; health, building, fire, and other safety code compliance; and crime around the premises.
- (k) “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.

Section 2. That new Section 871-17, "Retaliation Prohibited," of Chapter 871, "Landlord-Tenant Relations," of the Cincinnati Municipal Code is ordained as follows:

Sec. 871-17 Retaliation Prohibited.

- (a) No landlord, landlord's agent or representative, or person in control of the premises of a residential rental property shall retaliate or threaten to retaliate against a tenant or tenant organization because the tenant or tenant organizer engaged in a protected activity.
- (b) Nothing in section (a) of this section shall prohibit a landlord from:
 - (1) increasing the rent to reflect the cost of improvements installed at the residential rental property or to reflect an increase in other costs of operation of the residential rental property.
 - (2) enforcing a tenant's obligations under R.C. 5321.05, Section 871-9, or any substantially similar successor statute or ordinance, so long as the landlord has not assumed responsibility for any of these obligations pursuant to R.C. 5321.13(F).
- (c) If a landlord acts in violation of section (a) of this section the tenant may:
 - (1) Use the retaliatory action of the landlord as a defense to an action by the landlord to recover possession of the premises;
 - (3) Recover possession of the premises; or
 - (4) Terminate the rental agreement.

In addition to the remedies described in division (c), the tenant or tenant organizer may recover from the landlord reasonable attorneys' fees together with the greater of three times any actual damages or an amount equal to three times the periodic rent.
- (d) It shall be prima facie evidence of a violation of section (a) that a landlord, landlord's agent or representative, or a person in control of the premises threatened to engage or engaged in an action listed in Section 871-3(f) within six months of a tenant engaging in a protected activity.
- (e) In addition to the remedies provided by Section 871-15, any person who violates, threatens to violate, or engages in a pattern of violations of this section shall be enjoined from further violation consistent with state law.

Section 3. That the City Manager and the proper City officials are authorized to take all necessary and proper actions to carry out the provisions of Section 1.

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

Passed: September 10, 2025

Attest: [Signature]
Clerk

[Signature]
Aftab Pureval, Mayor

Deletions are indicated by strikethrough; additions are indicated by underline.

I HEREBY CERTIFY THAT ORDINANCE NO 289-2025
WAS PUBLISHED IN THE CITY BULLETIN
IN ACCORDANCE WITH THE CHARTER ON 9/16/2025
[Signature]
CLERK OF COUNCIL