



CLEVELAND HEIGHTS

Housing and Building Committee

September 16, 2024

4:30 PM

City Hall – Executive Conference Room

Building, Housing and Commercial Codes, Inspections and Enforcement
Council members

Chair: Jim Petras | Vice Chair: Gail Larson | Member: Anthony Mattox, Jr.

Agenda

- 1) **Call to Order/Roll Call**
- 2) **Tenant and Landlord Rights and Responsibilities**
- 3) **Racial Justice Task Force Recommendations**
 - a. Tenant Relocation Expenses: Columbus and Cincinnati
- 4) **Facade Collapse at 3952-3962 Mayfield Rd.**
- 5) **Discussion of Codified Ordinances 1351.29 and 1165.02**
- 6) **Other**
- 7) **Adjourn**

Sec. 871-14. Landlord's Obligation to Provide Tenant Relocation Assistance.

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

This section does not apply if the landlord either provides alternative or temporary housing that complies with the applicable provisions of the Cincinnati Municipal Code or demonstrates the existence of another exception under section 871-14(b). The director of buildings and inspections is hereby authorized to establish rules and regulations as are necessary and appropriate to the administration of this section. Such rules and regulations shall include, but not be limited to, minimum size requirements of proposed alternative or temporary housing.

Relocation assistance shall be provided as follows:

- (1) Within three business days of the issuance of a vacate order, the landlord shall pay a relocation amount of \$2,500 to each tenant household impacted by the vacate order and shall refund any prepaid rent and/or security deposit remitted to the landlord by the tenant household; and
- (2) If more than three business days have passed since the issuance of the vacate order and the landlord has not provided the relocation assistance required by section 871-14(a)(1), the tenant may claim in a court action against the landlord the greater of either the relocation assistance provided in section 871-14(a)(1) or the following amounts:
 - (A) A refund of any and all prepaid rent;
 - (B) A refund of the full balance of the current month's rental payment;
 - (C) A refund of any security deposit;
 - (D) Payment or repayment of the reasonable and necessary costs of the tenant household's relocation costs, such as moving company or rental moving van expenses, with such payments limited to relocations within a fifty mile radius;
 - (E) Payment or repayment of the tenant household's fees for normal and initial reconnection of any utilities at the tenant household's new residence, not including arrearage due and owing to the utility company by the tenant household; and
 - (F) Any and all reasonable and necessary local hotel and/or motel costs incurred by the tenant household if the tenant household is given less than thirty days' notice to vacate their rental unit. The landlord's obligation to each tenant household to reimburse for such hotel or motel costs is limited as follows:
 - i. the landlord shall be obligated to payment of no more than fourteen days of a tenant household's hotel or motel stay, and
 - ii. the amount of hotel or motel costs for which the landlord shall be obligated to reimburse to the tenant household shall not exceed the average daily rate, including taxes, which hotels and motels located in the City customarily charge for comparable accommodations.
- (3) If any tenant household is given less than seven days' notice to vacate a rental unit, the landlord shall provide a one-time payment of \$50.00 per tenant, but no more than \$300.00 total, to the tenant household to cover the tenant household's cost to replace food and other incidental items.

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- (b) *Exceptions.* If the landlord can demonstrate by clear and convincing evidence the existence of one of the following, the landlord shall not be liable to pay relocation assistance:
- (1) The vacate order is the direct result of conditions caused by the tenant or the tenant's guest or invitee;
 - (2) The vacate order is the direct result of disconnection of utilities for non-payment and the tenant has agreed in a written lease to assume responsibility for payment of the account(s);
 - (3) The vacate order results from conditions arising from a natural disaster including, but not limited to, a windstorm, tornado, landslide, earthquake, or flood;
 - (4) The landlord has obtained an active judgment against the tenant household for possession of the rental unit;
 - (5) The vacate order is rescinded or withdrawn or is overturned by a court prior to the time the tenant household has taken definitive steps to move;
 - (6) The landlord and tenant household reach a separate agreement regarding relocation, provided that the relocation premises comply with the applicable provisions of the Cincinnati Municipal Code and the terms of the agreement otherwise comply with applicable provisions of the Ohio Revised Code and Cincinnati Municipal Code governing landlord and tenant agreements; or
 - (7) The landlord has moved the tenant household into another unit or building after the tenant has voluntarily agreed to accept the replacement unit in lieu of payment for relocation under this section and the replacement unit complies with all applicable zoning, building, and housing codes.
- (c) *Rental of vacant and uninhabitable rental units prohibited.* If a rental unit is or becomes vacant because vacate orders have been issued due to uninhabitable living conditions, a landlord shall not enter into a rental agreement for the rental unit or allow new tenants to occupy the vacant rental unit until the conditions are corrected.
- (d) *Director's involvement in relocation assistance.* The director of buildings and inspections may provide the relocation assistance required by the landlord under section 871-14(a) to tenant households if the landlord fails or refuses to pay for required relocation costs. If the director provides relocation assistance to a tenant household because of the landlord's failure to comply with its obligation under section 871-14(a), the landlord shall be liable to the city for any and all such costs.
- (e) *Penalties.*
- (1) *Renting vacant and uninhabitable rental unit.* If a landlord knowingly violates section 871-14(c) and rents a vacant and uninhabitable rental unit, in addition to being liable for the relocation assistance set forth in section 871-14(a), the tenant renting a vacant and uninhabitable rental unit may also recover from the landlord either two months periodic payments of rent or up to three times the actual damages the tenant household sustained as a result of the violation, whichever is greater.
 - (2) *Failure to provide relocation assistance or repay relocations costs.*
 - (A) A landlord's failure to provide relocation assistance in accordance with section 871-14(a) or to repay costs incurred by the director in providing relocation assistance in accordance with section 871-14(d) shall constitute a class D civil offense under Section 1501-9(a) for every tenant household displaced.
 - (B) Each and every day on which a landlord continues to violate section 871-14(a) shall constitute a separate offense.
- (f) *Appeals.*

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- (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.

(Ordained by Ord. No. 0038-2023, § 1, eff. January 31, 2024)

Landlords of problem Columbus properties could be on the hook for tenants' relocation costs

Vacant and foreclosed housing units must be reported to the city, fee paid.



Bill Bush

Columbus Dispatch

After being socked with multimillion-dollar bills for helping stranded tenants find new housing after code violations caused the recent closure of large apartment complexes, Columbus City Council on Monday approved new tools to pry reimbursement out of the property owners.

"Over the last year, our community has faced two of the worst examples of landlord neglect that the city of Columbus has ever witnessed: Colonial Village and Latitude Five25," City Councilmember Shayla Favor said in a Monday afternoon press briefing at City Hall.

City taxpayers have shelled out more than \$9 million to relocate residents from the two complexes alone.

The two dilapidated complexes combined forced a couple thousand tenants to relocate when the city found them unsuitable for habitation due to issues like no hot or running water, heat, and/or various safety issues.



Under the three ordinances unanimously approved by Council, a property owner who leases out space to a tenant shall be responsible for reimbursing the city's actual costs to relocate that tenant if it was due to a code violation that resulted in an emergency vacate order, a code violation that caused the tenant to voluntarily vacate, or any condition that was the owner's responsibility that a judge finds caused the resident to vacate.

ADVERTISING

The city wants to send property owners the message that "this behavior will not be tolerated," Favor said. "...Today marks another pivotal step."

If the displacement is temporary and the problems are fixed, the landlord is on the hook for up to three months of reasonable and necessary housing costs. If a unit can't be reoccupied, the tenant is due a cash payment from the landlord equal to three times the monthly fair market rent, based on a federal formula that takes into account the size of the household. If the landlord doesn't pay, the city will — and then go after the landlord in court for reimbursement, officials said.

ADVERTISING

There are a few, often out-of-state but impactful landlords who "don't care about their tenants," said City Attorney Zach Klein. "They don't want to invest the money. They're OK cashing the check on the 1st, but they won't take any of that money and dump it back into the buildings and into the tenants' quality of life."

The code change legislation approved Monday by Council "legalizes the process for us to recoup the (relocation) costs, and puts the burden — the financial burden — where it belongs, and that's on the landlord, not the taxpayer," Klein said.

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The new code doesn't apply to landlords whose buildings are up to code and who issue mass-vacate orders at the expiration of leases in order to gut and rehab units, Hannah Jones, deputy director with the Department of Development, told The Dispatch. Those types of tenant vacate orders have increased since the spring, with at least two high-profile cases: [Sandridge Apartments](#) and [Riverview Drive](#).

Both situations have tossed tenants into one of the tightest Columbus housing markets in generations, characterized by a general lack of affordable units.



In addition to the relocation-cost legislation, Council also passed two other ordinances creating "registries" for vacant and foreclosed units. Being forced to notify the city when a foreclosure happens or a house sits vacant — the bank or owner must register them — helps code inspectors to better stay on top of their conditions. The units also must pay an annual fee (the amounts of which haven't yet been set), which it is hoped will encourage owners to sell or rent them to the public rather than sit vacant.

ADVERTISING

In other business Monday, Council President Pro Tem Rob Dorans announced a series of meetings through the end of July that puts the city on track to pass an amended version of its "Zone In" zoning overhaul.

The first important date is Thursday, July 18, when Council will release to the public its amended version of Zone In, Dorans said, while not indicating what amendments were made to Mayor Andrew J. Ginther's version of the massive zoning change to about 12,300 parcels on major arterial roads spanning out from Downtown.

Ginther and Dorans plan to hold news conferences on July 22 to discuss the final plan. Two days later, on July 24, the final public hearing will occur.

That would put the plan on course for a vote by City Council on July 29, the last meeting before councilmembers recess for August.

Editor's note: This story has been changed to clarify that only the owners of buildings that have code violations that result in a city-issued emergency vacate order are covered by the relocation-expense obligation.

Link to Article:

<https://www.dispatch.com/story/news/local/2024/07/16/council-passes-three-ordinances-targeting-landlords-and-housing-owners/74387734007/>