



# Proposed Comprehensive Eviction Prevention Strategy

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## OVERVIEW

*The cost burdens of rental housing leaves low-income Cincinnati residents at significant risk of homelessness if they experience an interruption in income from a destabilizing life event such as job loss, health crisis, divorce, or car repair. Not only are evictions related to rental housing a cost burden, but they are also a significant cause of familial instability which contributes to declines in school performance and perpetuates the cycle of poverty in affected communities. Beginning early fall of 2018, my office convened a group of housing experts, including members of our own city staff, with the goal of reducing eviction rates for financially vulnerable populations in the City of Cincinnati. We evaluated the current state and assessed what it would take to move to a more optimal one for impacted households. Though not enough to meet the significant need, one initiative provides rent assistance to eligible tenants at risk for eviction (see Appendix). The department of Building & Inspections also started tenant trainings to complement the existing landlord trainings so that tenants can be more informed about both their rights and responsibilities (see Appendix). Gauging the local landscape and national best practices, proposed is a comprehensive set of policies that will further address systemic issues that tenants face. These will also serve to complement efforts to preserve and increase the number of affordable housing units needed to maintain an economically diverse city.*

## ORDINANCES

**RESIDENTIAL RENTAL REGISTRY:** will ensure that property owners are notified in a timely fashion of urgent issues, such as water line breaks and fires, and to better protect the tenants, neighboring residents, and the properties themselves. The various City departments responsible for enforcing health and safety codes and responding to emergencies related to housing are often unable to reach necessary owners and/or managers of rental properties because there is no law in place that requires owners to provide emergency contact information. The state/county rental registration process is burdensome to property owners, which results in under and/or inaccurate reporting. Certain types of properties are exempt. The proposed registry is simple and comes with a nominal annual fee which will cover the costs to maintain the registry.

**RESIDENTIAL RENTAL INSPECTION PROGRAM:** will launch a rental inspection pilot program in the neighborhoods of Avondale, CUF and East Price Hill in response to concerns raised by tenants, neighbors, community councils, and housing advocates about substandard conditions in limited rental housing. The goal is to increase quality of life for residents and prevent a minority of owners with code violations from detracting from the City's vibrant rental housing market. Only property owners with unresolved code violations, delinquent property tax bills, a history of maintaining significant health and/or safety hazards in a rental unit, or who meet other similar criteria demonstrating deficient property management are subject to inspection program.

**TENANT INFORMATION WEBSITE:** will authorize the City Manager to take the necessary steps to obtain same-day eviction filing data from the Hamilton County Clerk of Courts in order to make the information available on our website to service providers who partner with the City on eviction relief and prevention services.

**LIMIT ON TENANT LATE FEES:** will limit the number of unnecessary evictions by regulating late fees charged to residential tenants for the late payment of rent, given that excessive late fees substantially burden residential tenants with limited and fixed incomes by modifying the provisions of the landlord-Tenant Relationship,

**LANDLORDS NOTICE TO ENTRY:** will ensure that tenants living in residential rental properties adequate notice to enter an occupied rental unit at reasonable times by City officials, property owners, or any other similar situation.

## MOTIONS

**RESIDENTIAL RENTAL INSPECTION PILOT PROGRAM REPORTS:** To be received twice-yearly from administration on the impact of the on the communities served under the program, with the first report to be presented sixth months after the program is implemented that include data showing historical code enforcement activity, including data from the Building, Health, Public Services, and Fire Departments, in the pilot areas.

**FEASIBILITY OF THREE-DAY COURT NOTICE TO LEAVE THE PREMISES:** Will provide a report from City Manager/Administration as to practicality and possible framework of an ordinance incentivizing and/or requiring residential landlords who receive City subsidy, funding or tax abatements, to include specific terms in residential lease contracts at benefitted property who issues a three-day notice to tenant to vacate premises for non-payment of rent and tenant offers rent owed within the three day period to accept the rent and not proceed to sue for eviction.



## **Proposed Rental Registry for the City of Cincinnati**

### **Why does Cincinnati need a rental registry?**

The City seeks to create a more accessible and less burdensome Residential Rental Registry to ensure property owners are timely notified of urgent issues, such as water line breaks and fires, and to better protect the tenants, neighboring residents, and the properties themselves.

The various city of Cincinnati Departments responsible for enforcing health and safety codes and responding to emergencies related to housing are often unable to reach necessary owners and/or managers of rental properties located in Cincinnati because there is no law in place that requires owners to provide emergency contact information. Further, the state/county rental registration process is burdensome to property owners, which results in under- and/or inaccurate reporting.

### **What does the registry require?**

The City's proposed rental registry is simple and places minimal obligations and costs on property owners. Rental property owners are only required to register the property once and update it only if there are changes to the information provided. The registry requires property owners to provide the following information:

- Owner contact information;
- Address and PPN for the registered property; and
- Contact information for the owner's designated emergency contact person who can respond to emergency and/or maintenance issues 24-hours/day

### **What types of properties would have to be registered?**

Only traditional rental properties have to be registered. The following properties are exempt: hotels, motels, state-owned dormitories, owner-occupied two-family units, properties ordered vacated, commercial spaces associated with a mixed-use residential property, and short-term rental properties.

### **Will there be a fee?**

There will be a nominal annual fee associated with each registration, and the fees collected will be used to cover the administrative costs associated with maintaining the registry.

### **How do I register?**

Property owners will be able to register online or by filing paperwork that can be obtained online or in-person from the appropriate City department.



**Date:** September 11, 2019

**To:** Councilmember Greg Landsman  
**From:** Paula Boggs Muething, City Solicitor *PBM/Awb*  
**Subject:** Ordinance – Ordaining Chapter 874, “Residential Rental Registration”

Transmitted herewith is an ordinance captioned as follows:

**ORDAINING** new Chapter 874, “Residential Rental Registration,” of the Cincinnati Municipal Code to enhance and update registration requirements for residential rental properties and increase the penalties for failure to comply with such requirements; and **AMENDING** Sections 1501-3, “Class A Civil Offenses,” and 1501-9, “Class D Civil Offenses,” of Title XV, “Code Compliance and Hearings,” of the Cincinnati Municipal Code.

PBM/EEF/(jlk)  
Attachment  
295494

# City of Cincinnati

EEF PBM/AWL

## An Ordinance No. \_\_\_\_\_ - 2019

**ORDAINING** new Chapter 874, "Residential Rental Registration," of the Cincinnati Municipal Code to enhance and update registration requirements for residential rental properties and increase the penalties for failure to comply with such requirements; and **AMENDING** Sections 1501-3, "Class A Civil Offenses," and 1501-9, "Class D Civil Offenses," of Title XV, "Code Compliance and Hearings," of the Cincinnati Municipal Code.

WHEREAS, the vast majority of residential rental properties are owned by individuals or corporations who do not reside at their rental properties, and, in many cases, owners of residential rental properties live out-of-state and, in some cases, reside in foreign countries; and

WHEREAS, existing Ohio law does not require owners of residential rental property to provide contact information for the individuals or companies responsible for maintaining or responding to emergencies at residential rental properties; and

WHEREAS, the City has a compelling interest in ensuring that it can contact an individual who is responsible for the maintenance and/or management of residential rental properties, especially in the case of emergencies such as fires, floods, and loss of power and/or heat; and

WHEREAS, there are approximately 80,000 residential rental units in the City of Cincinnati, which constitutes half of all of the City's housing stock; and

WHEREAS, the actual number of residential rental properties and rental units in the City of Cincinnati is unknown, in part, because owners of residential rental property often fail to register their rental properties; and

WHEREAS, the City seeks to reduce barriers to registration and make the registration process highly accessible to owners of residential rental properties by providing for on-line, internet-based registration; and

WHEREAS, the City frequently responds to complaints involving immediate health and safety concerns and code violations at residential rental properties and is often unable to locate the owner or property manager because the information provided to the state has not been provided as required, is incorrect and/or outdated, or does not include contact information for the individuals actually responsible for the maintenance of the property; now, therefore,

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

Section 1. That new Chapter 874, "Residential Rental Registration," of Title VIII, "Business Regulations," of the Cincinnati Municipal Code is hereby ordained to read as follows:

**Chapter 874 – RESIDENTIAL RENTAL REGISTRATION**

**Sec. 874-1. - Definitions.**

For the purposes of this chapter, words and phrases shall have their ordinary meaning unless defined herein.

- (a) "Director of Buildings and Inspections or Director" shall be construed to include 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) "Person in control" shall mean:
  - (1) The person, persons, or entity holding title to the freehold estate of the premises; or
  - (2) Any individual designated by the owner of a Residential Rental Property as having the duty, responsibility, and authority to operate, maintain, and manage the Residential Rental Property; or
  - (3) A mortgagee or vendee in possession; or
  - (4) A receiver; or
  - (5) An executor; or
  - (6) A trustee; or
  - (7) Any person, public or private entity, lessee or holder of a lesser estate in the premises, and/or its duly authorized agent(s), with the authority to bring a building or premises into compliance with the provisions of this code, including but not limited to any mortgagee that has filed an action in foreclosure on the particular premises at issue, based on breach or default of a mortgage agreement, until title to the premises is transferred to a third party.
- (c) "Property" shall mean real property located in the city of Cincinnati improved by virtue of a dwelling having been erected on the real property.
- (d) "Residential Rental Property" shall have the same meaning as Ohio Revised Code 5323.01(E). In addition, the Director may consider 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 Ohio Revised Code 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<br>EQUALIZATION | HAMILTON<br>COUNTY |
|-------------|---|------------------------------|--------------------|
| COMMERCIAL  | APARTMENTS - 4 TO<br>19 UNITS                   | 401                          | 401                |
| COMMERCIAL  | APARTMENTS - 20 TO<br>39 UNITS                  | 402                          | 402                |
| COMMERCIAL  | APARTMENTS - 40+<br>UNITS                       | 403                          | 403                |
| COMMERCIAL  | RETAIL -<br>APARTMENTS OVER                     |                              | 404                |
| COMMERCIAL  | OFFICE -<br>APARTMENTS OVER                     |                              | 431                |
| RESIDENTIAL | TWO FAMILY<br>DWELLINGS                         | 520                          | 520                |
| RESIDENTIAL | THREE FAMILY<br>DWELLINGS                       | 530                          | 530                |
| RESIDENTIAL | LOW INCOME HOUSE<br>TAX CREDIT<br>(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;
- (7) Other reasonable indicators that real property has been rented to tenants for residential purposes, for example, the existence of a lease agreement.

**Sec. 874-3. - Scope.**

- (a) The provisions of this Chapter apply to all Residential Rental Properties.
- (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) Properties that are currently unoccupied because they have been ordered vacated by the director;
  - (4) Properties that are available to the public for rental for a period of thirty days or less;
  - (5) 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, owners may submit evidence to the Director demonstrating that their property is not "Residential Rental Property" for purposes of this section.

**Sec. 874-5. - General Obligations of Owners and Persons in Control of Residential Rental Properties.**

- (a) The owner or person in control of a Residential Rental Property must file a Residential Rental Property registration with the director within 60 calendar days of the effective date of this ordinance or within 60 calendar days of assuming ownership, whichever is later.
- (b) All Residential Rental Property registrations shall be made on forms and in the manner prescribed by the director, and shall include the following information:
  - (1) The name, address, and telephone number of the owner;
  - (2) If the Residential Rental Property is owned by a trust, business trust, estate, partnership, limited partnership, limited liability company, association, corporation, or any other business entity, the name, address, and telephone number of the following:

- a. A trustee, in the case of a trust or business trust;
  - b. The executor or administrator, in the case of an estate;
  - c. A general partner, in the case of a partnership or a limited partnership;
  - d. A member, manager, or officer, in the case of a limited liability company;
  - e. An associate, in the case of an association;
  - f. An officer, in the case of a corporation;
  - g. A member, manager, or officer, in the case of any other business entity.
- (3) The name, address, and telephone number for any and all persons in control of the Residential Rental Property, including, but not limited to, a professional property management company or on-site maintenance personnel, who have been designated by the owner as the party responsible for responding to emergency or maintenance issues for the Residential Rental Property and who can be reached 24 hours a day, 7 days a week, 365 days a year. At least one person in control must reside within 100 miles of the registered Residential Rental Property.
- (4) The street address and permanent parcel number of the residential rental property.
- (5) The monthly rent charged and the number and size of each rental unit located in each residential rental property, including the number of bedrooms, bathrooms, and approximate square footage of the unit.
- (c) The owner and any designated person in control of a registered Residential Rental Property have a continuing obligation to notify the director in writing of any changes, including, but not limited to:
- (1) Any change in information on the Residential Rental Property registration form.
  - (2) Any change in ownership.
  - (3) Any change in use of the Residential Rental Property, including, but not limited, to the property becoming and remaining vacant for a period of sixty days or more.
- (d) All Residential Rental Registrations shall be accompanied by the applicable fee.

**Sec. 874-7. - Penalties.**

- (a) Failure to register a Residential Rental Property shall constitute a Class D civil offense. Each additional day that the property remains unregistered after receiving



under CMC Section 1501-13, "Notice of Civil Offense and Civil Fine; Procedures," shall constitute a separate, subsequent Class E civil offense.

- (b) Failure to maintain accurate information once having registered a Residential Rental Property shall constitute a Class A civil offense. Each additional day that the information remains inaccurate after receiving under CMC Section 1501-13, shall constitute a separate, subsequent Class B civil offense.

**Sec. 874-9. - Severability.**

If any provision or section of this chapter or the enforcement of any such provision or section is held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect or render invalid or unenforceable any other provision or section of this chapter. To this end, each of the provisions and sections of this chapter are severable.

**Sec. 874-11. - Appeals.**

Any person who has a bona fide controversy with the interpretation, application, or enforcement of this Chapter may submit a written petition for reconsideration to the Director under CBC Section 1101-80, "Director's Actions."

**Sec. 874-13. - Effective Date.**

This Chapter shall take effect 183 days after it becomes law.

Section 2. That existing Sections 1501-3, "Class A Civil Offenses," and 1501-9, "Class D Civil Offenses," of Title XV, "Code Compliance and Hearings," of the Cincinnati Municipal Code are hereby amended as follows:

**Sec. 1501-3. - Class A Civil Offenses.**

A person who violates a standard of conduct set forth in a section or chapter of the Cincinnati Municipal Code listed below is liable for the civil fine specified in § 1501-99 for a Class A Civil Offense. 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 specified in § 1501-99 for the first violation of a Class B Civil Offense.

|    |          |                          |
|----|----------|--------------------------|
| a. | § 511-1  | Advertising on Vehicles. |
| b. | § 511-33 | Front Yard Parking.      |
| c. | § 514-11 | Parking Restrictions.    |

|     |             |   |
|-----|-------------|---|
| d.  | § 604-17    | Unapproved Bird, Fowl or Animal Feeding.                                      |
| e.  | § 701-19    | Order to Muzzle Dogs.   |
| f.  | § 701-27    | Loud Dog.   |
| g.  | § 701-30    | Dog Excrement Removal.  |
| h.  | § 721-63    | Gutter Crossings.   |
| i.  | § 721-65    | Obstructing Gutters.  |
| j.  | § 721-93    | Temporary Driveway Permits.   |
| k.  | § 723-5     | Encumbering Sidewalks.  |
| l.  | § 723-9     | Regulations for Wholesale Produce Areas.                                      |
| m.  | § 723-11    | Retail Sidewalk Display.  |
| n.  | § 723-12    | Free Standing Business or Identification Signs (Sandwich Boards) on Sidewalk. |
| o.  | § 723-13    | Temporary Encumbrances.   |
| p.  | § 723-17    | U.S. Mail Boxes.  |
| q.  | § 723-23    | Ground and Debris on Street or Sidewalk.                                      |
| r.  | § 723-29    | Sprinkling Roadways in Congested District.                                    |
| s.  | § 723-31    | Sprinkling Before Sweeping.   |
| t.  | § 723-37    | Unloading Heavy Material on Streets or Sidewalks.                             |
| u.  | § 723-39    | Inscribing Names or Advertising Matter on Sidewalks Unlawful.                 |
| v.  | § 723-57    | Removal of Snow.  |
| w.  | § 723-59    | Ice on Sidewalks.   |
| x.  | § 723-65    | Displaying House Numbers.   |
| y.  | § 723-69    | Removing House Numbers.   |
| z.  | § 723-79    | Fire Kettle Permit.   |
| aa. | § 729-7     | Setting Out Containers.   |
| bb. | § 729-15    | Containers to be Removed from Collection Points.                              |
| cc. | § 729-37    | Street Waste Receptacles.   |
| dd. | § 729-87(a) | Recyclable Materials - Taking Recyclables.                                    |
| ee. | § 729-87(b) | Recyclable Materials - Destruction of Container.                              |
| ff. | § 729-87(c) | Recyclable Materials - Relocation of Container.                               |
| gg. | § 729-87(d) | Recyclable Materials - Failure to Remove Container from Collection Point.     |
| hh. | § 729-88    | Yard Waste Materials.   |

|            |                    |   |
|------------|--------------------|---|
| ii.        | § 729-89(c)        | Disposal of Unacceptable Waste.   |
| jj.        | § 911-17           | Posting Bills on Streets.   |
| kk.        | § 1123-11(b)       | Vacant Foreclosed Property Registration - Failure to maintain accurate information.                                       |
| ll.        | § 1123-11(c)       | Vacant Foreclosed Property Registration - Failure to maintain the property in accordance with the maintenance provisions. |
| mm.        | § 701-2(B)(1)      | Leash Required; Responsibility for Injury ( <i>Leash</i> ).   |
| <u>nn.</u> | <u>§ 874.07(b)</u> | <u>Failure to Maintain Accurate Residential Rental Property Registration.</u>   |

**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 Conveyer Equipment          | Class E                           |
| (9)  | Chapter 1117 | Housing Code                             | Class E                           |
| (10) | Chapter 1119 | Building Hazard Abatement Code           | Class E                           |



|      |                    |  |                |
|------|--------------------|--|----------------|
| (11) | Chapter 1127       | General Inspection 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) | <u>§ 874-07(a)</u> | <u>Failure to Register Residential Rental Property</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) | § 856-27(b,c)  | Failure to Obtain a Short Term Rental License<br>( <i>after notification of offense</i> )                              | Class D                           |
| (13) | § 856-27(d)    | Failure to Operate a Short Term Rental Within Proper Scope or Type of License ( <i>after notification of offense</i> ) | Class D                           |

|      |             |  |         |
|------|-------------|--|---------|
| (14) | § 856-27(e) | Violation of Limitations on Operators or Operation of Short Term Rentals | Class D |
| (15) | § 856-27(f) | Dishonestly Holding a Dwelling Unit Out as a Hosted Rental               | Class D |

Section 3. That existing Sections 1501-3, "Class A Civil Offenses," and 1501-9, "Class D Civil Offenses," of Title XV, "Code Compliance and Hearings," of the Cincinnati Municipal Code are hereby repealed.

Section 4. That the proper City officials are hereby authorized to take all actions necessary and proper to prepare for implementation of the registration procedures established in this ordinance, and they are further authorized to take all actions necessary and proper to implement the registration once it becomes effective.

Passed: \_\_\_\_\_, 2019

\_\_\_\_\_  
John Cranley, Mayor

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

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

## **Proposed City of Cincinnati Rental Inspection Program**

**PURPOSE:** The City of Cincinnati seeks to launch a rental inspection pilot program in the CUF, East Price Hill, and Avondale neighborhoods in response to concerns raised by tenants, neighbors, community councils, and housing advocates about substandard conditions in rental housing. The goal of this program is to increase the quality of life for all City residents and prevent a minority of owners with code violations from detracting from the City's vibrant rental housing market.

**SCOPE:** Property owners and landlords who keep their properties in good repair and code compliant are not subject to the program. Only those property owners with unresolved code violations, delinquent property tax bills, a history of maintaining significant health and/or safety hazards in a rental unit, or who meet other similar criteria demonstrating deficient property management are subject to the inspection program.

For rental properties with eight or more units, a random sampling of units will be inspected.

**HOW IT WORKS:** If a property owner in the pilot areas is subject to the inspection program, they must apply for a Rental Inspection Certificate. To apply, an owner must provide information about the property, including a copy of the current rental registration as required by Ohio state law and a written certification consenting to an interior/exterior inspection of the rental unit. If consent is not provided, the City will not penalize a property owner but will obtain an administrative search warrant in compliance with all applicable state and federal laws.

Once an application for certificate is received and after an authorized inspection is conducted by City officials, the rental unit will be designated compliant, substantially compliant, or non-compliant.

- Owners of compliant rental units will receive a Rental Inspection Certificate and a re-inspection will not be required until four years (48 months) from the date of issuance.
- Owners of substantially compliant rental units will be subject to reinspection at 30-day intervals until the property is made compliant, at which time it will receive a Rental Inspection Certificate and be subject to the same reinspection schedule as compliant rental units.
- Owners of non-compliant rental units will be subject to reinspection at 30-day intervals until the property is made compliant and they will be subject to annual reinspection.

**COSTS:** Owners of property subject to the inspection program must pay a \$100/unit fee for the initial inspection. Additional fees will be imposed for supplemental inspections for substantially compliant and non-compliant rental units as follows: \$70 for initial reinspection; \$140 for second reinspection; \$210 for third reinspection; \$280 for four or more reinspections.



**Date:** September 11, 2019

**To:** Councilmember Greg Landsman  
**From:** Paula Boggs Muething, City Solicitor *PBM/NSG*  
**Subject:** **Ordinance – Residential Rental Property Inspection Pilot Program**

Transmitted herewith is an ordinance captioned as follows:

**MODIFYING** the provisions of Title XI, "Cincinnati Building Code," of the Cincinnati Municipal Code by **ORDAINING** new Section 1127-07, "Residential Rental Property Inspection Pilot Program," to create a pilot inspection program in the City of Cincinnati to ensure that rental property in the pilot neighborhoods is compliant with applicable building, housing, and zoning codes; and **AMENDING** Section 1501-5, "Class B Civil Offenses," of Title XV, "Code Compliance and Hearings," of the Cincinnati Municipal Code.

PBM/EEF/(tr)  
Attachment  
295499

# City of Cincinnati

PBM/AUG  
EEF

## An Ordinance No. \_\_\_\_\_

- 2019

**MODIFYING** the provisions of Title XI, "Cincinnati Building Code," of the Cincinnati Municipal Code by **ORDAINING** new Section 1127-07, "Residential Rental Property Inspection Pilot Program," to create a pilot inspection program in the City of Cincinnati to ensure that rental property in the pilot neighborhoods is compliant with applicable building, housing, and zoning codes; and **AMENDING** Section 1501-5, "Class B 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, this Residential Rental Property Inspection Pilot Program will ensure compliance with minimum standards, prevent blight, and ensure that persons who live in rental housing units are provided decent, safe, and sanitary housing; and

WHEREAS, this program is enacted as a pilot project that, based on limited code enforcement resources, has both proactive and reactive enforcement elements;

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

WHEREAS, the Clifton-University Heights-Fairview neighborhood is an important part of the pilot 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 East Price Hill neighborhood is an important part of the pilot program because it contains a significant number of older, single-family, and multi-family housing rentals with out-of-town and absentee landlords, and because a property condition survey of the pilot area in East Price Hill completed by Price Hill Will indicates that conditions at rental properties in the area are inferior to that of owner-occupied properties; and

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

WHEREAS, the pilot program is further intended to measure the impact of regular inspections of residential rental properties on eviction rates and instances of documented code violations at properties in the pilot area; and

WHEREAS, Council finds that the pilot 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 new Section 1127-07, "Residential Rental Property Inspection Pilot Program," of Title XI, "Cincinnati Building Code," of the Cincinnati Municipal Code is hereby ordained 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, East Price Hill and Clifton-University Heights-Fairview. The qualifying census tract numbers within each Pilot Residential Area are listed below:

| Neighborhood                        | Qualifying Census Tract Numbers |
|-------------------------------------|---------------------------------|
| Avondale                            | 6900, 6600, 27000               |
| East Price Hill                     | 9200, 9300, 9400, 9500, 9600    |
| Clifton-University Heights-Fairview | 2500, 2600, 2700, 2900          |

**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<br>EQUALIZATION | HAMILTON<br>COUNTY |
|-------------|---|------------------------------|--------------------|
| COMMERCIAL  | APARTMENTS - 4 TO<br>19 UNITS                   | 401                          | 401                |
| COMMERCIAL  | APARTMENTS - 20 TO<br>39 UNITS                  | 402                          | 402                |
| COMMERCIAL  | APARTMENTS - 40+<br>UNITS                       | 403                          | 403                |
| COMMERCIAL  | RETAIL -<br>APARTMENTS OVER                     |                              | 404                |
| COMMERCIAL  | OFFICE -<br>APARTMENTS OVER                     |                              | 431                |
| RESIDENTIAL | TWO FAMILY<br>DWELLINGS                         | 520                          | 520                |
| RESIDENTIAL | THREE FAMILY<br>DWELLINGS                       | 530                          | 530                |
| RESIDENTIAL | LOW INCOME HOUSE<br>TAX CREDIT<br>(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 that 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.

### **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.**

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.

**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 section 1127-07.1-R 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.

#### **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 and Fines.**

- 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. Fees and costs assessed and recovered under this program shall be returned to the department of buildings and inspections as the department charged with enforcement and are to be used exclusively to pay the costs of operating the program and enforcement of the provisions of this section.

**1127-07.21. - Rules and Regulations.**

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.

**1127-07.99. - Penalties**

- a. An owner or person in control of Residential Rental Property in one of the three pilot neighborhoods who fails to apply for a residential rental inspection certificate commits a Class B 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 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, "Class B Civil Offenses," of Title XV, "Code Compliance and Hearings," of the Cincinnati Municipal Code is hereby amended as follows:

**Sec. 1501-5. - Class B 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 B 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, the amount of which fine is specified in § 1501-99 and is not subject to reduction for correction of the violation.

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

|      |                     |   | Civil Fine for Subsequent Offense |
|------|---------------------|---|-----------------------------------|
| (1)  | § 511-31            | Storage of Unlicensed Vehicles                  | Class B                           |
| (2)  | § 720-15            | Public [Stormwater] Facilities                  | Class C                           |
| (3)  | § 720-29            | [Stormwater] Permits and Plan Review            | Class B                           |
| (4)  | § 721-83            | Street Contractor's License                     | Class C                           |
| (5)  | § 723-3             | Unauthorized Wires, etc., in Streets            | Class C                           |
| (6)  | § 1219-3            | Material Subject to Spontaneous Ignition        | Class B                           |
| (7)  | § 1219-7            | Baled Material                                  | Class B                           |
| (8)  | § 1219-9            | Combustible Containers                          | Class B                           |
| (9)  | § 1219-15           | Fire Doors, Shutters and Windows                | Class B                           |
| (10) | § 1219-29           | Drip Pans                                       | Class B                           |
| (11) | § 1219-41           | Exhaust Fans                                    | Class B                           |
| (12) | § 1219-45           | Gas Shutoff Valves                              | Class B                           |
| (13) | Chapter 1225        | Smoking and the Use of Open Flame               | Class B                           |
| (14) | § 1231-11           | Obstructing Fire Hydrants                       | Class B                           |
| (15) | § 718-9             | Advertising in the Public Right-of-Way          | Class C                           |
| (16) | Chapter 765         | Special Event Permits                           | Class B                           |
| (17) | § 1601-7            | Early Fire Warning System                       | Class C                           |
| (18) | <u>§ 1127-07.99</u> | <u>Rental Property Inspection Pilot Program</u> | <u>Class C</u>                    |

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



|      |                |   | Civil Fine for Subsequent Offense |
|------|----------------|---|-----------------------------------|
| (1)  | § 413-25       | Sidewalk or Street Parking  | Class C                           |
| (2)  | § 503-25       | Damaging Street Surface   | Class C                           |
| (3)  | § 506-63       | Driving on Sidewalk Area  | Class C                           |
| (4)  | § 506-64       | Driving Over New Pavement   | Class C                           |
| (5)  | § 721-25       | Sale of Land on Private or Undedicated Streets                              | Class D                           |
| (6)  | § 721-41       | Street Opening Without Permit Unlawful                                      | Class D                           |
| (7)  | § 721-61       | Warning Lights; Barriers  | Class D                           |
| (8)  | § 721-109      | Sidewalk Covering Over Sub-space; Prohibited Materials                      | Class D                           |
| (9)  | § 721-111      | Support for Sidewalk Covering Over Sub-space                                | Class D                           |
| (10) | § 723-1        | Street Obstructions   | Class C                           |
| (11) | § 723-33       | Sweeping Onto Sidewalk or Roadway   | Class C                           |
| (12) | § 729-5        | Waste Containers; Requirements.   | Class D                           |
| (13) | § 729-9        | Setting Out Containers on Property Abutting Alleys                          | Class B                           |
| (14) | § 729-27       | Removal of Dead Animals   | Class B                           |
| (15) | § 729-41       | Disposal of Combustible Garbage   | Class B                           |
| (16) | § 729-53       | Transporting Putrescible Commercial By-Products                             | Class B                           |
| (17) | § 729-60       | Commercial Establishments to Maintain Commercial Waste Collection Contract  | Class C                           |
| (18) | § 729-69       | Unloading Waste on Sidewalks  | Class B                           |
| (19) | § 729-71(c)(1) | Personal Property Left Abandoned on Streets and Sidewalks- 3 or fewer items | Class B                           |
| (20) | § 729-75       | Escaping Hot Water or Steam   | Class B                           |
| (21) | § 1219-5       | Accumulated Waste and Waste Receptacles                                     | Class B                           |
| (22) | § 1219-13      | Trap Doors  | Class B                           |
| (23) | § 1221-7       | Smoking and Use of Open Flame   |                                   |

Section 3. That existing Section 1501-5, "Class B Civil Offenses," of Title XV, "Code Compliance and Hearings," of the Cincinnati Municipal Code is hereby repealed.

Section 4. That this ordinance shall take effect 183 days after it becomes law.

Passed: \_\_\_\_\_, 2019

\_\_\_\_\_  
John Cranley, Mayor

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

# City of Cincinnati



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**Greg Landsman**  
*Councilmember*

October 21, 2019

## MOTION

**WE MOVE** the administration to provide biannual reports on the impact of the Residential Rental Inspection Pilot Program on the communities served under the program, with the first report to be presented sixth months after the program is implemented. These reports should include data showing historical code enforcement activity, including data from the Building, Health, Public Services, and Fire Departments, in the pilot areas. The Administration shall also take reasonable efforts to assess this program's impact on eviction rates in the pilot areas.

  
\_\_\_\_\_  
Councilmember Greg Landsman

|       |       |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

## STATEMENT

Recognizing the higher than average eviction rates in the City of Cincinnati and that tenants in the pilot areas are particularly vulnerable, the correlation between code violations at residential rental properties and eviction rates, and that where the condition of a residential rental unit deteriorates so often does the landlord-tenant relationship, it is imperative that Council and the City take action to protect its most vulnerable citizens and ensure they have access to quality, affordable housing.