

Date: October 3, 2019

To: Councilmember Greg Landsman
From: Paula Boggs Muething, City Solicitor 
Subject: **Ordinance – Modifying Cincinnati Municipal Code by Ordaining New Section 871-8**

Transmitted herewith is an ordinance captioned as follows:

MODIFYING the provisions of Chapter 871, “Landlord-Tenant Relationships,” of Title VIII, “Business Regulations,” of the Cincinnati Municipal Code, by **ORDAINING** new Section 871-8, “Unlawful Entry Prohibited,” to ensure that tenants living in residential rental properties receive adequate notice when property owners intend to enter occupied rental units.

PBM/EEF/(lnk)
Attachment
296630.6

City of Cincinnati

EEF

PBM/AWG

An Ordinance No. _____

- 2019

MODIFYING the provisions of Chapter 871, "Landlord-Tenant Relationships," of Title VIII, "Business Regulations," of the Cincinnati Municipal Code, by **ORDAINING** new Section 871-8, "Unlawful Entry Prohibited," to ensure that tenants living in residential rental properties receive adequate notice when property owners intend to enter occupied rental units.

WHEREAS, it is often necessary for occupied residential rental units to be inspected by City officials for assessment of housing conditions and code compliance; and

WHEREAS, owners of occupied residential rental units are frequently required to inspect or perform routine maintenance at occupied rental units; and

WHEREAS, tenants living in residential rental units are entitled to reasonable notice in advance of inspections by City officials, property owners, or any other similar situation requiring entry into an occupied rental unit; now, therefore,

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

Section 1. That new Section 871-8, "Unlawful Entry Prohibited," of Chapter 871, "Landlord-Tenant Relationships," of Title VIII, "Business Regulations," of the Cincinnati Municipal Code is hereby ordained as follows:

Sec. 871-8. – Unlawful Entry Prohibited.

(a) Except in the case of an emergency or if it is impracticable to do so, a landlord shall give a tenant reasonable notice of their intent to enter the leased premises and enter only at reasonable times. Twenty-four (24) hours is presumed to be reasonable notice in the absence of evidence to the contrary.

(b) If a landlord makes an entry in violation of section (a), makes a lawful entry in an unreasonable manner, or makes repeated demands for entry otherwise lawful that have the effect of harassing the tenant, the tenant is entitled to any or all of the following forms of relief:

(1) At the tenant's option, either recovery of actual damages resulting from the entry or demands, or recovery of damages of an amount not less than one-hundred dollars (\$100.00) nor more than one-thousand dollars (\$1,000.00);

(2) Injunctive relief to prevent the recurrence of the conduct;

(3) Judgment for reasonable attorney's fees; and

(4) Termination of the rental agreement.

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the terms of Section 1 hereof.

Section 3. That this ordinance shall take effect and be in force from and after 90 days from its passage.

Passed: _____, 2019

John Cranley, Mayor

Attest: _____
Clerk