

Legislative Summary: Ordinance No. 484-2022

Ordinance No. 484-2022 enacts new Codified Ordinance Section 375.13, Tenant's Right to Assert Tender of Rent as an Affirmative Defense to Eviction, that codifies an existing equitable defense under state case law that a tenant can raise in an eviction action of tendering past due rent. If a tenant tenders past due rent with reasonable late fees, either prior to an eviction filing or prior to judgment, and the landlord refuses to accept, then the tenant's attempted tender shall be an affirmative defense to an eviction action for non-payment of rent.

Cincinnati, Dayton, Toledo and Akron have enacted similar ordinances. The City wants to mitigate the ongoing housing crisis that has been exacerbated by the COVID-19 pandemic, and support tenants who tender late rent to avoid eviction and stay in rental properties.

Amendments:

Two amendments to the ordinance definitions are being proposed, that were raised by the Renter Rights Day 1 Advocacy Coalition. The first proposed amendment adds rental assistance vouchers guaranteeing payment of past due rent, reasonable rent fees, and court costs to the definition of "tender". This would mean that a tenant's tender of a rental assistance voucher guaranteeing payment to the landlord would be an affirmative defense to eviction.

The second proposed amendment defines "reasonable late fees", as provided in Section 375.02(c) of this Chapter, that limits the total amount of late fees that a landlord may charge in a rental agreement to not exceed the larger of \$25 or 5% of the monthly rent.