



## Legislation Text

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**File #:** 1987-2024, **Version:** 1

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**BACKGROUND:** This legislation amends the Housing Code and Health, Sanitation, and Safety Code to define relocation assistance paid for by the City as an abatement activity that can be recovered from the property owner by any means authorized by law.

The City of Columbus is facing an affordable housing crisis that disproportionately impacts its lowest income and vulnerable residents through rising rents and lack of available units. Due to the lack of available units, low-income residents are increasingly unable to locate alternative places to live when their housing is unsafe and unsanitary due to health or housing code violations. As a result, many have no choice but to accept dangerous and unsanitary conditions.

On December 25, 2022, the City of Columbus was required to relocate over 150 people from the Sawyer Towers/LatitudeFive25 apartment complex in order to abate a public nuisance when pipes burst throughout the complex due to the property owner's negligence. The next year, in December 2023, the City was again required to relocate over 1,300 people from the Colonial Village apartment complex in order to abate a nuisance when they were found to be living in unsafe conditions including lack of heat due to the property owner's negligence.

In order to prevent the shelter system from becoming overwhelmed, the City of Columbus relocated the residents of Sawyer Towers/LatitudeFive25 and Colonial Village to hotels and were given assistance locating new housing. The combined cost to the City for these two relocation efforts was approximately nine million dollars.

In anticipation of future emergency vacate events similar to Sawyer Towers/LatitudeFive25 and Colonial Village, the Department of Development wishes to expand its relocation pilot program and collection efforts against property owners who do not willingly pay for the cost of relocating their tenants from nuisance properties. To do so, it is necessary to amend the Housing Code and Health, Sanitation, and Safety Code to define relocation costs borne by the City as abatement costs that may be collected from the property owner under certain circumstances.

**FISCAL IMPACT:** No Impact

To amend various sections of Title 45, Housing Code, and Title 7, Health, Sanitation, and Safety Code, of the Columbus City Codes and to enact section 4509.061 to define relocation assistance provided by the City of Columbus as an abatement activity.

**WHEREAS,** The City of Columbus is facing an affordable housing crisis that disproportionately impacts its lowest income and vulnerable residents through rising rents and lack of available units: and

**WHEREAS,** Many low-income tenants have no choice but to accept dangerous and unsanitary conditions when the property owner fails to make repairs: and

**WHEREAS,** the City of Columbus desires to ensure that no Columbus resident is displaced into homelessness when the City must vacate them from their home due to a condition that was the property owner's responsibility to fix; and

**WHEREAS,** the City of Columbus desires to hold property owners responsible when they do not provide relocation

assistance when their tenants must be vacated; and

**WHEREAS**, it is in the best interest of the residents of the City of Columbus to amend the Housing Code and Health, Safety, and Sanitation Code to define relocation assistance paid for by the City as an abatement activity that can be recovered from the property owner by any means authorized by law; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That Section 4509.02 is hereby amended to read as follows:

**4509.02 Contents of notice of violation.**

Whenever the code enforcement officer determines that there is a violation of any provision of the Housing Code or of any rule or regulation adopted pursuant thereto, the code enforcement officer may give notice of such violation to the person or persons responsible therefor, as hereinafter provided. Such notice shall:

- A. Be in writing;
- B. Include a statement of the reasons why it is being issued;
- C. Allow a reasonable time for the performance of any act it requires;
- D. A notice of violation shall be served by any one (1) of the following methods:
  - 1. Personal service, or
  - 2. Certified mail, or
  - 3. Residence service, or
  - 4. Publication, or
  - 5. Regular mail service to an address that is reasonably believed to be:
    - a. A place of residence of the owner, or
    - b. A location at which the owner regularly receives mail, or
  - 6. Posting the notice of violation on or in the property, except that if a structure is vacant, then the notice shall be posted on the structure and one (1) of the above methods of service shall also be used.
- E. Be available to any person upon request upon payment of a reasonable fee to cover the cost of making a copy of the same.
- F. If the premise is being rented to a tenant, then the notice provided to the property owner under this section shall inform the property owner of their liability for the cost of relocation assistance provided by the City to the tenant pursuant to C.C.C section 4509.061 in the event that the City must abate the nuisance by issuing an emergency order to vacate the premises pursuant to C.C.C section 4509.06 or C.C.C section 701.13, or an order that the property be kept vacant pursuant to C.C.C. section 4701.08.

Any notice served shall automatically become an order if a written petition for a hearing before the board of housing appeals is not filed in the division office fifteen (15) calendar days after such notice is served.

**SECTION 2.** That Section 4509.06 is hereby amended to read as follows:

**4509.06 Emergency orders.**

- (a) Whenever the director finds that an emergency exists which requires immediate action to protect the public health and safety or the health and safety of any person, the director may issue an order reciting the existence of such an emergency and requiring that such action as the director deems necessary be taken to meet the emergency.

Notwithstanding the other provisions of this Housing Code, such order shall be effective immediately and complied with immediately.

- (b) If necessary to protect the public health and safety or the health and safety of any person where an emergency exists in an occupied building, the director shall order that the premises be vacated forthwith and further that they shall not be reoccupied until the conditions causing the emergency to exist have been abated and approved by the director.
- (c) In cases where it reasonably appears that there is imminent danger to the public health and safety or the health and safety of any person unless the emergency condition is immediately corrected and if after reasonable attempts to notify the owner it appears that the owner will not or cannot immediately correct the condition, the director may cause the immediate abatement, including building demolition, of such emergency condition. The director shall further cause the cost of such abatement to be recovered by any means authorized by law. ~~charged against the land on which the building exists as a municipal lien or to be recovered in a civil suit against the owner.~~
- (d) Relocation assistance provided pursuant to C.C.C section 4509.061 is considered an abatement cost pursuant to this section. If relocation assistance was provided by the City then the director shall cause the cost of such abatement to be recovered from the owner by any means authorized by law.

**SECTION 3.** That Section 4509.061 is hereby enacted, to read as follows:

#### **4509.061 Tenant Relocation**

- (a) A property owner who has a written or oral lease agreement with a tenant shall be responsible for reimbursing the City for the City's actual costs of relocating a tenant from the owner's property under each of the following circumstances and subject to the exceptions in division (d):
  - 1. due to a code violation that resulted in an emergency order to vacate issued pursuant to C.C.C section 4509.06 or C.C.C section 701.13 for a condition or conditions that the City determined were the property owner's responsibility to remedy; or
  - 2. due to a condition that caused the tenant to vacate the property voluntarily, for which the City later issued a notice of code violation and order that the property be kept vacant pursuant to C.C.C. section 4701.08, that the City determined was the property owner's responsibility to remedy; or
  - 3. due to a condition that was subsequently found by a court of competent jurisdiction to have caused the tenant to vacate and which was the property owner's responsibility to remedy.

For the purposes of this section, the definition of "owner" does not include a lessee.

- (b) The City may provide relocation assistance under this section to, or on behalf of, a tenant if the owner or operator does not provide such relocation assistance. The amount of relocation assistance provided shall be either:
  - 1. Up to three months of reasonable and necessary temporary housing costs, including but not limited to, hotel and motel stays. Temporary housing costs may be paid until:
    - i. the City determines that the tenant may re-occupy the property after performing a re-inspection,
    - or
    - ii. the tenant has secured alternative, permanent housing, or
  - 2. In the event that the City determines that the tenant must permanently relocate as a result of the condition of the property, three times the monthly Fair Market Rent established by U.S Department of Housing and Urban Development for their household size. Any temporary housing costs paid to, or on behalf of, the tenant pursuant to division (b)(1) shall be counted towards the total amount provided under this section.
- (c) The property owner shall reimburse the City for the full cost of relocation assistance provided by the City pursuant to division (b) within fourteen (14) business days of receiving a written request for payment from the City. If

the property owner or operator fails to reimburse the City then the director shall cause the cost of such relocation assistance to be recovered from the owner by any means authorized by law.

- (d) Exceptions. The Property owner shall not be liable to provide relocation assistance if:
1. The vacate order issued by the City is the direct result of conditions caused by the tenant or tenant's guest or invitee pursuant to C.C.C section 4551.02; or
  2. The vacate order issued by the City is the direct result of disconnection of utilities for non-payment and the tenant has assumed responsibility for payment of the account(s) in the lease agreement; or
  3. The property owner or operator has, or has offered, to move the tenant into another comparable dwelling or dwelling unit that complies with all applicable building, housing, health, sanitation, and safety housing codes.
- (e) Property owners and tenants may appeal any determination made under this section to the property maintenance appeals board pursuant to Chapter 4505.
- (f) Nothing in this section shall be construed to limit a tenant's right to recover for damages caused by the owner's failure to maintain the property in compliance with applicable building, housing, health, sanitation, and safety housing codes.

**SECTION 4.** That Section 701.11 is hereby amended to read as follows:

**701.11 Notice of violation.**

- (A) Issuance of notice of violation. Whenever the director determines, or has reasonable grounds to believe, that there exists a condition that violates any provisions or requirements set forth in the Ohio Statutes, the Ohio Administrative Code, or this Health, Sanitation and Safety Code, the director may issue a notice setting forth the alleged violations and advising the owner or person having charge that such violations must be corrected.
- (B) Content of Notice of Violation.
- (1) All notices of violation, except emergency orders, shall be in writing and shall be served on the person from whom action, forbearance or compliance is required.
  - (2) All notices of violation shall identify the sections of the Health, Sanitation and Safety Code to which the order applies.
  - (3) All notices of violation shall provide a description of the dwelling, dwelling unit, multiple dwelling, business building or premises where the violations are alleged to exist or to have been committed; and/or a description of the public nuisance and the premises where the said public nuisance is alleged to exist.
  - (4) All notices of violation shall specify a reasonable time for compliance with the order.
  - (5) All notices of violation shall advise the owner or person having charge of the right to appeal.
  - (6) All notices of violation shall advise the owner or person having charge that if the order is not complied with by the specified date of compliance, the director may initiate a civil and/or criminal complaint against the owner or person having charge; and/or the director may, by city personnel or private contractor, cause the violations to be corrected with the cost of such correction to be charged as a lien upon the real estate.
  - (7) If the premise is being rented to a residential tenant, then the notice provided to the property owner under this section shall inform the property owner of their liability for the cost of relocation assistance provided by the City to the tenant pursuant to C.C.C section 4509.061 in the event that the City must abate the nuisance by issuing an emergency order to vacate the premises pursuant to C.C.C section 4509.06 or C.C.C section 701.13, or an order that the property be kept vacant pursuant to C.C.C. section 4701.08.

- (C) Service of Notice of Violation. A notice of violation shall be served upon the owner or any person from whom action, forbearance or compliance is required. Such notice shall be served by any one (1) of the following methods:
- (1) Personal service; or
  - (2) Certified mail; or
  - (3) Residence service; or
  - (4) Publication in a newspaper of general circulation in the county; or
  - (5) Regular mail service to an address that is reasonably believed to be:
    - (a) A place of residence of the owner, or
    - (b) A location at which the owner regularly receives mail; or
  - (6) Posting the notice of violation on the property, except that if a structure or premise is vacant, then the notice shall be posted on the structure or premise and one (1) of the above methods of service shall also be used.
- (D) When the notice of violation has been properly serviced, the order shall be effective as to anyone having any interest in the premises whether recorded or not at the time the order was issued, and shall be effective against any subsequent owner of the premises as long as the violation exists and there remains a city record of the order in a public file maintained by the director.
- (E) Written or oral acknowledgment by the owner of receipt of a notice of violation shall be evidence that the owner received the notice of violation. An appeal of the notice of violation by the owner pursuant to Section 701.15 shall constitute evidence of written acknowledgment by the owner of service of notice of violation.

**SECTION 5.** That Section 701.13 is hereby amended to read as follows:

**701.13 - Emergencies.**

- A. Whenever the director finds that an emergency exists which requires immediate action to protect the health and safety of any person, he or she may issue an oral or written order reciting the existence of such an emergency and requiring that such action as the director deems necessary be taken to meet the emergency. Notwithstanding the other provisions of this code, such order shall be effective immediately and complied with immediately.
- B. If necessary to protect the health and safety of any person where an emergency exists in an occupied building, the director shall order that the premises be vacated forthwith and further that it shall not be reoccupied until the conditions causing the emergency to exist have been abated and approved by the director.
- C. In cases where it reasonably appears that there is imminent danger to the health and safety of any person unless the emergency condition is immediately corrected and if after reasonable attempts to notify the owner it appears that the owner will not or cannot immediately correct the condition, the director may cause the immediate abatement, including building demolition, of such emergency condition. The director shall further cause the cost of such abatement to be recovered by any means authorized by law. ~~charged against the land on which the building exists as a municipal lien or to be recovered in a civil suit against the owner.~~
- D. Relocation assistance provided pursuant to C.C.C section 4509.061 is considered an abatement cost pursuant to this section. If relocation assistance was provided by the City then the director shall cause the cost of such abatement to be recovered from the owner by any means authorized by law.
- E. The owner or person having charge shall, upon request pursuant to Section 701.15, be granted a hearing before the property maintenance appeals board on the matter. Such request for appeal shall not stay the requirement for compliance

**SECTION 6.** That existing sections 4509.02, 4509.06, 701.11, and 701.13 are hereby repealed.

**SECTION 7.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.