



## Legislation Text

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**File #: 2108-2023, Version: 1**

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This legislation will ensure that no operator of rental housing shall refuse to accept tender on behalf of a tenant on the basis that the tender was proffered by a person other than the tenant.

To amend Chapters 4501 and 4551 of the Columbus City Codes to ensure that no operator shall refuse to accept tender on behalf of a tenant on the basis that the tender was proffered by a person other than the tenant.

**WHEREAS**, it is in the best interest of all parties to a rental agreement that operators accept tender on behalf of a tenant so the landlord will not be forced to begin a costly eviction proceeding; and

**WHEREAS**, current code does not require this; and

**WHEREAS**, there are currently millions of dollars in rental and utility assistance funds available for qualifying residential occupants and owners who have experienced financial hardship; and

**WHEREAS**, amending the city code to require operators to accept tender on behalf of a tenant and remain housed would benefit the City of Columbus by allowing the occupant(s) to remain in safe and sanitary housing; **NOW, THEREFORE,**

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

**SECTION 1.** That Chapter 4501 of the Columbus City Codes is hereby amended to enact new section 4501.406 to read as follows:

4501.406 - Tender

Tender means the payment of rent. Tender may be made in any lawful form authorized pursuant to a written rental agreement, provided for by city code or state law, or approved by a court of competent jurisdiction.

**SECTION 2.** That Chapter 4551 of the Columbus City Codes is hereby amended to enact new section 4551.06 to read as follows:

4551.06 - Third Party Tender

(a) Except as otherwise provided in division (b), no operator shall refuse to accept tender on behalf of a tenant on the basis that the tender was proffered by a person other than the tenant.

(b) Nothing in this section shall be construed as requiring an operator to accept tender on behalf of a tenant that is in breach or default of a written rental agreement or a tenant holding premises under an oral tenancy that is in default on the payment of rent.

(c) An operator who violates division (a) is guilty of failure to accept tender, a misdemeanor of the fourth degree.

(d) Organizational criminal liability as provided for in Section 2301.23 is contemplated where an organization is an operator.

(e) If an operator refuses to accept third party tender on behalf of a tenant who is not in breach or default of a written rental agreement or a tenant holding premises under an oral tenancy that is not in default on the payment of rent as required by this section, the attempted tender by the third party shall be an affirmative defense in any eviction action filed against the tenant for non-payment of rent.

**SECTION 2.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.