

ORDINANCE NO. 81-2023 (As Revised 06/27/2023)  
INTRODUCED BY: Mayor Thomas and All Members of Council

**AN ORDINANCE ENACTING NEW CHAPTER 763, “TENANT’S RIGHT TO PAY TO STAY,” OF THE CODIFIED ORDINANCES; AND DECLARING AN EMERGENCY**

WHEREAS, the public health crisis from the COVID-19 pandemic has had substantial and continuing negative impacts on residents and the economy in the State of Ohio, Cuyahoga County, and the City of Richmond Heights;

WHEREAS, the public health crisis has caused adverse economic impacts for residents, including loss of employment, reduction in income and loss of health care coverage, leading for many to the inability to pay for housing and basic needs, and placing increased demands on already strained regional and local health and safety resources, including shelters and food banks;

WHEREAS, further adverse economic impacts are anticipated, leaving residential tenants vulnerable to eviction;

WHEREAS, notwithstanding COVID-19 and its deleterious effects, it is essential at all times to avoid unnecessary housing displacement/evictions to protect the City’s housing stock and to prevent housed individuals from falling into homelessness;

WHEREAS, although unemployment compensation, rental assistance, and other programs have been made available to Ohioans so they can meet their basic needs, City Council wishes to provide additional safeguards to residents and tenants concerning their ability to pay to stay in rental properties located within the City.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Richmond Heights, State of Ohio, that:

Section 1: New Chapter 763, “Tenant’s Right to Pay to Stay,” of the Codified Ordinances of the City of Richmond Heights is hereby enacted to read as follows:

**“CHAPTER 763  
Tenant’s Right to Pay to Stay**

**763.01 Definitions.**

**763.02 Tenant’s right to pay to stay prior to the filing of an eviction action for non-payment of rent.**

**763.03 Tenant’s right to pay to stay prior to an eviction judgment for non-payment of rent.**

**763.04 Rent receipt required.**

**763.05 Other causes for eviction.**

**763.06 Reasonable late fees.**

**763.07 Severability.**

### **763.01 DEFINITIONS.**

(a) "Tenant" means a person entitled under a rental agreement to the use and occupancy of a residential premises to the exclusion of others.

(b) "Tender" means an offer of payment that is equivalent to the actual production or remittance of the money and includes any emergency rental assistance vouchers from an accredited social service, nonprofit, governmental, or quasi-governmental agency that guarantees the payment of past due rent, reasonable late fees, and court costs.

(c) "Court costs" means filing fees and costs assessed by the municipal court that include, but are not limited to, costs to file, costs for data entry, costs for court appearances, costs for serving summons and subpoenas, and costs associated with court transcripts and copying papers and exhibits.

### **763.02 TENANT'S RIGHT TO PAY TO STAY PRIOR TO THE FILING OF AN EVICTION ACTION FOR NON-PAYMENT OF RENT.**

If the tenant tenders all past due rent with reasonable late fees to the landlord prior to the filing of an action under Ohio Revised Code 1923 and the landlord refuses the tender, the tenant's tender of all past due rent with reasonable late fees shall be an affirmative defense to any action filed by the landlord against the tenant for nonpayment of rent.

### **763.03 TENANT'S RIGHT TO PAY TO STAY PRIOR TO AN EVICTION JUDGMENT FOR NON-PAYMENT OF RENT.**

If the tenant tenders all past due rent with reasonable late fees and court costs to the landlord prior to a judgment and the landlord refuses the tender, the tenant's tender of all past due rent, reasonable late fees and court costs shall be an affirmative defense to the eviction action filed by the landlord against the tenant for nonpayment of rent.

### **763.04 RENT RECEIPT REQUIRED.**

The landlord shall provide the tenant with a signed receipt for all payments made under this chapter.

### **763.05 OTHER CAUSES FOR EVICTION.**

This chapter in no way limits the ability of a landlord to initiate an eviction action for reasons other than solely for non-payment of rent.

### **763.06 REASONABLE LATE FEES.**

No landlord may charge a tenant late fees that are not reasonable late fees. If a rental agreement includes a provision that authorizes the landlord to assess the tenant a fee for late payment of the monthly rent, to be considered "reasonable late fees" the total amount of that late payment fee for any month may not exceed the larger of: (i) twenty-five dollars (\$25.00);

or (ii) five percent (5%) of the monthly contract rent. This section shall only be applicable to rental agreements entered into after the effective date of this section.

#### 763.07 SEVERABILITY.

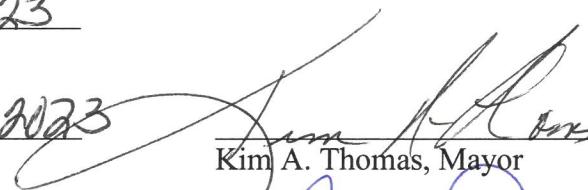
If any provision of this Chapter 763 is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this chapter which can be implemented without the invalid provisions and, to this end, the provisions of this chapter are declared to be severable. Richmond Heights City Council hereby declares that it would have adopted this chapter and each provision thereof, irrespective of whether any one or more provisions is found invalid, unconstitutional or otherwise unenforceable."

Section 2: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

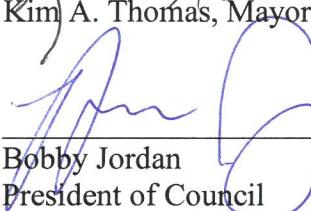
Section 3: This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and general welfare of the citizens of the City of Richmond Heights and for the reason that it is necessary for this Ordinance that provides relief to residential tenants to go into immediate effect due to the large number of evictions pending in the Municipal Court; wherefore, this Ordinance shall take effect and be in force immediately upon its passage by the Council and signature of the Mayor.

PASSED: June 27, 2023

APPROVED: June 27, 2023

  
Kim A. Thomas, Mayor

ATTEST: Donnie L. Hunter  
Donnie L. Hunter  
Clerk of Council

  
Bobby Jordan  
President of Council