

CITY OF STRONGSVILLE, OHIO

ORDINANCE NO. 2021 – 080

By: Mayor Perciak and All Members of Council

**AN ORDINANCE ENACTING A NEW CHAPTER 850 ENTITLED
“TENANT’S RIGHT TO PAY TO STAY” OF TITLE TWO OF
PART EIGHT-BUSINESS REGULATION AND TAX CODE, OF
THE CODIFIED ORDINANCES OF THE CITY OF
STRONGSVILLE, AND DECLARING AN EMERGENCY, **AS
AMENDED.****

WHEREAS, on March 9, 2020, Ohio Governor Mike DeWine signed Executive Order 2020-01D, declaring a State of Emergency in Ohio to protect the well-being of the citizens of Ohio from the dangerous effects of COVID-19; and

WHEREAS, on March 11, 2020 Cuyahoga County Executive Armond Budish, while recognizing that the life, safety and welfare of the residents of Cuyahoga County are in jeopardy due to the outbreak of COVID-19, signed Executive Order EO2020-00 02 declaring a State of Emergency within Cuyahoga County; and

WHEREAS, on March 13, 2020, United States President Donald Trump declared a national emergency due to the Coronavirus pandemic; and

WHEREAS, on March 17, 2020, Mayor Thomas P. Perciak declared an emergency in the City of Strongsville, Ohio; and

WHEREAS, international, national, state and local governments and health authorities continue to respond to the outbreak of the Coronavirus disease known as COVID-19; and

WHEREAS, as a result of public health emergency protocols and precautions, the COVID-19 pandemic will have lasting impacts on the residents and economy of our nation, state, county and the City of Strongsville; and

WHEREAS, certain individuals and families have been directly affected by the COVID-19 health and economic crisis wherein they may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources, including shelters and food banks; and

WHEREAS, during this local emergency and in the interest of protecting the public health and preventing the transmission of COVID-19, it is essential to avoid unnecessary housing displacement to protect the citizens and community of the City of Strongsville.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STRONGSVILLE, COUNTY OF CUYAHOGA AND STATE OF OHIO:

Section 1. That this Council hereby enacts a new Chapter 850 entitled “Tenant’s Right to Pay to Stay” of Title Two of Part Eight, Business Regulation and Tax Code, of the Codified Ordinances of the City of Strongsville to read in its entirety as follows:

CHAPTER 850
Tenant's Right to Pay to Stay

850.01 Definitions.

850.02 Tenant's affirmative defense after tendering rent prior to the filing of an eviction action (Complaint for Forcible Entry and Detainer).

850.03 Tenant's affirmative defense after tendering rent prior to an eviction judgment (Judgment for Restitution).

850.04 Rent receipt required.

850.05 Other causes for eviction.

850.06 Reasonable fees.

850.07 Severability.

850.01 DEFINITIONS.

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

(b) For the purposes of this Chapter, "Tender" means an offer of payment.

850.02 TENANT'S AFFIRMATIVE DEFENSE AFTER TENDERING RENT PRIOR TO THE FILING OF AN EVICTION ACTION (COMPLAINT FOR FORCIBLE ENTRY AND DETAINER).

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 a defense to any action filed by the landlord against the Tenant for non-payment of rent.

850.03 TENANT'S AFFIRMATIVE DEFENSE AFTER TENDERING RENT PRIOR TO AN EVICTION JUDGMENT (JUDGMENT FOR RESTITUTION).

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 a defense to the eviction action filed by the landlord against the Tenant for non-payment of rent.

850.04 RENT RECEIPT REQUIRED.

The landlord shall provide the Tenant with a signed receipt for the security deposit and all rental payments tendered except for payments made **through an electronic commerce company (i.e. Paypal; Venmo) or** by personal check of the Tenant, at the time the security deposit or rental payments are made.

850.05 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.

850.06 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~~ **Fifty** Dollars (\$~~25~~**50**.00); or (ii) Five Percent (5%) of the monthly contract rent.

850.07 SEVERABILITY.

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

Section 2. That 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.

Section 3. That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City, and for the further reason that it is necessary to update the City's municipal Code in order to protect the public health and prevent the transmission of COVID-19 and other diseases. Therefore, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise from and after the earliest period allowed by law.

Mark S. Davis
President of Council

Date Passed: 7-19-21

	<u>Yea</u>	<u>Nay</u>
Carbone	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DeMio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kaminski	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Kosek	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Roff	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schonhut	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Short	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Approved: *Thomas R. Beria*
Mayor

Date Approved: July 19, 2021

Attest: *Limmer Pientke*
Clerk of Council

ORD. No. 2021-080 Amended: 07-19-21
1st Rdg. 05-17-21 Ref: COW
2nd Rdg. 06-21-21 Ref: COW
3rd Rdg. 07-06-21 Ref: COW
4th Rdg. 07-19-21

Pub Hrg. _____ Ref: _____
Adopted: 07-19-21 Defeated: _____
As Amended