

To Amend Section 137 of Columbus City Codes, 1959 to Create the Department of Fair Housing to Administer the Columbus Fair Housing Code under the Columbus Compact

INITIATIVE PETITION

Columbus City Charter Sections 42 and 43,
Ohio Revised Code Sections 3501.38, 3503.06

NOTE: Prior to circulation of an initiative petition, a certified copy of the petition must be filed with the City Clerk.

NOTICE: Whoever knowingly signs this petition more than once; signs a name other than one's own on this petition, except as provided by general laws of the state; or signs this petition when not a qualified elector of the City of Columbus, is liable to prosecution

To the City Clerk of the city of Columbus, Ohio:

We, the undersigned, electors of the city of Columbus, Ohio respectfully request that the ordinance proposed herein be adopted by the Council or submitted to a vote of the electors of this city for their approval or rejection at the next regular municipal election to be held not less than 60 days nor more than 120 days thereafter;

The following is a full and correct copy of the title and text of the proposed Ordinance: To Amend Section 137 of Columbus City Codes, 1959 to Create the Department of Fair Housing to Administer the Columbus Fair Housing Code under the Columbus Compact.

Chapter 137: ~~CITY PLANNING AND DEVELOPMENT~~ DEPARTMENT OF FAIR HOUSING

137.001 - Title.

This chapter shall be known as the "Columbus Fair Housing Code", hereinafter sometimes referred to as the "Fair Housing Code" or as "this code."

137.002 - Purpose.

The purpose of this code is to protect the health, safety and welfare of occupants of rented dwelling units and to prevent the blighting of city neighborhoods by establishing minimum standards relative to: rental rates, housing vacancy, property maintenance, and landlord and tenant rights and responsibilities.

137.003 – Definitions

Unless the context otherwise provides, the definition of the various terms used in the Fair Housing Code shall be as follows:

- A. "Appeal" means the procedure by which a person aggrieved by a finding, decision or order of the section invokes jurisdiction of the Fair Housing Commission or Division of Appeals;
- B. "Applicant" means a person who applies to the department for a license;
- C. "Appellant" means a person who appeals to the Fair Housing Commission or Division of Appeals;
- D. "Fair Housing Commission " or "the Commission" means the Fair Housing Commission created under the section 137.80 of this code;

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- E. "Chairperson" means the chairperson of the fair housing commission;
- F. "Department" means the Department of Fair Housing established by section 137.01 of this code;
- G. "Direct or indirect interest" means ownership; the interest of an individual shareholder of a corporation having ten (20) or fewer shareholders; the interest of the partners in any partnership; the interest of any person who receives in excess of ten (5) percent of the gross revenue from the proceeds of that which is to be licensed; the interest of a person who has an interest in the real property upon which that which is to be licensed is located; the interest of a person who has a lien on the property which is to be licensed and which lien is paid in part from the proceeds of that which is to be licensed;
- H. "Fair Rent" means a rental rate that bears a reasonable relationship to costs with a reasonable and not excessive rate of return or predatory impact on citizens who have a price inelastic demand for housing, which is a basic human need. A "Fair Rent" in Columbus does not tend to consume an ever-growing percentage of a tenant's income, without a corresponding increase in value and allows for tenant input into the size and rate of any increase. To the extent a housing provider is a developer that can contribute meaningfully to the supply of housing but which undersupply has contributed to a deficit and thus benefits from the undersupply through an oligarchical position, that provider loses standing to credibly define or contest fair rents;
- I. "Housing Provider" means any person providing residential rental housing, which may include the owner, property manager, or other person or entity engaged in the lease of residential rental property;
- J. "License" means a license, permit or certificate that authorizes the lease of residential property issued in the name of the city of Columbus by the department pursuant to section 137.2 of this code;
- K. "Natural Person" means an individual human being and does not mean a corporate entity defined under state law;
- L. "Open market" shall mean a dwelling generally advertised and available to any person, which availability to lease is not restricted by membership in any group or affiliation with any institution or condition.
- M. "Person" includes one (1) or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees, trustees in bankruptcy, receivers, and other organized groups of persons. It also includes, but is not limited to, any owner, lessor, assignor, builder, manager, broker, salesman, agent, employee, lending institution; and the city of Columbus, and all agencies, boards and commissions thereof.
- N. "Person aggrieved" means any person who is directly or indirectly adversely affected by an order or decision of the Department;
- O. "Regulated property" means any residential rental property which is required to acquire a license under the city codes before commencing its operation;
- P. The term "Rental property" as used in this chapter means a structure that includes demised dwelling units intended to house people who are residents of Columbus for more than one month. This may include single family houses or multifamily units. Rental property shall exclude short-term hotels and motels and units offered on a short-term rental basis ordinarily for travelers through commercial home sharing web-based applications or other Internet reservation process.
- Q. "Rules and regulations" means the rules and regulations promulgated by the department pursuant to the provisions of the Columbus Fair Housing Code;
- R. "Tenant Union" means an association led by tenants of a property under the same property ownership and/or marketed under a common name, working on behalf of tenant interests.
- S. "Tenant Association" means an association of tenants within a self-defined geographic area working on behalf of tenants' interests which may be under different rental property ownership interests.

137.004. The Columbus Compact – An Agreement to Build a Secure and Empowered Future for All Residents

A. It is the policy of the City of Columbus that housing production and operations must support households at all levels of income within the city and that fair housing cost increases must be tied roughly to increases in area wages, so citizens cannot expect for increasing shares of their incomes to be consumed by housing, which is a basic human need. The city shall develop policies to encourage voluntary agreement and compliance with this principle.

B. The Columbus Compact serves as a framework and philosophy by which the Department shall function. It ensures the Columbus will not operate as a modern day feudal system and thus demands that the rights and interests of

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landowners, while different, do not exceed the rights and interests of citizens of Columbus who are not landowners.

The Columbus Compact is further defined as a set of principles about a fair exchange of power, herein defined as the intent of citizens for the city government to support, but not to supplant the ability of empowered Columbus residents to work for their own interests as such residents so define them.

The community of empowered residents, business leaders and government shall pursue policies that preserve and expand the availability of housing at all levels of income in every neighborhood and ensuring that current residents are not involuntarily displaced from their existing residence based on income, but that the pool of housing is expanded so there is a place for everyone: that current residents are not involuntarily displaced for future residents.

The city government shall work with business and empowered residents on a framework of voluntary community agreement to promote the public health, safety and common welfare through equitable housing policy that prioritizes the accessibility of this basic human need to all Columbus residents and includes representation for everyone.

137.01 - Department of Fair Housing established.

A. There is established a Department of Fair Housing, consisting of the Fair Housing Commission, the Division of Residential Rental Property Registration and Licensing, the Division of Rent Information, the Division of Tenant Rights and Responsibilities, the Division of Appeals, and the Office of Inspector General. The department shall perform all lawful functions as may be directed by the code, the mayor and ordinance of council in support of the Columbus Compact.

B. All rules and regulations promulgated by the department shall be in writing, approved by the Director and the Fair Housing Commission, and submitted to the city clerk as provided in city codes Section 121.05. All rules and regulations shall be posted in a conspicuous place in the offices of the department and be made available upon request. The department shall conduct public awareness campaigns, trainings and other outreach to ensure broad dissemination and understanding of information related to the city's fair housing code, rules, regulations and programs.

137.011 Purpose

A. The Department of Fair Housing shall have as its primary purpose the promotion of, and support for, the Columbus Compact, which is the community-wide agreement created by this citizen-initiated ordinance that the city shall inform and coordinate businesses, neighborhoods and residents so that Columbus reverses the long-term trend of increasing deficits of affordable housing, increasingly unaffordable housing and displacement of neighborhood residents to more distant neighborhoods and suburbs due to rising rents and becomes a city that can better support all its residents, and not primarily its wealthy.

B. The Division of Residential Rental Property Registration and Licensing shall collect and publicize information about the rental housing supply, demand, pricing and availability and shall license the operation of residential rental property.

C. The Division of Rent Information shall supply information on fair rental pricing to landlords, individuals and any association representing tenants to support the long-term affordability of Columbus rental housing and to seek to avoid the disruption to communities and neighborhood schools of the resident displacement caused by steep rent price increases, real estate speculation and profiteering.

D. The Division of Tenant Rights and Responsibilities supports the development and empowerment of tenant unions and tenant associations in neighborhoods to help all constituents understand the resources available under state and local housing law and ensures the provision of information about the rights granted to tenants under this code..

E. The Division of Appeals shall provide means of appeal for administrative decisions and an administrative means of preliminary adjudication of disputes between landlords and tenants, and/or property owners/landlords and the department.

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F. The Office of Inspector General shall investigate potential conflicts of interest of public officials and shall provide such reports and civil and criminal referrals as provided under this code.

G. The Fair Housing Commission shall provide a continual means of balanced policy development and oversight and support fair appeals for rights of both tenants and rental property owners as established by this code. The Fair Housing Commission shall be the final arbitrator to define the intent of any disputed provisions of this code.

H. The Department shall further provide policy makers with independent analyses to help ensure that there is an adequate supply of safe housing that is affordable for all levels of household incomes in Columbus, and to provide for a more fair balance in the rights of tenants and landlords, whereby the rights of rental property owners do not exceed the rights of citizens and renters are protected from predatory pricing for their shelter, which is a basic human need.

It is presumed that free market economics will provide for a sufficient supply of market rate housing units in Central Ohio, while through enactment of this code, Columbus serves as a welcoming beacon of diversity and affordability for all ages and classes of citizens.

137.012 Funding of the Department

The department shall be funded by the General Fund, which General Fund is supplemented by registration and licensing fees created by this Chapter. To the extent the council determines such funding is not readily available in any year, the council shall consider the community empowerment nature of the department with respect to its administrative tools to address drug activity and human trafficking in licensed residential rental property, and shall consider a reduction of up to one percent from the Department of Public Safety as this section moves some portion of criminal law enforcement to preventative administrative and civil action. The council shall also consider and then adopt a policy and practice of reducing the percentage of every tax abated parcel to be granted within the year where the annual value of the abatement would exceed \$25,000, by such percent of the request from the administration and in such amounts such that collected funds shall provide for the operation of the Department and the administration of this chapter.

137.02 - Duties of the director and deputy director.

The Director of Fair Housing shall be the administrative head of the department, initially appointed by the mayor no later than 90 days following enactment of this chapter, and shall serve at the pleasure of the mayor with a salary fixed by ordinance of council. After the initial appointment pursuant to enactment of this code, the Mayor shall seek the advice and consent of the Fair Housing Commission prior to the appointment of a director. The Director of Fair Housing shall have all powers and duties connected with and incidental to the appointment, regulation and governance of the Department of Fair Housing. The Deputy Director of Fair Housing shall serve in the absence of the director.

137.10 - Division of Rental Property Registration and Licensing.

The Division of Rental Property Registration and Licensing is established as a division of the Department of Fair Housing. The division shall have as its primary duty the registration of rental property and the management of its licensure for operation. In addition, the division shall make information about fair housing rental pricing available to any interested party, including to associations of tenants. The division, in accordance with the provisions of the code relating to the registration of rental housing and the issuance of licenses to rent housing units on the open market, shall have the power and duty to:

- A. Provide for the registration of real property to be offered for rent on the open market in such manner and upon such form as the Rental Home Licensing Administrator, with the approval of the Fair Housing Commission and Director of Fair Housing so determine; and

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- B. Take applications for licenses issued by the division in the manner and upon the forms approved by the Rental Home Licensing Administrator, Director and Fair Housing Commission; and
- C. Grant or reject license applications received by the division; and
- D. Revoke or suspend licenses issued by the division; and
- E. Renew or refuse to renew licenses issued by the division; and
- F. In the manner provided by city codes Sections [121.02](#), [121.05](#) and [501.06](#), make rules and regulations regarding licensing procedures and issues as they affect the public health, safety, and welfare; make rules and regulations regarding the forms and procedures necessary for the acquisition of licenses; the qualifications of the applicants and the conditions precedent the applicants must meet prior to the acquisition of licenses; and the forms and procedures necessary for renewal and transfer of licenses; and
- G. Such other duties as are reasonable and necessary to the enactment of this code.

137.11 – Rental Home Licensing Administrator

The division shall be headed by the Rental Home Licensing Administrator who shall be appointed by, and be under the direct control and supervision of, the Director of Fair Housing.

137.12 Registration of Rental Properties Required

All property proposed to be operated for lease on the market as residential property shall be registered with the Division of Rental Home Registration and Licensing, subject to the exclusions of Sec. 137.17.

137.13 Registration Process and Requirements

Registration of qualified residential rental property shall be upon such forms or in such electronic format as provided by the administrator of the Division of Rental Home Registration and Licensing as has been approved by the Fair Housing Commission and Director of Department of Fair Housing prior to full implementation.

Registration shall include the following, plus any other items determined by the administrator:

- A. Title name of owner and address of real property, including all rental unit numbers proposed for rental licensing in multifamily property.
- B. Number of bedrooms, bathrooms in each rental unit.
- C. Square footage of each rental unit.
- D. Metering of each public utility by unit or on a master meter basis.
- E. Individual or common amenities as defined by the administrator.
- F. Names, addresses and birthdays or the last four numbers of social security number of all Natural Persons having an ownership interest greater than 5 percent in the rental property
- G. Percentage of ownership or profits of each natural person who is an owner with an interest greater than 5 percent.
- H. Names of all Natural Persons with ownership interests greater than 5 percent in all Limited Liability Corporations or other corporate shareholder interests.
- I. Names of any and all natural persons who are, at the time, elected officials in any political jurisdiction within Franklin County, Delaware County, Licking County , or who have held elected office in those counties within the five years preceding the registration period, regardless of their percentage of ownership interest. For the purposes of registration, the term “Elected officials” shall not include elected ward committee members of any political party.
- J. Names of any owners currently employed by the city of Columbus within the three years preceding the registration period, regardless of their percentage of ownership interest.
- K. Total Number of units at the subject property.
- L. Monthly rental rate for all leased units on January 1, 2019 January 1, 2020. The registrant shall have an opportunity to indicate “unknown” for this element.
- M. Current occupancy status, lease term and monthly rate.

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- N. Notwithstanding the above, identification by name of natural persons is not required if the ownership is by any publicly traded stock.
- O. Other information approved by the Fair Housing Commission shall be required by the division.

137.14 – Creation of Database

The Division of Rental Property Registration and Licensing, with the assistance of and in close consultation with the Department of Neighborhoods, Division of Building Services, Franklin County Auditor, and such other agencies as are necessary or expedient shall develop a user-friendly, Internet-accessible, and searchable database for the submission, management, and review of all documents and relevant data housing providers are required to submit to the department pursuant to this chapter.

A. The director may contract to implement the database established by this section.

B. The database shall include the elements identified in Sec 137.13, in addition to:

(1) An online portal for housing providers located on the website of the Department of Fair Housing, not accessible to the general public, which housing providers shall use to file all documents and data required by this chapter and all regulations promulgated pursuant to this chapter; and

(2) An online portal accessible to the general public located on the Department of Fair Housing website that provides information relevant to tenants seeking and living in rent-controlled accommodations populated from the documents submitted by housing providers pursuant to paragraph (1) of this subsection.

C. The portal accessible to the general public may:

(1) Include the following real-time, searchable parameters:

- a.** The building address and neighborhood;
- b.** The base rent for each rental unit in the accommodation;
- c.** Any services or facilities provided as part of the base rent;
- d.** The amount and date of each annual rent increase or decrease;
- e.** The number of bedrooms in each unit;
- f.** The vacancy status of each unit;
- g.** The accessibility information of the building, as it relates to Columbus and federal law;
- h.** The name, telephone number, and email address of the housing provider and property manager;
- i.** and numbers of the basic business license of the housing provider;
- j.** Dates and numbers of the certificate of occupancy of the building;
- k.** The name, contact information, and place of business of the registered agent of the building, if applicable;
- l.** The licensing and registration of the property manager of the accommodation, when other than the housing provider;
- m.** Any pro-active inspection dates;
- n.** Any outstanding violations of the housing regulations applicable to the accommodation;
- o.** The notice date of any housing code violations;
- p.** Any petitions filed by the housing provider including, related services and facilities petition, capital improvement petition, substantial rehabilitation petition, voluntary agreement petition, hardship petition, other valid tenant petitions;

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- q. Any court or administrative actions; and
- r. The names, addresses and contact information for any management personnel, company or entity.
- s. Other information the Fair Housing Commission determines is relevant to efficient administration of this chapter and for tenants seeking and living in licensed properties.

(2) Exclude any documentation submitted in support of a tenant's application and any other information the Rental Home Licensing Administrator may deem necessary to exclude to protect the privacy and personal information of a tenant.

D. The database created pursuant to subsection (a) of this section shall be completed, tested, and operational by March 31, 2024.

E. The Department of Fair Housing shall develop an online portal and database for the filing of registration statements and claims of exemption under Section 137.17, which the Department shall integrate into the database created pursuant to subsection A of this section, by the same date required in subsection D of this section for database completion, testing, and operation.

137.15 Registration Term and Renewal

Registration is on a term adopted by rule of the Department, but initially no later than September 30, 2024 following enactment of this chapter, and is required before any property is marketed for lease after April 1, 2025.

Registrations must be renewed and updated no less frequently than every three years, as determined by rule of the department, subject to the approval of the Fair Housing Commission.

137.16 Registration Fees

The fee for initial registration shall be \$50 per real estate parcel and may be adjusted by rule of the department, subject to the approval of the Fair Housing Commission.

The fee for re-registration shall be \$25 and may be subsequently adjusted by rule of the department.

137.17 Properties Excluded from Registration

The following owners and use categories are upon enactment of this chapter initially excluded from the requirement to register rental property:

- A. Dormitories or other housing units owned or operated by a university or college,
- B. Housing operated by a religious institution for its members,
- C. Medical or medical rehabilitation facilities,
- D. Assisted living or nursing home facilities,
- E. Facilities for the in-patient treatment of drug or alcohol addiction,
- F. Domestic violence shelters,
- G. Homeless shelters,
- H. Housing operated by a nonprofit organization where social services are provided on-site and where net earnings are not distributable to directors other than as reasonable compensation pursuant to federal tax law.

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- I. Housing operated as short-term rentals, typically of less than 3 months, specifically including any marketed and subsequently leased on such short-term rental applications or websites when such short-term rentals are regulated by other portions of city code.
- J. Other categories of use which are determined to be unavailable to the general public on the open market, as may be determined by the Director and Fair Housing Commission by rule. The Fair Housing Commission may amend the list of excluded properties or adopt such definitions of excluded properties as it determines appropriate in advancing the purposes of this section.

137.171 Fines and Penalties

Any person or entity providing false or misleading information in the registration or licensing of rental property, may be charged with violation of Ohio Revised Code Section 2921.13 and may be fined according to a fee set by the department, which fees shall be no lower than \$1,000. Any person other than an employee of the City of Columbus with knowledge of a purposefully false filing may bring such information to the Department and such person shall be awarded fifty percent (50%) of any fine levied by the department pursuant to the provision of such information that results in the imposition of a fine. Likely inadvertent administrative or clerical error, as determined by the Fair Housing Commission upon appeal, shall not be the basis for a fine.

Any person or entity offering a property for lease having failed to register or re-register that property and having duty to do so as required by this code shall be fined up to \$50 per month the registration is lagging. The accumulation of fines over \$250 may be waived for good cause upon appeal to the Fair Housing Commission. The failure to register property is cause for the denial of a license to rent the property under Section 137.2.

137.18 Price-Gouging in Rental Housing Prohibited during Period of Public Health Crisis

A. The public health, safety and well-being is of primary importance to the citizens of Columbus and access to stable housing is a critical component of public health. Given the massive societal and economic disruptions during and proximate to public health crises, no tenant or prospective tenant shall be subject to consider a residential rental property rented at a price-gouging rate during any period of public health concern or in the five years thereafter, where a period of public health concern is defined as a period of time where the new COVID-19 case rate in Franklin County during the last 7 days is greater than 200 cases per 100,000 individuals. This standard is established as an alternative to a public health declaration which may be politicized and thus not based in science, community health and potential long COVID impacts. This provision prohibiting price-gouging also applies at any point where the Franklin County Health Commissioner declares a Public Health Emergency for a health crisis other than for COVID-19 and shall similarly last for a duration of 5 years after such emergency declaration is rescinded.

B. Upon review of housing supply demand and pricing pressures, the Fair Housing Commission may elect to continue price gouging prohibition beyond the five-year term of a period of public health concern, which determination by the Fair Housing Commission shall be formalized by rule of the department.

C. Price-gouging is hereby defined for this basic human need as a nonconsensual (between landlord and tenant) increase of greater than 15% in housing pricing in any year, absent a documented corresponding increase in costs of providing such housing. Such price increase shall include upon lease renewal and between tenant leases signed within a year.

D. Any tenant, or a tenant union or tenant association whose member is subject to price gouging has standing to seek an advisory opinion from the Division of Rents, voluntary mediation through the Department of Fair Housing and with or without such opinion or mediation may file a claim against the landlord and/or property owner in Franklin County Municipal Court.

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E. Any person, other than an officer or employee of a state or local governmental entity in this state, may bring a civil action against any person who performs any action in violation of Section 137.18, or upon receipt of written notification of a pending rental increase in excess of 15 percent, at lease renewal.

E. Upon a finding that price-gouging has occurred, the remedy shall be an order to “cease and desist” with a return to prior rent levels for a period of at least 12 months and an award of three month’s rent plus reasonable attorney’s fees to affected tenants. No judgment shall require a tenant to pay defendant-landlord attorney fees.

F. Upon a finding of price-gouging through either advisory opinion or court finding, the Division of Registration and Licensing may rescind, revoke or refuse to issue subsequent licenses for vacant units in residential rental property where defendant has an ownership interest of 30% or more.

137.181 – Residential Rental Coercion Prohibited.

- A. “Residential Rental Coercion” means any atypical change in rental terms over a short period of time, including an exceptional change in rental rate including but not limited to price-gouging or a failure to repair or maintain property, where an element of unfair bargaining position exists because applicant or tenant/leaseholder options are constrained, particularly – though not necessarily - during a period of social or economic disruption or affordable housing supply scarcity.
- B. The people of Columbus have a right to fair treatment in commercial activities, including in the lease of residential rental property. It is within the power of city government to provide information that may indicate abusive, predatory or unfair treatment and to create a system of incentives and disincentives surrounding such predatory commercial activities.
- C. It is in the public interest to enhance stability and reduce disruption to families, particularly – though not exclusively - surrounding periods of intense social and economic upheaval or public health crisis.
- D. It shall be unlawful for any person or entity to engage in Residential Rental Coercion in the city of Columbus.
- E. Any person, other than an officer or employee of a state or local governmental entity in this state, may bring a civil action against any person who performs any action in violation of Section 137.181
 - 1) Any person or persons reasonably believing themselves to be subject to residential rental coercion may seek a voluntary mediated solution within the Department of Fair Housing through such procedures as the Fair Housing Committee supports and are adopted by rule of the Department. Both parties must voluntarily agree to such mediation, which mediated agreed outcome – if any -- both parties must accept of their own free will. Where mediation fails, the Department shall make a determination as to whether Residential Rental Coercion is likely to be occurring.
 - 2) If the issue is not resolved to the satisfaction of the aggrieved party through mediation, they may appeal for a determination and finding of a Residential Rental Coercion in a court of competent jurisdiction, which is presumed to be the Franklin County Municipal Court – Environmental Court Division. Such action must be brought within one year of constructive notice of the event or practice giving rise to the complaint.
 - 3) The court shall consider such facts as brought forth by the parties, including independent reports, financial statements, Department of Fair Housing records, studies or findings of others and affidavits and testimony from tenant unions or associations;
 - 4) The court shall consider whether the plaintiff tenant’s residential rental options are in any manner meaningfully constrained by factors outside the tenant’s control, whether the action

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giving rise to the complaint arises from a position of unfair bargaining power and whether the action is in any manner abusive, predatory, unfair or at odds with the Columbus Compact as described in Section 137.004.

- 5) Upon a finding of a Residential Rental Coercion, the court shall issue a “cease and desist” order, restoring the terms and conditions to their prior status for a period of no less than 24 months, issuing an award of damages of at least three month’s rent, an award for reasonable attorney’s fees and such other judgment as the court sees fit.
 - (A) If the defendant has been found liable in two prior Residential Rental Coercion findings, in addition to the remedies above the court may issue an award of up to \$5,000.
 - (B) If the defendant has been found liable for five prior residential rental coercion findings, or if the defendant is found to have engaged in retaliation during the current action or any prior action, the court may issue an award of up to \$10,000 and make a further order that the property under current ownership is subject to an additional fine of up to \$10,000 per day, which fine shall be dismissed if the owner sells the property to a purchaser willing to voluntarily and contractually commit to fair rents for a term of at least 20 years. The city council and Department shall develop within 180 days of enactment of this section such further law or procedure consistent with city codes 4509.9 as may be needed to reasonably facilitate such a sale, such that a purchaser shall, with reasonable and necessary city subsidy agree to meet the Current Year Base Rent targets as defined in Sections 137.51 through 137.59 for a period of not less than 20 years.
- 6) A court may not award attorney fees or damages to a defendant or against any person reasonably bringing a complaint alleging Residential Rent Coercion. It shall be reasonable for a plaintiff to rely upon relevant information provided by the Department of Fair Housing in bringing a complaint.

137.2 Licensing of Residential Rental Property

To provide for the health, safety and welfare of Columbus residents, effective no later than April 1, 2025 all residential rental property in the City of Columbus shall be licensed by the Department of Fair Housing, prior to lease and occupancy.

- A. No person shall conduct or operate or cause to be operated either as owner, lessee, agent, or in any other capacity within the city of Columbus any single-family rental facility or any multifamily rental facility without having first obtained a license as provided in this section, other than those excluded from registration as provided in section 137.17 and pursuant to rules adopted by the department.
- B. Implementation of this section shall be established by procedures adopted by the Director of the Department of Fair Housing with the consent of the Fair Housing Commission.
- C. Notwithstanding the provisions of Subsection A, above, no license shall be required for a single-family or duplex rental in any of the following circumstances:
 - 1) If the tenant is the landlord's parent, son, daughter, sibling, grandchild, grandparent, or in-law;
 - 2) If the landlord is an active member of any branch of the United States Armed Forces, Diplomatic Corps, or Foreign Service who maintains the subject property as her or his domicile and permanent residence; or
 - 3) If the landlord has been relocated for employment or education, maintains the subject property as her or his domicile and permanent residence, and the subject property has not been leased for more than two (2) consecutive years; or

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- 4) If a buyer or a seller of a single-family dwelling enters into a Pre-Settlement Occupancy Agreement and/or a Post-Settlement Occupancy Agreement; or
- 5) If the owner owns fewer than four housing units, where ownership includes the sum of fractional interests in rented housing units adding to fewer than four units.

137.21 - Applicability of license and appeals procedure.

Notwithstanding other provisions of the city codes, all licenses and permits issued under the provisions of this chapter shall be issued by the Division of Rental Home Registration and Licensing under the procedures provided in this Chapter 137 of the city codes.

Notwithstanding other provisions of the city codes, all persons aggrieved by an order of the section of licenses denying the issuance or renewal of a license or revoking or suspending a license provided for in city codes Chapters 137 who wish to appeal such order shall do so pursuant to the provisions of city codes Chapter 137.

137.22 - Rules and regulations.

The department shall promulgate rules and regulations regarding licenses and licensing procedures. The director of fair housing shall have the authority to promulgate rules and regulations pertaining to licenses and licensing procedures as they affect the public health, safety and welfare. All rules and regulations promulgated by the section shall be in writing, approved by the administrator, the Fair Housing Commission and the Director of the Department of Fair Housing, and submitted to the city clerk as provided in city codes Section 121.05. All rules and regulations shall be posted in a conspicuous place in the offices of the section and be made available to an applicant upon request.

The Columbus City Council may, at its discretion, review all rules and regulations pertaining to registration and license fees no more than once in every five (5) year period.

137.23 - General license requirements.

Each applicant for a Rental Housing License shall file an application on such forms or in such electronic format provided by the Division of Rental Home Registration and Licensing. Applications shall be made under oath and shall contain the following information as available and such other information required by the Division:

- (1) Name, address, telephone number, email address, website.
- (2) Business name or (DBA), address and telephone number if different from above.
- (3) Unit number or description
- (4) Vacancy status of unit as of January 1 most recently passed
- (5) Lease rent as of January 1 most recently passed
- (6) Any claimed disability status of tenant as of January 1 most recently passed.
- (7) Any change in information required to be submitted by this chapter, must be provided by application within thirty (30) calendar days of any such change.

Any other information as required or requested by the division.

A. In addition to the qualifications and requirements set forth in the city codes and the rules and regulations promulgated by the division, no license shall be issued or renewed for one (1) or more of the following reasons:

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1. The applicant failed to provide the required identification information of all natural persons having a direct or indirect interest in that which is to be licensed upon a sworn registration.
2. The applicant or any person having a direct or indirect interest in that which is to be licensed, has been convicted of a felony drug or human trafficking offense within the past five (5) years or is on probation or parole for a felony offense.
3. Upon sworn statement, that which is to be licensed fails to conform to the city codes, including, but not limited to, building, health and fire, and the state of Ohio and federal laws applicable thereto.
4. That criminal conduct, as defined in Title 29 of the Ohio Revised Code or Title 23 of the city codes has or is occurring on the premises on a repeated basis by customers, patrons, owners, operators or licensees. Repeated basis shall mean two (2) or more offenses within a year.
5. The applicant has had a license, issued by the city, revoked, suspended or refused with the past three (3) years.
6. Other violations of the Fair Housing Code as further defined by rule adopted by the Department.

B. The Department shall promulgate such rules and procedures to enact this Section.

C. No person shall knowingly make a false license or permit application or procure or seek to procure a license for another.

137.24 - Investigation by the division of an application.

Upon receipt of an application for a license or the renewal of a license, the Division of Rental Home Registration and Licensing shall examine all applications filed under this chapter and shall make, or cause to be made, any further investigation as is deemed necessary in order to perform duties prescribed by this chapter.

If an application is received which requires investigation by any department of the city other than the Department of Fair Housing, the Division shall request such other department to investigate the application and report back to the Division the results of its investigation with whatever written comments and recommendations it deems necessary or advisable.

137.25 - License fees.

A. A license fee, payable to the city, shall be collected from the applicant prior to the issuance or renewal of a license. The section shall give a receipt to the applicant and deposit the funds so received with the city treasurer. Unless otherwise provided in the city codes, all license fees and renewal fees shall be credited to the general fund of the city.

(B) Except as otherwise provided in the city codes or adopted by subsequent rule of the Department, the license fee shall be twenty-five dollars (\$25.00) per unit.

(C) The Division may establish in its rules and regulations, separate license fee schedules for seniors, veterans or disabled persons.

(D) No fee shall be prorated.

137.26 License Period

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The license period for licenses issued by the division shall be a twelve (12) month period, commencing on April 1 and expiring on March 31 of the following year, unless adjusted by rule of the Department.

The Director of Fair Housing is granted the authority to temporarily adjust expiration dates for all licenses under this section while a local state of emergency exists, as declared by the mayor or health commissioner of the City.

137.27 - License form.

A license shall be issued to each licensee entitled to receive the same, setting forth the date when issued; the date of expiration; the name and address of the licensee; the purpose for which the license is issued; the location of that which is licensed; the Current Year Base Rent Target, any applicable Capital Expenditure Surcharges and terms, and such other information as approved by the Fair Housing Commission. No person shall engage in the rental of housing without having first acquired a license for the location that is designated in the license.

137.28 - Display of license.

No person shall fail to post in a conspicuous place, as near as practical to the entrance of the premises, the license issued for the conduct of the regulated rental housing unit. Upon the expiration, revocation or suspension of the license, no person shall fail to remove and keep from the public view, the expired, revoked or suspended license.

137.29 - License transfers.

A. No license may be assigned or transferred to another person or place without the assignor and assignee or the transferor and transferee first acquiring the express written approval of the division. If such approval is acquired, it shall be noted on the face of the license.

B. Unless otherwise provided in the city codes, the fee for the assignment or transfer of a license shall be fifty dollars (\$50.00). No license shall be assigned or transferred more than one (1) time during the license period.

137.30 - Investigations of licensed residential rental properties.

A, The Division of Rental Home Registration and Licensing, in cooperation with the various departments and divisions of the city, may periodically, or for just and due cause, investigate the operation of the licensed housing unit. The investigations may be commenced by the division upon complaint of a public official, private individual or on its own. Repeated investigation without reasonable cause may be deemed harassment and are expressly prohibited. If the division believes that any violation of the city codes is taking place on the premises of or with respect to that which is licensed, it may request the licensee to appear in the offices of the division, with whatever records it deems necessary, to be questioned.

B. If the division determines that a violation of the city codes is taking place, it may proceed under Section 137.34 to revoke or suspend the license and/or commence whatever criminal or civil charges against the licensee as it deems necessary.

C. Failure on the part of any licensee to appear with the records when requested to do so by the division may be grounds for the failure to renew, revocation or suspension of the license.

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137.31 - Duplicate licenses or tags.

The division, upon application by a licensee and the payment of a ten dollar (\$10.00) fee, may issue a duplicate license, tag, plate, badge or decal which has been lost, stolen or destroyed. Upon the acquisition of the duplicate, the licensee shall surrender to the section the remaining portion of the license, tag, plate, badge or decal.

137.32 - Renewal of licenses.

A. All applications for the renewal of licenses shall be submitted to the section no earlier than sixty (60) days prior to the expiration of the license and shall be upon forms or through such electronic means approved by the license administrator. License fees shall accompany all applications for renewal.

B. Failure on the part of a licensee to submit the renewal application at least thirty (30) days prior to the expiration of the license shall be cause for the division to delay the renewal of the license.

137.33 - Records.

The division shall keep records of all license applications, license issuance and investigations for a period of six (6) years, or as otherwise required by law. All records shall be public records and may be viewed at the times and in the manner provided by the rules and regulations of the section.

137.34 - Failure to renew, revocation and suspension of licenses.

A. The division, upon being satisfied that a licensee has violated any of the provisions of the city codes, including but not limited to city codes Chapter 137; any rule and regulation of the Department; or any city, state or federal law with respect to that which is licensed, shall have the power to fail to renew, revoke or suspend a license. All failure to renew, revocation and suspension orders issued by the Department shall be in writing and signed by the Administrator of Rental Home Registration and Licensing, be directed to the licensee at the address set forth in his application or on file at the Department; and shall set forth the reasons for the failure to renew, revocation or suspension order, and if a suspension, the time of the suspension period. The Department shall provide adequate time for tenant relocation prior to the effective date of any termination of a license. Immediately upon receipt of the failure to renew, revocation or suspension order, the licensee shall notify tenants of the date by which the license to operate the unit is effective and shall provide three month's rent to the tenant, if the tenant is current in rent payments. Further, upon that date the licensee shall remove and keep the license from the public view.

B. All failure to renew, revocation and suspension orders issued by the section shall be subject to appeal to the fair housing commission pursuant to the provisions of city codes Chapter 137.

137.35 - Code penalty.

Whoever violates any provisions of this Rental Housing Registration and Licensing section of the Fair Housing Code, where another penalty is not provided, shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than six (6) months, or both. Any such violation may constitute a separate offense on each successive day continued, pursuant to rules adopted by the Department.

137.38 - License issuance, fees, terms.

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Licenses required by this chapter may be issued to applicants who:

- A. Are registered with the Department as required by Section 137 of this chapter; and
- B. Are found to be in total compliance with all other applicable city, state and federal laws including having all other required licenses and permits; and
- C. Have made payment of the proper license fees.
- D. Yearly licenses issued under this chapter shall expire on the date one (1) year from the effective date of the license.

137.39 - License refusal.

The Division of Rental Home Registration and Licensing may refuse to issue licenses required by this chapter to any person:

- A. Who has made any false statement on the application; or
- B. Who is under the age of eighteen (18) years of age; or
- C. Who has not complied with all applicable provisions of this chapter; or
- D. Fails to ensure use of the property does not violate Section 137.91 (Use of Apartment for Drug Activity) or 137.92 (Use of Apartment for Prostitution...); or
- E. Who have been convicted of a felony, misdemeanor or code violation involving a sex offense, traffic in controlled substances, or any offense of violence as defined in Columbus City Code [2301.01](#), such conviction being entered within the five (5) years preceding the date of application; or
- F. Who a judgment based upon, fraud, deceit, misrepresentation, or has been convicted of a theft offense as defined in Columbus City Code [2313.01](#) within five (5) years preceding the date of application; or
- G. Who has been denied a license under this chapter within the immediate past year; unless the applicant can and does show to the satisfaction of the license section that the reasons for such earlier denial no longer exist; or
- H. Who has not negotiated in good-faith to resolve an issue impacting the health, safety and welfare of tenants to an issue brought forward to the Department by at least thirty percent (30%) of tenants in a licensed property or representatives of an association of such tenants, including the imposition of rent increases deemed excessive by the tenants; or
- I. Who has been found liable in Price-Gouging or Residential Rental Coersion on more than one instance within the preceding two years; or
- J. For any other reason pursuant to rules adopted by the Department.

137.40 - License suspension, revocation.

Licenses issued under this chapter may be suspended or revoked by the Administrator for one (1) or more of the following reasons:

- A. Fraud, misrepresentation or bribery in securing a license or during the course of business; or
- B. Violation of any provision of this chapter, including Sections 137.18, 137.181, 137.91 and 137.92; or
- C. Failure to display the license as is required in Section 137.28 of this chapter; or
- D. Failure to notify the division of a change of address within ten (10) days of such change; or
- E. Failure to comply with city building, health or safety codes, or
- F. Conviction of any criminal offense involving theft or fraud; or
- G. For any of the reasons which could have been grounds for refusing to issue the original license; or
- H. Other reasons developed by the division and adopted by rule

Upon the suspension or revocation of any license issued under this chapter, such license shall immediately be removed

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from public view and shall be returned to the division within seven (7) days of such suspension or revocation, unless a stay is granted as provided in Chapter 505 of the Columbus City Codes, 1959. Except that the license shall remain in effect pending the relocation of all tenants.

137.41 - License appeals.

Any individual or organization who has been refused a license or renewal of a license under this chapter or has had a license issued under this chapter suspended or revoked, may appeal such decision to the Department as provided by rule of the Department.

137.50 - Division of Rent Information.

Because incomplete or asymmetrical information can create a housing market failure, the Division of Rent Information is established within of the Department of Fair Housing. The administrative head of the division shall be the Administrator of Rents.

Under the direction of the director of fair housing, the Administrator of Rents shall administer the procedures for the investigation of market rents and calculation and publication of current year base rents as defined in Sections 137.51 through 137.59 of this code, which may be used as a reference for any interested party, including landlords, property owners, tenant unions or tenant associations in support of good-faith private negotiations on rental terms and conditions.

The Administrator of Rents shall draft rules and procedures for the administration of this chapter to be transmitted to the Fair Housing Commission for its approval and adoption by the Department.

- A. The Administrator of Rents shall carry out, according to rules and procedures supported by the Fair Housing Commission, the Current Year Base Rent calculation program established under this subchapter, and shall perform other duties necessary and appropriate to, and consistent with this chapter;
- B. Subject to rules adopted by the Department and approved by the Fair Housing Commission, the Administrator of Rents may have initial jurisdiction over those complaints and petitions arising under this chapter which may be disposed of through issuance of Advisory Opinions sought by any party;.
- C. The Administrator of Rents may employ, with funds available to the Rent Administrator, personnel and consultants, including hearing examiners, accountants, and legal counsel, reasonably necessary to carry out this chapter
- D. In accordance with the rules approved by the Fair Housing Commission and subsequently promulgated by the Department, the Administrator of Rents may delegate authority to those employees appointed in conformity with this subsection. This authority may include, but is not limited to hearing administrative petitions related to Current Year Base Rent calculations published under this chapter and revising such calculation upon appeal;
- E. The Administrator of Rents or a designee may attend all meetings of the Fair Housing Commission.
- F. The Administrator of Rents may issue at the request of any person an advisory opinion on issues of first impression under this chapter.
- G. The Administrator of Rents may hold hearings, sit and act at those times and places within the city, administer oaths, and require by subpoena or otherwise the attendance and testimony of witnesses and the production of books, records, correspondence, memoranda, papers, and documents the Rent Administrator may consider necessary in carrying out his or her functions under this chapter
 1. Upon the written request of the Administrator of Rents, each department or entity of the city government may furnish directly to the Administrator of Rents assistance and information necessary to discharge effectively the functions required under this chapter.

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2. The Administrator of Rents shall publish in the top four languages other than English spoken in Franklin County according to the latest available data from the U.S. Bureau of Census no later than October 1, 2024, a booklet or other written material describing the rights and obligations of tenants and housing providers and procedures under this chapter. This material shall be distributed through libraries and other offices with which the public has frequent contact and at the office of any community organization which requests to distribute the material.
3. The Administrator of Rents shall publish by September 30, 2024 and prior to March 1 of each subsequent year: 1) the percentage change in Average Annual Pay in Total Covered Total, all industries for All establishment sizes in Franklin County, Ohio (Series ID ENU3904910010, or the like), published by the U.S. Department of Labor, Bureau of Labor Statistics. 2) the annual change in the Social Security Cost of Living Adjustment.

137.51 Residential Rent Information Program

There is hereby created a Residential Rent Information Program in the City of Columbus.

137.52 Purpose

The purposes of the Residential Rent Information program are to provide information that supports the economic development of Greater Columbus by creating a base of knowledge and ending the asymmetrical information that impedes private negotiations of leases, in an effort to empower tenants with knowledge to preserve the affordability of Columbus relative to other locations across America; to reduce housing cost-based displacement of Columbus citizens from their homes and neighborhoods; to help younger generations build families in Columbus; and to take COVID 19 housing inflationary pressures, profiteering and windfall revenue increases out of long-term rental rates.

137.53 Scope of Residential Rent Information Program

The Residential Rent Information Program shall cover all licensed residential rental units in the city of Columbus, as defined in Section 137.2.

137.54 Base Rent Targets Calculated

The Division of Rent Information shall develop target base rents, which shall be a calculation of a fair Columbus rent, which is not inclusive of temporary capital improvement surcharges, for each licensed residential rental unit in Columbus.

Base rents which represent then-current marketplace Fair Rents, shall be calculated as of January 1, 2020 for each registered residential rental unit subject to license, based on a methodology developed by the Administrator of Rents in consultation with the Fair Housing Commission; which calculation may include such factors as:

- A. Rents in effect for each unit as of January 1, 2019 and January 1, 2020 as submitted through the rental unit registration process, which may be accomplished through the database developed pursuant to section 137.14.
- B. Census data at the neighborhood or block group level
- C. Marketplace information, such as lease agreements or rents reported through registration process
- D. Age and condition of units
- E. Amenities, utilities and services provided
- F. Property management fees
- G. Neighborhood level housing market studies performed by qualified housing market experts
- H. Other factors deemed reasonable and prudent by the Fair Housing Commission and Administrator of Rents

Base rents for each unit calculated by the Administrator of Rents, retroactive as of January 1, 2020 shall be escalated forward to calculate Current Year Base Rent Targets, which shall be published by October 31 to provide information that may be used by landlords and tenants to negotiate effective for all leases or lease renewals entered into following the

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publication of such rents and after April 1 of the following year, based on the formula provided for applicable annual rent increases in Section 137.56. The initial Current Year Base Rent Targets will be calculated to inform leases that take effect after April 1, 2025.

Notice of the calculation of Current Year Base Rent Targets for every registered rental unit in the city shall be by public notice as required by law and by publication to the City of Columbus webpage.

- A. The city shall provide a means by which registered property owners and tenants may view the published Current Year Base Rent Targets for their unit(s), along with the methodology employed to set such rents.
- B. Owners of registered rental property and tenants with valid and current leases in registered properties subject to the Current Year Base Rent Target have standing to appeal the unit's Current Year Base Rent Target to the department. Appeals of Current Year Base Rent Targets will be accepted for consideration by landlord or by tenant and set for investigation, review or evidentiary hearing if they show facia evidence of:
 - a. errors in the calculation;
 - b. substantive renovation or capital improvements since 2020, which are not reflected in the rental calculation;
 - c. rents in place on January 1, 2020 that were more than twenty percent above the assumed base rent for the calculation, although such fact is not determinative of an appeal outcome;
 - d. current rents are more than ten percent below the Current Year Base Rent Target for a unit, although such fact is not determinative of an appeal outcome;
 - e. Other factors as may be determined by the Fair Housing Commission;
 - f. Notwithstanding any contrary provision in this law an application for an adjustment pursuant to this section must be filed within ninety days from the publication of Current Year Base Rent Targets. In the event a Current Year Base Rent Target is adjusted, the adjustment shall take place within the current lease term only if the tenant had notice of the appeal prior to signing the lease, which notice includes through the database established by Section 137.14. This subdivision shall not extend any other time limitations imposed by this law.

Rent Targets may be re-based every ten years, upon the advice of the Director and subject to the discretion of the Fair Housing Commission, following publication of the U.S. Census, pursuant to rules adopted by the Department.

137.55 Capital Expenditure Surcharge Calculations

Notwithstanding any other provision of law to the contrary, the Department shall promulgate rules and regulations relative to ongoing calculations of fair rents and improvements applicable to all licensed units to seek to ensure information is provided to support the value of continued investment in licensed units. Such calculations shall ensure information is not asymmetrical between landlords and tenants, but that both parties have access to accurate information to aid in any private rent negotiations between the parties, voluntary mediation and settlement of any lingering disputes. The Department shall:

- A. establish a schedule of reasonable costs for capital improvements, which shall serve as information for what can be fairly recovered through a temporary capital improvement surcharge calculation, based on the type of improvement and its amortization schedule, rate of depreciation and reasonable rate of return on investment as approved by the Fair Housing Commission;
- B. Allow for owners to self-certify surcharge calculations of less than five percent of the value of the base rent calculation in any year, which owners shall keep record of should it be needed in any audit, future tenant negotiation or claim;
- C. Establish the criteria for eligibility of a temporary capital improvement surcharge calculation including the type of improvement, which shall be essential for the preservation, energy efficiency, functionality or infrastructure of the entire building, including heating, windows, lead abatement, plumbing and roofing, but shall not be for operational costs or unnecessary cosmetic improvements. Allowable improvements must additionally be depreciable pursuant to the Internal Revenue Service, other than for ordinary repairs, that directly or indirectly benefit all tenants; and no increase shall be approved for group work done in individual apartments that is otherwise not an improvement to an

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- entire building. Only such costs that are actual, reasonable, and verifiable may be approved in the temporary capital improvement surcharge calculation;
- D. Ensure improvements performed by any company under common ownership or control of the rental property owner shall be identified as such to the division, which shall trigger review and audit of costs of such improvements and which surcharge calculation may be limited by the division to costs typically incurred pursuant to commercially available rehabilitation cost estimating databases or other source. Any failure to report such self-work may result in disallowance of its inclusion in a temporary capital improvement surcharge, as determined by the Fair Housing Commission;
 - E. Require that any temporary capital improvement surcharge calculation pursuant to these provisions be reduced by an amount equal to (i) any governmental grant received by the landlord, where such grant compensates the landlord for any improvements required by a city, state or federal government, an agency or any granting governmental entity to be expended for improvements and (ii) any insurance payment received by the landlord where such insurance payment compensates the landlord for any part of the costs of the improvements;
 - F. prohibit temporary capital improvement surcharge calculations for buildings with outstanding hazardous or immediately hazardous violations of the Uniform Fire Prevention and Building Code (Uniform Code), City of Columbus Fire Code, or State of Ohio Building and Housing Maintenance Codes, if applicable – unless such capital improvements result in compliance with such codes;
 - G. prohibit individual apartment improvement surcharge calculations for housing accommodations with outstanding hazardous or immediately hazardous violations of the Uniform Fire Prevention and Building Code (Uniform Code), City of Columbus Fire Code, or State of Ohio Building and Housing Maintenance Codes, if applicable;
 - H. establish that temporary capital improvement surcharge calculations shall be fixed to the unit and shall cease no later than twenty years from the date the increase became effective, or such interim term established by the division. Temporary capital improvement surcharge calculations shall be added as a calculation to the Current Year Base Rent calculation and shall be removed as a surcharge to the Current Year Base Rent Target calculation on the term established by the Division;
 - I. establish that temporary capital improvement surcharge calculation shall be deemed reasonably collectible prospectively on the first day of the first month beginning sixty days from the date of mailing notice of approval to the tenant. Such notice shall disclose the total monthly increase in fair rent calculation. and the first month in which the tenant would be required to pay the temporary increase. An approval for a temporary capital improvement surcharge calculation shall not include retroactive payments.
 - J. A tenants' union or association of tenants may object to the imposition of a rent increase of more than ten percent in any year for any tenant subject to lease renewal, or years of consecutive claimed capital improvement-based increases. The Current Year Base Rent Target calculations along with any calculated temporary capital improvement surcharge calculations may be used to inform good-faith voluntary negotiations and settlement of such dispute. In settlement of such charges, without written consent of such current tenant(s), collectability of any dollar excess above said sum to be spread forward in similar increments and added to the rent as established or set in future years. Upon vacancy, the landlord may request the Division of Rents to add any remaining balance of the temporary major capital improvement increase to the calculated base rent, which shall be at the Division's sole and good-faith discretion. Notwithstanding any other provision of the law, for any renewal lease commencing on or after April 1, 2025, the collection of any rent increases due to any major capital improvements approved on or after January 1, 2023 and before April 1, 2025 is contestable by the tenant or tenant union or association if it exceeds ten percent in any year for any tenant in occupancy on the date the capital improvement was approved without the written approval of such affected tenant(s) who are informed in the same document of their right to not approve such increase without retaliation which retaliation includes in this instance a failure to renew;
 - K. ensure that the application procedure for temporary major capital improvement calculation shall include an itemized list of work performed and a description or explanation of the reason or purpose of such work;
 - L. provide, that where an application for a major capital improvement rent calculation surcharge increase has been filed, a tenant shall have sixty days from the date of mailing of a notice of a proceeding in which to answer or reply;
 - M. establish a notification and documentation procedure for individual apartment improvements that requires an itemized list of work performed and a description or explanation of the reason or purpose of such work, inclusive of photographic evidence documenting the condition prior to and after the completion of the performed work. Provide

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- for the centralized electronic retention of such documentation and any other supporting documentation to be made available in cases pertaining to the adjustment of legal regulated rents; and
- N. establish a form in the top four languages other than English spoken in Franklin County according to the latest available data from the U.S. Bureau of Census for a temporary individual apartment improvement rent increase for a tenant in occupancy which shall be used by landlords to obtain written informed consent that shall include the estimated total cost of the improvement and the estimated monthly rent increase. Such form shall be completed and preserved in the centralized electronic retention system to be operational by January 1, 2025. Nothing herein shall relieve a landlord, lessor, or agent thereof of his or her duty to retain proper documentation of all improvements performed or any rent increases resulting from said improvements.
 - O. Upon receipt of any application filed pursuant to this section, the Administrator of Rents shall notify the owner or tenant, as the case may be, and provide a copy to him or her of such application. Such owner or tenant shall be afforded a reasonable opportunity to respond to the application. A hearing may be held upon the request of either party, or the Administrator of Rents may hold a hearing on his or her own motion. The Administrator shall issue a written opinion to both the tenant and the owner upon rendering his or her advisory opinion.
 - P. The Division shall establish an annual inspection and audit process which shall review a percent of applications determined by the Fair Housing Commission (at least five percent) for a temporary major capital improvement surcharge calculation that have been submitted and approved. Such process shall include individual inspections and document review to ensure that owners complied with all obligations and responsibilities under the law for temporary major capital improvement surcharge calculations. Inspections shall include in-person confirmation that such improvements have been completed in such way as described in the application.
 - Q. The division shall issue a notice to the landlord and all the tenants sixty days prior to the end of the temporary major capital improvement surcharge calculation and shall include the initial approved increase and the total amount to be removed from the capital improvements surcharge calculation exclusive of any outstanding surcharge calculations.

137.56 Annual Target Rent Calculation Increases

The Current Year Base Rent Target calculation for each licensed residential rental unit shall be adjusted annually by the Division of Rents, so that fair rent calculations shall be adjusted:

- A. By the same percentage change as in Average Annual Pay in Total Covered Total, all industries for All establishment sizes in Franklin County, Ohio (Series ID ENU3904910010, or the like), published by the U.S. Bureau of Labor Statistics.
- B. For senior citizens who have provide notice to the landlord of their status, by the same percentage as the annual change in the Social Security Cost of Living Adjustment.
- C. For disabled tenants, who meet the disability criteria created by rule or regulation of the Department and have provided notice and evidence to the landlord of such status, by the same percentage as the annual change in the Social Security Cost of Living Adjustment.

The Director, with the voted approval of the Fair Housing Commission, may approve such rules as are necessary to ensure functioning of this subsection.

137.57 Modifications to the Rent Information Program Base Rent Target Calculation

The following properties and rental units may be exempt from the rent information program by rule of the Fair Housing Commission, or participation in the program shall be modified subject to the terms below.

A. New Construction : Any rental property developed where building permits were issued within the fifteen years (180 months) prior to the calculation of the then-Current Year Base Rent, the Base Rent calculation shall be set for each unit by the owner in the first year of operation, as may be verified by the department by executed lease agreements, and for the first 15 years of operation, the annual rent increase calculation shall be no more than the percentage increase in the consumer price index plus two (2) percent. Following the fifteen year of the Consumer Price Index plus 2 percent

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increase calculation, the annual increase calculations of Section 137.56 take effect in the sixteenth year following the year of issuance of a Certificate of Occupancy or the equivalent.

To facilitate the symmetrical distribution of information necessary for Columbus housing market efficiency, an owner may file an informational financing hardship appeal with the Division of Appeals and seek an alternate Current Year Base Rent Target calculation in any year the annual increase percentage (CPI-plus 2) falls below the projections used by the owner in the approved application for construction financing, which certified copy of such projections must be provided to the city as evidence; or an owner may file an informational financing hardship appeal if the escalation rate and Current Year Base Rent Target during the initial fifteen year period would theoretically cause the owner to be in violation of any loan covenant, which the financing institution must confirm to the Department. In its calculations, the Department may disallow or discount consideration of loan application financial projections of rental income deemed unreasonable or excessive upon review of the Fair Housing Commission. The Department may use any application submitted by the owner in an application for city financing or tax abatement to assess an informational financing hardship appeal; in any case, the owner must provide such evidence as is reasonably required by the Fair Housing Commission to validate an informational financing hardship appeal.

B. Substantial Renovation - Any rental property which had investment of more than 50% of its value, for which building permits were issued in the twelve years prior to the Present Day Base Rent – 2025 period, and for any substantial renovation following that period, for the first 12 years of operation following the issuance of said building permit, the annual rent increase calculation shall be no more than the percentage increase in the consumer price index plus two (2) percent. except that annual increase limits described in Section 137.56 take effect in the thirteenth year following the year of issuance of the building permit that established substantial renovation and for each year beyond. An owner may file an informational financing hardship appeal and seek relief in calculation by an alternate rent cap in any year the annual increase percentage (CPI-plus 2) falls below the projections used by the owner in the approved application for construction financing, which certified copy of such projections must be provided to the city as evidence; or an owner may file an informational financing hardship appeal for relief if the escalation rate and Current Year Base Rent during the initial twelve year period would cause the owner to be in violation of any loan covenant, which the financing institution must confirm to the Department. In its calculations of fair rent, the Department may disallow or discount consideration of loan application financial projections of rental income deemed unreasonable or excessive upon review of the Fair Housing Commission. The Department may use any application submitted by the owner in an application for city financing or tax abatement to assess an informational financing hardship appeal; in any case, the owner must provide such evidence as is reasonably required by the Fair Housing Commission to validate an informational financing hardship appeal.

C. Hardship - The Fair Housing Commission shall hear and decide appeals from any persons affected by any order, requirement, decision or determination made in the administration of this Code, and as specifically provided in any other provision of the Columbus City Codes.

The Fair Housing Commission may permit a reasonable minimum variance from the applicable section of the Fair Housing Code upon appeal if:

- 1). A literal application of the pertinent code section(s) might cause an unnecessary financial hardship, which shall be defined as a cash-on-cash return before income taxes of five percent (5%) or less for a rental business run competently pursuant to review of financial statements compared to industry norms; and.
- 2). The public health, safety, or welfare; the health, safety or welfare of any occupant of the dwelling; or the living environment of the community may not reasonably be expected to be materially threatened by failure to correct the violation(s) being appealed.

All decisions to permit a variance under this section shall require at least the affirmative vote of fifteen (15) members of the Fair Housing Commission, or a supermajority of at least 70% of the members then seated.

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137.58 – Establishment of Voluntary Target Rent Incentives

A. The Fair Housing Commission shall review target rents and actual rents charged pursuant to data gathered through the registration and licensing processes, and shall develop and descriptively label no more than 5 bands of performance against the Current Year Base Rent Targets to provide quick reference information to tenants about the performance of various landlords and properties in meeting the goals of the Columbus Compact. Further, placement of landlords in such bands would determine their future level of access to Columbus housing incentives. Further such labels should indicate whether a majority of the landlord’s ownership interest is local, residing within the 10 county Columbus Ohio Metropolitan Statistical Area for example, or out of area, as may be further defined by the Fair Housing Commission.

B. In determining bands, no property owner’s position in the proposed banding system may be a consideration or determining factor as to band width. Consideration of such for the purposes of establishing bands is a violation of community trust and an ethics violation which is cause for dismissal of staff or just cause for removal from the Commission.

Band One, which might be labeled “Columbus Compact Local Area Community Champion” for example, would include those landlords and property owners with an interest of 30% or greater, who had voluntarily committed to and achieved the target Current Year Base Rents. Registered Natural Persons in Columbus Compact Local Area Community Champion property would have the broadest access to Columbus city government housing production incentives such as tax abatements, housing bond financing, tax incentives and land grants. Specifically, registered property owners at the Band One Community Champion level, whether Local Area or Out of Area, would be eligible to have affordability restrictions of tax abatement policy reduced by up to fifty percent for any project in which they have a 30% or greater ownership interest in addition to such other incentives as may be added by city government or the city council.

Band Two, which might be labeled “Columbus Compact Local Area Community Partner,” might include those landlords whose rents did not exceed the Current Year Base Rent targets. Specifically, registered property owners at Band Two would be eligible for a 25% reduction in affordability restrictions of tax abatement policy for any project in which they have a 30% or greater ownership interest, in addition to such other incentives as may be added by city government or the city council.

SAMPLE BANDING CHART		
Band	Local Area Landlords	Non Local Area Landlords
Band 1	Local Area Columbus Compact Community Champion	Non Local Columbus Compact Community Champion
Band 2	Local Area Columbus Compact Community Partner	Non Local Columbus Compact Community Partners
Band 3	Local Area Continuous Improvement Needed Landlord	Non Local Continuous Improvement Needed Landlord
Band 4	Local Area Substandard Landlord	Non Local Substandard Landlord
Band 5	Local Area Predatory Landlord	Non Local Predatory Landlord

Any property owner with a greater than 30 percent interest in housing at the Band 3 level would be subject to affordability requirements of city tax abatement policy.

Any property owner with a greater than 30 percent interest in housing developments with a weighted average at the Band 4 level would be subject to a 25% greater affordability requirement for new tax abated housing in any future project in which that property owner has a 30% ownership interest or greater.

Band Five, which might be labeled “Local Area Predatory Price-Gouger” for example, would be those landlords that had rental rates that deviated to the greatest extent from target Current Year Base Rents. Natural persons or entities with ownership interests of greater than 30 percent in any Predatory Price-Gouger property would be excluded from tax

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abatements and other incentives including city housing bond financing, and subject to a variety of disincentives to remain at that level of nonattainment of the goals of the Columbus Compact and designed to help them voluntarily reform their pricing practices to bring them into alignment with fair rents and the goals of the Columbus Compact.

C. The Fair Housing Commission shall develop the objective criteria by which landlord deviations from target rents would result in placement in any band and may adopt these band labels or may create new band labels by rule. It is likely that natural people will be partners in multiple properties spanning multiple bands. The Fair Housing Commission shall develop rules by which the weighted average of units define an aggregate band for any natural persons involved at a greater than 30% ownership interest in any project seeking tax abatement or other public benefit, including incentives authorized by federal law, the incentives set forth in sections 3735.65 to 3735.70 of the Ohio Revised Code, tax abatements, tax credit financing, bond or other financing, or loans or grants from the city of Columbus.

D. Within 180 days of enactment, the Columbus City Council shall bring all relevant sections of Columbus City Codes, 1959 into alignment to conform with this section, by creating targets for city programs designed to encourage property owners seeking further city support to voluntarily develop pricing approaches aligned with the band incentive system.

137.60 - Division of appeals.

There is hereby established within the Department of Fair Housing, the Division of Appeals. The division shall be led by an attorney licensed to practice law in the state of Ohio, which position shall be titled Administrator of Fair Housing Appeals.

137.61– Purpose.

The Division of Appeals shall provide an administrative means of allowing persons and entities impacted by this law, rules, regulations, or provisions of the Columbus Fair Housing code to appeal such decisions or actions taken by the department. Unless otherwise provided in the city codes, all persons aggrieved by an order of the division denying the issuance or renewal of a license or revoking or suspending a license, or permit under Chapter 137 of the Columbus City Codes, who wish to appeal such order, may do so pursuant to the provisions of this city codes Chapter 137 and rules subsequently adopted by the Department.

137.62 Administrator of Fair Housing Appeals

Working cooperatively with the Director and Fair Housing Commission, the Administrator of Fair Housing Appeals shall establish and oversee such policies and procedures as are required to accept and fairly adjudicate appeals by landlords of any dispute under this code.

137.63 Board of Fair Housing Appeals.

There is hereby created within the Division of Appeals, a board of Fair Housing Appeals, consisting of seven (7) members, four of whom shall be members of the Fair Housing Commission, appointed by the commission pursuant to its policies.

The members shall be appointed for two-year terms.

137.64 - Qualifications of the members of the board.

(A) The members of the board shall have the following qualifications:

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At least two (2) shall be attorneys licensed to practice law in the state of Ohio, selected by the Administrator of Fair Housing Appeals; and

Four (4) shall be members of the Fair Housing Commission. Members appointed to fill vacancies shall have the same qualifications required of their predecessors and shall be appointed for the remainder of the unexpired term.

One (1) shall be a member appointed by the Director who shall be a resident of Columbus.

(B) No member of the board shall have a direct or indirect interest (as defined in city codes Section 501.02) in any thing, place or business which is required to be licensed by these city codes.

(C) No member of the board may be a full-time employee of the city.

137.641 - Compensation of the members of the board.

Each member of the board who is not a city of Columbus employee shall be paid thirty-five dollars (\$35.00) for each meeting attended by the member called for the purpose of hearing appeals. Members of the Fair Housing Commission are not employees of the city of Columbus through that capacity alone. In addition to the above, the chairperson shall receive twenty-five dollars (\$25.00) each month the chairperson acts in such capacity.

137.642 - Organization of the board.

(A) Between January 1 and January 31 of each year, the board shall convene for the purpose of selecting a chairperson and a secretary. The chairperson and secretary shall act as such until the next following December 31 and may be re-elected to their respective offices for no longer than four consecutive years.

(B) The board shall make annual reports to the Fair Housing Commission and to the council as provided in city codes Section 121.03.

(C) All meetings of the board and hearings before the board shall be open to the public.

(D) As provided in city codes Sections 121.02 and 121.05, the board may adopt rules and regulations for the conduct of its business and hearing procedures.

(E) The division shall provide the board with such administrative services as may be required by the board to enable the board to perform its duties.

137.643 - Appeal procedure.

Any person aggrieved by an order of the license section with respect to denying the issuance or renewal of a license, or revoking or suspending a license, may appeal from such order to the board. All appeals shall be perfected in the following manner:

(1)The appellant must file a written notice of appeal with the Division, on a form approved by the board, within twenty (20) days after receipt of the order from which the appellant appeals.

(2)The appellant must deposit with the Division a fee of thirty dollars (\$30.00), which sum shall be refunded to the

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appellant only if the board renders a decision in the appellant's favor. Otherwise, the deposit shall be forfeited and placed into the general fund of the city.

(3) Within five (5) days after receipt by the Division of the notice of appeal, the Division shall cause a true copy of the notice of appeal to be docketed with the chairperson of the board.

(4) Within twenty (20) days after receipt by the chairperson of the notice of appeal or, if a stay order is issued pursuant to city codes Section 505.07, then within sixty (60) days from the date of issuance of the stay order, the chairperson shall cause a meeting of the board to be convened for the purpose of hearing the appeal.

(5) The Department shall set rules for expedited appeals. In the event an expedited appeal is required, the chairperson shall cause a meeting of the board to be convened for the purpose of hearing the appeal to conform with the time limits therein.

137.644 - Stay orders.

An appeal does not automatically operate as a stay of a failure to renew, revocation or suspension order of the section. If an appellant desires a stay of such order pending the outcome of the hearing, the appellant must first apply in writing to the chairperson setting forth the reasons for the stay. The chairperson may request the Division to render, in writing, its views regarding the stay request. Within five (5) days after the receipt by the chairperson of the request for a stay, the chairperson shall render a decision on the request. If the chairperson determines that undue hardship to the appellant will result by not issuing a stay and no apparent harm will be caused to the citizens of the city by issuing a stay, a stay order, not to exceed sixty (60) days and pending the outcome of the hearing, will be granted.

137.645 - Expiration of the license involved in an appeal.

The expiration of the license involved in an appeal shall not affect the appeal. If during the appeal the existing license expires, and the board's ultimate decision is in favor of the appellant, the board shall order that upon the payment of the fee prescribed by law, the license shall be issued by the section as of the date requested in the application.

137.65 - Counsel for the division.

The city attorney and the city attorney's staff shall represent the Department in all proceedings before the board and upon judicial review of an appeal from the board's decisions.

137.671 - Subpoenas.

All parties shall have the right to subpoena witnesses and documents which are material to their case. If a party desires a subpoena, the party shall apply to the chairperson who shall issue and sign the subpoena in the name of the board. The subpoena shall be served in the manner subpoenas to appear and testify before the Franklin County Municipal Court are served. If any person subpoenaed to testify or to produce documents, refuses to obey the subpoena, upon complaint of the board, the Franklin County Municipal Court may compel the attendance of the person or the production of the documents before the board, or punish the person for contempt in the same manner persons are compelled to appear and are punished for contempt before such court.

137.68 - Judicial review.

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The appellant and the section may appeal from a decision of the board by perfecting such as provided in Ohio Revised Code Chapter 2506. The cost of acquiring a transcript for such appeal shall be borne by the party seeking to appeal.

137.70 – Office of the inspector general

There is hereby established the Office of the Inspector General, within the Department of Fair Housing. The office shall be led by the Inspector General who shall serve as an independent office seeking to ensure the ethical administration of the Fair Housing Code in Columbus. The Inspector General shall initiate appropriate investigations or investigate allegations of conflicts of interest of city officials in partnership with a person or entity appearing before the city or any entity of this section for unduly favorable or political consideration related to rent calculation, decisions, determinations or appeals of any matter before the Department of Fair Housing, with the intent of ensuring all who appear before the Department receive equal and fair consideration and adjudication of their interests. The Inspector General shall make such administrative, civil and criminal referrals as such investigations shall determine are appropriate.

137.71 - Undue influence or consideration.

It shall be unlawful to provide, or accept, any personal, economic or business benefit to, or by, any administrator or personnel of the Department of Fair Housing in exchange for favorable consideration on any issue pending, or expected to be pending, before the Department or Fair Housing Commission established under this section 137. The Inspector General, City Attorney or Division of Police may pursue evidence and prosecute under appropriate city or state law.

137.80 – Fair Housing Commission Created, membership—Compensation and term of members—Meetings.

There is hereby created and established a commission to be known as the Fair Housing Commission, consisting of twenty one (21) voting members: In addition to the voting members, the mayor, city attorney, president of city council, department of fair housing director, and health commissioner, shall each appoint one (1) city employee to serve as a non-voting advisor to the commission. The mayor shall nominate the voting members pursuant to the provisions of Section B of this section, with appointment by council in accordance with [Section 61](#) of the Columbus City Charter.

- A. The Commission shall develop operations and bylaws and shall maintain a 21 member Board of Commissioners, appointed by the mayor and confirmed by the city council. Of the 21 voting members, one commissioner each shall be recommended upon enactment of this section to the Mayor for nomination and then appointment by: 1) Legal Aid Society of Columbus, 2) Inter-denominational Ministerial Alliance of Columbus and Franklin County, 3) NAACP- Columbus Chapter, 4) Building Responsibility Equality and Dignity Coalition (“B.R.E.A.D.” Coalition), 5) the Coalition on Homelessness and Housing in Ohio, 6) Affordable Housing Alliance of Central Ohio, 7) IMPACT Community Action Agency, 8) Columbus Urban League, 9) the Director of the Franklin County Department of Job and Family Services, 10) Columbus Apartment Association, 11) Coalition of the Homeless, 12) the Director of the Franklin County Agency on Aging, 13) Columbus Metropolitan Housing Authority; 14) a representative of a recognized civic association as such area is identified by the City Council every second year to be facing unique housing pressures; 15) Community Shelter Board, 16) Corporation for Supportive Housing, 17) Community Housing Network; 18) the Franklin County Board of Commissioners, 19) Shalom Zone, 20) Central Ohio Housing Action Network, and 21) Columbus Chapter - Democratic Socialists of America to represent fair housing and tenancy constituencies. To the extent any of the recommending entities are incapable of, or elect to not, recommend a candidate to the mayor timely, the Fair Housing Commission shall assume such recommending authority or create another category of recommending entity which may be done by

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Bylaw. The recommending entities may subsequently be amended by Bylaw of the Fair Housing Commission such that the Commission will represent the interests of Columbus renters fairly as with other interests.

- B. The Mayor shall receive such recommendations and unless the Mayor finds patently disqualifying information about candidates which would serve to undermine public confidence in the work of government, shall nominate such recommended persons to the council pursuant to Chapter 61 of the Charter. Each of the recommending entities has a legal right to have its recommended person nominated and then appointed to the Fair Housing Commission, and the council shall appoint such nominees unless the council finds and declares clear and compelling just cause to not do so and identifies such just cause to the Mayor, nominee and recommending entity, in which case either the nominee or the recommending entity may appeal the non-appointment within 90 days of such notice in an action to the Franklin County Municipal Court, or the recommending entity may recommend an alternate candidate.
- C. The Commission shall adopt bylaws pursuant to Roberts Rules of Order that are not inconsistent with the Columbus City Codes, and elect officers in a manner determined by the Commission.
- D. Such commissioners shall serve for terms of up to three years, for no more than two consecutive terms, which conditions shall be included in the bylaws.
- E. No member of the commission shall take part in any hearing or determination in which the member has a personal, business or financial interest.
- F. Vacancies caused by death, resignation, or otherwise, shall be filled for the unexpired term in the same manner as original appointments are made.
- G. Each member of the board shall be paid thirty-five dollars (\$35.00) for each meeting attended by the member called, which agenda also includes the purpose of hearing appeals. In addition to the above, the chairperson shall receive twenty-five dollars (\$25.00) each month the chairperson acts in such capacity.
- H. Members shall further be reimbursed for expenses actually and necessarily incurred in connection with their duties as members of the Fair Housing Commission subject to approval by the department of finance and management.
- I. Notwithstanding Part D above, of the twenty-one (21) members so appointed, seven (7) shall serve an initial term for (1) year, seven (7) for two (2) years and seven (7) for three (3) years and thereafter appointments shall be for three (3) year terms.

137.81 Duties of the Fair Housing Commission

The Fair Housing Commission shall:

- A. Review and approve policies and proposals related to the Columbus Compact, tenant unions, fair rent informational calculations and other elements of the Columbus Fair Housing Code prior to their implementation and then again in review;
- B. Review annually the performance of the Department of Fair Housing and its divisions with respect to the purposes and implementation of actions in support of such purposes;
- C. Serve as a final administrative appeals body to decisions of the Department of Fair Housing related to target rent information, capital improvement surcharge calculations, and such other matters, according to rules it adopts in coordination with the Division of Appeals;
- D. Serve as a final administrative appeals body to administration of the renter registry and licensing process;
- E. Serve as the decision-making body on any matter of interpretation of Title 137, and shall perfect the title through further rule making or recommendations to council for any legislation needed to fully enact this Title.
- F. And engage in other matters which may arise of a policy nature within the Department.

The Fair Housing Commission shall further create or cause creation of:

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- A. an annual report on the housing supply and demand across various income stratas of Columbusites, disaggregated by race and ethnicity;
- B. the adequacy of city and other philanthropic funding sources for the nonprofit producers of housing for low and moderate income Columbus households;
- C. make recommendations supporting the financial stability and rental housing production capacity of nonprofit affordable housing developers;
- D. the distribution of affordable housing funds raised through the hotel/motel bed tax, including the adequacy of policies, practices and documentation that income restricted units were in fact rented to households earning below 80% of Area Median Income;
- E. Review operations and memberships of other city entities such as zoning boards, development commissions, and neighborhood area commissions for any institutional bias they may have in favor of homeowner or property owner interests over the interests of renters and issue reports on such findings
- F. The effects of the provisions of this Chapter 137.
- G. Other reports to provide information about Columbus fair housing markets and the Columbus Compact.

The Fair Housing Commission shall meet when necessary to conduct business and shall adopt, by majority rule, such rules as it shall deem expedient for the conduct of its business. Such rules shall be adopted in accordance with [Section 121.05](#) of the Columbus City Codes, 1959. 5-92.

137.82 - Staff.

The Department of Fair Housing shall provide the necessary staff support for the Fair Housing Commission.

137.83 - Obtaining of factual information.

The obtaining of factual information by the Fair Housing Commission in the performance of its duties under this code is hereby declared to be necessary to its functions. All other departments of the city shall cooperate with the Fair Housing Commission, upon its request, relative to the gathering of factual information; provided however that the opinion of the city attorney shall be obtained in such manners as appear to involve some liability on the part of the city.

137.80 - Tenant Rights and Responsibilities

137.81 – Tenant Unions and Tenant Associations Empowered

As indicated by the Columbus Compact principle of empowering residents to act on their own behalf, the City of Columbus encourages the organization of Tenant Unions and Tenant Associations that have a goal to improve housing conditions in apartment and rental home communities. A Tenant Union can include residents of a single property and a Tenant Association can organize and cover tenants in scattered site properties in a neighborhood or area of the city. The Division of Tenant Rights and Responsibilities shall engage in facilitating the creation of tenant unions and associations and shall develop organizing documents and trainings that provide information on the scope of tenant union activities and organization decision making and operations. The Division shall train tenant unions on access to information, and understanding the information in Current Year Base Rent targets and Temporary Capital Improvement Surcharges. The Division shall create and maintain a registry of active Tenant Unions and Tenant Associations. The Division shall further provide training about appeals processes and resources available within the Department. In coordination with the Fair Housing Commission, the Division shall annually set goals for the number or percent of tenants covered by tenant unions.

137.83 - Landlord's right to access.

- A. The tenant shall not unreasonably withhold his consent to the landlord to enter into the dwelling unit in order to inspect

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the premises, make necessary repairs, decorations, alternations or improvements, supply services as agreed, or exhibit the dwelling unit to prospective purchasers, mortgagees or tenants.

B. The landlord shall not abuse his right to access nor use it in any way to harass the tenant. Except in the event of an emergency, affecting the health, safety, or welfare of the landlord or any tenant or any property thereof, the landlord shall give the tenant at least twenty-four (24) hours written or oral notice of his intent to enter and shall enter only during normal business hours or at such other time as is mutually agreed to by the landlord and the tenant.

C. In the event that the tenant is absent from the dwelling unit at the time of entry, the landlord shall supply the tenant, within twenty-four (24) hours after the entry, with a written report of the entry, setting forth the purpose of the entry and the details of any repair, decoration, alteration or improvement.

D. The abuse of access rights by either the landlord or the tenant shall be a basis for the termination of the lease by the affected party.

137.84 - Tenant's right to read meters.

A. The landlord shall not withhold the right of tenants to access utility meters within leased premises having individual utility meters for gas, electricity, water or other services which are billed to the tenant by individual unit.

B. Access to meters within secured areas shall be arranged by appointment at the request of the tenant to the landlord or designated representative. Such appointments shall be requested at least three (3) working days in advance and shall be scheduled during normal business hours.

137.85 - Tenant's duties.

Each tenant shall comply with all obligations imposed upon him by the lease agreement and by applicable provisions of all State and County statutes, codes, regulations and ordinances, and in particular:

A. Keep that part of the premises which he occupies and uses clean and sanitary;

B. Dispose from his dwelling unit all rubbish, garbage, and other organic and flammable waste, in a clean and sanitary manner;

C. Keep all plumbing fixtures as clean and sanitary as their condition permits;

D. Properly use and operate all electrical and plumbing fixtures;

E. Prevent any person on the premises with his permission to willfully or wantonly destroy, deface, damage, impair or remove any part of the structure or dwelling unit or the facilities, equipment or appurtenances thereto, nor himself do any such thing;

F. Provide to the landlord a copy of the key necessary to gain access to the premises if locks have been added, altered or changed by the tenant from the date of the lease agreement.

Sec. 137.86 - Condition report on premises.

If the landlord imposes a security deposit, he shall promptly deliver to the tenant, upon written request, a report setting

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forth all damages existing within the leased dwelling unit. The request shall be made within fifteen (15) days of the tenant's occupancy of the leased dwelling unit.

- A. The tenant shall, if he disagrees with the report, serve on the landlord a statement of his own, setting forth any variations, within five (5) days after he receives the report. Failure by the landlord to provide the tenant with such a report shall make the landlord liable to the tenant for threefold the amount of the security deposit.
- B. The landlord shall be presumed to be responsible for any damages noted in the condition report and any variations noted therein, unless proof of repairs is shown.
- C. Any defective condition within the leased dwelling unit which comes to the tenant's attention, which he has reason to believe is unknown to the landlord, shall be reported to the landlord within forty-eight (48) hours. Where the defective condition may cause serious damage to person or property, it shall be reported to the landlord immediately.

137.87 – Tenant Right to Contest Rent Increases and Good-Faith Voluntary Negotiations

- A. A tenant, tenants' union or tenant association may object to the imposition of a rent increase of more than ten percent in any year for any tenant subject to lease renewal, or years of consecutive claimed capital improvement-based increases.
- B. The Current Year Base Rent Target calculations along with any calculated temporary capital improvement surcharge calculations may be used to inform good-faith voluntary negotiations and settlement of such dispute. In settlement of such charges, without written consent of such current tenant(s), collectability of any dollar excess above said sum to be spread forward in similar increments and added to the rent as established or set in future years. Upon vacancy, the landlord may request the Division of Rents to add any remaining balance of the temporary major capital improvement increase to the calculated base rent, which shall be at the Division's sole and good-faith discretion.
- C. Notwithstanding any other provision of the law, for any renewal lease commencing on or after April 1, 2025, the collection of any rent increases due to any major capital improvements approved on or after January 1, 2023 and before April 1, 2025 is contestable by the tenant or tenant union or association if it exceeds ten percent in any year for any tenant in occupancy on the date the capital improvement was approved without the written approval of such affected tenant(s) who are informed in the same document of their right to not approve such increase without retaliation which retaliation includes in this instance a failure to renew;
- D. The Department shall develop rules, forms and processes for such rental rate increase objection.

137.88 – Good Faith Negotiations Required

A. The landlord of any licensed residential rental property must engage in good-faith negotiations on any issue affecting the health, safety or welfare as brought to the Department by a Tenant Union or Tenant Association. Tenants may bring such issues to the attention of the Division of Tenant Rights and Responsibilities, which shall attempt to moderate and negotiate an amiable solution to resolve the issue and restore public well-being.

B. The Department shall adopt rules governing process and right of appeal of any party to an outcome deemed unsatisfactory, such that a legitimate and pressing unresolved tenant issue found to be negatively impacting health, safety or welfare shall become a cause for revocation or denial of future licensing by the Division of Rental Property Registration and Licensing or other further actions by that division at the discretion of the Administrator and/or subject to the direction of the Fair Housing Commission. These provisions take effect immediately upon enactment of the Fair Housing Code.

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137.881 - Retaliatory actions.

A. A tenant, Tenant Union or Tenant Association has the right to allege retaliatory action as defined in C.C. 4509.07 - Retaliatory Action.

B. A tenant may raise a retaliatory action of a landlord:

1. In defense to an action for possession; or
2. As an affirmative claim for damages resulting from a retaliatory action of a landlord occurring during a tenancy.
3. If in any proceeding the court finds in favor of the tenant because the landlord engaged in a retaliatory action, the court may enter judgment against the landlord for damages not to exceed the equivalent of 3 months' rent, reasonable attorney fees, and court costs.
4. The relief provided under this section is conditioned on the tenant being current on the rent due and owing to the landlord at the time of the alleged retaliatory action, unless the tenant withholds rent in accordance with the lease or pursuant to law.
5. An action by a landlord may not be deemed to be retaliatory for purposes of this section if the alleged retaliatory action occurs more than 6 months after a tenant's action that is protected under subsection (a)(2) of this section.

C As long as a landlord's termination of a tenancy is not the result of a retaliatory action, nothing in this section may be interpreted to alter the landlord's or the tenant's rights to terminate or not renew a tenancy.

137.91 - Use of apartment for drug activities prohibited.

It shall be unlawful for any person, tenant, landlord, landlord agent, management staff and/or property owner to knowingly, sublease, assign, transfer possession, or permit use of an apartment for the purposes of any violation of the Controlled Dangerous Substance Laws of the State of Ohio and/or of the City of Columbus. Anyone who violates this Section shall be guilty of a misdemeanor per apartment, per occurrence and, upon conviction, shall be punished by a fine of One Thousand Dollars (\$1,000.00) or by imprisonment for not more than six (6) months for each offense.

137.92 - Use of apartment for prostitution including human sex trafficking and human labor trafficking prohibited.

It shall be unlawful for any person, tenant, landlord, landlord agent, management staff and/or property owner to knowingly sublease, assign, transfer possession, or permit use of an apartment for the purposes of any violation of the Prostitution Laws, including human sex trafficking and human labor trafficking laws of the State of Ohio and/or Franklin County.

Anyone who violates this Section shall be guilty of a misdemeanor per apartment, per occurrence and, upon conviction, shall be punished by a fine of One Thousand Dollars (\$1,000.00) or by imprisonment for not more than six (6) months for each offense.

137.93 - Inquiries, complaints.

Any inquiries and/or complaints regarding prostitution and/or human sex or human labor trafficking to the Franklin County Sheriff shall be directed to the enforcing agencies of the Department of Fair Housing.

Upon request, the Department of Fair Housing shall make available to property owners and landlords of rental properties requesting the information and/or the inquiries or complaints received regarding their rental properties.

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The Department of Fair Housing shall make available resources regarding prostitution and/or human sex or human labor trafficking to property owners and landlords of rental properties.

137.95 – Registry of Excess or Malicious Destruction

In an effort to reduce rental unit turnover costs, the Division of Tenant Rights and Responsibilities may develop a registry comprised of the names and birth dates or last four digits of social security number of tenants found by the Division to have caused malicious or excess and undue damage to a licensed rental unit. The registry shall be accessible to landlords with licensed property to assist in their tenant screening. The registry may not disclose names of minors, individuals in shelter for domestic violence or under court or law enforcement protection. The division may promulgate other rules to maintain appropriate levels of confidentiality to preserve the health and safety, consistent with public record requirements.

Licensed owners may submit the names and such other information of individuals they believe have caused malicious damage, or damage in excess of the amount of the security deposit to the division. Damage claims must be filed within 90 days of end of tenancy and submitted with such documentation as is available. The division shall investigate such claims by contacting the accused and allowing them to submit a statement for the record. Records of damage and names on the registry accessible to licensed owners shall be maintained no longer than five years. Appeals of the status may be made. Tenants have an absolute right to participate in any process of the Department of Fair Housing.

137.96 Registry of Abusive Landlords

To assist in Columbus residents making informed decisions about housing choices, Tenants may make charges against landlords for not following the provisions of the Columbus Fair Housing Code, including those found guilty/liable in Residential Rental Coercion. The division shall investigate such claims prior to licensing, and shall solicit a statement from the accused landlord. Charges must be submitted within 90 days of end of lease agreement and may be kept on file for six years. The division may initiate an entry in the registry on its own initiative or finding.

137.97 Contingent Windfall Profits Tax Assessment and Distribution

In the event the state of Ohio passes a law prohibiting any of the provisions of this Chapter 137 or prohibiting rent stabilization or rent control in Columbus, owners of licensed residential rental properties can voluntarily contractually commit to maintaining a fair rent program for their units.

- A. The director of Fair Housing and Administrator of Rental Property Registration and Licensing with the support of the Fair Housing Commission shall ensure the registration of properties and licensing continues and current lease rent information shall be collected annually for licensed units and the Current Year Base Rent Targets unit shall be calculated each year.
- B. The difference between the actual rents collected and the calculated Current Year Base Rent Target plus any Capital Expenditure Surcharge calculation in every year creates what is herein defined as a windfall profit subject to a windfall profits tax.
- C. A windfall profits tax rate of 60% is hereby established upon enactment of any state law invalidating any portion of the city of Columbus home rule fair housing law or the right of Columbus to enact rent stabilization or rent control.
- D. For each of the ten years from 2025 through 2035 for which a windfall profits tax shall be assessed, the department shall provide notice to property owners and assess such amounts due as liens due against the property until paid. This ten year term may be extended or renewed by future ordinance of council.
- E. Property owners may appeal this assessment to the department providing evidence of the value of any capital improvements which would result in a capital expenditure surcharge calculation as defined in Section 137.55. Such appeals shall be fairly considered by the Division of Appeals.
- F. Upon collection of such assessments due, the department shall credit such funds to the tenants under lease at the time, prorated pursuant to a methodology approved by the Fair Housing Commission.

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- G. Any leaseholder in such unit subject to windfall profits tax seeking such distribution may file a claim for the same in such method or upon such forms as are be developed by the department.
- H. Upon receipt of such tenant filing, the department shall commence and rapidly execute the assessment.
- I. If an appeal to the department fails, for two years following the date of the appeal leaseholders eligible for a distribution under this section have a right to file for judgment in the Franklin County Municipal Court.
- J. In the event assessments are paid and funds not distributed within one year thereafter, when reasonable efforts as defined by policy adopted by the Department have been used to find and notify tenants eligible for distribution, the department may use such funds to provide rent subsidies or to help fund operations of state-certified community housing development corporations involved in the production of housing affordable at 60% of area median income in a method to be approved by the Fair Housing Commission at that time.
- K. The Department of Fair Housing shall take any and all actions necessary to effect the intent of this section to reduce the harm to tenants caused by any state legislative enactment that would reduce or eliminate the protections of this code.

137.972 Real Property Tax Abatements Contingent on Fair Housing Code Provisions

In the event state legislation precludes the operation of this Title 137, irrespective of any other section of City Code, the City of Columbus shall not abate any real estate taxes for any residential housing development in a Community Redevelopment Area or in any other area of the city unless that development is planned and operated such that its owner voluntarily and contractually commits such that at least half of all units are leased to households earning less than 60% of Area Median Income adjusted by household size, or unless said owner voluntarily commits to maintaining all unit rents at Current Year Base Rents for a period of at least 20 years.

Further, the city shall monitor annually every development financed in part by real property tax exemption after state action invalidating this Section 137 and its voter-approved provisions and if any such development is found to be operating with fewer than half of units with households earning below 60% of Area Median Income, the entire amount of the abatement for such year shall be refunded to the City in that year, and if not so refunded in full any remaining balance shall be assessed as an obligation to the City on the tax parcel. Such funds, once collected, may then be allocated to persons experiencing rental harm within the registered property pursuant to rules approved by the Fair Housing Commission and adopted by the Department. The Fair Housing Commission shall ensure such monitoring is done annually and shall receive a report on the same from other departments of the city.

Further, any citizen of Columbus has standing to assert such a claim in Franklin County Municipal Court due to the impact on public wellbeing of a failure to provide housing to such low-income Columbus households and such citizen shall be reimbursed for legal fees plus \$10,000 for bringing the housing provider misfeasance to the court's attention for the first time.

This section 137.972 prevails over any other section of Columbus City Codes, 1959, except Section 137.981, and any conflicting code shall be made to conform to this section within 90 days of the effect of state law preempting local control over any matter in Title 137.

137.973 Sale to City of Regulated Property

A. The preservation of affordable rental housing being a matter of public purpose and essential to the health, safety and welfare of the citizens of Columbus, in the event the state of Ohio enacts legislation which any court finds to prohibit rent stabilization or rent control or impacts in any manner the provisions of the Columbus Fair Housing Code, the city shall allow any licensed residential rental property owner to sign a voluntary affirmation and contract to provide housing at the calculated Current Year Base Rent targets.

B. In the event such a licensed owner of a registered property containing 20 or more units opts to not voluntarily commit

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to continuing such program, such owner shall, for a period of ten years after enactment of this Title 137, upon seeking to sell the property first offer the property to the city of Columbus and give the city right of first refusal to purchase the property, which (the city) may then purchase and transfer the property or assign such purchase contract to a housing provider who will voluntarily agree to maintain Current Year Base Rent Target lease rates as calculated by the Department. Such transfer or assignment shall be done in a fair and open manner pursuant to rules adopted by the Department under oversight of the Office of Inspector General, upon enactment of such state law or court finding affirming the impact on such law on Columbus. The Department may develop a registry of persons and entities who would voluntarily agree to maintain the rent information program to facilitate such transactions. The city shall develop a means of providing subsidy to the assignee to ensure its other financing allows for such a rental structure, including through city-issued housing bond financing or subsidy.

C. In addition to subsection B, above, the city may further consider use of its powers under eminent domain to purchase the transferred property from the new owner, which shall be valued at the calculated Current Year Base Rent targets to execute this public purpose.

.D. The Department of Fair Housing shall track sales of licensed property, through transfer records at the Franklin County Auditor, the absence of registration and license applications, and such other means at its disposal and shall notify the City Attorney and City Council president of any sales and removal from units available on the Open Market, and shall indicate the deficit in housing created by such sales in the affected local housing market.

E. Specifically, should state legislation pre-empt the relevant provisions of this code, for any licensed residential rental property containing 20 or more units to a purchaser who does not within one year of the transfer sign such a voluntary agreement when such property had not be offered to the city prior to sale, the city may: 1) deny future licensing until such voluntary agreement is met, or 2) file an action to invalidate the transfer in Franklin County Municipal Court for the violation of law in not making the sale offer to the city prior to transfer.

F. Any citizen having knowledge of such transfer, when the city does not file such an action, is entitled to an award of \$50,000 from the city upon filing a claim in Franklin County Municipal Court for its failure to pursue the maintenance of voluntary fair rent housing units. No judgment shall assess legal fees or court costs against the filer of such claim.

137.974 Voluntarily Regulated Rents in Newly Annexed Territory

A. The preservation of affordable rental housing being a matter of public purpose and essential to the health, safety and welfare of the citizens of Columbus, in the event the state of Ohio enacts legislation prohibiting the operation of this Chapter 137, no person shall provide for assistance in the development, construction, financing, rental or other support of more than 20 units (cumulative over time) of residential rental housing in territories annexed to Columbus after enactment of this Title, unless such development voluntarily and contractually agrees to maintaining for no less than 20 years, rents at the rates established pursuant to Section 137.57(A) of this code (Current Year Base Rent Targets). The Director of the Department of Fair Housing shall, upon enactment of such state preemption:

1. Send a memorandum to the Fair Housing Commission, Department of Development, Department of Zoning and Building Services and the City Council asserting this clause, and
2. Cause for a public notice to be issued advertising the enforceability of Sections 137.974, 137.973, 137.972 and 137.97 of Columbus City Codes, 1959.

B. The memorandum and notice under Section 137.974 shall constitute clear notice to all city officials and employees of the illegality of providing support, including but not limited to zoning, plan review, or writing or passing legislation for any development of such housing in newly-annexed territory. As such, the presumption of limited good-faith immunity shall be removed from city government employees should they participate in any manner in aiding or abetting this section

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of law to be violated.

C. It shall be an affirmative defense for any city government employee to provide sworn statements provided by the housing developer of the intent to voluntarily enter into contract with the city to provide housing at the rates established pursuant to Section 137.57. Such statement shall be provided to the Department of Fair Housing, which shall enter into such binding contract with the housing developer, with a failure to fulfill the contract being the city purchase of the property at a value determined by the regulated rent, less five percent. The city may then sell its interest in the property to another purchaser who will operate pursuant to the contract.

D. Any natural person or corporate entity that provides assistance in the permitting, provision of water or sewer services, land development, construction, marketing, or leasing of rental property that does not conform to the rates established pursuant to Section 137.57(A) shall be liable for civil damages in the amount of \$10,000.

E.. Any financial institution providing financing for such development in newly-annexed land for residential rental property that does not conform to the rental rates established pursuant to Section 137.51 shall be liable for civil damages in the amount of \$1,000,000.

F. Any person with knowledge of any violation of subsections B. or C. above has standing to pursue such civil action seeking the civil damages specified in subsection D and E above, in the Franklin County Municipal Court, or such other court of jurisdiction.

137.975 – Rent Control to be Enacted if Permitted

A. In the event the state law preempting rent stabilization and control is repealed or declared invalid as applies to Columbus, the Fair Housing Commission shall develop and the Department shall adopt a rent stabilization and control program consistent with the terms of the Columbus Compact and this Chapter, which may include adjusting Current Year Base Rent Targets into rent caps.

B. Such program shall be adopted and rules passed within 90 days of notification of the availability of such option and the council shall adopt such legislation as may be necessary to put such a program into effect.

C. Any failure of the council to so act within 180 days of adoption of a rent stabilization and control program by the Fair Housing Commission creates a critical harm to the citizens of Columbus and shall make the city liable in the amount of \$5,000 to every Columbus resident filing a claim with the Franklin County Municipal Court pursuant to this subsection until such failure to act is remedied.

137.98 - Criminal penalties.

Whoever violates Section 137.21 of this chapter is guilty of failing to obtain a residential home rental license, a misdemeanor of the third degree. If the offender has a prior conviction for a violation of this chapter, a violation of this section is a misdemeanor of the second degree. Whoever violates any other section of this chapter is guilty of a misdemeanor of the fourth degree. If the offender has a prior conviction for a violation of this chapter, a violation of any other section of this chapter is a misdemeanor of the third degree.

A person made not be found guilty of violating Columbus City Codes 137.21 if the person proves as an affirmative offense that the person falls within the exceptions delineated in Columbus City Code 137.17 or [137.21\(C\)](#).

137.981 Limitations on Public Enforcement

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A. Notwithstanding any other law, the requirements of this subchapter shall be enforced exclusively through the private civil actions described in Section 137.974. No enforcement of this subchapter in response to violation of Section 137.974 may be taken or threatened by the state, a political subdivision, a district or county attorney, or an executive or administrative officer or employee of this state or a political subdivision against any person, except as provided in Section 137.974.

B. Subsection A. may not be construed to:

1. Legalize the conduct prohibited by this subchapter
2. Limit in any way or effect the availability of a remedy established by Section 137.974; or
3. Limit the enforceability of any other laws that regulate or prohibit tenant-supporting elements of the Columbus Fair Housing Code.

137.97 Civil liability for violation or aiding or abetting violation

A. Any person, other than an officer or employee of a state or local governmental entity in this state, may bring a civil action against any person who:

1. performs any action in violation of Section 137.974;
2. knowingly engages in conduct that aids or abets the performance or inducement of rental property to be rented in rates in excess of those targets under Section 137.57-A., including financing the construction or operation of such residential rental property, regardless of whether the person knew or should have known that the property would be rented in excess of the rates calculated pursuant to Section 137.57-A.
3. intends to engage in the conduct described by subdivisions 1 or 2 above

B. If a plaintiff prevails in an action brought under this Section, the court shall award:

1. injunctive relief sufficient to prevent the defendant from violating this subchapter or engaging in acts that aid or abet violations of this subchapter;
2. statutory damages in an amount of not less than \$10,000 for each act that the defendant performed in violation of this subchapter;
3. for a financing institution statutory damages in an amount of not less than \$1,000,000 for each act that the defendant performed in violation of this subchapter.
4. costs and attorney's fees

C. Notwithstanding subsection B, a court may not award relief under this section in violation of subsection A.1. or A.2. if the defendant demonstrates that the defendant previously paid the full amount of statutory damages under subsection B.2. or B.3. in a previous action for that particular act performed in violation of this subchapter.

D. Notwithstanding any other law, a person may bring an action under this section not later than the fourth anniversary of the date the cause of action accrues.

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E. Notwithstanding any other law, the following are not a defense to an action brought under this section:

1. ignorance or mistake of law;
2. A defendant's belief that the requirements of this subchapter are unconstitutional or were unconstitutional;
3. a defendant's reliance on any court decision that has been overruled on appeal or by a subsequent court, even if that court decision had not been overruled when the defendant engaged in conduct that violates this subchapter;
4. A defendant's reliance on any state or federal court decision that is not binding on the court in which the action has been brought;
5. Non-mutual issue preclusion or non-mutual claim preclusion;
6. Any claim that the enforcement of this subchapter or the imposition of civil liability against the defendant will violate the constitutional rights of third parties, except as provided by section 137.974.

F. It is an affirmative defense if:

1. A person sued under Subsection A.1. reasonably believed, after conducting a reasonable investigation, that the natural person(s) or corporate entity performing such acts had complied, or would comply with this subchapter.
2. a person sued under subsection A.3. reasonably believed, after conducting a reasonable investigation, that the entity performing such acts will comply with this subsection.

G. The defendant has the burden of proving an affirmative defense by a preponderance of the evidence.

H. Notwithstanding any other law, this state, the city, a city official or a county attorney may not intervene in an action brought under this section. This subsection does not prohibit a person described by this subsection from filing an amicus curiae brief in the action.

I. Notwithstanding any other law, a court may not award costs or attorney's fees to a defendant in an action brought under this section.

J. This section prevails over any other section of Columbus City Codes, 1959, which other sections shall be subordinate and construed as to comport with this section.

137.99 - Severability clause.

If any particular portion of this chapter is declared to be invalid by a court of competent jurisdiction, such declaration of invalidity shall be limited to that particular portion declared invalid. This declaration of invalidity shall not affect or impair the remainder of this chapter, and to this end, the provisions are severable.

If any court declares or finds a provision of this chapter facially unconstitutional, when discrete applications of that provision can be enforced against a person, group of persons, or circumstances without violating the United States Constitution and Ohio Constitution, those applications shall be severed from all remaining applications of the provision, and the provision shall be interpreted as if the provision had been enacted to limit to the person, group of persons or circumstances for which the provision's application will not violate the United States Constitution and Ohio Constitution.

If any provision of this chapter is found to be unconstitutionally vague, then the provisions of this chapter that are not unconstitutionally vague shall be severed and remain in force.

No court may decline to enforce the severability requirements on the ground that severance would rewrite the statute or involve the court in legislative or lawmaking activity.

To Amend Section 137 of Columbus City Codes, 1959 to Create the Department of Fair Housing to Administer the Columbus Fair Housing Code under the Columbus Compact

NOTICE: Whoever knowingly signs this petition more than once; signs a name other than one's own on this petition, except as provided by general laws of the state; or signs this petition when not a qualified elector of the City of Columbus, is liable to prosecution.

We hereby designate the following petitioners as a committee to be regarded as filing this petition.

COMMITTEE OF NOT LESS THAN FIVE PETITIONERS	ADDRESS
Delores Benning	2440 Waters Edge Blvd. Columbus, OH 43209
Denise Benning-Adedugbe	2440 Waters Edge Blvd Columbus, OH 43209
David Harewood	546 Miller Avenue Columbus, OH 43205
Joseph A. Motil	167 West Cooke Road Columbus, Ohio 43214
Noel Williams	98 Brunson Columbus, OH 43203

Signatures on this petition must be from only one county and must be written in ink.

	Signature Printed Name	Voting Residence Address Street and Number	City	County	Date
1	Print				
	Sign				
2.	Print				
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CIRCULATOR STATEMENT – Must be completed and signed by circulator.

I, _____, declare under penalty of election falsification that I
(Printed Name of Circulator)
reside at the address appearing below my signature; that I am the circulator of the foregoing petition
containing _____ signatures; that I witnessed the affixing of every signature; that all signers were to
(Number)
the best of my knowledge and belief qualified to sign; and that every signature is to the best of my
knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact
acting pursuant to section 3501.382 of the Revised Code. I am provided or promised moneys or things of
value to circulate this petition by _____ (Name and address of employer).

**WHOEVER COMMITS ELECTION
FALSIFICATION IS GUILTY OF A
FELONY OF THE FIFTH DEGREE**

(Signature of Circulator)

(Permanent Residence Address)

(City or Village, State and Zip Code)