

By:.....**Mr. Fairchild**

No.....**31814-20**

AN ORDINANCE

Amending Section 93.70 of the Revised
Code of General Ordinances, and Declaring
an Emergency.

WHEREAS, On March 9, 2020, the Governor of the State of Ohio declared a State of Emergency to exist in Ohio as result of the threat of COVID-19; and,

WHEREAS, On March 12, 2020, the Mayor of Dayton declared a local emergency based on the COVID-19 pandemic; and,

WHEREAS, During this local emergency and in the interest of protecting the public health and preventing transmission of COVID-19, it is essential to avoid unnecessary housing displacement to protect the City's affordable housing stock and to prevent housed individuals from falling into homelessness; and,

WHEREAS, The Commission wishes to amend the Dayton Revised Code of General Ordinances ("R.C.G.O.") to set a maximum amount on late fees charged due to late rent payments, as well as require rent receipts to be provided when rent is paid by cash or money order; and,

WHEREAS, This Commission finds it in the best interest of the City to amend Section 93.70 R.C.G.O.; and,

WHEREAS, To ensure that this R.C.G.O amendment is timely implemented and to provide for the immediate preservation of the public peace, property, health and safety, it is necessary that this Ordinance take effect at the earliest possible date; now, therefore,

BE IT ORDAINED BY THE COMMISSION OF THE CITY OF DAYTON:

Section 1. That Section 93.70 of the R.C.G.O. be, and hereby is, amended to read as follows:

Sec. 93.70 – Landlords and Tenants

(a) Limitation of Fees Charged by Landlord. If a rental agreement includes a provision that authorizes the landlord to assess the tenant a fee for late payment of the monthly rent, the total amount of that late payment fee for any month may not exceed the larger of: (i) twenty-five dollars (\$25.00); or (ii) five percent (5%) of the monthly contract rent.

The landlord shall not: (i) Charge interest on a late fee; or (ii) Impose a late fee more than one time on a tenant's single late payment of rent.

The provisions of this section do not apply to housing units owned or managed by political subdivisions, state or local governments, and any subsidiary where the majority owner is a political subdivision, state or local government.

The provisions of this section apply to any leases in effect prior to the effective date of this Ordinance, and all leases after the effective date of this Ordinance.

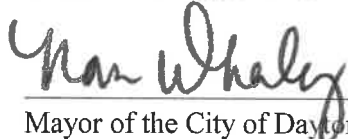
(b) Rent Receipts. When a tenant provides a security deposit, the landlord shall provide the tenant with a signed receipt for the security deposit and all rental payments if made by cash or by money order, at the time the security deposit or rental payments are made.

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

Section 2. That for the reasons stated in the preamble hereof, the Commission declares this Ordinance to be an emergency measure which shall take effect immediately upon its adoption.

PASSED BY THE COMMISSION.....**June 3**....., 2020

SIGNED BY THE MAYOR.....**June 3**....., 2020



Mayor of the City of Dayton, Ohio

Attest:



Clerk of the Commission

Approved as to form:



City Attorney