

# Cincinnati Municipal Code

## Chapter 740 - DISPLACEMENT AND RELOCATION BENEFITS FOR CITY-ASSISTED PROJECTS

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### Sec. 740-1. - Policy.

The council declares that it is city policy in the planning and administration of every city property acquisition project or city housing or development assistance program to minimize the adverse effects of involuntary displacement of persons from their homes, businesses and neighborhoods.

(Ordained by Ord. No. 238-1990, eff. June 4, 1990; a. Ord. 299, eff. Aug. 17, 1992; a. Ord. No. 268-1999, eff. June 23, 1999)

### Sec. 740-3. - Definitions.

As used in this chapter:

- (a) "City Assistance" means providing a developer with:
  - (1) Tax increment financing;
  - (2) Land acquired through eminent domain or at a price less than the acquisition cost to the city; or
  - (3) Any city-funded housing or economic development loan or grant program.
- (b) "Business occupant" means the owner of a business exclusively occupying a place of business:
  - (1) for the conduct of a lawful business;
  - (2) in conformity with zoning regulations applicable to the zone district in which the business is located or is a lawful nonconforming use;
  - (3) in compliance with applicable licensing laws and ordinances; and
  - (4) as property owner or pursuant to a valid lease or rental agreement.
- (b) "Residential tenant" means any person or household lawfully occupying under a valid written or rental agreement any single-family dwelling, apartment, or sleeping room for 180 days or more.

(Ordained by Ord. No. 238-1990, eff. June 4, 1990; a. Ord. 299-1992, eff. Aug. 17, 1992; a. Ord. No. 268-1999, eff. June 23, 1999)

### Sec. 740-5. - Residential Relocation Benefits.

Any residential homeowner or residential tenant involuntarily displaced from a dwelling as a direct result of any city property acquisition or project or program receiving city assistance shall be entitled to relocation benefits from the city.

Relocation benefits under this section shall include a relocation payment not to exceed \$650 for reasonable moving expenses and a replacement housing payment to enable the displaced homeowner or tenant to lease, rent or purchase a decent, safe and sanitary replacement dwelling. Subject to the provisions of this chapter, the guidelines of the U. S. Department of Housing and Urban Development Handbook 1378, Tenant Assistance, Relocation, and Real Property Acquisition shall be used for the computation of the replacement housing payment. The maximum payment shall be \$4,000 to a displaced homeowner and \$2,000 to a displaced tenant. (Ordained by Ord. No. 238-1990, eff. June 4, 1990; a. Ord. 299-1992, eff. Aug. 17, 1992; a. Ord. No. 268-1999, eff. June 23, 1999)

Sec. 740-7. - Business Relocation Benefits.

Any business occupant involuntarily displaced as a direct result of any city property acquisition or project receiving city assistance shall be entitled to reimbursement for moving expenses, including reestablishment expenses, up to \$20,000. Subject to the provisions of this chapter, the guidelines of the U. S. Department of Housing and Urban Development Handbook 1378, Tenant Assistance, Relocation, and Real Property Acquisition shall be used for the computation of the reestablishment expense payment.

(Ordained by Ord. No. 238-1990, eff. June 4, 1990; a. Ord. 299-1992, eff. Aug. 17, 1992; a. Ord. No. 268-1999, eff. June 23, 1999)

Sec. 740-9. - Rules and Regulations.

Payments under this chapter shall be subject to such rules and regulations as may be prescribed by the city solicitor. Such rules and regulations shall limit relocation benefits under this chapter to persons who are not eligible for payments from other sources which are equal or greater to payments herein and may further define expenses eligible for reimbursement. In addition, the rules and regulations shall establish a time limit on application for benefits.

(Ordained by Ord. No. 238-1990, eff. June 4, 1990; a. Ord. 299-1992, eff. Aug. 17, 1992; a. Ord. No. 268-1999, eff. June 23, 1999)

**Sec. 740-11. - Discrimination Against Government Housing Allowance Recipients Forbidden.**

It is unlawful for owners of residential rental units or their agents to refuse to rent a vacant dwelling unit, to evict any person or otherwise discriminate in the terms of tenancy solely because a tenant or prospective tenant is a holder of a Certificate of Family Participation under the Section 8 Existing Housing Program of the Housing and Community for Development Act of 1974, as amended, or is a recipient of any other government housing allowance program. (Ordained by Ord. No. 238-1990, eff. June 4, 1990; a. Ord. 299-1992, eff. Aug. 17, 1992; a. Ord. No. 268-1999, eff. June 23, 1999)

Sec. 740-13. - Affirmative Marketing.

Any owner of residential rental units who is the recipient of city assistance shall for a period of 15 years from the receipt of such assistance Affirmatively Market the availability of such units to government housing allowance recipients. "Affirmatively Market" shall mean advertising the availability of the rental unit to government housing allowance recipients in a newspaper of general circulation throughout the city and giving notice of availability to government housing assistance offices, at least ten days in advance of renting the unit to any person other than a recipient of government housing allowance assistance. If 25 percent of the units are already rented to recipients of government housing assistance at the time that a vacancy occurs, the owner need not Affirmatively Market the availability of the rental unit to government housing allowance recipients. This Section shall not be construed to limit the rent that may be charged for such units.

(Ordained by Ord. No. 238-1990, eff. June 4, 1990; a. Ord. 299-1992, eff. Aug. 17, 1992; a. Ord. No. 268-1999, eff. June 23, 1999)

Sec. 740-99. - Civil Remedy.

The rights granted by Section 740-11 may be enforced by civil action. The court may grant injunctive or other relief, and award to the tenant actual damages or \$300, whichever is greater, and punitive damages, together with court costs, and shall award reasonable attorney fees to a prevailing tenant.

(Ordained by Ord. No. 238-1990, eff. June 4, 1990; a. Ord. 299-1992, eff. Aug. 17, 1992; a. Ord. No. 268-1999, eff. June 23, 1999)