



12650 DETROIT AVENUE 44107 216-529-6055

www.lakewoodoh.gov

Lakewood City Council
JOHN LITTEN, PRESIDENT
SARAH KEPPLER, VICE PRESIDENT

Council at Large
THOMAS R. BULLOCK III
TRISTAN RADER
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Ward Council
KYLE BAKER, WARD 1
JASON SHACHNER, WARD 2
JOHN LITTEN, WARD 3
CINDY MARX, WARD 4

Issued 01/27/23

PUBLIC NOTICE HOUSING, PLANNING, & DEVELOPMENT COMMITTEE

The Housing, Planning, & Development Committee will meet Monday January 30, 2023 at 6:30 p.m. in the City Hall Auditorium at 12650 Detroit Ave. The meeting is open to the public.

Individuals with disabilities who require accommodations for participation in meetings must request accommodations at least 3 business days ahead of the scheduled meeting. Contact Michelle Nochta at (216) 529-5906 michelle.nochta@lakewoodoh.net.

The meeting will be livestreamed on the City's website at the following link:

www.lakewoodoh.gov/councilvideos

PUBLIC COMMENT PROTOCOL (Updated 6/21)

The public is invited to comment on agenda items in person or by submitting a written comment in advance of the meeting using the eComment platform available [HERE](#). New users must create an eComment account.

The agenda is as follows:

Approval of the minutes of the November 21, 2022 Housing, Planning & Development Committee meeting.

ORDINANCE 02-2023 - AN ORDINANCE to take effect immediately provided it receives the vote of at least two thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, expanding rental rights within the City of Lakewood by allowing renters who tender their full rent plus any additional late fees and court costs prior to completion of eviction proceedings to avoid eviction for late payment of rent and setting reasonable late fees that a landlord may charge a tenant. (*1st read & referred to HPD 1/17/23*)

Communication from Councilmembers Rader & Shachner regarding affordable housing. (*Referred to HPD 10/4/21*)

Communication from Councilmember Shachner and Mayor George regarding housing options for aging in place. (*Referred to HPD 10/18/21*)

Tom Bullock, Chair

Jason Shachner, Sarah Kepple Members

HOUSING, PLANNING, & DEVELOPMENT COMMITTEE

ORDINANCE NO. 02-2023

By:

AN ORDINANCE to take effect immediately provided it receives the vote of at least two thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, expanding rental rights within the City of Lakewood by allowing renters who tender their full rent plus any additional late fees and court costs prior to completion of eviction proceedings to avoid eviction for late payment of rent and setting reasonable late fees that a landlord may charge a tenant.

WHEREAS, Ordinance No. 12-2021A, also known as “pay to stay” legislation in the City of Lakewood, was originally introduced as part of a multi-faceted government and public health response to the COVID-19 pandemic and is scheduled to expire on February 28, 2023; and

WHEREAS, this Council recognizes the positive impact “pay to stay” has had on tenants and landlords and seeks to maintain that positive impact; and

WHEREAS, this Council values the role of Ordinance No. 12-2021A in stabilizing housing for vulnerable renters and forecasts the ongoing need for “pay to stay” protections; and

WHEREAS, “pay to stay” prevents tenants from experiencing one of life’s most traumatic and destabilizing events, while also enabling landlords to be made financially whole; and

WHEREAS, Council understands that housing instability and eviction have far reaching negative impacts on education, access to safe, healthy housing, and proximity to employment opportunities; and

WHEREAS, Council seeks to make permanent the protections and benefits of Ordinance No. 12-2021A that proved beneficial to all parties and was met with widespread public support; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this ordinance is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments, in that the ordinance will help ensure stable housing for vulnerable renters while enabling landlords to be made financially whole; now, therefore

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LAKEWOOD:

Section 1. That a new unnumbered section of the Codified Ordinances titled Pay to Stay is hereby enacted to read as follows:

XXX.XX Pay to Stay in Rental Eviction Proceedings.

For any eviction action for non-payment of rent, the following shall apply to all residential leases within the City of Lakewood:

(A) Tenant’s right to pay to stay prior to the filing of an eviction action (Complaint for Forcible Entry

and Detainer):

- (1) At any time prior to the filing of an action under Ohio Revised Code 1923 for nonpayment of rent by a landlord, a tenant shall have the right to pay the landlord all past due rent with reasonable late fees to avoid the filing of such action for the restitution of the lands or tenements. If the tenant tenders all accrued rent and reasonable late fees to the landlord, the landlord shall accept the tendered payment and allow the tenant to maintain the tenancy.
- (2) If the tenant tenders all past due rent with reasonable late fees to the landlord prior to the filing of an action under Ohio Revised Code 1923 and the landlord refuses the tender, the tenant's tender of all past due rent with reasonable late fees shall be an affirmative defense to any action filed by the landlord against the tenant for nonpayment of rent.

(B) Tenant's right to pay to stay prior to an eviction judgment (Entry of Restitution):

- (1) After the filing of an action under Ohio Revised Code 1923 for nonpayment of rent but prior to a judgment, the tenant shall have the right to pay the landlord all past due rent, reasonable late fees and court costs so that the tenant may maintain the tenancy. If the tenant tenders all past due rent amounts, including late fees and court costs, the landlord must accept the payment. Upon receipt of the payment, the landlord shall dismiss the action against the tenant.
- (2) If the tenant tenders all past due rent with reasonable late fees and court costs to the landlord prior to a judgment and the landlord refuses the tender, the tenant's tender of all past due rent, reasonable late fees and court costs shall be an affirmative defense to the eviction action filed by the landlord against the tenant for nonpayment of rent.

(C) Tenant's right to pay to stay prior to the execution of the eviction judgment (Writ of Restitution):

- (1) After the filing of an action under Ohio Revised Code 1923 for nonpayment of rent but prior to the execution of the eviction judgment through a writ of restitution, the tenant shall have the right to pay the landlord all past due rent, reasonable late fees and court costs, including the cost of obtaining the writ, so that the tenant may maintain the tenancy. If the tenant tenders all past due rent amounts, including reasonable late fees and court costs, the landlord must accept the payment. Upon receipt of the payment, the landlord shall notify the court who shall vacate the eviction judgment and dismiss the eviction action against the tenant.
- (2) If the tenant tenders all past due rent with reasonable late fees and court costs to the landlord prior to the execution of the eviction judgment through a writ of restitution and the landlord refuses the tender, the bailiff shall not enforce the eviction judgment until the court instructs the bailiff to do so after an emergency hearing on the tenant's right to pay and stay at the premises. If the court finds during the emergency hearing that the tenant tendered all past due rent, reasonable late fees and court costs, the court shall vacate the eviction judgment and dismiss the eviction action against the tenant.

(D) The "payment" or "tender" of "all past due rent," as used in the sections above, shall include payment by the tenant, or by a third party on behalf of the tenant, of all past due rent, reasonable late fees, and court costs and shall include rental-assistance vouchers issued by an accredited government, quasi-government, or nonprofit entity that are redeemable or convertible on demand without condition into legal tender by the landlord.

(E) Late fees:

If a rental agreement includes a provision that authorizes the landlord to assess the tenant a fee for late payment of the monthly rent, 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.

(F) Rent receipt required:

The landlord shall provide the tenant with a signed receipt for the security deposit and all rental payments except for payments made by personal check of the tenant, at the time the security deposit or rental payments are made.

(G) 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 Council/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. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including R.C. Section 121.22.

Section 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this ordinance, and provided it receives the affirmative vote of at least two thirds of the members of Council this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

John Litten, Council President

Maureen M. Bach, Council Clerk

Approved: _____

Meghan F. George, Mayor



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Ward Council
TESS NEFF, WARD 1
JASON SHACHNER, WARD 2
JOHN LITTEN, WARD 3
DANIEL O'MALLEY, WARD 4

Dear Colleagues,

The rising popularity of Lakewood as a place to live coupled with a shortage of available homes has resulted in an increase in housing prices. This has made housing affordability a significant concern. Lakewood is the City of Homes with a long tradition of housing that is affordable and accessible. Affordable housing is central to making Lakewood a place for all.

We are consistently hearing concerns about housing affordability the community and we recognize that Lakewood's adoption of an affordable housing strategy was an important step in addressing the public's concern about this issue.

This year's appraisal by the county provides a reminder of the challenge in realizing our vision for affordable housing. Reporting on 2021 appraisals repeatedly cites Lakewood as an example of "explosive increases" in prices, with future increases likely. With this challenge comes an opportunity to adapt and grow our strategy.

The Housing, Planning & Development Committee will convene a series of hearings, to review this latest news, provide the public an opportunity to learn about the numerous programs that the City has implemented to address this issue, and receive input from the community about how we can best address their housing needs. The Committee will bring together all organizations and stakeholders whose input is vital to our continued work on this issue, including Lakewood Community Service Center, LakewoodAlive, the Fair Housing Center, tenants, landlords, homeowners of varying means, and seniors.

We respectfully request the referral of this communication to the Housing, Planning & Development Committee, and look forward to organizing a broad and productive conversation.

Move to receive and file this report.

Sincerely,

Tristan Rader
At-Large

Jason Shachner
Ward 2



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October 18, 2021

City Council
City of Lakewood
12650 Detroit Avenue
Lakewood, Ohio 44107

RE: Housing Options for Aging in Place

Dear Council President O'Malley & Members of City Council:

With our great location along the shores of Lake Erie, near the major job centers of the Cleveland region, with access to interstates and public transit, the provision of high-quality public services, and opportunity to attend great schools, Lakewood has long been a top community for people to call home. To help ensure that Lakewood remains a community of choice for residents of all ages, we have been working to identify and eliminate housing barriers that limit the ability for empty-nesters and seniors to age in place and support recent trends in intergenerational living.

In this regard, the Department of Planning and Development has been investigating these barriers and has recently presented the Planning Commission with its findings and recommendations. It is now appropriate to move this discussion to the Housing, Planning, and Development Committee and, with the Planning Commission, develop legislation that will eliminate barriers and create housing opportunities for seniors.

We look forward to thoughtfully and pragmatically making versatile housing options available to Lakewoodites.

Sincerely,

Jason Shachner
City Councilperson
Ward 2

Meghan F. George
Mayor