



## Legislation Text

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**File #:** O-200-20, **Version:** 1

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Council Members Gadus, Komives and Melden

### **Enacting Toledo Municipal Code Sections 933.07(c) and 933.12, Voluntary Termination of Water Services.**

#### **SUMMARY & BACKGROUND:**

The purpose of this Ordinance is to address the serious health, safety, and economic concerns where water service is terminated at a rental property due to no fault of the tenant. First, this frequently arises when the property owner/account holder fails to make payment on the water bill. This ordinance clarifies and ensures that non-owners may make payment arrangements with the City to avoid a termination of services for nonpayment, and that options for such repayment will never cost more than those available to the Owner. It also ensures adequate notice to the tenant as well as the right to set off such payments against future rental payments. Second, this problem also arises when a request to terminate water services is made by a property owner/account holder in order to effectively evict someone from a property. Such conduct cannot be allowed in the City of Toledo. This ordinance ensures appropriate access to essential water services in both of these circumstances.

NOW, THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That a new Section 933.07(c) is hereby enacted to read as follows:

#### **933.07. Owners to contract.**

(c) (1) Notwithstanding 933.07(a) and 933.07(b) above, any non-owner may make payment arrangements directly with the City of Toledo's Department of Public Utilities in order to avoid a disconnection of water services due to nonpayment, or cause reconnection of services which were disconnected due to nonpayment.

(2) Before terminating water services for nonpayment, the Department of Public Utilities must provide a notice to the address where services will be terminated at least thirty days before termination setting forth all options to avoid a termination of services for nonpayment that may be available.

(3) The amount of the payment(s) that the City of Toledo's Department of Public Utilities may charge a non-owner pursuant to (c)(1) above shall never equal more than the amount that it would charge the Owner to avoid the disconnection or cause a reconnection.

(4) The options available to non-owners to make payment(s) under (c)(1) above shall, at a minimum, include the same options available to the Owner.

(5) Nothing in this section shall be construed to prohibit a non-owner from asserting a

claim against an Owner for payment(s) made under (c)(1), or deducting the amount of payment (s) made under (c)(1) from any future rental payment, pursuant to O.R.C. 1923, O.R.C. 5321, any common law right of set-off against rent, or other similar rights. If a tenant makes arrangements with the Department of Public Utilities to pay for the arrearage of the Owner who is in default in order to avoid disconnection of water service for nonpayment, or to cause reconnection of service so disconnected, the tenant shall have the right to deduct the amount of such payment(s) from any future payment of rent to that Owner.

(6) The City of Toledo Department of Public Utilities shall provide to the non-owner a receipt(s) for any payment(s) made pursuant to (c)(1) above.

(7) Nothing in this section shall be construed to require the City of Toledo Department of Public Utilities to open an account in the name of a non-owner.

SECTION 2. That a new Section 933.12, entitled “Voluntary Termination of Water Service,” is hereby enacted to read as follows:

**933.12. Voluntary Termination of Water Service.**

A customer of record may request water service be terminated to the premises, except where the request is being made for the purpose of evicting any tenants at the affected premises. No water service will be turned off by the city at the request of a customer of record where the premises are currently occupied unless the turn-off request is requested in order to repair or maintain water lines at the premises.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 4. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council  
\_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council