



Mayor Nan Whaley  
101 West Third Street  
Dayton, Ohio 45402

March 23, 2021

Sent via electronic mail

Mayor Whaley,

On behalf of the more than 3,000 members of the Dayton REALTORS®, we write to express opposition to the proposed pay-to-stay ordinance before the City Commission.

While Dayton REALTORS® recognize the impact that the COVID-19 pandemic has placed on the tenants of our City, the proposed ordinance represents an unnecessary intrusion into private contractual relationships and contains vague language that could result in further confusion on behalf of tenants and landlords alike.

By enacting a pay-to-stay ordinance without exempting rental agreements that pre-date its effective date, the City may expose itself to the possibility of having to defend against Contract Clause claims brought by affected landlords. The City could avoid this by revising the pay-to-stay ordinance to make clear that it only applies prospectively, to rental agreements that are entered into after the effective date of the ordinance.

Additionally, the proposed language does not fully compensate landlords for the expenses incurred in having to initiate an eviction proceeding. Further, nothing in the pay-to-stay ordinance would compensate the landlord for the time and effort expended throughout the eviction process, including their time spent delivering the required three-day notice, preparing and filing the complaint, and preparing for the eviction trial. We respectfully request that the City revise the ordinance so that tenants who exercise their right to pay-to-stay after the filing of an eviction proceeding are also required to pay the landlord's reasonable attorney's fees incurred in pursuing the action.

It is our hope that you will take the following changes into consideration before enacting the ordinance. We are happy to answer any questions you may have. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Carlton Jackson", with a long, sweeping horizontal line extending to the right.

Carlton Jackson, CEO  
Dayton REALTORS®