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Committee**

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H. B. No. 230

Representatives Gonzales, Ginter

**Cosponsors: Representatives Greenspan, Dean, Johnson, Bocchieri, Retherford,
Hughes, Goodman, Antani**

A BILL

To amend sections 4781.40, 5301.072, 5311.191, and 5321.131 of the Revised Code to prohibit manufactured home park operators, condominium associations, neighborhood associations, and landlords from restricting the display of the thin blue line flag.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4781.40, 5301.072, 5311.191, and 5321.131 of the Revised Code be amended to read as follows:

Sec. 4781.40. (A) (1) The park operator shall offer each home owner a written rental agreement for a manufactured home park lot for a term of one year or more that contains terms essentially the same as any alternative month-to-month rental agreement offered to current and prospective tenants and owners. The park operator shall offer the minimum one-year rental agreement to the owner prior to installation of the home in the manufactured home park or, if the home is in the manufactured home park, prior to the expiration of the owner's existing

rental agreement. 18

(2) The park operator shall deliver the offer to the owner 19
by certified mail, return receipt requested, or in person. If 20
the park operator delivers the offer to the owner in person, the 21
owner shall complete a return showing receipt of the offer. If 22
the owner does not accept the offer, the park operator is 23
discharged from any obligation to make any further such offers. 24
If the owner accepts the offer, the park operator shall, at the 25
expiration of each successive rental agreement, offer the owner 26
another rental agreement, for a term that is mutually agreed 27
upon, and that contains terms essentially the same as the 28
alternative month-to-month agreement. The park operator shall 29
deliver subsequent rental offers by ordinary mail or personal 30
delivery. If the park operator sells the manufactured home park 31
to another manufactured home park operator, the purchaser is 32
bound by the rental agreements entered into by the purchaser's 33
predecessor. 34

(3) If the park operator sells the manufactured home park 35
for a use other than as a manufactured home park, the park 36
operator shall give each tenant and owner a written notification 37
by certified mail, return receipt requested, or by handing it to 38
the tenant or owner in person. If the park operator delivers the 39
notification in person, the recipient shall complete a return 40
showing receipt of the notification. This notification shall 41
contain notice of the sale of the manufactured home park, and 42
notice of the date by which the tenant or owner shall vacate. 43
The date by which the tenant shall vacate shall be at least one 44
hundred twenty days after receipt of the written notification, 45
and the date by which the owner shall vacate shall be at least 46
one hundred eighty days after receipt of the written 47
notification. 48

(B) A park operator shall fully disclose in writing all fees, charges, assessments, including rental fees, and rules prior to a tenant or owner executing a rental agreement and assuming occupancy in the manufactured home park. No fees, charges, assessments, or rental fees so disclosed may be increased nor rules changed by a park operator without specifying the date of implementation of the changed fees, charges, assessments, rental fees, or rules, which date shall be not less than thirty days after written notice of the change and its effective date to all tenants or owners in the manufactured home park, and no fee, charge, assessment, or rental fee shall be increased during the term of any tenant's or owner's rental agreement. Failure on the part of the park operator to fully disclose all fees, charges, or assessments shall prevent the park operator from collecting the undisclosed fees, charges, or assessments. If a tenant or owner refuses to pay any undisclosed fees, charges, or assessments, the refusal shall not be used by the park operator as a cause for eviction in any court.

(C) (1) A park operator shall promulgate rules governing the rental or occupancy of a lot in the manufactured home park. The rules shall not be unreasonable, arbitrary, or capricious. A copy of the rules and any amendments to them shall be delivered by the park operator to the tenant or owner prior to signing the rental agreement. A copy of the rules and any amendments to them shall be posted in a conspicuous place upon the manufactured home park grounds.

(2) No park operator shall include any restriction in a rental agreement against, or otherwise prohibit on a tenant's or owner's rental property, any of the following:

(a) The display of the flag of the United States or the

national league of families POW/MIA flag if the flag is	79
displayed in accordance with any of the following:	80
(i) The patriotic customs set forth in 4 U.S.C. 5-10, and	81
36 U.S.C. 902, governing the display and use of the flag;	82
(ii) Federal law, state law, or any local ordinance or	83
resolution;	84
(iii) A proclamation of the president of the United States	85
or the governor of the state.	86
(b) The display of the state flag as defined in section	87
5.01 of the Revised Code if the flag is displayed in accordance	88
with state law, any local ordinance or resolution, or	89
proclamation by the governor of the state;	90
(c) The display of a service flag approved by the United	91
States secretary of defense for display in a window of the	92
residence of a member of the immediate family of an individual	93
serving in the armed forces of the United States. A service flag	94
includes a blue star banner, a gold star banner, and any other	95
flag the secretary of defense designates as a service flag;	96
<u>(d) The display of a thin blue line flag or emblem on a</u>	97
<u>flag pole, through the use of a bracket, or in a window in</u>	98
<u>accordance with any state law, any local ordinance or</u>	99
<u>resolution, or a proclamation by the governor of the state.</u>	100
(3) A tenant who requests to display the flag of the	101
United States or , <u>the national league of families POW/MIA flag,</u>	102
<u>or the thin blue line flag</u> at the rental property as provided in	103
division (C) (2) of this section through the use of a flag pole	104
shall contact the park operator with reasonable notice before	105
installation of the flag pole to discuss the following:	106

(a) Placement in compliance with any local zoning restrictions and the required underground utility service requests (OUPS);	107 108 109
(b) Cost of the materials and installation;	110
(c) Installation in a workerlike manner if installed at the tenant's request and expense;	111 112
(d) Any lighting required to comply with division (C) (2) (a) (i) of this section;	113 114
(e) The appropriate size of the flag and flag pole, which shall be consistent with the size and character of the building.	115 116
(4) A tenant who requests to display the flag of the United States or , <u>the national league of families POW/MIA flag, or the thin blue line flag</u> at the rental property as provided in division (C) (2) of this section through the use of a bracket to be permanently affixed to the manufactured home, shall contact the park operator with reasonable notice before installation of the bracket to discuss the following:	117 118 119 120 121 122 123
(a) Placement in compliance with any local zoning restrictions;	124 125
(b) Cost of the materials and installation;	126
(c) Preferred location of the bracket with installation to be performed in a workerlike manner if installed at the tenant's request and expense;	127 128 129
(d) Any lighting required to comply with division (C) (2) (a) (i) of this section;	130 131
(e) The appropriate size of the flag and flag pole, which shall be consistent with the size and character of the	132 133

manufactured home. 134

(5) A tenant who owns the manufactured home but leases the 135
lot and who requests to display the flag of the United States ~~or~~ 136
, the national league of families POW/MIA flag, or the thin blue 137
line flag at the rental property as provided in division (C) (2) 138
of this section through the use of a bracket to be permanently 139
affixed to the manufactured home, shall contact the park 140
operator with reasonable notice before installation of the 141
bracket to discuss the following: 142

(a) Placement in compliance with any local zoning 143
restrictions; 144

(b) Preferred location of the bracket to insure that there 145
will be no encroachment of the flag or bracket onto common areas 146
of the park; 147

(c) Any lighting required to comply with division (C) (2) 148
(a) (i) of this section; 149

(d) The appropriate size of the flag and flag pole, which 150
shall be consistent with the size and character of the 151
manufactured home and surrounding manufactured home park. 152

(6) A park operator who does not receive the notifications 153
required under divisions (C) (3) and (4) of this section is not 154
liable for any damages, fines, or costs associated with any 155
issues arising from the placement of the flag pole or the 156
bracket by the tenant. 157

(7) Any display of the flag of the United States ~~or~~, the 158
national league of families POW/MIA flag, or the thin blue line 159
flag shall use a flag or flag pole of an appropriate size, 160
consistent with the size and character of the manufactured homes 161
within the manufactured home park. 162

(8) Any violation of this division is against public 163
policy and unenforceable. Any provision of a rental agreement 164
that violates this division is an unconscionable term under 165
section 4781.48 of the Revised Code. 166

(9) Nothing in this division exempts a tenant from a 167
provision in a lease agreement that requires a tenant, at the 168
termination of a lease, to return the premises in the same 169
condition as they were in when the tenant took possession. 170

(10) As used in division (C) of this section, "thin blue 171
line flag" and "thin blue line emblem" mean a flag or emblem 172
used by law enforcement to commemorate fallen law enforcement 173
officers, to show support for living law enforcement officers, 174
and to symbolize the relationship of law enforcement with the 175
community as protectors of fellow citizens from criminal 176
elements. 177

(D) No park operator shall require an owner to purchase 178
from the park operator any personal property. The park operator 179
may determine by rule the style or quality of skirting, 180
equipment for tying down homes, manufactured or mobile home 181
accessories, or other equipment to be purchased by an owner from 182
a vendor of the owner's choosing, provided that the equipment is 183
readily available to the owner. Any such equipment shall be 184
installed in accordance with the manufactured home park rules. 185

(E) No park operator shall charge any owner who chooses to 186
install an electric or gas appliance in a home an additional fee 187
solely on the basis of the installation, unless the installation 188
is performed by the park operator at the request of the owner, 189
nor shall the park operator restrict the installation, service, 190
or maintenance of the appliance, restrict the ingress or egress 191
of repairpersons to the manufactured home park for the purpose 192

of installation, service, or maintenance of the appliance, nor 193
restrict the making of any interior improvement in a home, if 194
the installation or improvement is in compliance with applicable 195
building codes and other provisions of law and if adequate 196
utility services are available for the installation or 197
improvement. 198

(F) No park operator shall require a tenant to lease or an 199
owner to purchase a manufactured or mobile home from the park 200
operator or any specific person as a condition of or 201
prerequisite to entering into a rental agreement. 202

(G) No park operator shall require an owner to use the 203
services of the park operator or any other specific person for 204
installation of the manufactured or mobile home on the 205
residential premises or for the performance of any service. 206

(H) No park operator shall: 207

(1) Deny any owner the right to sell the owner's 208
manufactured home within the manufactured home park if the owner 209
gives the park operator ten days' notice of the intention to 210
sell the home; 211

(2) Require the owner to remove the home from the 212
manufactured home park solely on the basis of the sale of the 213
home; 214

(3) Unreasonably refuse to enter into a rental agreement 215
with a purchaser of a home located within the operator's 216
manufactured home park; 217

(4) Charge any tenant or owner any fee, charge, or 218
assessment, including a rental fee, that is not set forth in the 219
rental agreement or, if the rental agreement is oral, is not set 220
forth in a written disclosure given to the tenant or owner prior 221

to the tenant or owner entering into a rental agreement;	222
(5) Charge any owner any fee, charge, or assessment	223
because of the transfer of ownership of a home or because a home	224
is moved out of or into the manufactured home park, except a	225
charge for the actual costs and expenses that are incurred by	226
the park operator in moving the home out of or into the	227
manufactured home park, or in installing the home in the	228
manufactured home park and that have not been reimbursed by	229
another tenant or owner.	230
(I) If the park operator violates any provision of	231
divisions (A) to (H) of this section, the tenant or owner may	232
recover actual damages resulting from the violation, and, if the	233
tenant or owner obtains a judgment, reasonable attorneys' fees,	234
or terminate the rental agreement.	235
(J) No rental agreement shall require a tenant or owner to	236
sell, lease, or sublet the tenant's or owner's interest in the	237
rental agreement or the manufactured or mobile home that is or	238
will be located on the lot that is the subject of the rental	239
agreement to any specific person or through any specific person	240
as the person's agent.	241
(K) No park operator shall enter into a rental agreement	242
with the owner of a manufactured or mobile home for the use of	243
residential premises, if the rental agreement requires the owner	244
of the home, as a condition to the owner's renting, occupying,	245
or remaining on the residential premises, to pay the park	246
operator or any other person specified in the rental agreement a	247
fee or any sum of money based on the sale of the home, unless	248
the owner of the home uses the park operator or other person as	249
the owner's agent in the sale of the home.	250

(L) A park operator and a tenant or owner may include in a 251
rental agreement any terms and conditions, including any term 252
relating to rent, the duration of an agreement, and any other 253
provisions governing the rights and obligations of the parties 254
that are not inconsistent with or prohibited by sections 4781.36 255
to 4781.52 of the Revised Code or any other rule of law. 256

(M) Notwithstanding any other provision of the Revised 257
Code, the owner of a manufactured or mobile home may utilize the 258
services of a manufactured housing dealer or broker licensed 259
under Chapter 4781. of the Revised Code or a person properly 260
licensed under Chapter 4735. of the Revised Code to sell or 261
lease the home. 262

Sec. 5301.072. (A) No covenant, condition, or restriction 263
set forth in a deed, and no rule, regulation, bylaw, or other 264
governing document or agreement of a homeowners, neighborhood, 265
civic, or other association, shall prohibit or be construed to 266
prohibit any of the following: 267

(1) The placement on any property of a flagpole that is to 268
be used for the purpose of displaying the flag of the United 269
States, the flag of the state as defined in section 5.01 of the 270
Revised Code, ~~or~~ the national league of families POW/MIA flag, 271
or the thin blue line flag provided the flag and flag pole shall 272
be of an appropriate size, consistent with the size and 273
character of the buildings that are subject to the requirements 274
or agreements of a homeowner, neighborhood, civic, or other 275
association; 276

(2) The display on any property of the flag of the United 277
States or the national league of families POW/MIA flag if the 278
flag is displayed in accordance with any of the following: 279

(a) The patriotic customs set forth in 4 U.S.C. 5-10, and 36 U.S.C. 902 governing the display and use of the flag;	280 281
(b) The consent of the property's owner or of any person having lawful control of the property;	282 283
(c) The recommended flagpole standards set forth in "Our Flag," published pursuant to S.C.R. 61 of the 105th Congress, 1st Session (1998);	284 285 286
(d) Any federal law, proclamation of the president of the United States or the governor, section of the Revised Code, or local ordinance or resolution.	287 288 289
(3) The display on any property of the state flag as defined in section 5.01 of the Revised Code if the flag is displayed in accordance with any of the following:	290 291 292
(a) The consent of the property's owner or of any person having lawful control of the property;	293 294
(b) Any state law, local ordinance or resolution, or proclamation by the governor of the state.	295 296
(4) The display of a service flag approved by the United States secretary of defense for display in a window of the residence of a member of the immediate family of an individual serving in the armed forces of the United States. A service flag includes a blue star banner, a gold star banner, and any other flag the secretary of defense designates as a service flag.	297 298 299 300 301 302
<u>(5) The display of a thin blue line flag or emblem on any property on a flag pole, through the use of a bracket, or in a window if the flag is displayed in accordance with any of the following:</u>	303 304 305 306
<u>(a) The consent of the property's owner or of any person</u>	307

<u>having lawful control of the property;</u>	308
<u>(b) Any state law, local ordinance or resolution, or</u>	309
<u>proclamation by the governor of the state.</u>	310
(B) A covenant, condition, restriction, rule, regulation,	311
bylaw, governing document, or agreement or a construction of any	312
of these items that violates division (A) of this section is	313
against public policy and unenforceable in any court of this	314
state to the extent it violates that division.	315
<u>(C) As used in this section, "thin blue line flag" and</u>	316
<u>"thin blue line emblem" have the same meanings as in section</u>	317
<u>4781.40 of the Revised Code.</u>	318
Sec. 5311.191. (A) No declaration, bylaw, rule,	319
regulation, or agreement of a condominium property or	320
construction of any of these items by the board of managers of	321
its unit owners association shall prohibit any of the following:	322
(1) The placement of a flagpole that is to be used for the	323
purpose of displaying, or the display of the flag of the United	324
States or the national league of families POW/MIA flag on or	325
within the limited common areas and facilities of a unit owner	326
or on the immediately adjacent exterior of the building in which	327
the unit of a unit owner is located, if the flag is displayed in	328
accordance with any of the following:	329
(a) The patriotic customs set forth in 4 U.S.C. 5-10, and	330
36 U.S.C. 902, governing the display and use of the flag;	331
(b) The recommended flagpole standards set forth in "Our	332
Flag," published pursuant to S.C.R. 61 of the 105th Congress,	333
1st Session (1998);	334
(c) Any federal law, proclamation of the president of the	335

United States or the governor, section of the Revised Code, or 336
local ordinance or resolution. 337

(2) The placement of a flagpole that is to be used for the 338
purpose of displaying, or the display of the flag of the state 339
as defined in section 5.01 of the Revised Code on or within the 340
limited common areas and facilities of a unit owner or on the 341
immediately adjacent exterior of the building in which the unit 342
of a unit owner is located, if the flag is displayed in 343
accordance with any state law, local ordinance or resolution, or 344
proclamation by the governor of the state; 345

(3) The display of a service flag approved by the United 346
States secretary of defense for display in a window of the 347
residence of a member of the immediate family of an individual 348
serving in the armed forces of the United States. A service flag 349
includes a blue star banner, a gold star banner, and any other 350
flag the secretary of defense designates as a service flag. 351

(4) The display of a thin blue line flag or emblem on a 352
flag pole, through the use of a bracket, or in a window on or 353
within the limited common areas and facilities of a unit owner 354
or on the immediately adjacent exterior of the building in which 355
the unit of a unit owner is located, if the flag or emblem is 356
displayed in accordance with any state law, local ordinance or 357
resolution, or a proclamation by the governor of the state. 358

(B) Any display of the flag of the United States ~~or~~, the 359
national league of families POW/MIA flag, or the thin blue line 360
flag shall use a flag or flag pole of an appropriate size, 361
consistent with the size and character of the condominium 362
buildings and common areas. 363

(C) A declaration, bylaw, rule, regulation, or agreement 364

or the construction of any of these items that violates division 365
(A) of this section is against public policy and unenforceable 366
in any court of this state to the extent it violates that 367
division. 368

(D) As used in this section, "thin blue line flag" and 369
"thin blue line emblem" have the same meanings as in section 370
4781.40 of the Revised Code. 371

Sec. 5321.131. (A) No landlord shall include any 372
restriction in a rental agreement against, or otherwise prohibit 373
on a tenant's rental property, any of the following: 374

(1) The display of the flag of the United States or the 375
national league of families POW/MIA flag if the flag is 376
displayed in accordance with any of the following: 377

(a) The patriotic customs set forth in 4 U.S.C. 5-10, and 378
36 U.S.C. 902, governing the display and use of the flag; 379

(b) Federal law, state law, or any local ordinance or 380
resolution; 381

(c) A proclamation of the president of the United States 382
or the governor of the state. 383

(2) The display of the state flag as defined in section 384
5.01 of the Revised Code if the flag is displayed in accordance 385
with state law, any local ordinance or resolution, or 386
proclamation by the governor of the state; 387

(3) The display of a service flag approved by the United 388
States secretary of defense for display in a window of the 389
residence of a member of the immediate family of an individual 390
serving in the armed forces of the United States. A service flag 391
includes a blue star banner, a gold star banner, and any other 392

flag the secretary of defense designates as a service flag. 393

(4) The display of a thin blue line flag or emblem on a 394
flag pole, through the use of a bracket, or in a window if 395
displayed in accordance with any state law, local ordinance or 396
resolution, or proclamation by the governor of the state. 397

(B) (1) A tenant who requests to display the flag of the 398
United States ~~or,~~ the national league of families POW/MIA flag, 399
or a thin blue line flag at the rental property as provided in 400
~~division~~ divisions (A) (1) and (4) of this section through the 401
use of a flag pole shall contact the landlord with reasonable 402
notice before installation of the flag pole to discuss the 403
following: 404

(a) Placement in compliance with any local zoning 405
restrictions and the required underground utility service 406
requests (OUPS); 407

(b) Cost of the materials and installation; 408

(c) Installation in a workerlike manner if installed at 409
the tenant's request and expense; 410

(d) Any lighting required to comply with division (A) (1) 411
(a) of this section; 412

(e) The appropriate size of the flag and flag pole, which 413
shall be consistent with the size and character of the building. 414

(2) A tenant who requests to display the flag of the 415
United States ~~or,~~ the national league of families POW/MIA flag, 416
or a thin blue line flag at the rental property as provided in 417
~~division~~ divisions (A) (1) and (4) of this section through the 418
use of a bracket to be permanently affixed to the unit, shall 419
contact the landlord with reasonable notice before installation 420

of the bracket to discuss the following:	421
(a) Placement in compliance with any local zoning restrictions;	422 423
(b) Cost of the materials and installation;	424
(c) Preferred location of the bracket with installation to be performed in a workerlike manner if installed at the tenant's request and expense;	425 426 427
(d) Any lighting required to comply with division (A) (1) (a) of this section;	428 429
(e) The appropriate size of the flag and flag pole, which shall be consistent with the size and character of the building.	430 431
(C) A landlord who does not receive the notifications required under division (B) of this section is not liable for any damages, fines, or costs associated with any issues arising from the placement of the flag pole or the bracket by the tenant.	432 433 434 435 436
(D) Any violation of this section is against public policy and unenforceable. Any provision of a rental agreement that violates this section is an unconscionable term under section 5321.14 of the Revised Code.	437 438 439 440
(E) Nothing in division (B) of this section exempts a tenant from a provision in a lease agreement that requires a tenant, at the termination of a lease, to return the premises in the same condition as they were in when the tenant took possession.	441 442 443 444 445
Section 2. That existing sections 4781.40, 5301.072, 5311.191, and 5321.131 of the Revised Code are hereby repealed.	446 447