

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 397

Representatives Stewart, Kick

**Cosponsors: Representatives Bird, Click, Creech, Hall, John, Johnson, Lanese,
Miller, J., Plummer, Riedel, Swearingen, West, Young, T.**

A BILL

To enact section 5301.71 of the Revised Code to 1
revise the law regarding agricultural leases. 2

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

Section 1. That section 5301.71 of the Revised Code be 3
enacted to read as follows: 4

Sec. 5301.71. (A) As used in this section: 5

(1) "Agricultural lease agreement" means an agreement or 6
lease, written or oral, that establishes or modifies the terms, 7
conditions, rules, or any other provisions between a landlord 8
and tenant concerning the use and occupancy of real property by 9
one of the parties for agricultural purposes. 10

(2) "Agricultural purposes" means the use and occupancy of 11
real property for the planting, growing, and harvesting of crops 12
and all practices necessary for that planting, growing, and 13
harvesting. It does not mean the use and occupancy of real 14
property for pasture, timber, farm buildings, horticultural 15
buildings, or leases solely for equipment. 16

(3) "Landlord" means the owner or lessor of real property used for agricultural purposes that is authorized to receive remuneration from a tenant under an agricultural lease agreement, and has entered into, or has actual or constructive knowledge of, an agricultural lease agreement. 17
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(4) "Tenant" means the person entitled under an agricultural lease agreement to use real property for agricultural purposes to the exclusion of all others. 22
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(B)(1) Notwithstanding anything in Chapter 1335. of the Revised Code, if an agricultural lease agreement does not provide for a termination date or method for notice of termination of the agricultural lease agreement, the landlord shall provide the tenant with written notice of termination. The written notice shall be delivered on or before the first day of September, in the year the termination is to be effective, by personal delivery, facsimile, or electronic mail. 25
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(2) If notice of termination of an agricultural lease agreement is given pursuant to division (B)(1) of this section, the termination date for the agricultural lease agreement shall be the earlier of the following, unless otherwise agreed to, in writing, by the landlord and tenant: 33
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(a) The date harvesting or removal of crops is complete; 38

(b) The thirty-first day of December in the year in which the notice was given. 39
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(C) This section does not affect the requirements of section 5301.01 of the Revised Code. 41
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