

**As Reported by the House State and Local Government Committee**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 563**

**Representatives Fowler Arthur, Ferguson**

**Cosponsors: Representatives Jordan, Stein, Hillyer, Brinkman, Click, Plummer, Holmes, Creech, Loychik, Riedel, Merrin, Cross, Carruthers, Stoltzfus, Pavliga, Dean, Wiggam, Hall, Gross, Edwards, Johnson, Zeltwanger, McClain, John, Lampton, Stewart, Powell**

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**A BILL**

To amend section 5321.01 and to enact section 1  
5325.01 of the Revised Code to limit local 2  
regulation of short-term rental property. 3

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

**Section 1.** That section 5321.01 be amended and section 4  
5325.01 of the Revised Code be enacted to read as follows: 5

**Sec. 5321.01.** As used in this chapter: 6

(A) "Tenant" means a person entitled under a rental 7  
agreement to the use and occupancy of residential premises to 8  
the exclusion of others. 9

(B) "Landlord" means the owner, lessor, or sublessor of 10  
residential premises, the agent of the owner, lessor, or 11  
sublessor, or any person authorized by the owner, lessor, or 12  
sublessor to manage the premises or to receive rent from a 13  
tenant under a rental agreement. 14

(C) "Residential premises" means a dwelling unit for 15

residential use and occupancy and the structure of which it is a 16  
part, the facilities and appurtenances in it, and the grounds, 17  
areas, and facilities for the use of tenants generally or the 18  
use of which is promised the tenant. "Residential premises" 19  
includes a dwelling unit that is owned or operated by a college 20  
or university. "Residential premises" does not include any of 21  
the following: 22

(1) Prisons, jails, workhouses, and other places of 23  
incarceration or correction, including, but not limited to, 24  
halfway houses or residential arrangements that are used or 25  
occupied as a requirement of a community control sanction, a 26  
post-release control sanction, or parole; 27

(2) Hospitals and similar institutions with the primary 28  
purpose of providing medical services, and homes licensed 29  
pursuant to Chapter 3721. of the Revised Code; 30

(3) Tourist homes, hotels, motels, short-term rental 31  
properties, recreational vehicle parks, recreation camps, 32  
combined park-camps, temporary park-camps, and other similar 33  
facilities where circumstances indicate a transient occupancy; 34

(4) Elementary and secondary boarding schools, where the 35  
cost of room and board is included as part of the cost of 36  
tuition; 37

(5) Orphanages and similar institutions; 38

(6) Farm residences furnished in connection with the 39  
rental of land of a minimum of two acres for production of 40  
agricultural products by one or more of the occupants; 41

(7) Dwelling units subject to sections 3733.41 to 3733.49 42  
of the Revised Code; 43

(8) Occupancy by an owner of a condominium unit;	44
(9) Occupancy in a facility licensed as an SRO facility pursuant to Chapter 3731. of the Revised Code, if the facility is owned or operated by an organization that is exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or group of entities in which such an organization has a controlling interest, and if either of the following applies:	45 46 47 48 49 50 51
(a) The occupancy is for a period of less than sixty days.	52
(b) The occupancy is for participation in a program operated by the facility, or by a public entity or private charitable organization pursuant to a contract with the facility, to provide either of the following:	53 54 55 56
(i) Services licensed, certified, registered, or approved by a governmental agency or private accrediting organization for the rehabilitation of mentally ill persons, persons with developmental disabilities, adults or juveniles convicted of criminal offenses, or persons suffering from substance abuse;	57 58 59 60 61
(ii) Shelter for juvenile runaways, victims of domestic violence, or homeless persons.	62 63
(10) Emergency shelters operated by organizations exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, for persons whose circumstances indicate a transient occupancy, including homeless people, victims of domestic violence, and juvenile runaways.	64 65 66 67 68 69
(D) "Rental agreement" means any agreement or lease, written or oral, which establishes or modifies the terms, conditions, rules, or any other provisions concerning the use	70 71 72

and occupancy of residential premises by one of the parties.	73
(E) "Security deposit" means any deposit of money or property to secure performance by the tenant under a rental agreement.	74 75 76
(F) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.	77 78 79 80
(G) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.	81 82
(H) "Student tenant" means a person who occupies a dwelling unit owned or operated by the college or university at which the person is a student, and who has a rental agreement that is contingent upon the person's status as a student.	83 84 85 86
(I) "Recreational vehicle park," "recreation camp," "combined park-camp," and "temporary park-camp" have the same meanings as in section 3729.01 of the Revised Code.	87 88 89
(J) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	90 91
(K) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.	92 93
(L) "School premises" has the same meaning as in section 2925.01 of the Revised Code.	94 95
(M) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.	96 97 98
(N) "Preschool or child day-care center premises" has the	99

same meaning as in section 2950.034 of the Revised Code. 100

Sec. 5325.01. (A) As used in this section, "short-term rental property" means a house, apartment, condominium, cooperative unit, cabin, cottage, or bungalow, or one or more rooms therein, that is, or are, offered to transients or travelers for a fee for a period of thirty days or less, regardless of whether amenities, including meals, daily housekeeping, concierge services, or linen services, are provided. 101  
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(B) No county, township, or municipal corporation shall adopt or enforce any regulation, restriction, or other resolution or ordinance that does either of the following: 109  
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(1) Prohibits short-term rental properties; 112

(2) Regulates the number, duration, or frequency of rental periods for short-term rental properties. 113  
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(C) Division (B) of this section does not prohibit a county, township, or municipal corporation from enacting or enforcing a regulation, ordinance, or resolution that regulates, prohibits, or otherwise limits short-term rental properties, provided the regulation, prohibition, or limitation is enforced by the county, township, or municipal corporation in the same manner as for similar properties that are not short-term rental properties and is enacted for any of the following reasons: 115  
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(1) To protect public health, safety, and welfare related to fire and building safety, property maintenance, sanitation, traffic control, hazardous waste, or noise; 123  
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(2) To limit or prohibit use of property for any of the following purposes: 126  
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<u>(a) To house sex offenders as defined in section 2950.01</u>	128
<u>of the Revised Code;</u>	129
<u>(b) To manufacture, distribute, or sell beer or</u>	130
<u>intoxicating liquor, as defined in section 4301.01 of the</u>	131
<u>Revised Code, or drugs of abuse, as defined in section 3719.011</u>	132
<u>of the Revised Code;</u>	133
<u>(c) To operate an adult entertainment establishment as</u>	134
<u>defined in section 2907.39 of the Revised Code, or to produce</u>	135
<u>pornography or obscenity;</u>	136
<u>(d) To maintain a public nuisance.</u>	137
<b>Section 2.</b> That existing section 5321.01 of the Revised	138
Code is hereby repealed.	139