

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 281

Senator Schaffer

Cosponsors: Senators Romanchuk, Cirino, Antonio

A BILL

To amend section 122.99 and to enact section 1
122.631 of the Revised Code to authorize 2
reimbursements for landlords for lost revenue 3
due to a COVID-19-related federal eviction 4
moratorium. 5

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

Section 1. That section 122.99 be amended and section 6
122.631 of the Revised Code be enacted to read as follows: 7

Sec. 122.631. (A) As used in this section: 8

(1) "Landlord," "tenant," and "rental agreement" have the 9
same meanings as in section 5321.01 of the Revised Code. 10

(2) "Residential premises" has the same meaning as in 11
section 5321.01 of the Revised Code, except that "residential 12
premises" does not include a dwelling unit that is owned or 13
operated by a college or university or that is located outside 14
this state. 15

(3) "Federal eviction moratorium" means a federal law or 16
order that prohibits a landlord from evicting a tenant from a 17

residential premises for a prescribed period due to the COVID-19 18
pandemic, as enacted, issued, or extended in any of the 19
following: 20

(a) Section 4024 of the "Coronavirus Aid, Relief, and 21
Economic Security (CARES) Act," Pub. L. No. 116-136; 22

(b) The centers for disease control and prevention's 23
order, "Temporary Halt in Residential Evictions To Prevent the 24
Further Spread of COVID-19," 85 F.R. 55292; 25

(c) Section 502 of the "Consolidated Appropriations Act, 26
2021," Pub. L. No. 116-260; 27

(d) The centers for disease control and prevention's 28
order, "Temporary Halt in Residential Evictions To Prevent the 29
Further Spread of COVID-19," 86 F.R. 8020; 30

(e) The centers for disease control and prevention's 31
order, "Temporary Halt in Residential Evictions To Prevent the 32
Further Spread of COVID-19," 86 F.R. 16731; 33

(f) The centers for disease control and prevention's 34
order, "Temporary Halt in Residential Evictions To Prevent the 35
Further Spread of COVID-19," 86 F.R. 34010; 36

(g) The centers for disease control and prevention's 37
order, "Temporary Halt in Residential Evictions in Communities 38
with Substantial or High Levels of Community Transmission of 39
COVID-19 To Prevent the Further Spread of COVID-19," 86 F.R. 40
43244; 41

(h) Any other federal law or order that prohibits tenant 42
evictions due to the COVID-19 pandemic. 43

(B) A landlord may apply to the director of development 44
for a reimbursement under this section if both of the following 45

apply during a calendar year: 46

(1) A tenant was required, but failed, to pay any amount 47
owed to the landlord pursuant to a rental agreement between the 48
tenant and landlord. 49

(2) The landlord was prohibited from evicting that tenant 50
from the residential premises due to a federal eviction 51
moratorium. 52

The application shall be submitted on a form and in the 53
manner prescribed by the director not later than the thirty- 54
first day of January of the year following the calendar year 55
that is the basis of the application. If that deadline is before 56
the effective date of this section, the application shall be 57
submitted not later than thirty days after that effective date. 58
If the landlord owns or operates more than one residential 59
premises, the landlord may submit one application that includes 60
all such residential premises, or the landlord may submit a 61
separate application for each residential premises. The landlord 62
may not submit more than one application for each residential 63
premises for each calendar year. The application shall, at 64
minimum, include information and documentation sufficient to 65
establish that the landlord qualifies for the reimbursement for 66
each residential premises included in the application. The 67
application shall be signed only by the landlord or the 68
landlord's authorized agent. 69

(C) The director shall review and make a determination on 70
each application submitted under division (B) of this section 71
within thirty days of receipt. If the director determines that 72
the landlord qualifies for the reimbursement, the director shall 73
approve the application and make a payment to the landlord. If 74
the director determines that the landlord does not qualify for 75

some or all of the requested reimbursement, the director shall 76
send notice to the landlord denying the application, in whole or 77
in part, and stating the reasons for such denial, and the 78
landlord may appeal such denial in accordance with the rules 79
adopted under division (H) of this section. The director shall 80
approve not more than one reimbursement for a residential 81
premises in each calendar year. 82

(D) The amount of a reimbursement approved under this 83
section on the basis of a residential premises for each calendar 84
year shall equal the lesser of twelve thousand dollars or the 85
total amount of rent, utilities, penalties, interest, late fees, 86
and any other amount a tenant owed, but failed to pay, to the 87
landlord pursuant to a rental agreement between the landlord and 88
tenant for the lease of the residential premises for the period 89
in which the landlord was prohibited from evicting the tenant 90
due to a federal eviction moratorium during that calendar year, 91
reduced by any amount received during that calendar year by the 92
landlord in satisfaction of the tenant's obligation. 93

(E) The director shall pay a reimbursement approved under 94
this section to the landlord from funds provided through the 95
"Consolidated Appropriations Act, 2021," Pub. L. No. 116-260 or 96
the "American Rescue Plan Act of 2021," Pub. L. No. 117-2. 97

(F) If a landlord receives a payment in full or partial 98
satisfaction of a tenant's obligation that is the basis of a 99
reimbursement approved under this section, the landlord shall 100
notify the director of that payment on a form and in the manner 101
prescribed by the director not later than ninety days after the 102
landlord receives such payment. Together with that form, the 103
landlord shall also remit to the director the amount of such 104
payment, up to the amount of the reimbursement. If the director 105

determines that a landlord failed to notify the director of a 106
payment and remit such amount as required by this division, the 107
landlord shall be prohibited from applying for a reimbursement 108
under this section after that determination. 109

(G) No person shall make a false statement for the purpose 110
of obtaining a reimbursement under this section. 111

(H) The director of development may adopt rules in 112
accordance with Chapter 119. of the Revised Code governing the 113
appeals of reimbursement eligibility determinations under 114
division (C) of this section. The decision from such an 115
adjudication may be appealed under section 119.12 of the Revised 116
Code. 117

Sec. 122.99. Whoever knowingly violates division (A) (2) of 118
section 122.652 or division (A) (2) of section 122.656 of the 119
Revised Code is guilty of a felony and shall be fined not less 120
than ten thousand dollars or more than twenty-five thousand 121
dollars, or imprisoned not less than two years or more than four 122
years, or both. 123

Whoever recklessly violates division (G) of section 124
122.631 of the Revised Code is guilty of a felony of the fifth 125
degree, and the court may impose upon the offender an additional 126
fine of not more than seven thousand five hundred dollars. 127

Section 2. That existing section 122.99 of the Revised 128
Code is hereby repealed. 129