



OHIO REAL ESTATE INVESTORS ASSOCIATION

Dan Acton
House Bill 100 Proponent Testimony
House Government Oversight Committee
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Chairman Peterson, Vice Chairman Thomas, Ranking Member Forhan and members of the committee, my name is Dan Acton and I am the Government Affairs Director of the Ohio Real Estate Investors Association (OREIA). OREIA represents 13 local associations with over 3,000 members across Ohio. My background includes more than 40 years in the property management and ownership industry. I am providing a brief statement of support to House Bill 100.

I must first state that in examining this issue, it must be made clear that property owner members in our association are not seeking to prohibit tenants from the expression of patriotism, civic pride or solidarity with the police and displaying their pride in their service or that of a family member. Simply put we support the flag and what it stands for and many of our members are first responders themselves.

The Thin Blue Line flag is just one expression of support that may be provided by our community members. This flag should be permitted to fly not just in times of sorrowful remembrance, but in regular solidarity with the police in our communities.

OREIA does not oppose the effort to ensure that landlords and investor property owners cannot prevent tenants from displaying the Thin Blue Line flag. I am here today to offer support for House Bill 100 and to share the logistical side of implementing this law. I want to provide some historical context as you consider House Bill 100. In 2016, House Bill 18 passed and included much of the substance of House Bill 100. Allow me to explain our issues that were addressed in that bill that established the process for flying the U.S. flag and set up standards and processes for approved service flags for various armed services, POW/MIA, blue

and gold star banners and any other flags designated as service flags to be displayed.

I ask you to understand that rental property is different than owner-occupied property. As an owner-occupant, decisions you make are based on your desire to improve your property and express personal style and it is based on the ability to pay for the improvement and any unintended side effect of that improvement. In a rental property situation, many tenants are given limited abilities to make improvements to the unit because they are simply “borrowing” the unit during tenancy. Some changes like painting a room/bathroom, light landscaping, like a garden, are sometimes written into leases as permissible acts or they are done only after consultation with the landlord.

The actions proposed in House Bill 100 are similar in nature. Consider a tenant who moves into a unit this month and is at Home Depot and sees that there are flag kits on sale and wants to display their civic pride (or in this case support for a fallen family member) and makes the purchase. They come home and install the bracket to the wood post on the front porch or into the vinyl siding or perhaps in the brick or stucco. The tenant may believe themselves to be a Mr. Fix-it or a former “weekend warrior” and installs it themselves. However, in placing the bracket, it is not secure or pierces the wiring that runs the doorbell and may cause damage to the rental unit because of the installation.

Further consider someone that wants to install a flagpole at their rental property. As you know there are various things you must do prior to doing any digging. The Ohio Utilities Protection Service (OUPS) must be consulted to mark any underground utilities that may be under the surface, including cable, phone, water, sewer, gas. Also note that there may be other objects like irrigation lines and gutter drains that aren't marked by OUPS. Striking a gas line can cause significant cost, damage and disruption of service to many neighbors. Additionally, in many communities there are zoning restrictions that determine where an item may be placed on a property. These setbacks from property lines can be enforced retroactively. If a well-intentioned tenant places a flagpole within the property setback and a city inspector notices it, the property owner, not the tenant would receive a notice to move the flagpole and possibly pay a fine in the process. Should a landlord be responsible for moving the pole and paying a fine if they had no knowledge that it was being installed? What if the pole is improperly installed and it falls and damages a neighbor's property?

In discussions with the sponsors of former House Bill 18, they heard our concerns about the implementation of the law. We jointly crafted language that attempts to prevent damage and increase the safety of the tenant. House Bill 100 builds on compromises created in House Bill 18 which created a notification mechanism for the tenant to contact the landlord prior to the installation of a flag bracket or a flag pole to determine the appropriate location and the materials to be used to install these items. Installation would comply with all applicable laws and safety standards. The law allows lease provisions requiring a tenant to return the property to the condition of the property when they took possession. Finally, language would require the landlord or the tenant to contact a utilities protection service prior to any flagpole installation. The issue of notice to the landlord was discussed and what constitutes “appropriate notice”; is it 24 hours (similar to the notice that a landlord provides before entering the unit to do maintenance) or is a more broad “reasonable notice” standard? There are examples of both in landlord/tenant law. We all agreed on the more broad “reasonable notice” standard.

OREIA was concerned in the former bill with any damage arising from these installations and the ability to recoup charges for damage that occurs when notice is not provided. It was decided that there is not a need to add any further damage recovery requirements as landlords already maintain this ability in law. This concept was critical to our support of the bill. As stated earlier, tenants are simply borrowing the property during their leases, but as landlords we recognize that these are their homes and some personal touches are necessary to truly make it their home. In this instance, we are simply asking for notification and communication to facilitate a tenant’s display of patriotism.

Finally, as I mentioned in my introduction I want to stress the diversity of investors within OREIA. A great number of investors own single family homes, but there are many thousands of multifamily buildings as well. With regard to the multifamily houses, should there be a limitation on the housing parcel to one flag per type of an allowable flag, U.S, Gold Star, etc.? Please consider that a 12 unit could potentially have a similar number of flags, i.e., 12 flags for 12 units mounted on the structure, balconies, and flagpoles.

In conclusion, OREIA members are committed to protecting tenants and to create a comfortable living environment, but we have a vested interest in protecting our property investments as well. Thank you for the opportunity to testify in support of House Bill 100 and I will answer any questions you may have.