

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 100

Representative Miller, K.

**Cosponsors: Representatives Schmidt, Klopfenstein, Troy, Plummer, Young, T.,
Robb Blasdel, Hall, Jones, Carruthers, Abrams, Creech**

A BILL

To amend sections 4781.40, 5301.072, 5311.191, and 1
5321.131 of the Revised Code to prohibit 2
manufactured home park operators, condominium 3
associations, neighborhood associations, and 4
landlords from restricting the display of the 5
thin blue line flag and to name this act the 6
Chief Steven DiSario Act. 7

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

Section 1. That sections 4781.40, 5301.072, 5311.191, and 8
5321.131 of the Revised Code be amended to read as follows: 9

Sec. 4781.40. (A) (1) The park operator shall offer each 10
home owner a written rental agreement for a manufactured home 11
park lot for a term of one year or more that contains terms 12
essentially the same as any alternative month-to-month rental 13
agreement offered to current and prospective tenants and owners. 14
The park operator shall offer the minimum one-year rental 15
agreement to the owner prior to installation of the home in the 16
manufactured home park or, if the home is in the manufactured 17
home park, prior to the expiration of the owner's existing 18

rental agreement. 19

(2) The park operator shall deliver the offer to the owner 20
by certified mail, return receipt requested, or in person. If 21
the park operator delivers the offer to the owner in person, the 22
owner shall complete a return showing receipt of the offer. If 23
the owner does not accept the offer, the park operator is 24
discharged from any obligation to make any further such offers. 25
If the owner accepts the offer, the park operator shall, at the 26
expiration of each successive rental agreement, offer the owner 27
another rental agreement, for a term that is mutually agreed 28
upon, and that contains terms essentially the same as the 29
alternative month-to-month agreement. The park operator shall 30
deliver subsequent rental offers by ordinary mail or personal 31
delivery. If the park operator sells the manufactured home park 32
to another manufactured home park operator, the purchaser is 33
bound by the rental agreements entered into by the purchaser's 34
predecessor. 35

(3) If the park operator sells the manufactured home park 36
for a use other than as a manufactured home park, the park 37
operator shall give each tenant and owner a written notification 38
by certified mail, return receipt requested, or by handing it to 39
the tenant or owner in person. If the park operator delivers the 40
notification in person, the recipient shall complete a return 41
showing receipt of the notification. This notification shall 42
contain notice of the sale of the manufactured home park, and 43
notice of the date by which the tenant or owner shall vacate. 44
The date by which the tenant shall vacate shall be at least one 45
hundred twenty days after receipt of the written notification, 46
and the date by which the owner shall vacate shall be at least 47
one hundred eighty days after receipt of the written 48
notification. 49

(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 80
displayed in accordance with any of the following: 81

(i) The patriotic customs set forth in 4 U.S.C. 5-10, and 82
36 U.S.C. 902, governing the display and use of the flag; 83

(ii) Federal law, state law, or any local ordinance or 84
resolution; 85

(iii) A proclamation of the president of the United States 86
or the governor of the state. 87

(b) The display of the state flag as defined in section 88
5.01 of the Revised Code if the flag is displayed in accordance 89
with state law, any local ordinance or resolution, or 90
proclamation by the governor of the state; 91

(c) The display of a service flag approved by the United 92
States secretary of defense for display in a window of the 93
residence of a member of the immediate family of an individual 94
serving in the armed forces of the United States. A service flag 95
includes a blue star banner, a gold star banner, and any other 96
flag the secretary of defense designates as a service flag. 97

(d) The display of a thin blue line flag or emblem on a 98
flag pole, through the use of a bracket, or in a window in 99
accordance with any state law, any local ordinance or 100
resolution, or a proclamation by the governor of the state. 101

(3) A tenant who requests to display the flag of the 102
United States ~~or~~, the national league of families POW/MIA flag, 103
or the thin blue line flag at the rental property as provided in 104
division (C) (2) of this section through the use of a flag pole 105
shall contact the park operator with reasonable notice before 106
installation of the flag pole to discuss the following: 107

(a) Placement in compliance with any local zoning restrictions and the required underground utility service requests (OUPS);	108 109 110
(b) Cost of the materials and installation;	111
(c) Installation in a workerlike manner if installed at the tenant's request and expense;	112 113
(d) Any lighting required to comply with division (C) (2) (a) (i) of this section;	114 115
(e) The appropriate size of the flag and flag pole, which shall be consistent with the size and character of the building.	116 117
(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:	118 119 120 121 122 123 124
(a) Placement in compliance with any local zoning restrictions;	125 126
(b) Cost of the materials and installation;	127
(c) Preferred location of the bracket with installation to be performed in a workerlike manner if installed at the tenant's request and expense;	128 129 130
(d) Any lighting required to comply with division (C) (2) (a) (i) of this section;	131 132
(e) The appropriate size of the flag and flag pole, which shall be consistent with the size and character of the	133 134

manufactured home. 135

(5) A tenant who owns the manufactured home but leases the 136
lot and who requests to display the flag of the United States ~~or~~ 137
, the national league of families POW/MIA flag, or the thin blue 138
line flag at the rental property as provided in division (C) (2) 139
of this section through the use of a bracket to be permanently 140
affixed to the manufactured home, shall contact the park 141
operator with reasonable notice before installation of the 142
bracket to discuss the following: 143

(a) Placement in compliance with any local zoning 144
restrictions; 145

(b) Preferred location of the bracket to insure that there 146
will be no encroachment of the flag or bracket onto common areas 147
of the park; 148

(c) Any lighting required to comply with division (C) (2) 149
(a) (i) of this section; 150

(d) The appropriate size of the flag and flag pole, which 151
shall be consistent with the size and character of the 152
manufactured home and surrounding manufactured home park. 153

(6) A park operator who does not receive the notifications 154
required under divisions (C) (3) and (4) of this section is not 155
liable for any damages, fines, or costs associated with any 156
issues arising from the placement of the flag pole or the 157
bracket by the tenant. 158

(7) Any display of the flag of the United States ~~or~~, the 159
national league of families POW/MIA flag, or the thin blue line 160
flag shall use a flag or flag pole of an appropriate size, 161
consistent with the size and character of the manufactured homes 162
within the manufactured home park. 163

(8) Any violation of this division is against public 164
policy and unenforceable. Any provision of a rental agreement 165
that violates this division is an unconscionable term under 166
section 4781.48 of the Revised Code. 167

(9) Nothing in this division exempts a tenant from a 168
provision in a lease agreement that requires a tenant, at the 169
termination of a lease, to return the premises in the same 170
condition as they were in when the tenant took possession. 171

(10) As used in division (C) of this section, "thin blue 172
line flag" and "thin blue line emblem" mean a flag or emblem 173
used by law enforcement to commemorate fallen law enforcement 174
officers, to show support for living law enforcement officers, 175
and to symbolize the relationship of law enforcement with the 176
community as protectors of fellow citizens from criminal 177
elements. 178

(D) No park operator shall require an owner to purchase 179
from the park operator any personal property. The park operator 180
may determine by rule the style or quality of skirting, 181
equipment for tying down homes, manufactured or mobile home 182
accessories, or other equipment to be purchased by an owner from 183
a vendor of the owner's choosing, provided that the equipment is 184
readily available to the owner. Any such equipment shall be 185
installed in accordance with the manufactured home park rules. 186

(E) No park operator shall charge any owner who chooses to 187
install an electric or gas appliance in a home an additional fee 188
solely on the basis of the installation, unless the installation 189
is performed by the park operator at the request of the owner, 190
nor shall the park operator restrict the installation, service, 191
or maintenance of the appliance, restrict the ingress or egress 192
of repairpersons to the manufactured home park for the purpose 193

of installation, service, or maintenance of the appliance, nor 194
restrict the making of any interior improvement in a home, if 195
the installation or improvement is in compliance with applicable 196
building codes and other provisions of law and if adequate 197
utility services are available for the installation or 198
improvement. 199

(F) No park operator shall require a tenant to lease or an 200
owner to purchase a manufactured or mobile home from the park 201
operator or any specific person as a condition of or 202
prerequisite to entering into a rental agreement. 203

(G) No park operator shall require an owner to use the 204
services of the park operator or any other specific person for 205
installation of the manufactured or mobile home on the 206
residential premises or for the performance of any service. 207

(H) No park operator shall: 208

(1) Deny any owner the right to sell the owner's 209
manufactured home within the manufactured home park if the owner 210
gives the park operator ten days' notice of the intention to 211
sell the home; 212

(2) Require the owner to remove the home from the 213
manufactured home park solely on the basis of the sale of the 214
home; 215

(3) Unreasonably refuse to enter into a rental agreement 216
with a purchaser of a home located within the operator's 217
manufactured home park; 218

(4) Charge any tenant or owner any fee, charge, or 219
assessment, including a rental fee, that is not set forth in the 220
rental agreement or, if the rental agreement is oral, is not set 221
forth in a written disclosure given to the tenant or owner prior 222

to the tenant or owner entering into a rental agreement;	223
(5) Charge any owner any fee, charge, or assessment	224
because of the transfer of ownership of a home or because a home	225
is moved out of or into the manufactured home park, except a	226
charge for the actual costs and expenses that are incurred by	227
the park operator in moving the home out of or into the	228
manufactured home park, or in installing the home in the	229
manufactured home park and that have not been reimbursed by	230
another tenant or owner.	231
(I) If the park operator violates any provision of	232
divisions (A) to (H) of this section, the tenant or owner may	233
recover actual damages resulting from the violation, and, if the	234
tenant or owner obtains a judgment, reasonable attorneys' fees,	235
or terminate the rental agreement.	236
(J) No rental agreement shall require a tenant or owner to	237
sell, lease, or sublet the tenant's or owner's interest in the	238
rental agreement or the manufactured or mobile home that is or	239
will be located on the lot that is the subject of the rental	240
agreement to any specific person or through any specific person	241
as the person's agent.	242
(K) No park operator shall enter into a rental agreement	243
with the owner of a manufactured or mobile home for the use of	244
residential premises, if the rental agreement requires the owner	245
of the home, as a condition to the owner's renting, occupying,	246
or remaining on the residential premises, to pay the park	247
operator or any other person specified in the rental agreement a	248
fee or any sum of money based on the sale of the home, unless	249
the owner of the home uses the park operator or other person as	250
the owner's agent in the sale of the home.	251

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

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

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

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

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

(a) The patriotic customs set forth in 4 U.S.C. 5-10, and	281
36 U.S.C. 902 governing the display and use of the flag;	282
(b) The consent of the property's owner or of any person	283
having lawful control of the property;	284
(c) The recommended flagpole standards set forth in "Our	285
Flag," published pursuant to S.C.R. 61 of the 105th Congress,	286
1st Session (1998);	287
(d) Any federal law, proclamation of the president of the	288
United States or the governor, section of the Revised Code, or	289
local ordinance or resolution.	290
(3) The display on any property of the state flag as	291
defined in section 5.01 of the Revised Code if the flag is	292
displayed in accordance with any of the following:	293
(a) The consent of the property's owner or of any person	294
having lawful control of the property;	295
(b) Any state law, local ordinance or resolution, or	296
proclamation by the governor of the state.	297
(4) The display of a service flag approved by the United	298
States secretary of defense for display in a window of the	299
residence of a member of the immediate family of an individual	300
serving in the armed forces of the United States. A service flag	301
includes a blue star banner, a gold star banner, and any other	302
flag the secretary of defense designates as a service flag.	303
<u>(5) The display of a thin blue line flag or emblem on any</u>	304
<u>property on a flag pole, through the use of a bracket, or in a</u>	305
<u>window if the flag is displayed in accordance with any of the</u>	306
<u>following:</u>	307
<u>(a) The consent of the property's owner or of any person</u>	308

<u>having lawful control of the property;</u>	309
<u>(b) Any state law, local ordinance or resolution, or</u>	310
<u>proclamation by the governor of the state.</u>	311
(B) A covenant, condition, restriction, rule, regulation,	312
bylaw, governing document, or agreement or a construction of any	313
of these items that violates division (A) of this section is	314
against public policy and unenforceable in any court of this	315
state to the extent it violates that division.	316
<u>(C) As used in this section, "thin blue line flag" and</u>	317
<u>"thin blue line emblem" have the same meanings as in section</u>	318
<u>4781.40 of the Revised Code.</u>	319
Sec. 5311.191. (A) No declaration, bylaw, rule,	320
regulation, or agreement of a condominium property or	321
construction of any of these items by the board of managers of	322
its unit owners association shall prohibit any of the following:	323
(1) The placement of a flagpole that is to be used for the	324
purpose of displaying, or the display of the flag of the United	325
States or the national league of families POW/MIA flag on or	326
within the limited common areas and facilities of a unit owner	327
or on the immediately adjacent exterior of the building in which	328
the unit of a unit owner is located, if the flag is displayed in	329
accordance with any of the following:	330
(a) The patriotic customs set forth in 4 U.S.C. 5-10, and	331
36 U.S.C. 902, governing the display and use of the flag;	332
(b) The recommended flagpole standards set forth in "Our	333
Flag," published pursuant to S.C.R. 61 of the 105th Congress,	334
1st Session (1998);	335
(c) Any federal law, proclamation of the president of the	336

United States or the governor, section of the Revised Code, or 337
local ordinance or resolution. 338

(2) The placement of a flagpole that is to be used for the 339
purpose of displaying, or the display of the flag of the state 340
as defined in section 5.01 of the Revised Code on or within the 341
limited common areas and facilities of a unit owner or on the 342
immediately adjacent exterior of the building in which the unit 343
of a unit owner is located, if the flag is displayed in 344
accordance with any state law, local ordinance or resolution, or 345
proclamation by the governor of the state; 346

(3) The display of a service flag approved by the United 347
States secretary of defense for display in a window of the 348
residence of a member of the immediate family of an individual 349
serving in the armed forces of the United States. A service flag 350
includes a blue star banner, a gold star banner, and any other 351
flag the secretary of defense designates as a service flag. 352

(4) The display of a thin blue line flag or emblem on a 353
flag pole, through the use of a bracket, or in a window on or 354
within the limited common areas and facilities of a unit owner, 355
or on the immediately adjacent exterior of the building in which 356
the unit of a unit owner is located, if the flag or emblem is 357
displayed in accordance with any state law, local ordinance or 358
resolution, or a proclamation by the governor of the state. 359

(B) Any display of the flag of the United States ~~or~~, the 360
national league of families POW/MIA flag, or the thin blue line 361
flag shall use a flag or flag pole of an appropriate size, 362
consistent with the size and character of the condominium 363
buildings and common areas. 364

(C) A declaration, bylaw, rule, regulation, or agreement 365

or the construction of any of these items that violates division 366
(A) of this section is against public policy and unenforceable 367
in any court of this state to the extent it violates that 368
division. 369

(D) As used in this section, "thin blue line flag" and 370
"thin blue line emblem" have the same meanings as in section 371
4781.40 of the Revised Code. 372

Sec. 5321.131. (A) No landlord shall include any 373
restriction in a rental agreement against, or otherwise prohibit 374
on a tenant's rental property, any of the following: 375

(1) The display of the flag of the United States or the 376
national league of families POW/MIA flag if the flag is 377
displayed in accordance with any of the following: 378

(a) The patriotic customs set forth in 4 U.S.C. 5-10, and 379
36 U.S.C. 902, governing the display and use of the flag; 380

(b) Federal law, state law, or any local ordinance or 381
resolution; 382

(c) A proclamation of the president of the United States 383
or the governor of the state. 384

(2) The display of the state flag as defined in section 385
5.01 of the Revised Code if the flag is displayed in accordance 386
with state law, any local ordinance or resolution, or 387
proclamation by the governor of the state; 388

(3) The display of a service flag approved by the United 389
States secretary of defense for display in a window of the 390
residence of a member of the immediate family of an individual 391
serving in the armed forces of the United States. A service flag 392
includes a blue star banner, a gold star banner, and any other 393

flag the secretary of defense designates as a service flag. 394

(4) The display of a thin blue line flag or emblem on a 395
flag pole, through the use of a bracket, or in a window if 396
displayed in accordance with any state law, local ordinance or 397
resolution, or proclamation by the governor of the state. 398

(B) (1) A tenant who requests to display the flag of the 399
United States ~~or,~~ the national league of families POW/MIA flag, 400
or a thin blue line flag at the rental property as provided in 401
~~division~~ divisions (A) (1) and (4) of this section through the 402
use of a flag pole shall contact the landlord with reasonable 403
notice before installation of the flag pole to discuss the 404
following: 405

(a) Placement in compliance with any local zoning 406
restrictions and the required underground utility service 407
requests (OUPS); 408

(b) Cost of the materials and installation; 409

(c) Installation in a workerlike manner if installed at 410
the tenant's request and expense; 411

(d) Any lighting required to comply with division (A) (1) 412
(a) of this section; 413

(e) The appropriate size of the flag and flag pole, which 414
shall be consistent with the size and character of the building. 415

(2) A tenant who requests to display the flag of the 416
United States ~~or,~~ the national league of families POW/MIA flag, 417
or a thin blue line flag at the rental property as provided in 418
~~division~~ divisions (A) (1) and (4) of this section through the 419
use of a bracket to be permanently affixed to the unit, shall 420
contact the landlord with reasonable notice before installation 421

of the bracket to discuss the following:	422
(a) Placement in compliance with any local zoning restrictions;	423 424
(b) Cost of the materials and installation;	425
(c) Preferred location of the bracket with installation to be performed in a workerlike manner if installed at the tenant's request and expense;	426 427 428
(d) Any lighting required to comply with division (A) (1) (a) of this section;	429 430
(e) The appropriate size of the flag and flag pole, which shall be consistent with the size and character of the building.	431 432
(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.	433 434 435 436 437
(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.	438 439 440 441
(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.	442 443 444 445 446
(F) <u>As used in this section, "thin blue line flag" and "thin blue line emblem" have the same meanings as in section 4781.40 of the Revised Code.</u>	447 448 449

Section 2. That existing sections 4781.40, 5301.072,	450
5311.191, and 5321.131 of the Revised Code are hereby repealed.	451
Section 3. This act shall be known as the Chief Steven	452
DiSario Act.	453