

**As Reported by the House Government Oversight Committee**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Am. H. B. No. 100**

**Representative Miller, K.**

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

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**A BILL**

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

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

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

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

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 <del>or</del> , <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  
depicting a flag, similar to the flag of the United States, 174  
consisting of both of the following elements: 175

(a) A black rectangle in the upper hoist corner bearing 176  
fifty white five-pointed stars arranged in nine offset 177  
horizontal rows; 178

(b) Thirteen horizontal stripes of equal height, the top 179  
and bottom stripe being black, and alternating white and black 180  
stripes in between, except that the eighth horizontal stripe 181  
from the top of the flag or emblem, which appears directly below 182  
the field of stars, is blue rather than white. 183

(D) No park operator shall require an owner to purchase 184  
from the park operator any personal property. The park operator 185  
may determine by rule the style or quality of skirting, 186  
equipment for tying down homes, manufactured or mobile home 187  
accessories, or other equipment to be purchased by an owner from 188  
a vendor of the owner's choosing, provided that the equipment is 189  
readily available to the owner. Any such equipment shall be 190  
installed in accordance with the manufactured home park rules. 191

(E) No park operator shall charge any owner who chooses to 192

install an electric or gas appliance in a home an additional fee 193  
solely on the basis of the installation, unless the installation 194  
is performed by the park operator at the request of the owner, 195  
nor shall the park operator restrict the installation, service, 196  
or maintenance of the appliance, restrict the ingress or egress 197  
of repairpersons to the manufactured home park for the purpose 198  
of installation, service, or maintenance of the appliance, nor 199  
restrict the making of any interior improvement in a home, if 200  
the installation or improvement is in compliance with applicable 201  
building codes and other provisions of law and if adequate 202  
utility services are available for the installation or 203  
improvement. 204

(F) No park operator shall require a tenant to lease or an 205  
owner to purchase a manufactured or mobile home from the park 206  
operator or any specific person as a condition of or 207  
prerequisite to entering into a rental agreement. 208

(G) No park operator shall require an owner to use the 209  
services of the park operator or any other specific person for 210  
installation of the manufactured or mobile home on the 211  
residential premises or for the performance of any service. 212

(H) No park operator shall: 213

(1) Deny any owner the right to sell the owner's 214  
manufactured home within the manufactured home park if the owner 215  
gives the park operator ten days' notice of the intention to 216  
sell the home; 217

(2) Require the owner to remove the home from the 218  
manufactured home park solely on the basis of the sale of the 219  
home; 220

(3) Unreasonably refuse to enter into a rental agreement 221



with a purchaser of a home located within the operator's	222
manufactured home park;	223
(4) Charge any tenant or owner any fee, charge, or	224
assessment, including a rental fee, that is not set forth in the	225
rental agreement or, if the rental agreement is oral, is not set	226
forth in a written disclosure given to the tenant or owner prior	227
to the tenant or owner entering into a rental agreement;	228
(5) Charge any owner any fee, charge, or assessment	229
because of the transfer of ownership of a home or because a home	230
is moved out of or into the manufactured home park, except a	231
charge for the actual costs and expenses that are incurred by	232
the park operator in moving the home out of or into the	233
manufactured home park, or in installing the home in the	234
manufactured home park and that have not been reimbursed by	235
another tenant or owner.	236
(I) If the park operator violates any provision of	237
divisions (A) to (H) of this section, the tenant or owner may	238
recover actual damages resulting from the violation, and, if the	239
tenant or owner obtains a judgment, reasonable attorneys' fees,	240
or terminate the rental agreement.	241
(J) No rental agreement shall require a tenant or owner to	242
sell, lease, or sublet the tenant's or owner's interest in the	243
rental agreement or the manufactured or mobile home that is or	244
will be located on the lot that is the subject of the rental	245
agreement to any specific person or through any specific person	246
as the person's agent.	247
(K) No park operator shall enter into a rental agreement	248
with the owner of a manufactured or mobile home for the use of	249
residential premises, if the rental agreement requires the owner	250

of the home, as a condition to the owner's renting, occupying, 251  
or remaining on the residential premises, to pay the park 252  
operator or any other person specified in the rental agreement a 253  
fee or any sum of money based on the sale of the home, unless 254  
the owner of the home uses the park operator or other person as 255  
the owner's agent in the sale of the home. 256

(L) A park operator and a tenant or owner may include in a 257  
rental agreement any terms and conditions, including any term 258  
relating to rent, the duration of an agreement, and any other 259  
provisions governing the rights and obligations of the parties 260  
that are not inconsistent with or prohibited by sections 4781.36 261  
to 4781.52 of the Revised Code or any other rule of law. 262

(M) Notwithstanding any other provision of the Revised 263  
Code, the owner of a manufactured or mobile home may utilize the 264  
services of a manufactured housing dealer or broker licensed 265  
under Chapter 4781. of the Revised Code or a person properly 266  
licensed under Chapter 4735. of the Revised Code to sell or 267  
lease the home. 268

**Sec. 5301.072.** (A) No covenant, condition, or restriction 269  
set forth in a deed, and no rule, regulation, bylaw, or other 270  
governing document or agreement of a homeowners, neighborhood, 271  
civic, or other association, shall prohibit or be construed to 272  
prohibit any of the following: 273

(1) The placement on any property of a flagpole that is to 274  
be used for the purpose of displaying the flag of the United 275  
States, the flag of the state as defined in section 5.01 of the 276  
Revised Code, ~~or~~ the national league of families POW/MIA flag, 277  
or the thin blue line flag provided the flag and flag pole shall 278  
be of an appropriate size, consistent with the size and 279  
character of the buildings that are subject to the requirements 280

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

(5) The display of a thin blue line flag or emblem on any property on a flag pole, through the use of a bracket, or in a window if the flag is displayed in accordance with any of the following: 309  
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(a) The consent of the property's owner or of any person having lawful control of the property; 313  
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(b) Any state law, local ordinance or resolution, or proclamation by the governor of the state. 315  
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(B) A covenant, condition, restriction, rule, regulation, bylaw, governing document, or agreement or a construction of any of these items that violates division (A) of this section is against public policy and unenforceable in any court of this state to the extent it violates that division. 317  
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(C) 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. 322  
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**Sec. 5311.191.** (A) No declaration, bylaw, rule, regulation, or agreement of a condominium property or construction of any of these items by the board of managers of its unit owners association shall prohibit any of the following: 325  
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(1) The placement of a flagpole that is to be used for the purpose of displaying, or the display of the flag of the United States or the national league of families POW/MIA flag on or within the limited common areas and facilities of a unit owner or on the immediately adjacent exterior of the building in which the unit of a unit owner is located, if the flag is displayed in accordance with any of the following: 329  
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(a) The patriotic customs set forth in 4 U.S.C. 5-10, and 36 U.S.C. 902, governing the display and use of the flag; 336  
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(b) The recommended flagpole standards set forth in "Our Flag," published pursuant to S.C.R. 61 of the 105th Congress, 1st Session (1998);

(c) Any federal law, proclamation of the president of the United States or the governor, section of the Revised Code, or local ordinance or resolution.

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

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

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

(B) Any display of the flag of the United States ~~or~~, the national league of families POW/MIA flag, or the thin blue line

flag shall use a flag or flag pole of an appropriate size, 367  
consistent with the size and character of the condominium 368  
buildings and common areas. 369

(C) A declaration, bylaw, rule, regulation, or agreement 370  
or the construction of any of these items that violates division 371  
(A) of this section is against public policy and unenforceable 372  
in any court of this state to the extent it violates that 373  
division. 374

(D) As used in this section, "thin blue line flag" and 375  
"thin blue line emblem" have the same meanings as in section 376  
4781.40 of the Revised Code. 377

**Sec. 5321.131.** (A) No landlord shall include any 378  
restriction in a rental agreement against, or otherwise prohibit 379  
on a tenant's rental property, any of the following: 380

(1) The display of the flag of the United States or the 381  
national league of families POW/MIA flag if the flag is 382  
displayed in accordance with any of the following: 383

(a) The patriotic customs set forth in 4 U.S.C. 5-10, and 384  
36 U.S.C. 902, governing the display and use of the flag; 385

(b) Federal law, state law, or any local ordinance or 386  
resolution; 387

(c) A proclamation of the president of the United States 388  
or the governor of the state. 389

(2) The display of the state flag as defined in section 390  
5.01 of the Revised Code if the flag is displayed in accordance 391  
with state law, any local ordinance or resolution, or 392  
proclamation by the governor of the state; 393

(3) The display of a service flag approved by the United 394

States secretary of defense for display in a window of the 395  
residence of a member of the immediate family of an individual 396  
serving in the armed forces of the United States. A service flag 397  
includes a blue star banner, a gold star banner, and any other 398  
flag the secretary of defense designates as a service flag.\_ 399

(4) The display of a thin blue line flag or emblem on a 400  
flag pole, through the use of a bracket, or in a window if 401  
displayed in accordance with any state law, local ordinance or 402  
resolution, or proclamation by the governor of the state. 403

(B) (1) A tenant who requests to display the flag of the 404  
United States ~~or~~, the national league of families POW/MIA flag, 405  
or a thin blue line flag at the rental property as provided in 406  
~~division~~ divisions (A) (1) and (4) of this section through the 407  
use of a flag pole shall contact the landlord with reasonable 408  
notice before installation of the flag pole to discuss the 409  
following: 410

(a) Placement in compliance with any local zoning 411  
restrictions and the required underground utility service 412  
requests (OUPS); 413

(b) Cost of the materials and installation; 414

(c) Installation in a workerlike manner if installed at 415  
the tenant's request and expense; 416

(d) Any lighting required to comply with division (A) (1) 417  
(a) of this section; 418

(e) The appropriate size of the flag and flag pole, which 419  
shall be consistent with the size and character of the building. 420

(2) A tenant who requests to display the flag of the 421  
United States ~~or~~, the national league of families POW/MIA flag, 422

or a thin blue line flag at the rental property as provided in 423  
~~division~~divisions (A) (1) and (4) of this section through the 424  
use of a bracket to be permanently affixed to the unit, shall 425  
contact the landlord with reasonable notice before installation 426  
of the bracket to discuss the following: 427

(a) Placement in compliance with any local zoning 428  
restrictions; 429

(b) Cost of the materials and installation; 430

(c) Preferred location of the bracket with installation to 431  
be performed in a workerlike manner if installed at the tenant's 432  
request and expense; 433

(d) Any lighting required to comply with division (A) (1) 434  
(a) of this section; 435

(e) The appropriate size of the flag and flag pole, which 436  
shall be consistent with the size and character of the building. 437

(C) A landlord who does not receive the notifications 438  
required under division (B) of this section is not liable for 439  
any damages, fines, or costs associated with any issues arising 440  
from the placement of the flag pole or the bracket by the 441  
tenant. 442

(D) Any violation of this section is against public policy 443  
and unenforceable. Any provision of a rental agreement that 444  
violates this section is an unconscionable term under section 445  
5321.14 of the Revised Code. 446

(E) Nothing in division (B) of this section exempts a 447  
tenant from a provision in a lease agreement that requires a 448  
tenant, at the termination of a lease, to return the premises in 449  
the same condition as they were in when the tenant took 450



possession. 451

(F) As used in this section, "thin blue line flag" and 452  
"thin blue line emblem" have the same meanings as in section 453  
4781.40 of the Revised Code. 454

**Section 2.** That existing sections 4781.40, 5301.072, 455  
5311.191, and 5321.131 of the Revised Code are hereby repealed. 456

**Section 3.** This act shall be known as the Chief Steven 457  
DiSario Act. 458