

**As Reported by the House Civil Justice Committee**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Sub. H. B. No. 438**

**Representatives Williams, Jarrells**

**Cosponsors: Representatives Upchurch, Plummer, Johnson, Click, Humphrey, Young, T., Hillyer, Blackshear, Weinstein, Miranda, Isaacsohn, Piccolantonio, Grim, Brewer, Somani, Miller, J., Thomas, C., Mohamed, Miller, A., Baker, Dobos**

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**A BILL**

To amend section 4735.181 and to enact section 1  
4735.80 of the Revised Code to require a real 2  
estate broker or salesperson to provide the 3  
seller of residential real estate a disclosure 4  
relating to anti-discrimination laws in the 5  
home-buying process, and to name this act the 6  
Homebuyer Protection Act. 7

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

**Section 1.** That section 4735.181 be amended and section 8  
4735.80 of the Revised Code be enacted to read as follows: 9

**Sec. 4735.181.** (A) No real estate broker or salesperson 10  
licensed pursuant to this chapter shall fail to comply with 11  
divisions (B) and (D) of section 4735.13, division (D) of 12  
section 4735.14, or sections 4735.22, 4735.55, 4735.56, ~~and~~ 13  
4735.58, and 4735.80 of the Revised Code or any rules adopted 14  
under those divisions or sections. 15

(B) When the superintendent determines that a licensee has 16

violated division (A) of this section, the superintendent may do 17  
either of the following: 18

(1) Initiate disciplinary action under section 4735.051 of 19  
the Revised Code, in accordance with Chapter 119. of the Revised 20  
Code; 21

(2) Personally, or by certified mail, serve a citation and 22  
impose sanctions in accordance with this section upon the 23  
licensee. 24

(C) Every citation served under this section shall give 25  
notice to the licensee of the alleged violation or violations 26  
charged and inform the licensee of the opportunity to request a 27  
hearing in accordance with Chapter 119. of the Revised Code. The 28  
citation also shall contain a statement of a fine of up to two 29  
hundred dollars per violation. All fines collected pursuant to 30  
this section shall be credited to the real estate recovery fund, 31  
created in the state treasury under section 4735.12 of the 32  
Revised Code. 33

(D) If any licensee is cited three times under this 34  
section within twelve consecutive months, the superintendent 35  
shall initiate disciplinary action pursuant to section 4735.051 36  
of the Revised Code for any subsequent violation that occurs 37  
within the same twelve-month period. 38

If a licensee fails to request a hearing within thirty 39  
days after the date of service of the citation, or the licensee 40  
and the superintendent fail to reach an alternative agreement, 41  
the citation shall become final. 42

(E) Unless otherwise indicated, the licensee named in a 43  
final citation under this section must meet all requirements 44  
contained in the final citation within thirty days after the 45

effective date of that citation. 46

(F) The superintendent shall suspend automatically a 47  
licensee's license if the licensee fails to comply with division 48  
(E) of this section. 49

Sec. 4735.80. (A) The superintendent of real estate shall, 50  
within one year after the effective date of this section, adopt 51  
rules in accordance with Chapter 119. of the Revised Code that 52  
require a licensee, prior to listing residential real estate for 53  
sale, exchange, or purchase, to provide to the seller a 54  
disclosure form, developed and maintained by the division of 55  
real estate, that outlines both of the following: 56

(1) The federal and state laws that relate to anti- 57  
discrimination in the home-buying process with which a seller of 58  
residential real estate shall comply, including the laws listed 59  
in divisions (B) (2) and (3) of section 4735.55 of the Revised 60  
Code; 61

(2) The penalties associated with violating any of the 62  
laws specified pursuant to division (A) (1) of this section. 63

(B) No licensee shall market or show a seller's 64  
residential real estate before providing the seller with the 65  
disclosure required by this section and receiving a copy of that 66  
disclosure that is signed and dated by the seller. The licensee 67  
shall retain the signed and dated copy of the disclosure for not 68  
less than three years following the closing date on the seller's 69  
residential real estate. 70

(C) Notwithstanding any provision of section 121.95 of the 71  
Revised Code to the contrary, a regulatory restriction contained 72  
in a rule adopted under this section is not subject to sections 73  
121.95 to 121.953 of the Revised Code. 74

<b>Section 2.</b> That existing section 4735.181 of the Revised Code is hereby repealed.	75
<b>Section 3.</b> This act shall be known as the Homebuyer Protection Act.	77
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