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Sub. S. B. No. 210

Senators Sykes, Reynolds

Cosponsors: Senators Antonio, Craig, DeMora, Ingram, Romanchuk, Smith, Blessing, Cirino, Hicks-Hudson, Kunze, Landis, Reineke, Roegner, Wilson

A BILL

To amend sections 4781.40, 5301.072, 5311.191, and 5321.131 and to enact sections 5.2539, 5.266, 5.267, 5.54, 5.56, 5.57, 5.58, and 5.59 of the Revised Code to designate several special days, weeks, and months for awareness, honorary, and educational purposes, and to name a portion of 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 be amended and sections 5.2539, 5.266, 5.267, 5.54, 5.56, 5.57, 5.58, and 5.59 of the Revised Code be enacted to read as follows:

Sec. 5.2539. The eighteenth day of April is designated as "Devo Day" in honor of the new wave band Devo from Akron, which defined the new wave sound and reflected the feelings of a generation. Devo's first official performance was at Kent state university on April 18, 1973.

Sec. 5.266. The tenth day of October is designated as

<u>"Black Brewers Day."</u>	18
<u>Sec. 5.267. The month of April is designated as "Arab American Heritage Month."</u>	19 20
<u>Sec. 5.54. The eighth day of March is designated as "International Women's Day" in Ohio.</u>	21 22
<u>Sec. 5.56. The month of March is designated as "Women's History Month."</u>	23 24
<u>Sec. 5.57. The twentieth day of June is designated as "World Refugee Day," to honor refugees around the globe and to celebrate the strengths and courage of people who have been forced to flee their home countries to escape conflict or persecution.</u>	25 26 27 28 29
<u>Sec. 5.58. The month of October is designated as Hindu Heritage Month to recognize the contributions of Hindu Americans to the culture, education, faith, and life of the state.</u>	30 31 32
<u>Sec. 5.59. The week of the sixteenth day of March is designated as "Ohio Black Media Week" to recognize freedom of the press, information, equity, and equality.</u>	33 34 35
<u>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.</u>	36 37 38 39 40 41 42 43 44 45

(2) The park operator shall deliver the offer to the owner 46
by certified mail, return receipt requested, or in person. If 47
the park operator delivers the offer to the owner in person, the 48
owner shall complete a return showing receipt of the offer. If 49
the owner does not accept the offer, the park operator is 50
discharged from any obligation to make any further such offers. 51
If the owner accepts the offer, the park operator shall, at the 52
expiration of each successive rental agreement, offer the owner 53
another rental agreement, for a term that is mutually agreed 54
upon, and that contains terms essentially the same as the 55
alternative month-to-month agreement. The park operator shall 56
deliver subsequent rental offers by ordinary mail or personal 57
delivery. If the park operator sells the manufactured home park 58
to another manufactured home park operator, the purchaser is 59
bound by the rental agreements entered into by the purchaser's 60
predecessor. 61

(3) If the park operator sells the manufactured home park 62
for a use other than as a manufactured home park, the park 63
operator shall give each tenant and owner a written notification 64
by certified mail, return receipt requested, or by handing it to 65
the tenant or owner in person. If the park operator delivers the 66
notification in person, the recipient shall complete a return 67
showing receipt of the notification. This notification shall 68
contain notice of the sale of the manufactured home park, and 69
notice of the date by which the tenant or owner shall vacate. 70
The date by which the tenant shall vacate shall be at least one 71
hundred twenty days after receipt of the written notification, 72
and the date by which the owner shall vacate shall be at least 73
one hundred eighty days after receipt of the written 74
notification. 75

(B) A park operator shall fully disclose in writing all 76

fees, charges, assessments, including rental fees, and rules 77
prior to a tenant or owner executing a rental agreement and 78
assuming occupancy in the manufactured home park. No fees, 79
charges, assessments, or rental fees so disclosed may be 80
increased nor rules changed by a park operator without 81
specifying the date of implementation of the changed fees, 82
charges, assessments, rental fees, or rules, which date shall be 83
not less than thirty days after written notice of the change and 84
its effective date to all tenants or owners in the manufactured 85
home park, and no fee, charge, assessment, or rental fee shall 86
be increased during the term of any tenant's or owner's rental 87
agreement. Failure on the part of the park operator to fully 88
disclose all fees, charges, or assessments shall prevent the 89
park operator from collecting the undisclosed fees, charges, or 90
assessments. If a tenant or owner refuses to pay any undisclosed 91
fees, charges, or assessments, the refusal shall not be used by 92
the park operator as a cause for eviction in any court. 93

(C) (1) A park operator shall promulgate rules governing 94
the rental or occupancy of a lot in the manufactured home park. 95
The rules shall not be unreasonable, arbitrary, or capricious. A 96
copy of the rules and any amendments to them shall be delivered 97
by the park operator to the tenant or owner prior to signing the 98
rental agreement. A copy of the rules and any amendments to them 99
shall be posted in a conspicuous place upon the manufactured 100
home park grounds. 101

(2) No park operator shall include any restriction in a 102
rental agreement against, or otherwise prohibit on a tenant's or 103
owner's rental property, any of the following: 104

(a) The display of the flag of the United States or the 105
national league of families POW/MIA flag if the flag is 106

displayed in accordance with any of the following:	107
(i) The patriotic customs set forth in 4 U.S.C. 5-10, and	108
36 U.S.C. 902, governing the display and use of the flag;	109
(ii) Federal law, state law, or any local ordinance or	110
resolution;	111
(iii) A proclamation of the president of the United States	112
or the governor of the state.	113
(b) The display of the state flag as defined in section	114
5.01 of the Revised Code if the flag is displayed in accordance	115
with state law, any local ordinance or resolution, or	116
proclamation by the governor of the state;	117
(c) The display of a service flag approved by the United	118
States secretary of defense for display in a window of the	119
residence of a member of the immediate family of an individual	120
serving in the armed forces of the United States. A service flag	121
includes a blue star banner, a gold star banner, and any other	122
flag the secretary of defense designates as a service flag.	123
<u>(d) The display of a thin blue line flag or emblem on a</u>	124
<u>flag pole, through the use of a bracket, or in a window in</u>	125
<u>accordance with any state law, any local ordinance or</u>	126
<u>resolution, or a proclamation by the governor of the state.</u>	127
(3) A tenant who requests to display the flag of the	128
United States or , the national league of families POW/MIA flag,	129
<u>or the thin blue line flag</u> at the rental property as provided in	130
division (C)(2) of this section through the use of a flag pole	131
shall contact the park operator with reasonable notice before	132
installation of the flag pole to discuss the following:	133
(a) Placement in compliance with any local zoning	134

restrictions and the required underground utility service	135
requests (OUPS);	136
(b) Cost of the materials and installation;	137
(c) Installation in a workerlike manner if installed at	138
the tenant's request and expense;	139
(d) Any lighting required to comply with division (C) (2)	140
(a) (i) of this section;	141
(e) The appropriate size of the flag and flag pole, which	142
shall be consistent with the size and character of the building.	143
(4) A tenant who requests to display the flag of the	144
United States or , the national league of families POW/MIA flag,	145
<u>or the thin blue line flag</u> at the rental property as provided in	146
division (C) (2) of this section through the use of a bracket to	147
be permanently affixed to the manufactured home, shall contact	148
the park operator with reasonable notice before installation of	149
the bracket to discuss the following:	150
(a) Placement in compliance with any local zoning	151
restrictions;	152
(b) Cost of the materials and installation;	153
(c) Preferred location of the bracket with installation to	154
be performed in a workerlike manner if installed at the tenant's	155
request and expense;	156
(d) Any lighting required to comply with division (C) (2)	157
(a) (i) of this section;	158
(e) The appropriate size of the flag and flag pole, which	159
shall be consistent with the size and character of the	160
manufactured home.	161

(5) A tenant who owns the manufactured home but leases the lot and who requests to display the flag of the United States ~~or~~, the national league of families POW/MIA flag, or the thin blue line flag 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:

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

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

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

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

(6) A park operator who does not receive the notifications required under divisions (C) (3) and (4) 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.

(7) 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, consistent with the size and character of the manufactured homes within the manufactured home park.

(8) Any violation of this division is against public

policy and unenforceable. Any provision of a rental agreement 191
that violates this division is an unconscionable term under 192
section 4781.48 of the Revised Code. 193

(9) Nothing in this division exempts a tenant from a 194
provision in a lease agreement that requires a tenant, at the 195
termination of a lease, to return the premises in the same 196
condition as they were in when the tenant took possession. 197

(10) As used in division (C) of this section, "thin blue 198
line flag" and "thin blue line emblem" mean a flag or emblem 199
depicting a flag, similar to the flag of the United States, 200
consisting of both of the following elements: 201

(a) A black rectangle in the upper hoist corner bearing 202
fifty white five-pointed stars arranged in nine offset 203
horizontal rows; 204

(b) Thirteen horizontal stripes of equal height, the top 205
and bottom stripe being black, and alternating white and black 206
stripes in between, except that the eighth horizontal stripe 207
from the top of the flag or emblem, which appears directly below 208
the field of stars, is blue rather than white. 209

(D) No park operator shall require an owner to purchase 210
from the park operator any personal property. The park operator 211
may determine by rule the style or quality of skirting, 212
equipment for tying down homes, manufactured or mobile home 213
accessories, or other equipment to be purchased by an owner from 214
a vendor of the owner's choosing, provided that the equipment is 215
readily available to the owner. Any such equipment shall be 216
installed in accordance with the manufactured home park rules. 217

(E) No park operator shall charge any owner who chooses to 218
install an electric or gas appliance in a home an additional fee 219

solely on the basis of the installation, unless the installation 220
is performed by the park operator at the request of the owner, 221
nor shall the park operator restrict the installation, service, 222
or maintenance of the appliance, restrict the ingress or egress 223
of repairpersons to the manufactured home park for the purpose 224
of installation, service, or maintenance of the appliance, nor 225
restrict the making of any interior improvement in a home, if 226
the installation or improvement is in compliance with applicable 227
building codes and other provisions of law and if adequate 228
utility services are available for the installation or 229
improvement. 230

(F) No park operator shall require a tenant to lease or an 231
owner to purchase a manufactured or mobile home from the park 232
operator or any specific person as a condition of or 233
prerequisite to entering into a rental agreement. 234

(G) No park operator shall require an owner to use the 235
services of the park operator or any other specific person for 236
installation of the manufactured or mobile home on the 237
residential premises or for the performance of any service. 238

(H) No park operator shall: 239

(1) Deny any owner the right to sell the owner's 240
manufactured home within the manufactured home park if the owner 241
gives the park operator ten days' notice of the intention to 242
sell the home; 243

(2) Require the owner to remove the home from the 244
manufactured home park solely on the basis of the sale of the 245
home; 246

(3) Unreasonably refuse to enter into a rental agreement 247
with a purchaser of a home located within the operator's 248

manufactured home park;	249
(4) Charge any tenant or owner any fee, charge, or assessment, including a rental fee, that is not set forth in the rental agreement or, if the rental agreement is oral, is not set forth in a written disclosure given to the tenant or owner prior to the tenant or owner entering into a rental agreement;	250 251 252 253 254
(5) Charge any owner any fee, charge, or assessment because of the transfer of ownership of a home or because a home is moved out of or into the manufactured home park, except a charge for the actual costs and expenses that are incurred by the park operator in moving the home out of or into the manufactured home park, or in installing the home in the manufactured home park and that have not been reimbursed by another tenant or owner.	255 256 257 258 259 260 261 262
(I) If the park operator violates any provision of divisions (A) to (H) of this section, the tenant or owner may recover actual damages resulting from the violation, and, if the tenant or owner obtains a judgment, reasonable attorneys' fees, or terminate the rental agreement.	263 264 265 266 267
(J) No rental agreement shall require a tenant or owner to sell, lease, or sublet the tenant's or owner's interest in the rental agreement or the manufactured or mobile home that is or will be located on the lot that is the subject of the rental agreement to any specific person or through any specific person as the person's agent.	268 269 270 271 272 273
(K) No park operator shall enter into a rental agreement with the owner of a manufactured or mobile home for the use of residential premises, if the rental agreement requires the owner of the home, as a condition to the owner's renting, occupying,	274 275 276 277

or remaining on the residential premises, to pay the park 278
operator or any other person specified in the rental agreement a 279
fee or any sum of money based on the sale of the home, unless 280
the owner of the home uses the park operator or other person as 281
the owner's agent in the sale of the home. 282

(L) A park operator and a tenant or owner may include in a 283
rental agreement any terms and conditions, including any term 284
relating to rent, the duration of an agreement, and any other 285
provisions governing the rights and obligations of the parties 286
that are not inconsistent with or prohibited by sections 4781.36 287
to 4781.52 of the Revised Code or any other rule of law. 288

(M) Notwithstanding any other provision of the Revised 289
Code, the owner of a manufactured or mobile home may utilize the 290
services of a manufactured housing dealer or broker licensed 291
under Chapter 4781. of the Revised Code or a person properly 292
licensed under Chapter 4735. of the Revised Code to sell or 293
lease the home. 294

Sec. 5301.072. (A) No covenant, condition, or restriction 295
set forth in a deed, and no rule, regulation, bylaw, or other 296
governing document or agreement of a homeowners, neighborhood, 297
civic, or other association, shall prohibit or be construed to 298
prohibit any of the following: 299

(1) The placement on any property of a flagpole that is to 300
be used for the purpose of displaying the flag of the United 301
States, the flag of the state as defined in section 5.01 of the 302
Revised Code, ~~or~~ the national league of families POW/MIA flag, 303
or the thin blue line flag provided the flag and flag pole shall 304
be of an appropriate size, consistent with the size and 305
character of the buildings that are subject to the requirements 306
or agreements of a homeowner, neighborhood, civic, or other 307

association;	308
(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:	309 310 311
(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;	312 313
(b) The consent of the property's owner or of any person having lawful control of the property;	314 315
(c) The recommended flagpole standards set forth in "Our Flag," published pursuant to S.C.R. 61 of the 105th Congress, 1st Session (1998);	316 317 318
(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.	319 320 321
(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:	322 323 324
(a) The consent of the property's owner or of any person having lawful control of the property;	325 326
(b) Any state law, local ordinance or resolution, or proclamation by the governor of the state.	327 328
(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._	329 330 331 332 333 334

(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: 335
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(a) The consent of the property's owner or of any person having lawful control of the property; 339
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(b) Any state law, local ordinance or resolution, or proclamation by the governor of the state. 341
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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. 343
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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. 348
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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: 351
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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: 355
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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; 362
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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, 393
consistent with the size and character of the condominium 394
buildings and common areas. 395

(C) A declaration, bylaw, rule, regulation, or agreement 396
or the construction of any of these items that violates division 397
(A) of this section is against public policy and unenforceable 398
in any court of this state to the extent it violates that 399
division. 400

(D) As used in this section, "thin blue line flag" and 401
"thin blue line emblem" have the same meanings as in section 402
4781.40 of the Revised Code. 403

Sec. 5321.131. (A) No landlord shall include any 404
restriction in a rental agreement against, or otherwise prohibit 405
on a tenant's rental property, any of the following: 406

(1) The display of the flag of the United States or the 407
national league of families POW/MIA flag if the flag is 408
displayed in accordance with any of the following: 409

(a) The patriotic customs set forth in 4 U.S.C. 5-10, and 410
36 U.S.C. 902, governing the display and use of the flag; 411

(b) Federal law, state law, or any local ordinance or 412
resolution; 413

(c) A proclamation of the president of the United States 414
or the governor of the state. 415

(2) The display of the state flag as defined in section 416
5.01 of the Revised Code if the flag is displayed in accordance 417
with state law, any local ordinance or resolution, or 418
proclamation by the governor of the state; 419

(3) The display of a service flag approved by the United 420

States secretary of defense for display in a window of the 421
residence of a member of the immediate family of an individual 422
serving in the armed forces of the United States. A service flag 423
includes a blue star banner, a gold star banner, and any other 424
flag the secretary of defense designates as a service flag._ 425

(4) The display of a thin blue line flag or emblem on a 426
flag pole, through the use of a bracket, or in a window if 427
displayed in accordance with any state law, local ordinance or 428
resolution, or proclamation by the governor of the state. 429

(B) (1) A tenant who requests to display the flag of the 430
United States ~~or~~, the national league of families POW/MIA flag, 431
or a thin blue line flag at the rental property as provided in 432
~~division~~ divisions (A) (1) and (4) of this section through the 433
use of a flag pole shall contact the landlord with reasonable 434
notice before installation of the flag pole to discuss the 435
following: 436

(a) Placement in compliance with any local zoning 437
restrictions and the required underground utility service 438
requests (OUPS); 439

(b) Cost of the materials and installation; 440

(c) Installation in a workerlike manner if installed at 441
the tenant's request and expense; 442

(d) Any lighting required to comply with division (A) (1) 443
(a) of this section; 444

(e) The appropriate size of the flag and flag pole, which 445
shall be consistent with the size and character of the building. 446

(2) A tenant who requests to display the flag of the 447
United States ~~or~~, the national league of families POW/MIA flag, 448

or a thin blue line flag at the rental property as provided in 449
~~division~~divisions (A) (1) and (4) of this section through the 450
use of a bracket to be permanently affixed to the unit, shall 451
contact the landlord with reasonable notice before installation 452
of the bracket to discuss the following: 453

(a) Placement in compliance with any local zoning 454
restrictions; 455

(b) Cost of the materials and installation; 456

(c) Preferred location of the bracket with installation to 457
be performed in a workerlike manner if installed at the tenant's 458
request and expense; 459

(d) Any lighting required to comply with division (A) (1) 460
(a) of this section; 461

(e) The appropriate size of the flag and flag pole, which 462
shall be consistent with the size and character of the building. 463

(C) A landlord who does not receive the notifications 464
required under division (B) of this section is not liable for 465
any damages, fines, or costs associated with any issues arising 466
from the placement of the flag pole or the bracket by the 467
tenant. 468

(D) Any violation of this section is against public policy 469
and unenforceable. Any provision of a rental agreement that 470
violates this section is an unconscionable term under section 471
5321.14 of the Revised Code. 472

(E) Nothing in division (B) of this section exempts a 473
tenant from a provision in a lease agreement that requires a 474
tenant, at the termination of a lease, to return the premises in 475
the same condition as they were in when the tenant took 476

possession. 477

(F) As used in this section, "thin blue line flag" and 478
"thin blue line emblem" have the same meanings as in section 479
4781.40 of the Revised Code. 480

Section 2. That existing sections 4781.40, 5301.072, 481
5311.191, and 5321.131 of the Revised Code are hereby repealed. 482

Section 3. The amendments to sections 4781.40, 5301.072, 483
5311.191, and 5321.131 of the Revised Code by this act shall be 484
known as the Chief Steven DiSario Act. 485