

As Passed by the House

135th General Assembly

Regular Session

2023-2024

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

Representatives Brennan, Brewer, Carruthers, Dell'Aquila, Grim, Isaacsohn, Jarrells, Liston, Mathews, Miller, J., Miller, K., Mohamed, Oelslager, Patton, Piccolantonio, Robinson, Somani, Sweeney, Thomas, C., Upchurch, Whitted, Williams

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. 1
2
3
4
5
6
7

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: 8
9
10
11

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 12
13
14

generation. Devo's first official performance was at Kent state 15
university on April 18, 1973. 16

Sec. 5.266. The tenth day of October is designated as 17
"Black Brewers Day." 18

Sec. 5.267. The month of April is designated as "Arab 19
American Heritage Month." 20

Sec. 5.54. The eighth day of March is designated as 21
"International Women's Day" in Ohio. 22

Sec. 5.56. The month of March is designated as "Women's 23
History Month." 24

Sec. 5.57. The twentieth day of June is designated as 25
"World Refugee Day," to honor refugees around the globe and to 26
celebrate the strengths and courage of people who have been 27
forced to flee their home countries to escape conflict or 28
persecution. 29

Sec. 5.58. The month of October is designated as Hindu 30
Heritage Month to recognize the contributions of Hindu Americans 31
to the culture, education, faith, and life of the state. 32

Sec. 5.59. The week of the sixteenth day of March is 33
designated as "Ohio Black Media Week" to recognize freedom of 34
the press, information, equity, and equality. 35

Sec. 4781.40. (A) (1) The park operator shall offer each 36
home owner a written rental agreement for a manufactured home 37
park lot for a term of one year or more that contains terms 38
essentially the same as any alternative month-to-month rental 39
agreement offered to current and prospective tenants and owners. 40
The park operator shall offer the minimum one-year rental 41
agreement to the owner prior to installation of the home in the 42

manufactured home park or, if the home is in the manufactured 43
home park, prior to the expiration of the owner's existing 44
rental agreement. 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 , <u>the national league of families POW/MIA flag,</u>	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 , <u>the national league of families POW/MIA flag,</u>	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 162
lot and who requests to display the flag of the United States ~~or~~ 163
, the national league of families POW/MIA flag, or the thin blue 164
line flag at the rental property as provided in division (C) (2) 165
of this section through the use of a bracket to be permanently 166
affixed to the manufactured home, shall contact the park 167
operator with reasonable notice before installation of the 168
bracket to discuss the following: 169

(a) Placement in compliance with any local zoning 170
restrictions; 171

(b) Preferred location of the bracket to insure that there 172
will be no encroachment of the flag or bracket onto common areas 173
of the park; 174

(c) Any lighting required to comply with division (C) (2) 175
(a) (i) of this section; 176

(d) The appropriate size of the flag and flag pole, which 177
shall be consistent with the size and character of the 178
manufactured home and surrounding manufactured home park. 179

(6) A park operator who does not receive the notifications 180
required under divisions (C) (3) and (4) of this section is not 181
liable for any damages, fines, or costs associated with any 182
issues arising from the placement of the flag pole or the 183
bracket by the tenant. 184

(7) Any display of the flag of the United States ~~or~~, the 185
national league of families POW/MIA flag, or the thin blue line 186
flag shall use a flag or flag pole of an appropriate size, 187

consistent with the size and character of the manufactured homes 188
within the manufactured home park. 189

(8) Any violation of this division is against public 190
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	250
assessment, including a rental fee, that is not set forth in the	251
rental agreement or, if the rental agreement is oral, is not set	252
forth in a written disclosure given to the tenant or owner prior	253
to the tenant or owner entering into a rental agreement;	254
(5) Charge any owner any fee, charge, or assessment	255
because of the transfer of ownership of a home or because a home	256
is moved out of or into the manufactured home park, except a	257
charge for the actual costs and expenses that are incurred by	258
the park operator in moving the home out of or into the	259
manufactured home park, or in installing the home in the	260
manufactured home park and that have not been reimbursed by	261
another tenant or owner.	262
(I) If the park operator violates any provision of	263
divisions (A) to (H) of this section, the tenant or owner may	264
recover actual damages resulting from the violation, and, if the	265
tenant or owner obtains a judgment, reasonable attorneys' fees,	266
or terminate the rental agreement.	267
(J) No rental agreement shall require a tenant or owner to	268
sell, lease, or sublet the tenant's or owner's interest in the	269
rental agreement or the manufactured or mobile home that is or	270
will be located on the lot that is the subject of the rental	271
agreement to any specific person or through any specific person	272
as the person's agent.	273
(K) No park operator shall enter into a rental agreement	274

with the owner of a manufactured or mobile home for the use of 275
residential premises, if the rental agreement requires the owner 276
of the home, as a condition to the owner's renting, occupying, 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 309
States or the national league of families POW/MIA flag if the 310
flag is displayed in accordance with any of the following: 311

(a) The patriotic customs set forth in 4 U.S.C. 5-10, and 312
36 U.S.C. 902 governing the display and use of the flag; 313

(b) The consent of the property's owner or of any person 314
having lawful control of the property; 315

(c) The recommended flagpole standards set forth in "Our 316
Flag," published pursuant to S.C.R. 61 of the 105th Congress, 317
1st Session (1998); 318

(d) Any federal law, proclamation of the president of the 319
United States or the governor, section of the Revised Code, or 320
local ordinance or resolution. 321

(3) The display on any property of the state flag as 322
defined in section 5.01 of the Revised Code if the flag is 323
displayed in accordance with any of the following: 324

(a) The consent of the property's owner or of any person 325
having lawful control of the property; 326

(b) Any state law, local ordinance or resolution, or 327
proclamation by the governor of the state. 328

(4) The display of a service flag approved by the United 329
States secretary of defense for display in a window of the 330
residence of a member of the immediate family of an individual 331
serving in the armed forces of the United States. A service flag 332

includes a blue star banner, a gold star banner, and any other 333
flag the secretary of defense designates as a service flag._ 334

(5) The display of a thin blue line flag or emblem on any 335
property on a flag pole, through the use of a bracket, or in a 336
window if the flag is displayed in accordance with any of the 337
following: 338

(a) The consent of the property's owner or of any person 339
having lawful control of the property; 340

(b) Any state law, local ordinance or resolution, or 341
proclamation by the governor of the state. 342

(B) A covenant, condition, restriction, rule, regulation, 343
bylaw, governing document, or agreement or a construction of any 344
of these items that violates division (A) of this section is 345
against public policy and unenforceable in any court of this 346
state to the extent it violates that division._ 347

(C) As used in this section, "thin blue line flag" and 348
"thin blue line emblem" have the same meanings as in section 349
4781.40 of the Revised Code. 350

Sec. 5311.191. (A) No declaration, bylaw, rule, 351
regulation, or agreement of a condominium property or 352
construction of any of these items by the board of managers of 353
its unit owners association shall prohibit any of the following: 354

(1) The placement of a flagpole that is to be used for the 355
purpose of displaying, or the display of the flag of the United 356
States or the national league of families POW/MIA flag on or 357
within the limited common areas and facilities of a unit owner 358
or on the immediately adjacent exterior of the building in which 359
the unit of a unit owner is located, if the flag is displayed in 360
accordance with any of the following: 361

(a) The patriotic customs set forth in 4 U.S.C. 5-10, and	362
36 U.S.C. 902, governing the display and use of the flag;	363
(b) The recommended flagpole standards set forth in "Our	364
Flag," published pursuant to S.C.R. 61 of the 105th Congress,	365
1st Session (1998);	366
(c) Any federal law, proclamation of the president of the	367
United States or the governor, section of the Revised Code, or	368
local ordinance or resolution.	369
(2) The placement of a flagpole that is to be used for the	370
purpose of displaying, or the display of the flag of the state	371
as defined in section 5.01 of the Revised Code on or within the	372
limited common areas and facilities of a unit owner or on the	373
immediately adjacent exterior of the building in which the unit	374
of a unit owner is located, if the flag is displayed in	375
accordance with any state law, local ordinance or resolution, or	376
proclamation by the governor of the state;	377
(3) The display of a service flag approved by the United	378
States secretary of defense for display in a window of the	379
residence of a member of the immediate family of an individual	380
serving in the armed forces of the United States. A service flag	381
includes a blue star banner, a gold star banner, and any other	382
flag the secretary of defense designates as a service flag.	383
<u>(4) The display of a thin blue line flag or emblem on a</u>	384
<u>flag pole, through the use of a bracket, or in a window on or</u>	385
<u>within the limited common areas and facilities of a unit owner,</u>	386
<u>or on the immediately adjacent exterior of the building in which</u>	387
<u>the unit of a unit owner is located, if the flag or emblem is</u>	388
<u>displayed in accordance with any state law, local ordinance or</u>	389
<u>resolution, or a proclamation by the governor of the state.</u>	390

(B) Any display of the flag of the United States ~~or~~, the 391
national league of families POW/MIA flag, or the thin blue line 392
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 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. 420
421
422
423
424
425

(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 if displayed in accordance with any state law, local ordinance or resolution, or proclamation by the governor of the state. 426
427
428
429

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

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

(b) Cost of the materials and installation; 440

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

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

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

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

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

(b) Cost of the materials and installation;

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

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

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

(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.

(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.

(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 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