

As Introduced

136th General Assembly

Regular Session

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H. B. No. 553

Representatives Mohamed, Upchurch

**Cosponsors: Representatives Brennan, Lett, Brownlee, Piccolantonio, Rader,
Sigrist**

To amend section 5321.04 and to enact sections	1
5321.041 and 5321.042 of the Revised Code to	2
require landlords to notify tenants of rent	3
defaults prior to commencing evictions.	4

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

Section 1. That section 5321.04 be amended and sections	5
5321.041 and 5321.042 of the Revised Code be enacted to read as	6
follows:	7

Sec. 5321.04. (A) A landlord who is a party to a rental	8
agreement shall do all of the following:	9

(1) Comply with the requirements of all applicable	10
building, housing, health, and safety codes that materially	11
affect health and safety;	12

(2) Make all repairs and do whatever is reasonably	13
necessary to put and keep the premises in a fit and habitable	14
condition;	15

(3) Keep all common areas of the premises in a safe and	16
sanitary condition;	17

(4) Maintain in good and safe working order and condition 18
all electrical, plumbing, sanitary, heating, ventilating, and 19
air conditioning fixtures and appliances, and elevators, 20
supplied or required to be supplied by the landlord; 21

(5) When the landlord is a party to any rental agreements 22
that cover four or more dwelling units in the same structure, 23
provide and maintain appropriate receptacles for the removal of 24
ashes, garbage, rubbish, and other waste incidental to the 25
occupancy of a dwelling unit, and arrange for their removal; 26

(6) Supply running water, reasonable amounts of hot water, 27
and reasonable heat at all times, except where the building that 28
includes the dwelling unit is not required by law to be equipped 29
for that purpose, or the dwelling unit is so constructed that 30
heat or hot water is generated by an installation within the 31
exclusive control of the tenant and supplied by a direct public 32
utility connection; 33

(7) Not abuse the right of access conferred by division 34
(B) of section 5321.05 of the Revised Code; 35

(8) Except in the case of emergency or if it is 36
impracticable to do so, give the tenant reasonable notice of the 37
landlord's intent to enter and enter only at reasonable times. 38
Twenty-four hours is presumed to be a reasonable notice in the 39
absence of evidence to the contrary. 40

(9) Promptly commence an action under Chapter 1923. of the 41
Revised Code, after complying with division (C) of section 42
5321.17 of the Revised Code, to remove a tenant from particular 43
residential premises, if the tenant fails to vacate the premises 44
within three days after the giving of the notice required by 45
that division and if the landlord has actual knowledge of or has 46

reasonable cause to believe that the tenant, any person in the
tenant's household, or any person on the premises with the
consent of the tenant previously has or presently is engaged in
a violation as described in division (A)(6)(a)(i) of section
1923.02 of the Revised Code, whether or not the tenant or other
person has been charged with, has pleaded guilty to or been
convicted of, or has been determined to be a delinquent child
for an act that, if committed by an adult, would be a violation
as described in that division. Such actual knowledge or
reasonable cause to believe shall be determined in accordance
with that division.

(10) Comply with the rights of tenants under the
Servicemembers Civil Relief Act, 117 Stat. 2835, 50 U.S.C. App.
501.

(11) Notify the tenant of a default in the payment of
rent, and the amount the tenant is in default, not later than
sixty days after the default occurs.

(B) If the landlord makes an entry in violation of
division (A)(8) of this section, makes a lawful entry in an
unreasonable manner, or makes repeated demands for entry
otherwise lawful that have the effect of harassing the tenant,
the tenant may recover actual damages resulting from the entry
or demands, obtain injunctive relief to prevent the recurrence
of the conduct, and obtain a judgment for reasonable attorney's
fees, or may terminate the rental agreement.

Sec. 5321.041. If the landlord fails to provide timely
notice under division (A)(11) of section 5321.04 of the Revised
Code, the landlord shall not commence an action under Chapter
1923. of the Revised Code to remove the tenant from the
residential premises until all of the following occur:

(A) The landlord notifies the tenant in writing of a 77
default in the payment of rent, and the amount the tenant is in 78
default; 79

(B) At least ninety days have elapsed since the landlord 80
provided notice under division (A) of this section; 81

(C) The landlord has offered to negotiate a payment plan 82
with the tenant to recover the amount the tenant is in default. 83

Sec. 5321.042. (A) If a landlord and tenant agree upon a 84
payment plan pursuant to division (C) of section 5321.041 of the 85
Revised Code, the landlord shall not commence an action under 86
Chapter 1923. of the Revised Code to remove the tenant from the 87
residential premises unless the tenant fails to comply with the 88
terms of the agreement. 89

(B) If a landlord and tenant do not agree upon a payment 90
plan pursuant to division (C) of section 5321.041 of the Revised 91
Code, the landlord may commence an action under Chapter 1923. of 92
the Revised Code to remove the tenant from the residential 93
premises if more than ninety days have elapsed from the date the 94
notice was sent under division (A) of section 5321.041 of the 95
Revised Code. 96

Section 2. That existing section 5321.04 of the Revised 97
Code is hereby repealed. 98