As Introduced

136th General Assembly

Regular Session **H. B. No. 855**

2025-2026

Representatives Grim, Miller, M.

Cosponsors: Representatives Brent, Lett, Brennan, Synenberg, Mullins, Baker, Rader, Somani, Cockley, Russo, Bryant Bailey, Abdullahi, Piccolantonio, Brownlee, Sims, McNally, Miller, J., Salvo, Click

To amend sections 3767.01, 3767.05, 4301.74, 5321.02, and 5747.98 and to enact sections 5321.172 and 5747.35 of the Revised Code to allow a tenant to terminate a rental agreement if the tenant is a victim of a specified crime, to authorize an income tax credit for landlords who rented to such tenants, and to name this act the Ohio Safe Homes Act.

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

Section 1. That sections 3767.01, 3767.05, 4301.74, 5321.02, and 5747.98 be amended and sections 5321.172 and 5747.35 of the Revised Code be enacted to read as follows:

Sec. 3767.01. As used in all sections of the Revised Code relating to nuisances:

(A) "Place" includes any building, erection, or place or any separate part or portion thereof or the ground itself;

(B) "Person" includes any individual, corporation, association, partnership, trustee, lessee, agent, or assignee;

~~(C) "Nuisance"~~(C)(1) Except as provided in division (C)(2) of this section, "nuisance" means any of the following:

~~(1)~~(a) That which is defined and declared by statutes to be a nuisance;

~~(2)~~(b) Any place in or upon which lewdness, assignation, or prostitution is conducted, permitted, continued, or exists, or any place, in or upon which lewd, indecent, lascivious, or obscene films or plate negatives, film or plate positives, films designed to be projected on a screen for exhibition films, or glass slides either in negative or positive form designed for exhibition by projection on a screen, are photographed, manufactured, developed, screened, exhibited, or otherwise prepared or shown, and the personal property and contents used in conducting and maintaining any such place for any such purpose. This chapter shall not affect any newspaper, magazine, or other publication entered as second class matter by the post-office department.

~~(3)~~(c) Any room, house, building, boat, vehicle, structure, or place where beer or intoxicating liquor is manufactured, sold, bartered, possessed, or kept in violation of law and all property kept and used in maintaining the same, and all property designed for the unlawful manufacture of beer or intoxicating liquor and beer or intoxicating liquor contained in the room, house, building, boat, structure, or place, or the operation of such a room, house, building, boat, structure, or place as described in division ~~(C)(3)~~(C)(1)(c) of this section where the operation of that place substantially interferes with public decency, sobriety, peace, and good order. "Violation of law" includes, but is not limited to, sales to any person under the legal drinking age as prohibited in division (A) of section

4301.22 or division (A) of section 4301.69 of the Revised Code and any violation of section 2913.46 or 2925.03 of the Revised Code.

~~(4)~~ (d) Any place in which a pattern of continuous or repeated violations of division (B)(1) of section 2927.02 of the Revised Code has occurred.

(2) "Nuisance" does not include service calls to law enforcement relating to rape, attempted rape, domestic violence, dating violence, abuse, or a sexually oriented offense.

Sec. 3767.05. (A) The civil action provided for in section 3767.03 of the Revised Code shall be set down for trial at the earliest possible time and shall have precedence over all other cases except those involving crimes, election contests, or injunctions regardless of the position of the proceedings on the calendar of the court. In the civil action, evidence of the general reputation of the place where the nuisance is alleged to exist or an admission or finding of guilt of any person under the criminal laws against prostitution, lewdness, assignation, or other prohibited conduct at the place is admissible for the purpose of proving the existence of the nuisance and is prima-facie evidence of the nuisance and of knowledge of and of acquiescence and participation in the nuisance on the part of the person charged with maintaining it.

(B) If the complaint for the permanent injunction is filed by a person who is a citizen of the county, it shall not be dismissed unless the complainant and the complainant's attorney submit a sworn statement setting forth the reasons why the civil action should be dismissed and the dismissal is approved by the prosecuting attorney in writing or in open court. If the person who files the complaint for the permanent injunction is a

citizen of the county, if that person refuses or otherwise fails to prosecute the complaint to judgment, and if the civil action is not dismissed pursuant to this division, then, with the approval of the court, the attorney general, the prosecuting attorney of the county in which the nuisance exists, or the village solicitor, city director of law, or other similar chief legal officer of the municipal corporation in which the nuisance exists, may be substituted for the complainant and prosecute the civil action to judgment.

(C) If the civil action is commenced by a person who is a citizen of the county where the nuisance is alleged to exist and the court finds that there were no reasonable grounds or cause for the civil action, the costs may be taxed to that person.

(D) If the existence of the nuisance is established upon the trial of the civil action, a judgment shall be entered that perpetually enjoins the defendant and any other person from further maintaining the nuisance at the place complained of and the defendant from maintaining the nuisance elsewhere.

(E) If the court finds that a nuisance described in division ~~(C)(3)~~ (C)(1)(c) of section 3767.01 of the Revised Code exists, the court shall order the nuisance to be abated, and, in entering judgment for nuisance, the court shall do all of the following:

(1) Specify that judgment is entered pursuant to division (E) of this section;

(2) Order that no beer or intoxicating liquor may be manufactured, sold, bartered, possessed, kept, or stored in the room, house, building, structure, place, boat, or vehicle or any part thereof. The court need not find that the property was

being unlawfully used at the time of the hearing on the matter if the court finds there existed a nuisance as described in division ~~(C)(3)~~ (C)(1)(c) of section 3767.01 of the Revised Code.

(3) Order that the room, house, building, boat, vehicle, structure, or place not be occupied or used for one year after the judgment is rendered. The court may permit the premises to be occupied by a person other than the defendant or a business affiliate of the defendant in the nuisance action, or an agent of, or entity owned in whole or part by, the defendant, if the person, lessee, tenant, or occupant of the location posts a bond with sufficient surety, to be approved by the court issuing the order, in the sum of not less than one thousand nor more than five thousand dollars, payable to the state of Ohio, on the condition that no beer or intoxicating liquor thereafter shall be manufactured, sold, bartered, possessed, kept, stored, transported, or otherwise disposed of on the premises, and the person agrees to pay all fines, costs, and damages that may be assessed for a violation. A reasonable sum shall be allowed an officer by the issuing court for the cost of closing and keeping closed the premises that is the subject of the nuisance action.

(4) Send notice of the judgment entered to the division of liquor control, the liquor control commission, and the liquor enforcement division of the department of public safety.

(F) A defendant found to have maintained a nuisance as described in division ~~(C)(3)~~ (C)(1)(c) of section 3767.01 of the Revised Code also is subject to liability and penalties under sections 4301.74 and 4399.09 of the Revised Code. The abatement of a nuisance under section 4399.09 of the Revised Code is in addition to and does not prevent the abatement of a nuisance

under division (D) or (E) of this section.

(G) If a court enters judgment pursuant to division (D) or (E) of this section finding that a nuisance exists at a liquor permit premises or as a result of the operation of a liquor permit premises, except in the case of a nuisance found as a result of a violation of a local zoning ordinance or resolution, the certified copy of the judgment required under division (A) of section 4301.331 of the Revised Code shall be filed with the board of elections in the county in which the nuisance exists, not later than four p.m. of the ninetieth day before the day of the next general or primary election. However, no election shall be conducted on sales at the liquor permit premises under section 4301.352 of the Revised Code until all appeals on the judgment are resolved. The court of appeals shall render a decision on any appeal of the judgment within six months after the date of the filing of the appeal of the judgment with the clerk of the court of appeals, and the supreme court shall render a decision on any appeal of the judgment within six months after the date of the filing of the appeal of the judgment with the clerk of the supreme court.

Sec. 4301.74. Any person subject to an injunction, temporary or permanent, granted pursuant to division (D) or (E) of section 3767.05 of the Revised Code involving a condition described in division ~~(C)(3)~~ (C)(1)(c) of section 3767.01 of the Revised Code shall obey such injunction. If such person violates such injunction, the court or in vacation a judge thereof, may summarily try and punish the violator. The proceedings for punishment for contempt shall be commenced by filing with the clerk of the court from which such injunction issued information under oath setting out the alleged facts constituting the violation, whereupon the court shall forthwith cause a warrant

to issue under which the defendant shall be arrested. The trial may be had upon affidavits, or either party may demand the production and oral examination of the witnesses.

Sec. 5321.02. (A) Subject to section 5321.03 of the Revised Code, a landlord may not retaliate against a tenant by increasing the tenant's rent, decreasing services that are due to the tenant, or bringing or threatening to bring an action for possession of the tenant's premises because:

(1) The tenant has complained to an appropriate governmental agency of a violation of a building, housing, health, or safety code that is applicable to the premises, and the violation materially affects health and safety;

(2) The tenant has complained to the landlord of any violation of section 5321.04 of the Revised Code;

(3) The tenant joined with other tenants for the purpose of negotiating or dealing collectively with the landlord on any of the terms and conditions of a rental agreement;

(4) Pursuant to section 5321.172 of the Revised Code, the tenant provided a notice of termination, indicated that the tenant might provide a notice of termination, or requested a replacement lock or locks.

(B) If a landlord acts in violation of division (A) of this section the tenant may:

(1) Use the retaliatory action of the landlord as a defense to an action by the landlord to recover possession of the premises;

(2) Recover possession of the premises; or

(3) Terminate the rental agreement.

In addition, the tenant may recover from the landlord any actual damages together with reasonable attorneys' fees.

(C) Nothing in division (A) of this section shall prohibit a landlord from increasing the rent to reflect the cost of improvements installed by the landlord in or about the premises or to reflect an increase in other costs of operation of the premises.

Sec. 5321.172. (A) As used in this section:

(1) "Co-tenant" means an individual, other than a named individual, who is a party to a rental agreement with a tenant seeking protection under this section.

(2) "Domestic violence" has the same meaning as in section 3113.31 of the Revised Code.

(3) "Law enforcement officer" has the same meaning as in section 2901.01 of the Revised Code.

(4) "Named individual" means an individual identified in a qualifying protection order as restrained from contact with the tenant.

(5) "Qualified advocate" means any person who has completed at least forty hours of training in victim advocacy, safety planning, crisis response, confidentiality and privilege requirements in state law, and federal funding obligations for victims of domestic violence, human trafficking, menacing by stalking, or sexual violence from training providers approved by the federally recognized state sexual violence or domestic violence coalitions.

(6) "Qualified third party" means either of the following, acting in the third party's official capacity:

(a) A law enforcement officer;

(b) A qualified advocate.

(7) "Qualifying protection order" means either of the following:

(a) A protection order issued under the laws of this state, including any of the following:

(i) A protection order issued after a full hearing under section 3113.31 of the Revised Code;

(ii) A consent agreement approved under section 3113.31 of the Revised Code;

(iii) A temporary protection order issued under section 2919.26 of the Revised Code.

(b) A protection order or consent agreement substantially similar to an order or agreement described in division (A)(7)(a) of this section that was issued or approved under a substantially similar law of another state or a substantially similar ordinance or resolution of a political subdivision of this state or another state.

(8) "Rape" means a violation of section 2907.02 of the Revised Code or a substantially similar violation under the laws of another state.

(9) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(10) "Written record of the report" is a written document produced by a qualified third party that includes all of the following:

(a) The tenant's name;

(b) The qualified third party's name;

(c) A declaration that the qualified third party meets the definition of a qualified third party under this section;

(d) A statement that the tenant has made a credible report of any of the following to the qualified third party:

(i) A rape;

(ii) An attempted rape;

(iii) Domestic violence;

(iv) Dating violence;

(v) Abuse;

(vi) A sexually oriented offense.

(e) The qualified third party's signature and date of the signature.

(B) A tenant who is an alleged victim of rape, attempted rape, domestic violence, dating violence, abuse, or a sexually oriented offense may terminate the tenant's rental agreement or request the installation of replacement locks on the premises covered by the rental agreement, or both, if either of the following applies:

(1) A qualifying protection order is issued or approved for the protection of the tenant.

(2) The tenant has reported the alleged domestic violence, rape, attempted rape, dating violence, abuse, or sexually oriented offense to a qualified third party, and the qualified third party has provided the tenant a written record of the report.

(C)(1)(a) When terminating a rental agreement pursuant to division (B) of this section, the tenant shall provide the landlord both of the following:

(i) A written notice that the rental agreement will terminate and the date the tenant will vacate the property, which shall be not later than thirty days after delivery of the notice;

(ii) A certified copy of the qualifying protection order or, within thirty days after being signed by a qualified third party, a written record of a report described in division (B)(2) of this section.

(b) A landlord shall terminate a tenant's rental agreement on the date the tenant vacates the property if the tenant provides the items required under division (C)(1)(a) of this section to the landlord.

(2) Prior to requesting the installation of replacement locks pursuant to division (B) of this section, the tenant shall provide the landlord both of the following:

(a) A certified copy of the qualifying protection order or a copy of the written record described in division (B)(2) of this section;

(b) A copy of the current key.

(3) Subject to division (C)(2) of this section, the tenant may request the installation of replacement locks, which locks and their installation shall be at the tenant's expense, to the premises covered by the rental agreement.

(4) A landlord shall not charge more than two hundred fifty dollars for the installation of a replacement lock or

locks. A replacement lock or locks shall be installed within twenty-four hours of the landlord receiving the request to install a replacement lock or locks pursuant to division (C)(3) of this section.

(5) Regardless of any provision in the rental agreement, the landlord may refuse to provide a key to the replacement lock to a named individual, even if the named individual is a party to the rental agreement.

(6) A named individual who has been excluded from a residential rental property under this section shall remain liable for rent under the rental agreement.

(7) Information provided to a landlord under divisions (C)(1)(a) and (2) of this section shall be provided by certified mail, electronic mail, or other method that proves the date and time sent.

(D) A landlord shall not disclose any of the following:

(1) A forwarding address, contact information, or any other information that could be used to identify or locate the tenant to the named individual, an individual the landlord believes to be a relative of the named individual, or a person acting on behalf of the named individual, unless the relative or person acting on behalf of the named individual is the named individual's attorney;

(2) That a tenant terminated a rental agreement or requested an installation of replacement locks under this section, or is an alleged victim of rape, attempted rape, domestic violence, dating violence, abuse, or a sexually oriented offense to any other person, including another landlord or a credit reporting agency, unless otherwise required by state

or federal law.

(E) The tenant shall be responsible for rent and any other amounts due under the rental agreement for the period following delivery of the notice allowed by division (C)(1)(a) of this section until the tenant vacates the property.

(F) All of the following apply to a landlord whose tenant terminates a rental agreement pursuant to this section:

(1) The landlord shall give the tenant up to thirty days to vacate the property.

(2) The landlord shall not pursue an action under Chapter 1923. of the Revised Code against the tenant for early termination.

(3) The landlord shall not charge the tenant any fees that might otherwise be authorized by the early termination of the rental agreement.

(4) The landlord shall not change the locks or otherwise prevent the tenant from retrieving the tenant's possessions.

(5) The landlord shall return the security deposit to the tenant upon vacating the property, pursuant to section 5321.16 of the Revised Code, unless the landlord is entitled to keep a portion or all of the deposit in accordance with that section.

(G)(1) Subject to division (G)(2) of this section, if a tenant terminates a rental agreement pursuant to this section, the rental agreement continues in effect with regard to any co-tenant under the rental agreement. The co-tenant shall not be responsible for any action or inaction by any other party to the rental agreement. The co-tenant remains liable for any and all early termination penalties outlined in the lease agreement.

(2) A co-tenant under the rental agreement may do any of the following:

(a) Terminate the rental agreement at the same time as the protected tenant;

(b) Procure a prospective tenant within thirty days after the notice provided to the landlord under division (C)(1)(a) of this section;

(c) Assume the entire lease.

(3) A landlord has reasonable discretion to refuse a prospective tenant procured pursuant to division (G)(2)(b) of this section. Prospective tenants may be subject to the same standard screening and approval processes that are used on all prospective tenants.

(H) A landlord shall not refuse to enter into a rental agreement with an otherwise qualified applicant for tenancy based on the applicant's choice to disclose or not to disclose that the applicant is a victim of rape, attempted rape, domestic violence, dating violence, abuse, or a sexually oriented offense, or based on the landlord's suspicion that the applicant may be a future victim of rape, attempted rape, domestic violence, dating violence, abuse, or a sexually oriented offense.

(I) Except as provided in division (G)(1) of this section, the termination of a rental agreement pursuant to this section shall be considered the same as if the rental agreement terminated naturally.

Sec. 5747.35. A nonrefundable credit is allowed against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for a landlord whose tenant has terminated the

tenant's rental agreement pursuant to section 5321.172 of the Revised Code. The amount of the credit shall equal the lesser of two thousand dollars or one month's rent for each rental agreement that is terminated pursuant to that section during the taxable year. If the landlord is a pass-through entity, each taxpayer that holds a direct or indirect equity interest in that pass-through entity may claim the taxpayer's distributive or proportionate share of the credit.

The credit shall be claimed in the order required under section 5747.98 of the Revised Code. If the credit exceeds the taxpayer's aggregate tax due under section 5747.02 of the Revised Code for that taxable year after allowing for credits that precede the credit allowed under this section in that order, such excess shall be allowed as a credit in each of the ensuing two taxable years, but the amount of any excess credit allowed in any such taxable year shall be deducted from the balance carried forward to the ensuing taxable year.

Sec. 5747.98. (A) To provide a uniform procedure for calculating a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order:

Either the retirement income credit under division (B) of section 5747.055 of the Revised Code or the lump sum retirement income credits under divisions (C), (D), and (E) of that section;

Either the senior citizen credit under division (F) of section 5747.055 of the Revised Code or the lump sum distribution credit under division (G) of that section;

The dependent care credit under section 5747.054 of the

Revised Code;

The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;

The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;

The joint filing credit under division (E) of section 5747.05 of the Revised Code;

The earned income credit under section 5747.71 of the Revised Code;

The credit for a landlord whose qualifying tenant terminates a rental agreement under section 5747.35 of the Revised Code;

The nonrefundable credit for education expenses under section 5747.72 of the Revised Code;

The nonrefundable credit for donations to scholarship granting organizations under section 5747.73 of the Revised Code;

The nonrefundable credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code;

The nonrefundable vocational job credit under section 5747.057 of the Revised Code;

The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;

The enterprise zone credit under section 5709.66 of the Revised Code;

The credit for beginning farmers who participate in a

financial management program under division (B) of section 5747.77 of the Revised Code;

The credit for commercial vehicle operator training expenses under section 5747.82 of the Revised Code;

The nonrefundable welcome home Ohio (WHO) program credit under section 122.633 of the Revised Code;

The nonrefundable credit for transformational mixed use development tax credit certificate holders under section 5747.87 of the Revised Code;

The credit for selling or renting agricultural assets to beginning farmers under division (A) of section 5747.77 of the Revised Code;

The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;

The small business investment credit under section 5747.81 of the Revised Code;

The nonrefundable lead abatement credit under section 5747.26 of the Revised Code;

The opportunity zone investment credit under section 5747.86 of the Revised Code;

The enterprise zone credits under section 5709.65 of the Revised Code;

The research and development credit under section 5747.331 of the Revised Code;

The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;

The nonrefundable Ohio low-income housing tax credit under

section 5747.83 of the Revised Code;

The nonrefundable affordable single-family home credit under section 5747.84 of the Revised Code;

The nonresident credit under division (A) of section 5747.05 of the Revised Code;

The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;

The refundable motion picture and broadway theatrical production credit under section 5747.66 of the Revised Code;

The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;

The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;

The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;

The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;

The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;

The refundable credit under section 5747.39 of the Revised Code for taxes levied under section 5747.38 of the Revised Code paid by an electing pass-through entity.

(B) For any credit, except the refundable credits enumerated in this section and the credit granted under division

(H) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the taxpayer's aggregate amount of tax due under section 5747.02 of the Revised Code, after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year.

Section 2. That existing sections 3767.01, 3767.05, 4301.74, 5321.02, and 5747.98 of the Revised Code are hereby repealed.

Section 3. This act shall be known as the Ohio Safe Homes Act.

Section 4. The enactment by this act of section 5747.35 of the Revised Code applies to taxable years ending on or after the effective date of this section.