

I\_136\_0330-2

136th General Assembly  
Regular Session  
2025-2026

Sub. H. B. No. 92

To amend sections 1923.02 and 5321.03 and to enact  
sections 743.51, 743.52, 743.53, 743.54, and  
743.55 of the Revised Code regarding unpaid  
municipal utility services.

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

**Section 1.** That sections 1923.02 and 5321.03 be amended  
and sections 743.51, 743.52, 743.53, 743.54, and 743.55 of the  
Revised Code be enacted to read as follows:

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**Sec. 743.51.** As used in sections 743.51 to 743.55 of the  
Revised Code:

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(A) "Landlord," "residential premises," and "tenant" have  
the same meanings as in section 5321.01 of the Revised Code.

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(B) "Municipal utility service" means water, sewer,  
natural gas, electric, or other utility service supplied by a  
municipal corporation.

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**Sec. 743.52.** (A) Division (B) of this section applies only  
if one or both of the following are met:

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(1) The former tenant of a residential premises contracted

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for municipal utility service at the residential premises with 18  
the municipal corporation. 19

(2) The municipal corporation provided municipal utility 20  
service to a residential premises with the knowledge of the 21  
former tenant's name and the period that the former tenant was 22  
provided the service. 23

(B) Notwithstanding any provision of the Revised Code to 24  
the contrary, no municipal corporation shall refuse or 25  
discontinue municipal utility service to a landlord, present 26  
tenant, or prospective tenant at a residential premises based on 27  
nonpayment for municipal utility services by a former tenant of 28  
the residential premises. 29

Sec. 743.53. Notwithstanding any provision of the Revised 30  
Code to the contrary, a municipal corporation may adopt an 31  
ordinance authorizing the municipal corporation to withdraw and 32  
expend any security deposit collected by the municipal 33  
corporation from any tenant for municipal utility service for 34  
the nonpayment of municipal services by the tenant. 35

Sec. 743.54. No contract entered into between a municipal 36  
corporation and a landlord may waive any provision of sections 37  
743.51 to 743.55 of the Revised Code. 38

Sec. 743.55. Nothing in sections 743.51 to 743.55 of the 39  
Revised Code shall be construed to prohibit a municipal 40  
corporation from discontinuing municipal utility service to a 41  
tenant who is in arrears thirty days or more. 42

Sec. 1923.02. (A) Proceedings under this chapter may be 43  
had as follows: 44

(1) Against tenants or manufactured home park residents 45  
holding over their terms; 46

(2) Against tenants or manufactured home park residents in 47  
possession under an oral tenancy, who are in default in the 48  
payment of rent as provided in division (B) of this section; 49

(3) In sales of real estate, on executions, orders, or 50  
other judicial process, when the judgment debtor was in 51  
possession at the time of the rendition of the judgment or 52  
decree, by virtue of which the sale was made; 53

(4) In sales by executors, administrators, or guardians, 54  
and on partition, when any of the parties to the complaint were 55  
in possession at the commencement of the action, after the 56  
sales, so made on execution or otherwise, have been examined by 57  
the proper court and adjudged legal; 58

(5) When the defendant is an occupier of lands or 59  
tenements, without color of title, and the complainant has the 60  
right of possession to them; 61

(6) In any other case of the unlawful and forcible 62  
detention of lands or tenements. For purposes of this division, 63  
in addition to any other type of unlawful and forcible detention 64  
of lands or tenements, such a detention may be determined to 65  
exist when both of the following apply: 66

(a) A tenant fails to vacate residential premises within 67  
three days after both of the following occur: 68

(i) The tenant's landlord has actual knowledge of or has 69  
reasonable cause to believe that the tenant, any person in the 70  
tenant's household, or any person on the premises with the 71  
consent of the tenant previously has or presently is engaged in 72  
a violation of Chapter 2925. or 3719. of the Revised Code, or of 73  
a municipal ordinance that is substantially similar to any 74  
section in either of those chapters, which involves a controlled 75

substance and which occurred in, is occurring in, or otherwise 76  
was or is connected with the premises, whether or not the tenant 77  
or other person has been charged with, has pleaded guilty to or 78  
been convicted of, or has been determined to be a delinquent 79  
child for an act that, if committed by an adult, would be a 80  
violation as described in this division. For purposes of this 81  
division, a landlord has "actual knowledge of or has reasonable 82  
cause to believe" that a tenant, any person in the tenant's 83  
household, or any person on the premises with the consent of the 84  
tenant previously has or presently is engaged in a violation as 85  
described in this division if a search warrant was issued 86  
pursuant to Criminal Rule 41 or Chapter 2933. of the Revised 87  
Code; the affidavit presented to obtain the warrant named or 88  
described the tenant or person as the individual to be searched 89  
and particularly described the tenant's premises as the place to 90  
be searched, named or described one or more controlled 91  
substances to be searched for and seized, stated substantially 92  
the offense under Chapter 2925. or 3719. of the Revised Code or 93  
the substantially similar municipal ordinance that occurred in, 94  
is occurring in, or otherwise was or is connected with the 95  
tenant's premises, and states the factual basis for the 96  
affiant's belief that the controlled substances are located on 97  
the tenant's premises; the warrant was properly executed by a 98  
law enforcement officer and any controlled substance described 99  
in the affidavit was found by that officer during the search and 100  
seizure; and, subsequent to the search and seizure, the landlord 101  
was informed by that or another law enforcement officer of the 102  
fact that the tenant or person has or presently is engaged in a 103  
violation as described in this division and it occurred in, is 104  
occurring in, or otherwise was or is connected with the tenant's 105  
premises. 106

(ii) The landlord gives the tenant the notice required by 107  
division (C) of section 5321.17 of the Revised Code. 108

(b) The court determines, by a preponderance of the 109  
evidence, that the tenant, any person in the tenant's household, 110  
or any person on the premises with the consent of the tenant 111  
previously has or presently is engaged in a violation as 112  
described in division (A) (6) (a) (i) of this section. 113

(7) In cases arising out of Chapter 5313. of the Revised 114  
Code. In those cases, the court has the authority to declare a 115  
forfeiture of the vendee's rights under a land installment 116  
contract and to grant any other claims arising out of the 117  
contract. 118

(8) Against tenants who have breached an obligation that 119  
is imposed by section 5321.05 of the Revised Code, other than 120  
the obligation specified in division (A) (9) of that section, and 121  
that materially affects health and safety. Prior to the 122  
commencement of an action under this division, notice shall be 123  
given to the tenant and compliance secured with section 5321.11 124  
of the Revised Code. 125

(9) Against tenants who have breached an obligation 126  
imposed upon them by a written rental agreement; 127

(10) Against manufactured home park residents who have 128  
defaulted in the payment of rent or breached the terms of a 129  
rental agreement with a park operator. Nothing in this division 130  
precludes the commencement of an action under division (A) (12) 131  
of this section when the additional circumstances described in 132  
that division apply. 133

(11) Against manufactured home park residents who have 134  
committed two material violations of the rules of the 135

manufactured home park, of the division of industrial compliance 136  
of the department of commerce, or of applicable state and local 137  
health and safety codes and who have been notified of the 138  
violations in compliance with section 4781.45 of the Revised 139  
Code; 140

(12) Against a manufactured home park resident, or the 141  
estate of a manufactured home park resident, who as a result of 142  
death or otherwise has been absent from the manufactured home 143  
park for a period of thirty consecutive days prior to the 144  
commencement of an action under this division and whose 145  
manufactured home or mobile home, or recreational vehicle that 146  
is parked in the manufactured home park, has been left 147  
unoccupied for that thirty-day period, without notice to the 148  
park operator and without payment of rent due under the rental 149  
agreement with the park operator; 150

(13) Against occupants of self-service storage facilities, 151  
as defined in division (A) of section 5322.01 of the Revised 152  
Code, who have breached the terms of a rental agreement or 153  
violated section 5322.04 of the Revised Code; 154

(14) Against any resident or occupant who, pursuant to a 155  
rental agreement, resides in or occupies residential premises 156  
located within one thousand feet of any school premises, 157  
preschool or child care center premises, children's crisis care 158  
facility premises, or residential infant care center premises 159  
and to whom both of the following apply: 160

(a) The resident's or occupant's name appears on the state 161  
registry of sex offenders and child-victim offenders maintained 162  
under section 2950.13 of the Revised Code. 163

(b) The state registry of sex offenders and child-victim 164

offenders indicates that the resident or occupant was convicted 165  
of or pleaded guilty to a sexually oriented offense or a child- 166  
victim oriented offense in a criminal prosecution and was not 167  
sentenced to a serious youthful offender dispositional sentence 168  
for that offense. 169

(15) Against any tenant who permits any person to occupy 170  
residential premises located within one thousand feet of any 171  
school premises, preschool or child care center premises, 172  
children's crisis care facility premises, or residential infant 173  
care center premises if both of the following apply to the 174  
person: 175

(a) The person's name appears on the state registry of sex 176  
offenders and child-victim offenders maintained under section 177  
2950.13 of the Revised Code. 178

(b) The state registry of sex offenders and child-victim 179  
offenders indicates that the person was convicted of or pleaded 180  
guilty to a sexually oriented offense or a child-victim oriented 181  
offense in a criminal prosecution and was not sentenced to a 182  
serious youthful offender dispositional sentence for that 183  
offense. 184

(16) Against a tenant who is financially responsible for 185  
paying for municipal utility service and fails to do so. As used 186  
in this division, "municipal utility service" has the same 187  
meaning as in section 743.51 of the Revised Code. 188

(B) If a tenant or manufactured home park resident holding 189  
under an oral tenancy is in default in the payment of rent, the 190  
tenant or resident forfeits the right of occupancy, and the 191  
landlord may, at the landlord's option, terminate the tenancy by 192  
notifying the tenant or resident, as provided in section 1923.04 193

of the Revised Code, to leave the premises, for the restitution 194  
of which an action may then be brought under this chapter. 195

(C) (1) If a tenant or any other person with the tenant's 196  
permission resides in or occupies residential premises that are 197  
located within one thousand feet of any school premises, 198  
children's crisis care facility premises, or residential infant 199  
care center premises and is a resident or occupant of the type 200  
described in division (A) (14) of this section or a person of the 201  
type described in division (A) (15) of this section, the landlord 202  
for those residential premises, upon discovery that the tenant 203  
or other person is a resident, occupant, or person of that 204  
nature, may terminate the rental agreement or tenancy for those 205  
residential premises by notifying the tenant and all other 206  
occupants, as provided in section 1923.04 of the Revised Code, 207  
to leave the premises. 208

(2) If a landlord is authorized to terminate a rental 209  
agreement or tenancy pursuant to division (C) (1) of this section 210  
but does not so terminate the rental agreement or tenancy, the 211  
landlord is not liable in a tort or other civil action in 212  
damages for any injury, death, or loss to person or property 213  
that allegedly result from that decision. 214

(D) This chapter does not apply to a student tenant as 215  
defined by division (H) of section 5321.01 of the Revised Code 216  
when the college or university proceeds to terminate a rental 217  
agreement pursuant to section 5321.031 of the Revised Code. 218

(E) As used in this section, "children's crisis care 219  
facility premises" and "residential infant care center premises" 220  
have the same meanings as in section 2950.034 of the Revised 221  
Code. 222

**Sec. 5321.03.** (A) Notwithstanding section 5321.02 of the 223  
Revised Code, a landlord may bring an action under Chapter 1923. 224  
of the Revised Code for possession of the premises if: 225

(1) The tenant is in default in the payment of rent; 226

(2) The violation of the applicable building, housing, 227  
health, or safety code that the tenant complained of was 228  
primarily caused by any act or lack of reasonable care by the 229  
tenant, or by any other person in the tenant's household, or by 230  
anyone on the premises with the consent of the tenant; 231

(3) Compliance with the applicable building, housing, 232  
health, or safety code would require alteration, remodeling, or 233  
demolition of the premises which would effectively deprive the 234  
tenant of the use of the dwelling unit; 235

(4) A tenant is holding over the tenant's term. 236

(5) The residential premises are located within one 237  
thousand feet of any school premises, preschool or child care 238  
center premises, children's crisis care facility premises, or 239  
residential infant care center premises, and both of the 240  
following apply regarding the tenant or other occupant who 241  
resides in or occupies the premises: 242

(a) The tenant's or other occupant's name appears on the 243  
state registry of sex offenders and child-victim offenders 244  
maintained under section 2950.13 of the Revised Code. 245

(b) The state registry of sex offenders and child-victim 246  
offenders indicates that the tenant or other occupant was 247  
convicted of or pleaded guilty to a sexually oriented offense or 248  
a child-victim oriented offense in a criminal prosecution and 249  
was not sentenced to a serious youthful offender dispositional 250  
sentence for that offense. 251

(6) The tenant is financially responsible for paying for 252  
municipal utility service and fails to do so. As used in this 253  
division, "municipal utility service" has the same meaning as in 254  
section 743.51 of the Revised Code. 255

(B) The maintenance of an action by the landlord under 256  
this section does not prevent the tenant from recovering damages 257  
for any violation by the landlord of the rental agreement or of 258  
section 5321.04 of the Revised Code. 259

(C) This section does not apply to a dwelling unit 260  
occupied by a student tenant. 261

(D) As used in this section, "children's crisis care 262  
facility premises" and "residential infant care center premises" 263  
have the same meanings as in section 2950.034 of the Revised 264  
Code. 265

**Section 2.** That existing sections 1923.02 and 5321.03 of 266  
the Revised Code are hereby repealed. 267