OHIO LEGISLATIVE SERVICE COMMISSION

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Office of Research and Drafting

Legislative Budget Office

S.B. 202
136th General Assembly

Bill Analysis

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Version: As Passed by the Senate

Primary Sponsor: Sen. Schaffer

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SUMMARY

- Prohibits manufactured home park operators and landlords from including a restriction in a rental agreement or otherwise prohibiting the display of a thin blue line flag or emblem.
- Prohibits neighborhood, civic, homeowners, and condominium associations from including a provision in a governing document that prohibits the display of a thin blue line flag or emblem, subject to specified conditions.
- Declares such a prohibited provision to be void as against public policy.
- Names the bill after Police Chief Steven DiSario.

DETAILED ANALYSIS

Display of thin blue line flag or emblem

The bill enacts the Chief Steven DiSario Act, which prohibits landlord or association restrictions that prevent the display of a thin blue line flag or emblem on a tenant's rental property or owner's property when the flag or emblem is displayed in accordance with specified requirements. Specifically, it prohibits (1) a manufactured home park operator or landlord from including any such restriction in a rental agreement, or (2) a neighborhood, homeowners, or civic association or condominium association from including such a provision in a governing document (a deed, agreement, declaration, bylaw, rule, or regulation). Any such prohibited provision or construction is void as against public policy.[1]

[1] R.C. 4781.40(C)(2) and (8), 5301.072(A)(1) and (5) and (B), 5311.191(A) and (C), and 5321.131(A) and (D); Section 3 of the bill.

The bill defines "thin blue line flag" and "thin blue line emblem" as a flag or emblem consisting of both of the following elements:

- A black rectangle in the upper hoist corner bearing fifty white five-pointed stars arranged in nine offset horizontal rows;
- Thirteen horizontal stripes of equal height, the top and bottom stripe being black, and alternating white and black stripes in between, except that the eighth horizontal stripe from the top of the flag or emblem, which appears directly below the field of stars, is blue rather than white.[2]

The display must be in accordance with state law, local ordinance or resolution, or a proclamation by the Governor.[3] Under existing law, similar protections are provided for the display of the U.S. flag, national league of families POW/MIA flag, Ohio flag, and a service flag when the service flag is displayed in a window of the residence of a member of the immediate family of an individual serving in the U.S. armed forces.

Neighborhood, homeowners, and civic associations also are prohibited from including a restriction in a governing document that prohibits the display of a thin blue line flag or emblem in accordance with the consent of the property's owner or any other person having legal control of the property.[4]

Display and notice requirements

Rental property

If a tenant renting residential property or a manufactured homeowner or tenant renting a lot in a manufactured home park wishes to display a thin blue line flag on the property through the use of a flagpole or bracket, the person must provide reasonable notice to the landlord or park operator before installing the flag pole or bracket to discuss the following issues, if applicable under the circumstances:

1. The placement in compliance with any local zoning restrictions, and if using a flagpole, the required underground utility service requests;
2. The cost of the materials and installation;
3. The installation in a worker like manner if installed at the tenant's request and expense;
4. Any lighting required;
5. The appropriate size of the flag and flagpole, which must be consistent with the size and character of the building;
6. Preferred location of the bracket to ensure that there will be no encroachment of the flag or bracket onto common areas of the manufactured home park.

[2] R.C. 4781.40(C)(10), 5301.072(C), and 5311.191(D).

[3] R.C. 4781.40(C)(2), 5301.072(A)(5), 5311.191(A)(4), and 5311.131(A)(4).

[4] R.C. 5301.072(A)(5).

A landlord or park operator who does not receive the required notification is not liable for any damages, fines, or costs associated with any issues arising from the placement of the flagpole or the bracket by the tenant. As under current law with other flag displays, the discussions that must occur before installing a flagpole or bracket do not exempt a tenant from a provision in a rental agreement that requires a tenant, at the termination of the rental agreement, to return the premises in the same condition as they were in when the tenant took possession.[5]

By way of background, in a manufactured home park, a person may either own the manufactured home but rent the lot in the manufactured home park (an owner), or rent both (a tenant).[6]

Property subject to an association

In addition, a property owner or resident subject to a neighborhood, homeowners, civic, or condominium association who uses a flagpole for the purpose of displaying a thin blue line flag must ensure that the flag and flagpole are an appropriate size, consistent with the size and character of the buildings and common areas that are subject to the association's requirements or agreements.[7]

HISTORY

Action	Date
Introduced	05-14-25
Reported, S. Government Oversight and Reform	05-13-26
Passed Senate (31-0)	05-13-26

ANSB0202PS-136/ts

[5] R.C. 4781.40(C) and 5321.131(B), (C), and (E).

[6] R.C. 4781.01(T) and (U), not in the bill.

[7] R.C. 5301.072(A)(1) and 5311.191(B).