

As Introduced

**136th General Assembly
Regular Session
2025-2026**

S. B. No. 476

Senator Brenner

To amend sections 5311.03, 5311.08, 5311.081,	1
5311.09, 5311.22, 5312.03, 5312.04, 5312.06,	2
5312.08, and 5312.11 and to enact sections	3
5311.082, 5311.083, 5311.28, 5311.30, 5311.31,	4
5311.32, 5311.33, 5311.34, 5311.35, 5312.041,	5
5312.042, 5312.17, 5312.18, 5312.19, 5312.20,	6
5312.21, 5312.22, and 5312.23 of the Revised	7
Code to make changes to the Ohio Planned	8
Community and Condominium Law.	9

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

Section 1. That sections 5311.03, 5311.08, 5311.081,	10
5311.09, 5311.22, 5312.03, 5312.04, 5312.06, 5312.08, and	11
5312.11 be amended and sections 5311.082, 5311.083, 5311.28,	12
5311.30, 5311.31, 5311.32, 5311.33, 5311.34, 5311.35, 5312.041,	13
5312.042, 5312.17, 5312.18, 5312.19, 5312.20, 5312.21, 5312.22,	14
and 5312.23 of the Revised Code be enacted to read as follows:	15

Sec. 5311.03. (A) Each unit of a condominium property,	16
together with the undivided interest in the common elements	17
appurtenant to it, is real property for all purposes and is real	18
estate within the meaning of all provisions of the Revised Code.	19

(B) A unit owner is entitled to the exclusive ownership	20
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and possession of the unit and to ownership of an undivided 21
interest in the common elements as expressed in the declaration. 22

(C) (1) Each residential and commercial unit shall have a 23
direct exit to a public street or highway, to a common element 24
leading to a public street or highway, or to a permanent 25
easement leading to a public street or highway. 26

(2) Each water slip unit shall have a direct exit to a 27
body of water, to a common element leading to a body of water, 28
or to a permanent easement leading to a body of water. Each 29
water slip unit also shall have a direct exit to a public street 30
or highway or to a common element leading to a public street or 31
highway. 32

(D) Unless otherwise provided in the declaration or 33
drawings: 34

(1) The boundaries of residential and commercial units are 35
the interior surfaces of the perimeter walls, floors, and 36
ceilings. 37

(2) Windows and doors, sashes, thresholds, frames, jambs, 38
and hardware in the perimeter walls, floors, or ceilings of the 39
unit are part of the unit. 40

(3) Supporting walls, fixtures, and other parts of the 41
building that are within the boundaries of the unit but that are 42
necessary for the existence, support, maintenance, safety, or 43
comfort of any other part of the condominium property are not 44
part of the unit. 45

(E) (1) Ownership of a residential unit includes the right 46
to exclusive possession, use, and enjoyment of the interior 47
surfaces of the perimeter walls, floors, and ceilings and of the 48
supporting walls, fixtures, and other parts of the building 49

within its boundaries, including the right to paint, tile, wax, 50
paper, or otherwise finish, refinish, or decorate the unit. 51

(2) Ownership of a water slip unit includes the exclusive 52
right to moor a watercraft in the portion of water above the 53
water slip unit and the right to exclusive possession, use, and 54
enjoyment of the piers or wharves that are within the boundaries 55
of the water slip unit. 56

(3) Ownership of a commercial unit includes the right to 57
exclusive possession, use, and enjoyment of the unit within the 58
unit's boundaries. 59

~~(F) Each unit is subject to the right of access for the~~ 60
~~purpose of~~ (F) (1) Any person authorized by a board of directors 61
of a unit owners association to perform maintenance, repair, or 62
service of to any common element located within its the 63
boundaries or of any portion of the a unit itself by persons 64
authorized by the board of directors of the unit owners 65
associations shall receive the unit owner's express permission 66
prior to entering into the unit or its boundaries. No 67
~~maintenance, repair, or service of any portion of a unit shall~~ 68
~~be authorized, however, unless it is necessary in the opinion of~~ 69
~~the board of directors~~ 70

(2) A unit owner's permission is not needed to enter into 71
a unit if the reason for the entrance is for public safety or in 72
order to prevent damage to or destruction of any other part of 73
the condominium property, as determined by the board of 74
directors of the unit owners association. 75

Sec. 5311.08. (A) (1) Every condominium property shall be 76
administered by a unit owners association. All power and 77
authority of the unit owners association shall be exercised by a 78

board of directors, which the unit owners shall elect from among 79
the unit owners or the spouses of unit owners. If a unit owner 80
is not an individual, that unit owner may nominate for the board 81
of directors any principal, member of a limited liability 82
company, partner, director, officer, or employee of that unit 83
owner. The majority of the board shall not consist of unit 84
owners or representatives from the same unit unless authorized 85
by a resolution adopted by the board of directors prior to the 86
board majority being comprised of owners or representatives from 87
the same unit. 88

(2) The board of directors shall elect a president, 89
secretary, treasurer, and other officers that the board may 90
desire. 91

~~(3) Unless otherwise provided in the declaration or the 92
bylaws, all meetings of the unit owners association are open to 93
the unit owners, and those present in person or by proxy when 94
action is taken during a meeting of the unit owners association 95
constitute a sufficient quorum. 96~~

~~(4) (a) A meeting of the board of directors may be held by 97
any method of communication, including electronic or telephonic 98
communication provided that each member of the board can hear, 99
participate, and respond to every other member of the board. 100~~

~~(b) In lieu of conducting a meeting, the board of 101
directors may take action with the unanimous written consent of 102
the members of the board. Those written consents shall be filed 103
with the minutes of the meetings of the board. 104~~

(B) Except as provided in division (A) (1) of this section, 105
the unit owners association shall be governed by bylaws. No 106
modification of or amendment to the bylaws is valid unless it is 107

set forth in an amendment to the declaration, and the amendment 108
to the declaration is filed for record. Unless otherwise 109
provided by the declaration, the bylaws shall provide for the 110
following: 111

(1) (a) The election of the board of directors of the unit 112
owners association; 113

(b) The number of persons constituting the board; 114

(c) The terms of the directors, with not less than one- 115
fifth to expire annually; 116

(d) The powers and duties of the board; 117

(e) The compensation of the directors; 118

(f) The method of removal of directors from office; 119

(g) The election of officers of the board; 120

(h) Whether or not the services of a manager or managing 121
agent may be engaged. 122

(2) The time and place for holding meetings; the manner of 123
and authority for calling, giving notice of, and conducting 124
meetings; and the requirement, in terms of undivided interests 125
in the common elements, of a quorum for meetings of the unit 126
owners association; 127

(3) By whom and the procedure by which maintenance, 128
repair, and replacement of the common elements may be 129
authorized; 130

(4) The common expenses for which assessments may be made 131
and the manner of collecting from the unit owners their 132
respective shares of the common expenses; 133

(5) The method of distributing the common profits; 134

(6) By whom and the procedure by which administrative 135
rules governing the operation and use of the condominium 136
property or any portion of the property may be adopted and 137
amended. These rules may govern any aspect of the condominium 138
property that is not required to be governed by bylaws and may 139
include standards governing the type and nature of information 140
and documents that are subject to examination and copying by 141
unit owners pursuant to section 5311.091 of the Revised Code, 142
including the times and location at which items may be examined 143
or copied and any required fee for copying the information or 144
documents. 145

(C) (1) The unit owners association shall be established 146
not later than the date that the deed or other evidence of 147
ownership is filed for record following the first sale of a 148
condominium ownership interest in a condominium development. 149
Membership in the unit owners association shall be limited to 150
unit owners, and all unit owners shall be members. Until the 151
unit owners association is established, the developer shall act 152
in all instances in which action of the unit owners association 153
or its officers is authorized or required by law or the 154
declaration. 155

(2) (a) Not later than sixty days after the developer has 156
sold and conveyed condominium ownership interests appertaining 157
to twenty-five per cent of the undivided interests in the common 158
elements in a condominium development, the unit owners 159
association shall meet, and the unit owners other than the 160
developer shall elect not less than one-third of the members of 161
the board of directors. 162

(b) When computing undivided interests in expandable 163
condominium properties for purposes of divisions (C) and (D) of 164

this section, the undivided interests in common elements shall 165
be computed by comparing the number of units sold and conveyed 166
to the maximum number of units that may be created, as stated in 167
the declaration pursuant to division (C)(8) of section 5311.05 168
of the Revised Code. 169

(D)(1) Except as provided in division (C) of this section, 170
the declaration or bylaws of a condominium development may 171
authorize the developer or persons the developer designates to 172
appoint and remove members of the board of directors of the unit 173
owners association and to exercise the powers and 174
responsibilities otherwise assigned by law, the declaration, or 175
the bylaws to the unit owners association or to the board of 176
directors. The authorization for developer control may extend 177
from the date the unit owners association is established until 178
sixty days after the sale and conveyance to purchasers in good 179
faith for value of condominium ownership interests to which 180
seventy-five per cent of the undivided interests in the common 181
elements appertain, except that in no case may the authorization 182
extend for more than five years after the unit owners 183
association is established if the declaration includes 184
expandable condominium property or more than three years after 185
the unit owners association is established if the declaration 186
does not include expandable condominium property. 187

(2) If there is a unit owner other than the developer, the 188
declaration of a condominium development shall not be amended to 189
increase the scope or the period of the developer's control. 190

(3) Within sixty days after the expiration of the period 191
during which the developer has control pursuant to division (D) 192
(1) of this section, the unit owners association shall meet and 193
elect all members of the board of directors of the association. 194

The persons elected shall take office at the end of the meeting 195
during which they are elected and shall, as soon as reasonably 196
possible, appoint officers. 197

(E) The board of directors, or the developer while in 198
control of the association, may take any measures necessary to 199
incorporate the unit owners association as a not-for-profit 200
corporation. 201

(F) Any funds allocated by the board of directors of the 202
unit owners association shall be used for the general good of 203
all the members of the association, including common expenses 204
described under section 5311.041 of the Revised Code. 205

Sec. 5311.081. (A) The unit owners association, through 206
the board of directors, shall do both of the following: 207

(1) Annually, adopt and amend an estimated budget for 208
revenues and expenditures, subject to the approval of the 209
majority of the unit owners association members present at the 210
meeting, as described in division (B) of section 5311.082 of the 211
Revised Code. The budget shall include reserves in an amount 212
adequate to repair and replace major capital items in the normal 213
course of operations without the necessity of special 214
assessments, unless either of the following applies: 215

(a) The declaration or bylaws include language limiting 216
the ability of the board of directors to increase assessments 217
for common expenses without a vote of the unit owners; 218

(b) The unit owners, exercising not less than a majority 219
of the voting power of the unit owners association, waive the 220
reserve requirement in writing annually. 221

(2) Collect assessments for common expenses from unit 222
owners. 223

(B) Unless otherwise provided in the declaration, the unit owners association, through the board of directors, may exercise all powers of the association, including the power to do the following:

(1) Hire and fire managing agents, attorneys, accountants, and other independent contractors and employees that the board determines are necessary or desirable in the management of the condominium property and the association;

(2) Commence, defend, intervene in, settle, or compromise any civil, criminal, land use planning, or administrative action or proceeding that is in the name of, or threatened against, the unit owners association, the board of directors, or the condominium property, or that involves two or more unit owners, impacts zoning, or otherwise relates to matters affecting the condominium property;

(3) Enter into contracts and incur liabilities relating to the operation of the condominium property;

(4) Regulate the use, maintenance, repair, replacement, modification, and appearance of the condominium property;

(5) Adopt rules that regulate the use or occupancy of units, the maintenance, repair, replacement, modification, and appearance of units, common elements, and limited common elements when the actions regulated by those rules affect common elements or other units;

(6) Cause additional improvements to be made as part of the common elements;

(7) Purchase, encumber, and convey units, and, subject to any restrictions in the declaration or bylaws and with the approvals required by division (H) (2) or (3) of section 5311.04

of the Revised Code, acquire an interest in other real property	253
and encumber or convey that interest. All expenses incurred in	254
connection with the acquisition, encumbrance, use, and operation	255
of that interest are common expenses.	256
(8) Acquire, encumber, and convey or otherwise transfer	257
personal property;	258
(9) Hold in the name of the unit owners association the	259
real property and personal property acquired pursuant to	260
divisions (B) (7) and (8) of this section;	261
(10) Grant easements, leases, licenses, and concessions	262
through or over the common elements;	263
(11) Impose and collect fees or other charges for all of	264
the following:	265
(a) The use, rental, or operation of the common elements;	266
(b) Services provided to unit owners;	267
(c) To the extent provided in the declaration or bylaws,	268
social activities or charitable contributions on behalf of the	269
owners association;	270
(12) Impose interest and late charges for the late payment	271
of assessments; impose returned check charges; and, pursuant to	272
division (C) of this section, impose reasonable enforcement	273
assessments for violations of the declaration, the bylaws, and	274
the rules of the unit owners association, and reasonable charges	275
for damage to the common elements or other property;	276
(13) Adopt and amend rules that regulate the collection of	277
delinquent assessments and the application of payments of	278
delinquent assessments;	279

(14) Subject to applicable laws, adopt and amend rules 280
that regulate the termination of utility or other service to a 281
commercial unit if the unit owner is delinquent in the payment 282
of an assessment that pays, in whole or in part, the cost of 283
that service; 284

(15) Impose reasonable charges for preparing, recording, 285
or copying amendments to the declaration, resale certificates, 286
or statements of unpaid assessments; 287

(16) Enter a unit for bona fide purposes when conditions 288
exist that involve an imminent risk of damage or harm to common 289
elements, another unit, or to the health or safety of the 290
occupants of that unit or another unit; 291

(17) To the extent provided in the declaration or bylaws, 292
assign the unit owners association's rights to common 293
assessments, or other future income, to a lender as security for 294
a loan to the unit owners association; 295

(18) Suspend the voting privileges and use of recreational 296
facilities of a unit owner who is delinquent in the payment of 297
assessments for more than thirty days; 298

(19) Purchase insurance and fidelity bonds the directors 299
consider appropriate or necessary; 300

(20) Invest excess funds in investments that meet 301
standards for fiduciary investments under Ohio law; 302

(21) Exercise powers that are: 303

(a) Conferred by the declaration or the bylaws of the unit 304
owners association or the board of directors; 305

(b) Necessary to incorporate the unit owners association 306
as a not-for-profit corporation; 307

(c) Permitted to be exercised in this state by a not-for-profit corporation; 308
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(d) Necessary and proper for the government and operation of the unit owners association. 310
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(C) (1) Prior to imposing a charge for damages or an enforcement assessment pursuant to division (B) (12) of this section, the board of directors shall give the unit owner a written notice, which may be in the form of electronic mail to an electronic mail address previously provided by the owner in writing, that includes all of the following: 312
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(a) A description of the property damage or violation; 318

(b) Corroborating evidence of the property damage or violation, including pictures, videos, or any other kinds of physical or photographic evidence; 319
320
321

(c) The amount of the proposed charge or assessment; 322

~~(e)~~ (d) A statement that the owner has a right to a hearing before the board of directors to contest the proposed charge or assessment; 323
324
325

~~(d)~~ (e) A statement setting forth the procedures to request a hearing pursuant to division (C) (2) of this section; 326
327

~~(e)~~ (f) A reasonable date by which the unit owner must cure the violation to avoid the proposed charge or assessment. 328
329

(2) (a) To request a hearing, the owner shall deliver a written notice to the board of directors not later than the tenth day after receiving the notice required by division (C) (1) of this section. If the owner fails to make a timely request for a hearing, the right to that hearing is waived, and the board may immediately impose a charge for damages or an enforcement 330
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assessment pursuant to division (C) of this section. 336

(b) If a unit owner requests a hearing, at least seven 337
days prior to the hearing the board of directors shall provide 338
the unit owner with a written notice that includes the date, 339
time, and location of the hearing. 340

(3) The board of directors shall not levy a charge or 341
assessment ~~before holding any~~ until both of the following occur: 342

(a) The evidence required under division (C) (1) (b) of this 343
section is provided to the unit owner. 344

(b) A hearing requested pursuant to division (C) (2) of 345
this section is held. 346

(4) The unit owners, through the board of directors, may 347
allow a reasonable time to cure a violation described in 348
division (B) (12) of this section before imposing a charge or 349
assessment. 350

(5) Within thirty days following a hearing at which the 351
board of directors imposes a charge or assessment, the unit 352
owners association shall deliver a written notice of the charge 353
or assessment to the unit owner. 354

(6) Any written notice that division (C) of this section 355
requires shall be delivered to the unit owner or any occupant of 356
the unit by personal delivery, by certified mail, return receipt 357
requested, or by regular mail. 358

Sec. 5311.082. (A) As used in this section, "meeting" 359
means any prearranged discussion of the public business of the 360
board of directors of a unit owners association by a majority of 361
its members. "Meeting" does not include the following: 362

(1) Executive sessions of a board of directors; 363

(2) When the primary topic concerns one or more specific 364
unit owners to discuss possible violations or other matters 365
personal to the unit owner or owners. 366

(B) All meetings of the unit owners association are open 367
to every unit owner, regardless of standing, to attend and 368
participate in any discussion or deliberation. Those present, in 369
person or by proxy, when action is taken during a meeting of the 370
unit owners association constitute a sufficient quorum. The 371
board of directors shall make minutes from such meetings 372
available to all unit owners. 373

(C) (1) A meeting of the board of directors may be held by 374
any method of communication, including electronic or telephonic 375
communication, provided that each member of the board and each 376
unit owner who elects to attend or participate under division 377
(B) of this section can hear, participate, and respond to all 378
other participants. 379

(2) In lieu of conducting a meeting, the board of 380
directors may take action with the unanimous written consent of 381
the members of the board. Those written consents shall be filed 382
with the minutes of the board's meetings. This division does not 383
apply to any action concerning the allocation of funds. 384

(D) A unit owners association shall provide notice to unit 385
owners of the time and place of all regularly scheduled meetings 386
and the time, place, and purpose of any special meetings. Notice 387
may be provided by any method reasonably calculated to be 388
received by the majority of unit owners. 389

Sec. 5311.083. (A) A member of the board of directors of a 390
unit owners association that chooses to designate a person as a 391
proxy to vote at a board meeting shall comply with the 392

following: 393

(1) The member shall state the member's votes in writing 394
and have the person delivering the proxy vote approve and sign 395
the form prior to the vote taking place. 396

(2) A member shall designate a person as a proxy on a per- 397
meeting basis. 398

(3) No person shall control more than ten per cent of 399
proxy votes at a meeting. 400

(B) The board of directors of a unit owners association, 401
when voting on a budget, shall not control a majority of the 402
votes by proxy. 403

Sec. 5311.09. (A) (1) The unit owners association shall 404
keep all of the following: 405

(a) Correct and complete books and records of account that 406
specify the receipts and expenditures relating to the common 407
elements and other common receipts and expenses, including all 408
relevant records related to the allocation of funds, bank 409
records, bank reconciliation documents, and any other financial 410
documents; 411

(b) Records showing the allocation, distribution, and 412
collection of the common profits, losses, and expenses among and 413
from the unit owners; 414

(c) Minutes of the meetings of the association and the 415
board of directors; 416

(d) Records of the names and addresses of the unit owners 417
and their respective undivided interests in the common elements. 418

(2) Within thirty days after a unit owner obtains a 419

condominium ownership interest, the unit owner shall provide the 420
following information in writing to the unit owners association 421
through the board of directors: 422

(a) The home address, home and business mailing addresses, 423
and the home and business telephone numbers of the unit owner 424
and all occupants of the unit; 425

(b) The name, business address, and business telephone 426
number of any person who manages the owner's unit as an agent of 427
that owner. 428

(3) Within thirty days after a change in any information 429
that division (A) (2) of this section requires, a unit owner 430
shall notify the association, through the board of directors, in 431
writing of the change. When the board of directors requests, a 432
unit owner shall verify or update the information. 433

(B) (1) When elected members of a board of directors of a 434
unit owners association take control of the association, the 435
declarant or developer shall deliver to the board correct and 436
complete copies of all of the following: 437

(a) The books, records, and minutes referred to in 438
division (A) of this section; 439

(b) The declaration, the bylaws, the drawings prepared 440
pursuant to section 5311.07 of the Revised Code, as recorded, 441
and any articles of incorporation of the unit owners 442
association, as recorded; 443

(c) Except in the case of a conversion condominium, 444
documents, information, and sources of information concerning 445
the location of underground utility lines, and plans and 446
specifications that are not proprietary or copyrighted, of the 447
buildings, other improvements, and structures of the condominium 448

property that are reasonably available to the developer, but 449
only in connection with condominium developments declared on or 450
after ~~the effective date of this amendment~~ July 20, 2004, and 451
condominium developments that are declared prior to that date 452
but originally built or constructed on or after that date. 453

(2) The board of directors may commence a civil action on 454
behalf of the unit owners association in the court of common 455
pleas of the county in which the condominium property is located 456
to obtain injunctive relief or recover damages for harm 457
resulting from the declarant's or developer's failure to comply 458
with division (B)(1) of this section. 459

Sec. 5311.22. (A) Unless otherwise provided in the 460
declaration or bylaws, each unit owner may exercise that 461
percentage of the total voting power of all unit owners on any 462
question for which the vote of unit owners is permitted or 463
required that is equivalent to the undivided interest in the 464
common elements appurtenant to the owner's unit, except that the 465
total percentage of the voting power for any particular owner 466
shall not exceed forty-nine per cent of the total voting power 467
of the unit owners association. 468

(B) Fiduciaries who are owners of record of a unit or 469
units may vote their respective interests as unit owners. Unless 470
otherwise provided in the declaration or bylaws, if two or more 471
persons, whether fiduciaries, tenants in common, or otherwise, 472
own undivided interests in a unit, each person may exercise the 473
proportion of the voting power of all of the owners of the unit 474
that is equivalent to the person's proportionate undivided 475
interest in the unit. 476

(C) A fiduciary for a unit owner or of the estate of a 477
unit owner may vote as though the fiduciary were the unit owner 478

when the fiduciary has furnished to the unit owners association 479
proof, satisfactory to it, of the fiduciary's appointment and 480
qualification as an executor under the last will of a deceased 481
unit owner, an administrator of the estate of a deceased unit 482
owner, a guardian, committee, or conservator of the estate of a 483
minor or incompetent who is a unit owner, a trustee in 484
bankruptcy of a unit owner, a statutory or judicial receiver or 485
liquidator of the estate or affairs of a unit owner, or an 486
assignee for the benefit of creditors of a unit owner. 487

(D) When any fiduciary or representative of a unit owner 488
who is not described in division (C) of this section has 489
furnished the unit owners association with satisfactory proof of 490
authority, that person may vote as though a unit owner. 491

Sec. 5311.28. (A) A unit owners association may prohibit 492
short-term renting of units if prospective unit owners are given 493
adequate notice that short-term renting is prohibited. 494

(B) Any unit owner that was prohibited from using the 495
owner's unit as a short term rental by a unit owners association 496
prior to the effective date of this section shall be allowed to 497
resume such activities without obstruction by the unit owners 498
association. 499

Sec. 5311.30. (A) If a unit owners association fails to 500
fulfill any obligation imposed upon it by division (A) of 501
section 5311.09 or section 5311.091 of the Revised Code, and the 502
unit owner reasonably believes the unit owners association has 503
failed to fulfill those obligations, then the unit owner may 504
give notice, in writing, to the unit owners association board of 505
directors specifying the acts, omissions, or violations that 506
constitute noncompliance with the requirements of those 507
sections. 508

(B) The notice described in division (A) of this section 509
shall be sent to the person or location where unit owners 510
association dues and fees are normally paid. 511

Sec. 5311.31. (A) If a unit owners association receives a 512
notice described in section 5311.30 of the Revised Code, the 513
association shall remedy the condition that is the subject of 514
the notice within either of the following times, whichever is 515
earlier: 516

(1) A reasonable time considering the severity of the 517
condition and the time necessary to remedy it; 518

(2) Within thirty days after receipt of the notice. 519

(B) (1) Except as provided for in division (C) of this 520
section, if a unit owners association fails to remedy the act, 521
omission, or violation that is the subject of the notice within 522
the time allotted under division (A) of this section, then the 523
unit owner may do either of the following: 524

(a) Deposit any dues or fees that are due and thereafter 525
become due to the unit owners association with the clerk of the 526
municipal or county court having jurisdiction in the territory 527
in which the unit is located; 528

(b) Apply to the court for an order directing the unit 529
owners association to remedy the act, omission, or violation 530
that is the subject of the notice. 531

(2) In any order issued by a court pursuant to this 532
section, the court may require the unit owner to deposit dues or 533
fees with the clerk of court as provided in division (B) (1) (a) 534
of this section. 535

(C) This section does not apply to a unit owner that is 536

not in good standing with the unit owners association prior to 537
the unit owner sending notice to the unit owners association 538
pursuant to section 5311.30 of the Revised Code. 539

Sec. 5311.32. (A) Whenever a unit owner deposits dues or 540
fees with the clerk of a court pursuant to section 5311.31 of 541
the Revised Code, the clerk shall give written notice of this 542
fact to the unit owners association and to the association's 543
agent, if any. 544

(B) (1) The clerk shall place all dues or fees deposited 545
with the clerk in a separate rent escrow account in the name of 546
the clerk in a bank or building and loan association domiciled 547
in this state. 548

(2) All interest that accrues on the dues or fees 549
deposited by the clerk of a county court under division (B) (1) 550
of this section shall be paid into the treasury of the political 551
subdivision for which the clerk performs the clerk's duties. 552

(3) All interest that accrues on the dues or fees 553
deposited by the clerk of a municipal court under division (B) 554
(1) of this section shall be paid into the city treasury as 555
defined in section 1901.03 of the Revised Code. 556

(C) The clerk shall keep in a separate docket an account 557
of each deposit, with the name and address of the unit owner, 558
and the name and address of the unit owners association and the 559
association's agent, if any. 560

(D) The clerk may charge a fee of one per cent of the 561
amount of the dues or fees deposited, which shall be assessed as 562
court costs. 563

Sec. 5311.33. (A) A unit owners association who receives 564
notice that fees or dues have been deposited with a clerk of a 565

municipal or county court pursuant to section 5311.31 of the 566
Revised Code may bring a cause of action for the release of the 567
fees or dues on any of the following grounds: 568

(1) That the condition contained in the notice given 569
pursuant to section 5311.30 of the Revised Code has been 570
remedied. If the unit owner gives written notice to the clerk 571
that the condition has been remedied, the clerk shall forthwith 572
release the fees or dues, less costs, to the unit owners 573
association. 574

(2) That the unit owner did not comply with the notice 575
requirements of section 5311.30 of the Revised Code; 576

(3) That the unit owner was not in good standing with the 577
unit owners association at the time the unit owner initiated 578
deposits with the clerk of the court under section 5311.31 of 579
the Revised Code; 580

(4) That there was no act, omission, or violation of any 581
obligation imposed upon the unit owners association as described 582
in section 5311.30 of the Revised Code, or that the act, 583
omission, or violation that was the subject of the notice has 584
been remedied. 585

(B) The unit owner shall be named as a party to any action 586
by the unit owners association under this section and has the 587
right to file an answer and counterclaim, as in other civil 588
actions. 589

(C) A trial shall be held within sixty days after the date 590
of the filing of the unit owners association's complaint, 591
unless, for good cause shown, the court continues the period for 592
trial. 593

Sec. 5311.34. (A) If the court finds any of the grounds 594

put forth by a unit owners association pursuant to section 595
5311.33 of the Revised Code to be valid, the court shall order 596
the release to the unit owners association of any dues or fees 597
with the clerk, less costs. 598

(B) If the court finds either of the following, the unit 599
owner is liable for damages caused to the unit owners 600
association and costs, together with reasonable attorney's fees 601
if the unit owner intentionally acted in bad faith: 602

(1) The condition contained in the notice given pursuant 603
to section 5311.30 of the Revised Code was the result of an act 604
or omission of the unit owner. 605

(2) The unit owner intentionally acted in bad faith in 606
proceeding under section 5311.31 of the Revised Code. 607

Sec. 5311.35. If the court determines that the condition 608
contained in the notice sent pursuant to section 5311.30 of the 609
Revised Code exists, then the court shall order the unit owners 610
association to remedy the condition. If the unit owners 611
association fails to remedy the condition, the association shall 612
be ordered to pay damages to the affected unit owner. The amount 613
of damages shall be based on how long the unit owners 614
association remains noncompliant with the court's order: 615

(A) After one month of noncompliance, the damages shall be 616
one hundred dollars. 617

(B) After two months of noncompliance, the damages shall 618
be five hundred dollars. 619

(C) After three months of noncompliance, and every month 620
thereafter, the damages shall be one thousand dollars. 621

Sec. 5312.03. (A) (1) An owners association shall 622

administer a planned community, and a board of directors the 623
owners elect from among the owners and their spouses shall 624
exercise all power and authority of the owners association. If 625
an owner is not an individual, any principal, member of a 626
limited liability company, partner, director, officer, trustee, 627
or employee of the owner may be elected to the board. The 628
majority of the board shall not consist of owners or 629
representatives from the same lot unless authorized by a 630
resolution adopted by the board of directors prior to the board 631
majority being comprised of owners or representatives from the 632
same lot. 633

(2) Unless otherwise provided, a board of directors may 634
carry out any action this chapter requires or allows an owners 635
association to take, subject to any vote required of the owners. 636

(B) A declarant shall establish an owners association not 637
later than the date upon which the first lot in the planned 638
community is conveyed to a bona fide purchaser for value. The 639
owners association shall be organized as a nonprofit corporation 640
pursuant to Chapter 1702. of the Revised Code. 641

(C) (1) If provided in the declaration, a declarant may 642
control the owners association for the period of time the 643
declaration specifies. During the time of declarant control, the 644
declarant or the declarant's designee may appoint and remove the 645
members of the board. The period of declarant control shall 646
terminate not later than the time at which all of the lots have 647
been transferred to owners. 648

(2) Not later than the termination of any period of 649
declarant control, the owners shall elect a board of directors 650
comprised of the number of members the declaration or bylaws 651
specify. 652

(D) Unless otherwise provided in the declaration, after 653
the termination of the period of declarant control and once the 654
owners association is established, when a vote of the owners 655
association is required, each owner shall receive one vote for 656
each lot owned in the planned community, except that the total 657
votes allocated to any particular owner shall not exceed forty- 658
nine per cent of the total voting power of the owners 659
association. 660

Sec. 5312.04. (A) A board of directors of an owners 661
association shall elect officers from the members of the board, 662
to include a president, secretary, treasurer, and other officers 663
as the board designates. 664

(B) A board may act in all instances on behalf of an 665
association unless otherwise provided in this chapter, the 666
declaration, or bylaws. The board may appoint persons to fill 667
vacancies in its membership for the unexpired portion of any 668
term. 669

(C) Except during a period of declarant control, the board 670
shall call a meeting of the owners association at least once 671
each year. Special meetings may be called by the president, a 672
majority of the board, owners representing fifty per cent of the 673
voting power in the owners association, or any lower share of 674
the voting power as the declaration or bylaws specify. 675

~~(D) The board may hold a meeting by any method of~~ 676
~~communication, including electronic or telephonic communication,~~ 677
~~provided that each member of the board can hear or read in real~~ 678
~~time and participate and respond to every other member of the~~ 679
~~board.~~ 680

~~(E) In lieu of conducting a meeting, the board may take an~~ 681

~~action with the unanimous written consent of the members of the~~ 682
~~board. Any written consent shall be filed with the minutes of~~ 683
~~the meetings of the board.~~ 684

~~(F) No owner other than a director may attend or~~ 685
~~participate in any discussion or deliberation of a meeting of~~ 686
~~the board of directors unless the board expressly authorizes~~ 687
~~that owner to attend or participate.~~ 688

~~(G) The board of directors of an owners association shall~~ 689
comply with all applicable state and federal laws concerning 690
prohibitions against discrimination on the basis of race, color, 691
religion, sex, military status, national origin, disability, 692
age, or ancestry, including, but not limited to, Chapter 4112. 693
of the Revised Code. No private right of action additional to 694
those conferred by the applicable state and federal anti- 695
discrimination laws is conferred on any aggrieved individual by 696
the preceding sentence. 697

(E) Any funds allocated by the board of directors of the 698
owners association shall be used for the general good of all the 699
members of the association, including common expenses described 700
under section 5312.10 of the Revised Code. 701

Sec. 5312.041. (A) As used in this section, "meeting" 702
means any prearranged discussion of the public business of the 703
board of directors of an owners association by a majority of its 704
members. "Meeting" does not include the following: 705

(1) Executive sessions of a board of directors; 706

(2) When the primary topic concerns one or more specific 707
owners to discuss possible violations or other matters personal 708
to the owner or owners. 709

(B) All meetings of the owners association are open to 710

every owner, regardless of standing, to attend and participate 711
in any discussion or deliberation. Those present, in person or 712
by proxy, when action is taken during a meeting of the owners 713
association constitute a sufficient quorum. The board of 714
directors shall make minutes from such meetings available to all 715
owners. 716

(C) (1) A meeting of the board of directors may be held by 717
any method of communication, including electronic or telephonic 718
communication, provided that each member of the board and each 719
owner who elects to attend or participate under division (B) of 720
this section can hear, participate, and respond to all other 721
participants. 722

(2) In lieu of conducting a meeting, the board of 723
directors may take action with the unanimous written consent of 724
the members of the board. Those written consents shall be filed 725
with the minutes of the board's meetings. This division does not 726
apply to any action concerning the allocation of funds. 727

(D) An owners association shall provide notice to owners 728
of the time and place of all regularly scheduled meetings and 729
the time, place, and purpose of any special meetings. Notice may 730
be provided by any method reasonably calculated to be received 731
by the majority of owners. 732

Sec. 5312.042. (A) A member of the board of directors of 733
an owners association that chooses to designate a person as a 734
proxy to vote at a board meeting shall comply with the 735
following: 736

(1) The member shall state the member's votes in writing 737
and have the person delivering the proxy vote approve and sign 738
the form prior to the vote taking place. 739

(2) A member shall designate a person as a proxy on a per- 740
meeting basis. 741

(3) No person shall control more than ten per cent of 742
proxy votes at a meeting. 743

(B) The board of directors of an owners association, when 744
voting on a budget, shall not control a majority of the votes by 745
proxy. 746

Sec. 5312.06. (A) The owners association, through its 747
board of directors, shall do both of the following: 748

(1) Annually adopt and amend an estimated budget for 749
revenues and expenditures, subject to the approval of the 750
majority of the owners association members present at the 751
meeting, as described in division (B) of section 5312.041 of the 752
Revised Code. Any budget shall include reserves in an amount 753
adequate to repair and replace major capital items in the normal 754
course of operations without the necessity of special 755
assessments, unless the owners, exercising not less than a 756
majority of the voting power of the owners association, waive 757
the reserve requirement in writing annually. 758

(2) Collect assessments for common expenses from owners in 759
accordance with section 5312.10 of the Revised Code. 760

(B) Commencing not later than the time of the first 761
conveyance of a lot to a person other than a declarant, the 762
owners association shall maintain all of the following to the 763
extent reasonably available and applicable: 764

(1) Property insurance on the common elements; 765

(2) Liability insurance pertaining to the common elements; 766

(3) Directors and officers liability insurance; 767

(4) (a) Blanket fidelity, crime, or dishonesty insurance 768
coverage for any person who controls or disburses association 769
funds. As used in division (B) (4) (a) of this section, "person 770
who controls or disburses association funds" means any 771
individual with authority or access to sign checks, conduct 772
electronic transfers, or otherwise withdraw funds from any 773
association account or deposit, including the following: 774

(i) A management company's principals and employees; 775

(ii) A bookkeeper; 776

(iii) The president, secretary, treasurer, any other board 777
member, or employee of the owners association. 778

(b) All of the following apply to the insurance coverage 779
required under division (B) (4) (a) of this section: 780

(i) Coverage shall be for the maximum amount of funds that 781
will be in the custody of the association or its designated 782
agent at any one time plus three months of operating expenses. 783

(ii) The insurance shall be the property of and for the 784
sole benefit of the association and shall protect against theft, 785
embezzlement, misappropriation, or any other unauthorized taking 786
or loss of association funds. 787

(iii) The policy shall include in its definition of 788
"employee" the manager and the managing agent of the 789
association's funds or provide for this inclusion by an 790
endorsement to the policy. 791

(iv) The policy shall name the association as the insured 792
party and shall include a provision requiring the issuer of the 793
policy to provide a ten-day written notice to the association's 794
president or manager in the event of cancellation or substantial 795

modification of the policy. The manager or managing agent, if 796
any, of the association shall be the designated agent on the 797
policy. 798

(v) If there is a change in the manager or the managing 799
agent of the association, then within ten days of the effective 800
start date, the new manager or managing agent shall notify the 801
insurer of such change. 802

(C) The owners association shall keep all of the 803
following: 804

(1) Correct and complete books and records of account that 805
specify the receipts and expenditures relating to the common 806
elements and other common receipts and expenses, including all 807
relevant records related to the allocation of funds, bank 808
records, bank reconciliation documents, and any other financial 809
documents; 810

(2) Records showing the collection of the common expenses 811
from the owners; 812

(3) Minutes of the meetings of the association and the 813
board of directors; 814

(4) Records of the names and addresses of the owners. 815

(D) An owners association, through its board of directors, 816
may do any of the following: 817

(1) Hire and fire managing agents, attorneys, accountants, 818
and other independent professionals and employees that the board 819
determines are necessary or desirable in the management of the 820
property and the association; 821

(2) Commence, defend, intervene in, settle, or compromise 822
any civil, criminal, land use planning, or administrative action 823

or proceeding that is in the name of, or threatened against, the 824
association, the board of directors, or the property, or that 825
involves two or more owners, impacts zoning, or otherwise 826
relates to matters affecting the property; 827

(3) Enter into contracts and incur liabilities relating to 828
the operation of the property; 829

(4) Enforce all provisions of the declaration, bylaws, 830
covenants, conditions, restrictions, and articles of 831
incorporation governing the lots, common elements, and limited 832
common elements; 833

(5) Adopt and enforce rules that regulate the maintenance, 834
repair, replacement, modification, and appearance of common 835
elements, and any other rules as the declaration provides; 836

(6) Acquire, encumber, and convey or otherwise transfer 837
real and personal property, subject to section 5312.10 of the 838
Revised Code; 839

(7) Hold in the name of the owners association the real 840
property and personal property; 841

(8) Grant easements, leases, licenses, and concessions 842
through or over the common elements; 843

(9) Levy and collect fees or other charges for the use, 844
rental, or operation of the common elements or for services 845
provided to owners; 846

(10) Pursuant to section 5312.11 of the Revised Code, levy 847
the following charges and assessments: 848

(a) Interest and charges for the late payment of 849
assessments; 850

(b) Returned check charges; 851

(c) Enforcement assessments for violations of the 852
declaration, the bylaws, and the rules of the owners 853
association; 854

(d) Charges for damage to the common elements or other 855
property. 856

(11) Adopt and amend rules that regulate the collection of 857
delinquent assessments and the application of payments of 858
delinquent assessments; 859

(12) Impose reasonable charges for preparing, recording, 860
or copying the declaration, bylaws, amendments to the 861
declaration and bylaws, resale certificates, or statements of 862
unpaid assessments; 863

(13) Authorize entry to any portion of the planned 864
community by designated individuals when conditions exist that 865
involve an imminent risk of damage or harm to common elements, 866
another dwelling unit, or to the health or safety of the 867
occupants of that dwelling unit or another dwelling unit; 868

(14) Subject to division (A) (1) of section 5312.09 of the 869
Revised Code, borrow money and assign the right to common 870
assessments or other future income to a lender as security for a 871
loan to the owners association; 872

(15) Suspend the voting privileges and use of recreational 873
facilities of an owner who is delinquent in the payment of 874
assessments for more than thirty days; 875

(16) Purchase insurance and fidelity bonds the directors 876
consider appropriate and necessary; 877

(17) Invest excess funds in investments that meet 878

standards for fiduciary investments under the laws of this 879
state; 880

(18) Exercise powers that are any of the following: 881

(a) Conferred by the declaration or bylaws; 882

(b) Necessary to incorporate the owners association as a 883
nonprofit corporation; 884

(c) Permitted to be exercised in this state by a nonprofit 885
corporation; 886

(d) Necessary and proper for the government and operation 887
of the owners association. 888

Sec. 5312.08. (A) Unless otherwise provided by the 889
declaration, the owners association is responsible for 890
reasonable maintenance, repair, and replacement of the common 891
elements, and each owner is responsible for maintenance, repair, 892
and replacement of the owner's lot and improvements to that lot, 893
including the dwelling unit and the utility lines serving that 894
dwelling unit. 895

~~(B) An owner shall permit agents~~ (B) (1) Agents or 896
employees of the owners association ~~and or~~ other owners that 897
want access through ~~the an~~ owner's lot ~~and or~~ dwelling unit for 898
the purpose of fulfilling the association's duties and 899
obligations shall first obtain the owner's express permission. 900
Any damage to the common elements, lot, or dwelling unit due to 901
that access is the responsibility of the owner that caused the 902
damage or the owners association if it is responsible for the 903
damage. That owner, or the owners association, is liable for the 904
prompt repair of any damage and, if not repairable, for the 905
value of the damaged property or item as it existed immediately 906
prior to that damage. 907

(2) An owner's permission to enter into the owner's lot or 908
dwelling unit is not needed if the reason for the entrance is 909
for public safety or in order to prevent damage to or 910
destruction of any other part of the planned community property, 911
as determined by the board of directors of the owners 912
association. 913

Sec. 5312.11. (A) An owners association may assess an 914
individual lot for any of the following: 915

(1) Enforcement assessments and individual assessments for 916
utility service that are imposed or levied in accordance with 917
the declaration, as well as expenses the board incurs in 918
collecting those assessments; 919

(2) Costs of maintenance, repair, or replacement incurred 920
due to the willful or negligent act of an owner or occupant of a 921
lot or their family, tenants, guests, or invitees, including, 922
but not limited to, attorney's fees, court costs, and other 923
expenses; 924

(3) Costs associated with the enforcement of the 925
declaration or the rules and regulations of the owners 926
association, including, but not limited to, attorney's fees, 927
court costs, and other expenses; 928

(4) Costs or charges the declaration or bylaws permit. 929

(B) Unless otherwise provided by the declaration, bylaws, 930
or rules, the owners association shall credit any amount it 931
receives from a lot owner pursuant to this section in the 932
following order: 933

(1) To interest owed to the owners association; 934

(2) To administrative late fees or enforcement assessments 935

owed to the owners association; 936

(3) To collection costs, attorney's fees, and paralegal 937
fees the owners association incurred in collecting the 938
assessment; 939

(4) To the oldest principal amounts the owner owes to the 940
owners association for the common expenses chargeable against 941
the dwelling unit or lot. 942

(C) (1) Prior to imposing a charge for damages or an 943
enforcement assessment pursuant to this section, the board of 944
directors shall give the owner a written notice, which may be in 945
the form of electronic mail to an electronic mail address 946
previously provided by the owner in writing, that includes all 947
of the following: 948

~~(1)~~ (a) A description of the property damage or violation; 949

~~(2)~~ (b) Corroborating evidence of the property damage or 950
violation, including pictures, videos, or any other kinds of 951
physical or photographic evidence; 952

(c) The amount of the proposed charge or assessment; 953

~~(3)~~ (d) A statement that the owner has a right to a hearing 954
before the board to contest the proposed charge or assessment; 955

~~(4)~~ (e) A statement setting forth the procedures to request 956
a hearing; 957

~~(5)~~ (f) A reasonable date by which the owner must cure a 958
continuing violation to avoid the proposed charge or assessment, 959
if such an opportunity to cure is applicable. 960

(2) An owners association that has not provided the 961
evidence described in division (C) (1) (b) of this section shall 962

not impose a charge on an owner pursuant to this division. 963

(D) (1) To request a hearing, the owner shall deliver a 964
written notice to the board not later than the tenth day after 965
receiving the notice this division requires. If the owner fails 966
to make a timely request for a hearing, the right to that 967
hearing is waived, and the board immediately may impose a charge 968
for damages or an enforcement assessment pursuant to this 969
section. 970

(2) If an owner requests a hearing, at least seven days 971
prior to the hearing the board shall provide the owner with a 972
written notice that includes the date, time, and location of the 973
hearing. 974

(3) The board shall not levy a charge or assessment before 975
holding any hearing requested pursuant to this section. 976

(4) Within thirty days following a hearing at which the 977
board imposes a charge or assessment, the owners association 978
shall deliver a written notice of the charge or assessment to 979
the owner. 980

(5) Any written notice that this section requires shall be 981
delivered to the owner or any occupant of the dwelling unit by 982
personal delivery, by certified mail, return receipt requested, 983
or by regular mail. 984

Sec. 5312.17. (A) An owners association may prohibit 985
short-term renting of dwelling units if prospective owners are 986
given adequate notice that short-term renting is prohibited. 987

(B) Any owner that was prohibited from using the owner's 988
dwelling unit as a short term rental by an owners association 989
prior to the effective date of this section shall be allowed to 990
resume such activities without obstruction by the owners 991

association. 992

Sec. 5312.18. (A) If an owners association fails to 993
fulfill any obligation imposed upon it by division (C) of 994
section 5312.06 and section 5312.07 of the Revised Code, and the 995
owner reasonably believes the owners association has failed to 996
fulfill those obligations, then the owner may give notice, in 997
writing, to the owners association governing board, specifying 998
the acts, omissions, or violations that constitute noncompliance 999
with the requirements of those sections. 1000

(B) The notice described in division (A) of this section 1001
shall be sent to the person or location where owner association 1002
dues and fees are normally paid. 1003

Sec. 5312.19. (A) If an owners association receives the 1004
notice described in section 5312.18 of the Revised Code, the 1005
association shall remedy the condition that is the subject of 1006
the notice within either of the following times, whichever is 1007
earlier: 1008

(1) A reasonable time considering the severity of the 1009
condition and the time necessary to remedy it; 1010

(2) Within thirty days after receipt of the notice. 1011

(B) (1) Except as provided for in division (C) of this 1012
section, if an owners association fails to remedy the act, 1013
omission, or violation that is the subject of the notice within 1014
the time allotted under division (A) of this section, then the 1015
owner may do either of the following: 1016

(a) Deposit any dues or fees that are due and thereafter 1017
become due to the owners association with the clerk of the 1018
municipal or county court having jurisdiction in the territory 1019
in which the owner's lot or dwelling unit is located; 1020

(b) Apply to the court for an order directing the owners 1021
association to remedy the act, omission, or violation that is 1022
the subject of the notice. 1023

(2) In any order issued by a court pursuant to this 1024
section, the court may require the owner to deposit dues or fees 1025
with the clerk of court as provided in division (B) (1) (a) of 1026
this section. 1027

(C) This section does not apply to an owner that is not in 1028
good standing with the owners association prior to the owner 1029
sending notice to the owners association pursuant to section 1030
5312.18 of the Revised Code. 1031

Sec. 5312.20. (A) Whenever an owner deposits dues or fees 1032
with the clerk of a court as provided in section 5312.19 of the 1033
Revised Code, the clerk shall give written notice of this fact 1034
to the owners association and to the association's agent, if 1035
any. 1036

(B) (1) The clerk shall place all dues or fees deposited 1037
with the clerk in a separate rent escrow account in the name of 1038
the clerk in a bank or building and loan association domiciled 1039
in this state. 1040

(2) All interest that accrues on the dues or fees 1041
deposited by the clerk of a county court under division (B) (1) 1042
of this section shall be paid into the treasury of the political 1043
subdivision for which the clerk performs the clerk's duties. 1044

(3) All interest that accrues on the dues or fees 1045
deposited by the clerk of a municipal court under division (B) 1046
(1) of this section shall be paid into the city treasury as 1047
defined in section 1901.03 of the Revised Code. 1048

(C) The clerk shall keep in a separate docket an account 1049

of each deposit, with the name and address of the owner and the 1050
name and address of the owners association and the association's 1051
agent, if any. 1052

(D) The clerk may charge a fee of one per cent of the 1053
amount of the dues or fees deposited, which shall be assessed as 1054
court costs. 1055

Sec. 5312.21. (A) An owners association who receives 1056
notice that fees or dues have been deposited with a clerk of a 1057
municipal or county court pursuant to section 5312.19 of the 1058
Revised Code may bring a cause of action for the release of the 1059
fees or dues on any of the following grounds: 1060

(1) That the condition contained in the notice received 1061
pursuant to section 5312.18 of the Revised Code has been 1062
remedied. If the owner gives written notice to the clerk that 1063
the condition has been remedied, the clerk shall forthwith 1064
release the fees or dues, less costs, to the owners association. 1065

(2) That the owner did not comply with the notice 1066
requirements of section 5312.18 of the Revised Code; 1067

(3) That the owner was not in good standing with the 1068
owners association at the time the owner initiated deposits with 1069
the clerk of the court under section 5312.19 of the Revised 1070
Code; 1071

(4) That there was no act, omission, or violation of any 1072
obligation imposed upon the owners association as described in 1073
section 5312.18 of the Revised Code, or that the act, omission, 1074
or violation that is the subject of the notice has been 1075
remedied. 1076

(B) The owner shall be named as a party to any action by 1077
the owners association under this section and has the right to 1078

file an answer and counterclaim, as in other civil actions. 1079

(C) A trial shall be held within sixty days after the date 1080
of the filing of the owners association's complaint, unless, for 1081
good cause shown, the court continues the period for trial. 1082

Sec. 5312.22. (A) If the court finds any of the grounds 1083
put forth by an owners association pursuant to section 5312.21 1084
of the Revised Code to be valid, the court shall order the 1085
release to the owners association of any dues or fees with the 1086
clerk, less costs. 1087

(B) If the court finds either of the following, the owner 1088
is liable for damages caused to the owners association and 1089
costs, together with reasonable attorney's fees if the owner 1090
intentionally acted in bad faith: 1091

(1) The condition contained in the notice given pursuant 1092
to section 5312.18 of the Revised Code was the result of an act 1093
or omission of the owner. 1094

(2) The owner intentionally acted in bad faith in 1095
proceeding under section 5312.19 of the Revised Code. 1096

Sec. 5312.23. If the court determines that the condition 1097
that is the subject of the notice sent pursuant to section 1098
5312.18 of the Revised Code exists, then the court shall order 1099
the owners association to remedy the condition. If the owners 1100
association fails to remedy the condition, the association shall 1101
be ordered to pay damages to the affected owner. The amount of 1102
damages shall be based on the time the owners association 1103
remains noncompliant with the court's order: 1104

(A) After one month of noncompliance, the damages shall be 1105
one hundred dollars. 1106

(B) After two months of noncompliance, the damages shall 1107
be five hundred dollars. 1108

(C) After three months of noncompliance, and every month 1109
thereafter, the damages shall be one thousand dollars. 1110

Section 2. That existing sections 5311.03, 5311.08, 1111
5311.081, 5311.09, 5311.22, 5312.03, 5312.04, 5312.06, 5312.08, 1112
and 5312.11 of the Revised Code are hereby repealed. 1113