

As Introduced

135th General Assembly

Regular Session

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H. B. No. 277

Representatives Ray, Brent

Cosponsors: Representatives Grim, Hoops, Carruthers, Baker

A BILL

To amend sections 5726.98, 5747.98, and 5751.98 and 1
to enact sections 5726.61, 5747.86, and 5751.56 2
of the Revised Code to authorize a tax credit 3
for landlords with policies that allow companion 4
animals in rental dwellings. 5

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

Section 1. That sections 5726.98, 5747.98, and 5751.98 be 6
amended and sections 5726.61, 5747.86, and 5751.56 of the 7
Revised Code be enacted to read as follows: 8

Sec. 5726.61. (A) Terms used in this section, except "tax 9
period," have the same meanings as in section 5747.86 of the 10
Revised Code. As used in this section, "tax period" means either 11
of the following: 12

(1) In the context of the tax levied under section 5747.02 13
of the Revised Code, a taxable year as defined in section 14
5747.01 of the Revised Code; 15

(2) In the context of the tax levied under section 5751.02 16
of the Revised Code, a tax period as defined in section 5751.01 17
of the Revised Code. 18

(B) There is hereby allowed a nonrefundable credit against 19
section 5726.02 of the Revised Code for a financial institution 20
that is a landlord with policies that allow, subject to division 21
(D) of this section, tenants to reside with companion animals, 22
during the entire taxable year, at residential premises owned or 23
managed by the landlord. The amount of the credit shall equal 24
seven hundred fifty dollars for each dwelling unit covered by 25
such a policy, subject to the limitations of division (E) of 26
this section. 27

The credit shall be claimed in the order required under 28
section 5726.98 of the Revised Code. 29

(C) The credit authorized by this section is not allowed 30
unless the financial institution claiming the credit provides to 31
the tax commissioner, in the form and manner required by the 32
commissioner, both of the following: 33

(1) The address of each dwelling unit at which the 34
landlord allows tenants to reside with companion animals that is 35
the basis of a credit authorized under this section; 36

(2) A copy of the landlord's policies governing companion 37
animals at those dwelling units and the residential premises of 38
which they are a part. 39

(D) A landlord may not impose either of the following 40
respecting the dwelling unit upon which a credit is claimed 41
under this section, or the residential premises of which it is a 42
part, during the taxable year for which the credit is claimed: 43

(1) A nonrefundable fee or additional rent related to 44
companion animals residing there; 45

(2) Breed or size restrictions on companion animals 46
allowed to reside there, except that a landlord may prohibit a 47

companion animal that has been determined to be a dangerous or 48
vicious dog under Chapter 955. of the Revised Code. 49

(E) No credit shall be allowed under this section for a 50
taxable year on the basis of a dwelling unit if that dwelling 51
unit is used as the basis for claiming a credit under section 52
5747.86 or 5751.56 of the Revised Code for a tax period ending 53
in that taxable year. The total credit claimed by a taxpayer 54
under this section and sections 5747.86 and 5751.56 of the 55
Revised Code for any tax period or taxable year ending in the 56
same calendar year shall not exceed seven thousand five hundred 57
dollars. 58

(F) The tax commissioner shall compile and publish on the 59
tax department's web site a list of landlords who claim the 60
credit authorized by this section and the addresses of the 61
dwelling units at which each such landlord allows tenants to 62
reside with companion animals. 63

Sec. 5726.98. (A) To provide a uniform procedure for 64
calculating the amount of tax due under section 5726.02 of the 65
Revised Code, a taxpayer shall claim any credits to which the 66
taxpayer is entitled under this chapter in the following order: 67

The nonrefundable credit for landlords that allow 68
companion animals under section 5726.61 of the Revised Code; 69

The nonrefundable job retention credit under division (B) 70
of section 5726.50 of the Revised Code; 71

The nonrefundable credit for purchases of qualified low- 72
income community investments under section 5726.54 of the 73
Revised Code; 74

The nonrefundable credit for qualified research expenses 75
under section 5726.56 of the Revised Code; 76

The nonrefundable credit for qualifying dealer in	77
intangibles taxes under section 5726.57 of the Revised Code;	78
The nonrefundable Ohio low-income housing tax credit under	79
section 5726.58 of the Revised Code;	80
The nonrefundable affordable single-family home credit	81
under section 5726.60 of the Revised Code;	82
The nonrefundable welcome home Ohio (WHO) program credit	83
under section 122.633 of the Revised Code;	84
The refundable credit for rehabilitating an historic	85
building under section 5726.52 of the Revised Code;	86
The refundable job retention or job creation credit under	87
division (A) of section 5726.50 of the Revised Code;	88
The refundable credit under section 5726.53 of the Revised	89
Code for losses on loans made under the Ohio venture capital	90
program under sections 150.01 to 150.10 of the Revised Code;	91
The refundable motion picture and Broadway theatrical	92
production credit under section 5726.55 of the Revised Code;	93
The refundable credit for film and theater capital	94
improvement projects under section 5726.59 of the Revised Code.	95
(B) For any credit except the refundable credits	96
enumerated in this section, the amount of the credit for a	97
taxable year shall not exceed the tax due after allowing for any	98
other credit that precedes it in the order required under this	99
section. Any excess amount of a particular credit may be carried	100
forward if authorized under the section creating that credit.	101
Nothing in this chapter shall be construed to allow a taxpayer	102
to claim, directly or indirectly, a credit more than once for a	103
taxable year.	104

<u>Sec. 5747.86. (A) As used in this section:</u>	105
<u>(1) "Companion animal" means a dog or a cat.</u>	106
<u>(2) "Dwelling unit," "landlord," "tenant," and</u> <u>"residential premises" have the same meanings as in section</u> <u>5321.01 of the Revised Code.</u>	107 108 109
<u>(3) "Tax period" means either of the following:</u>	110
<u>(a) In the context of the tax levied under section 5726.02</u> <u>of the Revised Code, a taxable year as defined in section</u> <u>5726.01 of the Revised Code;</u>	111 112 113
<u>(b) In the context of the tax levied under section 5751.02</u> <u>of the Revised Code, a tax period as defined in section 5751.01</u> <u>of the Revised Code.</u>	114 115 116
<u>(4) "Dangerous dog" and "vicious dog" have the same</u> <u>meanings as in section 955.11 of the Revised Code.</u>	117 118
<u>(B) There is hereby allowed a nonrefundable credit against</u> <u>a taxpayer's aggregate tax liability under section 5747.02 of</u> <u>the Revised Code for a taxpayer that is a landlord with policies</u> <u>that allow, subject to division (D) of this section, tenants to</u> <u>reside with companion animals, during the entire taxable year,</u> <u>at residential premises owned or managed by the landlord. The</u> <u>amount of the credit shall equal seven hundred fifty dollars for</u> <u>each dwelling unit covered by such a policy, subject to the</u> <u>limitations of division (E) of this section.</u>	119 120 121 122 123 124 125 126 127
<u>The credit shall be claimed in the order required under</u> <u>section 5747.98 of the Revised Code.</u>	128 129
<u>(C) The credit authorized by this section is not allowed</u> <u>unless the taxpayer claiming the credit provides to the tax</u> <u>commissioner, in the form and manner required by the</u>	130 131 132

<u>commissioner, both of the following:</u>	133
<u>(1) The address of each dwelling unit at which the</u>	134
<u>landlord allows tenants to reside with companion animals that is</u>	135
<u>the basis of a credit authorized under this section;</u>	136
<u>(2) A copy of the landlord's policies governing companion</u>	137
<u>animals at those dwelling units and the residential premises of</u>	138
<u>which they are a part.</u>	139
<u>(D) A landlord may not impose either of the following</u>	140
<u>respecting the dwelling unit upon which a credit is claimed</u>	141
<u>under this section, or the residential premises of which it is a</u>	142
<u>part, during the taxable year for which the credit is claimed:</u>	143
<u>(1) A nonrefundable fee or additional rent related to</u>	144
<u>companion animals residing there;</u>	145
<u>(2) Breed or size restrictions on companion animals</u>	146
<u>allowed to reside there, except that a landlord may prohibit a</u>	147
<u>companion animal that has been determined to be a dangerous or</u>	148
<u>vicious dog under Chapter 955. of the Revised Code.</u>	149
<u>(E) No credit shall be allowed under this section for a</u>	150
<u>taxable year on the basis of a dwelling unit if that dwelling</u>	151
<u>unit is used as the basis for claiming a credit under section</u>	152
<u>5726.61 or 5751.56 of the Revised Code for a tax period ending</u>	153
<u>in that taxable year. The total credit claimed by a taxpayer</u>	154
<u>under this section and sections 5726.61 and 5751.56 of the</u>	155
<u>Revised Code for any taxable year or tax period ending in the</u>	156
<u>same calendar year shall not exceed seven thousand five hundred</u>	157
<u>dollars.</u>	158
<u>(F) The tax commissioner shall compile and publish on the</u>	159
<u>tax department's web site a list of landlords who claim the</u>	160
<u>credit authorized by this section and the addresses of the</u>	161

dwelling units at which each such landlord allows tenants to 162
reside with companion animals. 163

Sec. 5747.98. (A) To provide a uniform procedure for 164
calculating a taxpayer's aggregate tax liability under section 165
5747.02 of the Revised Code, a taxpayer shall claim any credits 166
to which the taxpayer is entitled in the following order: 167

Either the retirement income credit under division (B) of 168
section 5747.055 of the Revised Code or the lump sum retirement 169
income credits under divisions (C), (D), and (E) of that 170
section; 171

Either the senior citizen credit under division (F) of 172
section 5747.055 of the Revised Code or the lump sum 173
distribution credit under division (G) of that section; 174

The dependent care credit under section 5747.054 of the 175
Revised Code; 176

The credit for displaced workers who pay for job training 177
under section 5747.27 of the Revised Code; 178

The campaign contribution credit under section 5747.29 of 179
the Revised Code; 180

The twenty-dollar personal exemption credit under section 181
5747.022 of the Revised Code; 182

The joint filing credit under division (G) of section 183
5747.05 of the Revised Code; 184

The earned income credit under section 5747.71 of the 185
Revised Code; 186

The nonrefundable credit for education expenses under 187
section 5747.72 of the Revised Code; 188

The nonrefundable credit for donations to scholarship granting organizations under section 5747.73 of the Revised Code;	189 190 191
The nonrefundable credit for tuition paid to a nonchartered nonpublic school under section 5747.75 of the Revised Code;	192 193 194
The nonrefundable vocational job credit under section 5747.057 of the Revised Code;	195 196
<u>The nonrefundable credit for landlords that allow companion animals under section 5747.86 of the Revised Code;</u>	197 198
The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	199 200
The enterprise zone credit under section 5709.66 of the Revised Code;	201 202
The credit for beginning farmers who participate in a financial management program under division (B) of section 5747.77 of the Revised Code;	203 204 205
The credit for commercial vehicle operator training expenses under section 5747.82 of the Revised Code;	206 207
The nonrefundable welcome home Ohio (WHO) program credit under section 122.633 of the Revised Code;	208 209
The credit for selling or renting agricultural assets to beginning farmers under division (A) of section 5747.77 of the Revised Code;	210 211 212
The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	213 214
The small business investment credit under section 5747.81	215

of the Revised Code;	216
The nonrefundable lead abatement credit under section	217
5747.26 of the Revised Code;	218
The opportunity zone investment credit under section	219
122.84 of the Revised Code;	220
The enterprise zone credits under section 5709.65 of the	221
Revised Code;	222
The research and development credit under section 5747.331	223
of the Revised Code;	224
The credit for rehabilitating a historic building under	225
section 5747.76 of the Revised Code;	226
The nonrefundable Ohio low-income housing tax credit under	227
section 5747.83 of the Revised Code;	228
The nonrefundable affordable single-family home credit	229
under section 5747.84 of the Revised Code;	230
The nonresident credit under division (A) of section	231
5747.05 of the Revised Code;	232
The credit for a resident's out-of-state income under	233
division (B) of section 5747.05 of the Revised Code;	234
The refundable motion picture and Broadway theatrical	235
production credit under section 5747.66 of the Revised Code;	236
The refundable credit for film and theater capital	237
improvement projects under section 5747.67 of the Revised Code;	238
The refundable jobs creation credit or job retention	239
credit under division (A) of section 5747.058 of the Revised	240
Code;	241

The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	242 243
The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	244 245 246
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;	247 248 249
The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	250 251
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.	252 253 254
(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.	255 256 257 258 259 260 261 262 263 264 265
<u>Sec. 5751.56. (A) Terms used in this section have the same meanings as in section 5747.86 of the Revised Code. As used in this section, "taxable year" means either of the following:</u>	266 267 268
<u>(1) In the context of the tax levied under section 5747.02 of the Revised Code, a taxable year as defined in section</u>	269 270

<u>5747.01 of the Revised Code;</u>	271
<u>(2) In the context of the tax levied under section 5726.02</u>	272
<u>of the Revised Code, a taxable year as defined in section</u>	273
<u>5726.01 of the Revised Code.</u>	274
<u>(B) There is hereby allowed a nonrefundable credit against</u>	275
<u>the tax imposed by section 5751.02 of the Revised Code for a</u>	276
<u>taxpayer that is a landlord with policies that allow, subject to</u>	277
<u>division (D) of this section, tenants to reside with companion</u>	278
<u>animals, during the entire calendar year, at residential</u>	279
<u>premises owned or managed by the landlord during the entire</u>	280
<u>calendar year. The amount of the credit shall equal seven</u>	281
<u>hundred fifty dollars for each dwelling unit covered by such a</u>	282
<u>policy, subject to the limitations of division (E) of this</u>	283
<u>section.</u>	284
<u>The credit shall be claimed for the tax period that</u>	285
<u>includes the last day of that calendar year and in the order</u>	286
<u>required by section 5751.98 of the Revised Code.</u>	287
<u>(C) The credit authorized by this section is not allowed</u>	288
<u>unless the taxpayer claiming the credit provides to the tax</u>	289
<u>commissioner, in the form and manner required by the</u>	290
<u>commissioner, both of the following:</u>	291
<u>(1) The address of each dwelling unit at which the</u>	292
<u>landlord allows tenants to reside with companion animals that is</u>	293
<u>the basis of a credit authorized under this section;</u>	294
<u>(2) A copy of the landlord's policies governing companion</u>	295
<u>animals at those dwelling units and the residential premises of</u>	296
<u>which they are a part.</u>	297
<u>(D) A landlord may not impose either of the following</u>	298
<u>respecting a dwelling unit upon which a credit is claimed under</u>	299

this section, or the residential premises of which it is a part, 300
during the calendar year for which the credit is claimed: 301

(1) A nonrefundable fee or additional rent related to 302
companion animals residing there; 303

(2) Breed or size restrictions on companion animals 304
allowed to reside there, except that a landlord may prohibit a 305
companion animal that has been determined to be a dangerous or 306
vicious dog under Chapter 955. of the Revised Code. 307

(E) No credit shall be allowed under this section for a 308
tax period on the basis of a dwelling unit if that dwelling unit 309
was used as the basis for claiming a credit under section 310
5726.61 or 5747.86 of the Revised Code for a taxable year in 311
which the applicable tax period ends. The total credit claimed 312
by a taxpayer under this section and sections 5726.61 and 313
5747.86 of the Revised Code for any taxable year or tax period 314
ending in the same calendar year shall not exceed seven thousand 315
five hundred dollars. 316

(F) The tax commissioner shall compile and publish on the 317
tax department's web site a list of landlords who claim the 318
credit authorized by this section and the addresses of the 319
dwelling units at which each such landlord allows tenants to 320
reside with companion animals. 321

Sec. 5751.98. (A) To provide a uniform procedure for 322
calculating the amount of tax due under this chapter, a taxpayer 323
shall claim any credits to which it is entitled in the following 324
order: 325

The nonrefundable credit for landlords that allow 326
companion animals under section 5751.56 of the Revised Code; 327

The nonrefundable jobs retention credit under division (B) 328

of section 5751.50 of the Revised Code;	329
The nonrefundable credit for qualified research expenses	330
under division (B) of section 5751.51 of the Revised Code;	331
The nonrefundable credit for a borrower's qualified	332
research and development loan payments under division (B) of	333
section 5751.52 of the Revised Code;	334
The nonrefundable credit for calendar years 2010 to 2029	335
for unused net operating losses under division (B) of section	336
5751.53 of the Revised Code;	337
The refundable motion picture and Broadway theatrical	338
production credit under section 5751.54 of the Revised Code;	339
The refundable credit for film and theater capital	340
improvement projects under section 5751.55 of the Revised Code;	341
The refundable jobs creation credit or job retention	342
credit under division (A) of section 5751.50 of the Revised	343
Code;	344
The refundable credit for calendar year 2030 for unused	345
net operating losses under division (C) of section 5751.53 of	346
the Revised Code.	347
(B) For any credit except the refundable credits	348
enumerated in this section, the amount of the credit for a tax	349
period shall not exceed the tax due after allowing for any other	350
credit that precedes it in the order required under this	351
section. Any excess amount of a particular credit may be carried	352
forward if authorized under the section creating the credit.	353
Section 2. That existing sections 5726.98, 5747.98, and	354
5751.98 of the Revised Code are hereby repealed.	355

Section 3. The enactment by this act of sections 5726.61,	356
5747.86, and 5751.56 of the Revised Code applies to taxable	357
years and tax periods ending on or after the effective date of	358
this section.	359