

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 112

Representative Gonzales

A BILL

To amend section 5321.17 of the Revised Code to 1
allow a tenant seeking inpatient treatment for 2
substance abuse to terminate or fail to renew 3
their lease. 4

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

Section 1. That section 5321.17 of the Revised Code be 5
amended to read as follows: 6

Sec. 5321.17. (A) Except as provided in division (C) of 7
this section, the landlord or the tenant may terminate or fail 8
to renew a week-to-week tenancy by notice given the other at 9
least seven days prior to the termination date specified in the 10
notice. 11

(B) Except as provided in division (C) of this section, 12
the landlord or the tenant may terminate or fail to renew a 13
month-to-month tenancy by notice given the other at least thirty 14
days prior to the periodic rental date. 15

(C) If a tenant violates division (A) (9) of section 16
5321.05 of the Revised Code and if the landlord has actual 17
knowledge of or has reasonable cause to believe that the tenant, 18
any person in the tenant's household, or any person on the 19

residential premises with the consent of the tenant previously 20
has or presently is engaged in a violation as described in 21
division (A) (6) (a) (i) of section 1923.02 of the Revised Code, 22
the landlord shall terminate the week-to-week tenancy, month-to- 23
month tenancy, or other rental agreement with the tenant by 24
giving a notice of termination to the tenant in accordance with 25
this division. The notice shall specify that the tenancy or 26
other rental agreement is terminated three days after the giving 27
of the notice, and the landlord may give the notice whether or 28
not the tenant or other person has been charged with, has 29
pleaded guilty to or been convicted of, or has been determined 30
to be a delinquent child for an act that, if committed by an 31
adult, would be a violation as described in division (A) (6) (a) 32
(i) of section 1923.02 of the Revised Code. If the tenant fails 33
to vacate the premises within three days after the giving of 34
that notice, then the landlord promptly shall comply with 35
division (A) (9) of section 5321.04 of the Revised Code. For 36
purposes of this division, actual knowledge or reasonable cause 37
to believe as described in this division shall be determined in 38
accordance with division (A) (6) (a) (i) of section 1923.02 of the 39
Revised Code. 40

(D) Notwithstanding divisions (A) and (B) of this section, 41
a tenant may terminate or fail to renew any lease the tenant has 42
with a landlord if the tenant is seeking inpatient treatment for 43
substance abuse by giving notice to the landlord stating the 44
date of termination or failure to renew and providing the 45
landlord with evidence of the need for that treatment. The 46
evidence shall be written documentation from a medical 47
professional, substance abuse professional as defined in section 48
4758.01 of the Revised Code, or a chemical dependency counselor 49
licensed under Chapter 4758. of the Revised Code that states the 50

tenant's need for inpatient treatment for substance abuse. 51

(E) This section does not apply to a termination based on 52
the breach of a condition of a rental agreement or the breach of 53
a duty and obligation imposed by law, except that it does apply 54
to a breach of the obligation imposed upon a tenant by division 55
(A) (9) of section 5321.05 of the Revised Code. 56

(F) "Medical professional" means any person licensed or 57
certified to provide health care services, as defined in section 58
3922.01 of the Revised Code, to individuals, including a 59
chiropractor, psychologist, nurse, physician, and psychiatric 60
social worker. 61

Section 2. That existing section 5321.17 of the Revised 62
Code is hereby repealed. 63