

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 712**

**Representatives Miller, K., Ginter**

**Cosponsors: Representatives Click, Hall, Plummer, Abrams, Bird, Riedel, John,  
Young, T., LaRe, Lipps**

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**A BILL**

To amend sections 4781.40, 5301.072, 5311.191, and 1  
5321.131 of the Revised Code to prohibit 2  
manufactured home park operators, condominium 3  
associations, neighborhood associations, and 4  
landlords from restricting the display of the 5  
thin blue line flag. 6

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

**Section 1.** That sections 4781.40, 5301.072, 5311.191, and 7  
5321.131 of the Revised Code be amended to read as follows: 8

**Sec. 4781.40.** (A) (1) The park operator shall offer each 9  
home owner a written rental agreement for a manufactured home 10  
park lot for a term of one year or more that contains terms 11  
essentially the same as any alternative month-to-month rental 12  
agreement offered to current and prospective tenants and owners. 13  
The park operator shall offer the minimum one-year rental 14  
agreement to the owner prior to installation of the home in the 15  
manufactured home park or, if the home is in the manufactured 16  
home park, prior to the expiration of the owner's existing 17  
rental agreement. 18

(2) The park operator shall deliver the offer to the owner 19  
by certified mail, return receipt requested, or in person. If 20  
the park operator delivers the offer to the owner in person, the 21  
owner shall complete a return showing receipt of the offer. If 22  
the owner does not accept the offer, the park operator is 23  
discharged from any obligation to make any further such offers. 24  
If the owner accepts the offer, the park operator shall, at the 25  
expiration of each successive rental agreement, offer the owner 26  
another rental agreement, for a term that is mutually agreed 27  
upon, and that contains terms essentially the same as the 28  
alternative month-to-month agreement. The park operator shall 29  
deliver subsequent rental offers by ordinary mail or personal 30  
delivery. If the park operator sells the manufactured home park 31  
to another manufactured home park operator, the purchaser is 32  
bound by the rental agreements entered into by the purchaser's 33  
predecessor. 34

(3) If the park operator sells the manufactured home park 35  
for a use other than as a manufactured home park, the park 36  
operator shall give each tenant and owner a written notification 37  
by certified mail, return receipt requested, or by handing it to 38  
the tenant or owner in person. If the park operator delivers the 39  
notification in person, the recipient shall complete a return 40  
showing receipt of the notification. This notification shall 41  
contain notice of the sale of the manufactured home park, and 42  
notice of the date by which the tenant or owner shall vacate. 43  
The date by which the tenant shall vacate shall be at least one 44  
hundred twenty days after receipt of the written notification, 45  
and the date by which the owner shall vacate shall be at least 46  
one hundred eighty days after receipt of the written 47  
notification. 48

(B) A park operator shall fully disclose in writing all 49

fees, charges, assessments, including rental fees, and rules 50  
prior to a tenant or owner executing a rental agreement and 51  
assuming occupancy in the manufactured home park. No fees, 52  
charges, assessments, or rental fees so disclosed may be 53  
increased nor rules changed by a park operator without 54  
specifying the date of implementation of the changed fees, 55  
charges, assessments, rental fees, or rules, which date shall be 56  
not less than thirty days after written notice of the change and 57  
its effective date to all tenants or owners in the manufactured 58  
home park, and no fee, charge, assessment, or rental fee shall 59  
be increased during the term of any tenant's or owner's rental 60  
agreement. Failure on the part of the park operator to fully 61  
disclose all fees, charges, or assessments shall prevent the 62  
park operator from collecting the undisclosed fees, charges, or 63  
assessments. If a tenant or owner refuses to pay any undisclosed 64  
fees, charges, or assessments, the refusal shall not be used by 65  
the park operator as a cause for eviction in any court. 66

(C) (1) A park operator shall promulgate rules governing 67  
the rental or occupancy of a lot in the manufactured home park. 68  
The rules shall not be unreasonable, arbitrary, or capricious. A 69  
copy of the rules and any amendments to them shall be delivered 70  
by the park operator to the tenant or owner prior to signing the 71  
rental agreement. A copy of the rules and any amendments to them 72  
shall be posted in a conspicuous place upon the manufactured 73  
home park grounds. 74

(2) No park operator shall include any restriction in a 75  
rental agreement against, or otherwise prohibit on a tenant's or 76  
owner's rental property, any of the following: 77

(a) The display of the flag of the United States or the 78  
national league of families POW/MIA flag if the flag is 79

displayed in accordance with any of the following:	80
(i) The patriotic customs set forth in 4 U.S.C. 5-10, and	81
36 U.S.C. 902, governing the display and use of the flag;	82
(ii) Federal law, state law, or any local ordinance or	83
resolution;	84
(iii) A proclamation of the president of the United States	85
or the governor of the state.	86
(b) The display of the state flag as defined in section	87
5.01 of the Revised Code if the flag is displayed in accordance	88
with state law, any local ordinance or resolution, or	89
proclamation by the governor of the state;	90
(c) The display of a service flag approved by the United	91
States secretary of defense for display in a window of the	92
residence of a member of the immediate family of an individual	93
serving in the armed forces of the United States. A service flag	94
includes a blue star banner, a gold star banner, and any other	95
flag the secretary of defense designates as a service flag.	96
<u>(d) The display of a thin blue line flag or emblem on a</u>	97
<u>flag pole, through the use of a bracket, or in a window in</u>	98
<u>accordance with any state law, any local ordinance or</u>	99
<u>resolution, or a proclamation by the governor of the state.</u>	100
(3) A tenant who requests to display the flag of the	101
United States <del>or</del> , the national league of families POW/MIA flag,	102
<u>or the thin blue line flag</u> at the rental property as provided in	103
division (C)(2) of this section through the use of a flag pole	104
shall contact the park operator with reasonable notice before	105
installation of the flag pole to discuss the following:	106
(a) Placement in compliance with any local zoning	107

restrictions and the required underground utility service	108
requests (OUPS);	109
(b) Cost of the materials and installation;	110
(c) Installation in a workerlike manner if installed at	111
the tenant's request and expense;	112
(d) Any lighting required to comply with division (C) (2)	113
(a) (i) of this section;	114
(e) The appropriate size of the flag and flag pole, which	115
shall be consistent with the size and character of the building.	116
(4) A tenant who requests to display the flag of the	117
United States <del>or</del> , the national league of families POW/MIA flag,	118
<u>or the thin blue line flag</u> at the rental property as provided in	119
division (C) (2) of this section through the use of a bracket to	120
be permanently affixed to the manufactured home, shall contact	121
the park operator with reasonable notice before installation of	122
the bracket to discuss the following:	123
(a) Placement in compliance with any local zoning	124
restrictions;	125
(b) Cost of the materials and installation;	126
(c) Preferred location of the bracket with installation to	127
be performed in a workerlike manner if installed at the tenant's	128
request and expense;	129
(d) Any lighting required to comply with division (C) (2)	130
(a) (i) of this section;	131
(e) The appropriate size of the flag and flag pole, which	132
shall be consistent with the size and character of the	133
manufactured home.	134

(5) A tenant who owns the manufactured home but leases the lot and who requests to display the flag of the United States ~~or~~, the national league of families POW/MIA flag, or the thin blue line flag at the rental property as provided in division (C) (2) of this section through the use of a bracket to be permanently affixed to the manufactured home, shall contact the park operator with reasonable notice before installation of the bracket to discuss the following:

(a) Placement in compliance with any local zoning restrictions;

(b) Preferred location of the bracket to insure that there will be no encroachment of the flag or bracket onto common areas of the park;

(c) Any lighting required to comply with division (C) (2) (a) (i) of this section;

(d) The appropriate size of the flag and flag pole, which shall be consistent with the size and character of the manufactured home and surrounding manufactured home park.

(6) A park operator who does not receive the notifications required under divisions (C) (3) and (4) of this section is not liable for any damages, fines, or costs associated with any issues arising from the placement of the flag pole or the bracket by the tenant.

(7) Any display of the flag of the United States ~~or~~, the national league of families POW/MIA flag, or the thin blue line flag shall use a flag or flag pole of an appropriate size, consistent with the size and character of the manufactured homes within the manufactured home park.

(8) Any violation of this division is against public

policy and unenforceable. Any provision of a rental agreement 164  
that violates this division is an unconscionable term under 165  
section 4781.48 of the Revised Code. 166

(9) Nothing in this division exempts a tenant from a 167  
provision in a lease agreement that requires a tenant, at the 168  
termination of a lease, to return the premises in the same 169  
condition as they were in when the tenant took possession. 170

(10) As used in division (C) of this section, "thin blue 171  
line flag" and "thin blue line emblem" mean a flag or emblem 172  
used by law enforcement to commemorate fallen law enforcement 173  
officers, to show support for living law enforcement officers, 174  
and to symbolize the relationship of law enforcement with the 175  
community as protectors of fellow citizens from criminal 176  
elements. 177

(D) No park operator shall require an owner to purchase 178  
from the park operator any personal property. The park operator 179  
may determine by rule the style or quality of skirting, 180  
equipment for tying down homes, manufactured or mobile home 181  
accessories, or other equipment to be purchased by an owner from 182  
a vendor of the owner's choosing, provided that the equipment is 183  
readily available to the owner. Any such equipment shall be 184  
installed in accordance with the manufactured home park rules. 185

(E) No park operator shall charge any owner who chooses to 186  
install an electric or gas appliance in a home an additional fee 187  
solely on the basis of the installation, unless the installation 188  
is performed by the park operator at the request of the owner, 189  
nor shall the park operator restrict the installation, service, 190  
or maintenance of the appliance, restrict the ingress or egress 191  
of repairpersons to the manufactured home park for the purpose 192  
of installation, service, or maintenance of the appliance, nor 193

restrict the making of any interior improvement in a home, if 194  
the installation or improvement is in compliance with applicable 195  
building codes and other provisions of law and if adequate 196  
utility services are available for the installation or 197  
improvement. 198

(F) No park operator shall require a tenant to lease or an 199  
owner to purchase a manufactured or mobile home from the park 200  
operator or any specific person as a condition of or 201  
prerequisite to entering into a rental agreement. 202

(G) No park operator shall require an owner to use the 203  
services of the park operator or any other specific person for 204  
installation of the manufactured or mobile home on the 205  
residential premises or for the performance of any service. 206

(H) No park operator shall: 207

(1) Deny any owner the right to sell the owner's 208  
manufactured home within the manufactured home park if the owner 209  
gives the park operator ten days' notice of the intention to 210  
sell the home; 211

(2) Require the owner to remove the home from the 212  
manufactured home park solely on the basis of the sale of the 213  
home; 214

(3) Unreasonably refuse to enter into a rental agreement 215  
with a purchaser of a home located within the operator's 216  
manufactured home park; 217

(4) Charge any tenant or owner any fee, charge, or 218  
assessment, including a rental fee, that is not set forth in the 219  
rental agreement or, if the rental agreement is oral, is not set 220  
forth in a written disclosure given to the tenant or owner prior 221  
to the tenant or owner entering into a rental agreement; 222



(5) Charge any owner any fee, charge, or assessment 223  
because of the transfer of ownership of a home or because a home 224  
is moved out of or into the manufactured home park, except a 225  
charge for the actual costs and expenses that are incurred by 226  
the park operator in moving the home out of or into the 227  
manufactured home park, or in installing the home in the 228  
manufactured home park and that have not been reimbursed by 229  
another tenant or owner. 230

(I) If the park operator violates any provision of 231  
divisions (A) to (H) of this section, the tenant or owner may 232  
recover actual damages resulting from the violation, and, if the 233  
tenant or owner obtains a judgment, reasonable attorneys' fees, 234  
or terminate the rental agreement. 235

(J) No rental agreement shall require a tenant or owner to 236  
sell, lease, or sublet the tenant's or owner's interest in the 237  
rental agreement or the manufactured or mobile home that is or 238  
will be located on the lot that is the subject of the rental 239  
agreement to any specific person or through any specific person 240  
as the person's agent. 241

(K) No park operator shall enter into a rental agreement 242  
with the owner of a manufactured or mobile home for the use of 243  
residential premises, if the rental agreement requires the owner 244  
of the home, as a condition to the owner's renting, occupying, 245  
or remaining on the residential premises, to pay the park 246  
operator or any other person specified in the rental agreement a 247  
fee or any sum of money based on the sale of the home, unless 248  
the owner of the home uses the park operator or other person as 249  
the owner's agent in the sale of the home. 250

(L) A park operator and a tenant or owner may include in a 251  
rental agreement any terms and conditions, including any term 252

relating to rent, the duration of an agreement, and any other 253  
provisions governing the rights and obligations of the parties 254  
that are not inconsistent with or prohibited by sections 4781.36 255  
to 4781.52 of the Revised Code or any other rule of law. 256

(M) Notwithstanding any other provision of the Revised 257  
Code, the owner of a manufactured or mobile home may utilize the 258  
services of a manufactured housing dealer or broker licensed 259  
under Chapter 4781. of the Revised Code or a person properly 260  
licensed under Chapter 4735. of the Revised Code to sell or 261  
lease the home. 262

**Sec. 5301.072.** (A) No covenant, condition, or restriction 263  
set forth in a deed, and no rule, regulation, bylaw, or other 264  
governing document or agreement of a homeowners, neighborhood, 265  
civic, or other association, shall prohibit or be construed to 266  
prohibit any of the following: 267

(1) The placement on any property of a flagpole that is to 268  
be used for the purpose of displaying the flag of the United 269  
States, the flag of the state as defined in section 5.01 of the 270  
Revised Code, ~~or~~ the national league of families POW/MIA flag, or 271  
or the thin blue line flag provided the flag and flag pole shall 272  
be of an appropriate size, consistent with the size and 273  
character of the buildings that are subject to the requirements 274  
or agreements of a homeowner, neighborhood, civic, or other 275  
association; 276

(2) The display on any property of the flag of the United 277  
States or the national league of families POW/MIA flag if the 278  
flag is displayed in accordance with any of the following: 279

(a) The patriotic customs set forth in 4 U.S.C. 5-10, and 280  
36 U.S.C. 902 governing the display and use of the flag; 281

(b) The consent of the property's owner or of any person	282
having lawful control of the property;	283
(c) The recommended flagpole standards set forth in "Our	284
Flag," published pursuant to S.C.R. 61 of the 105th Congress,	285
1st Session (1998);	286
(d) Any federal law, proclamation of the president of the	287
United States or the governor, section of the Revised Code, or	288
local ordinance or resolution.	289
(3) The display on any property of the state flag as	290
defined in section 5.01 of the Revised Code if the flag is	291
displayed in accordance with any of the following:	292
(a) The consent of the property's owner or of any person	293
having lawful control of the property;	294
(b) Any state law, local ordinance or resolution, or	295
proclamation by the governor of the state.	296
(4) The display of a service flag approved by the United	297
States secretary of defense for display in a window of the	298
residence of a member of the immediate family of an individual	299
serving in the armed forces of the United States. A service flag	300
includes a blue star banner, a gold star banner, and any other	301
flag the secretary of defense designates as a service flag.	302
<u>(5) The display of a thin blue line flag or emblem on any</u>	303
<u>property on a flag pole, through the use of a bracket, or in a</u>	304
<u>window if the flag is displayed in accordance with any of the</u>	305
<u>following:</u>	306
<u>(a) The consent of the property's owner or of any person</u>	307
<u>having lawful control of the property;</u>	308
<u>(b) Any state law, local ordinance or resolution, or</u>	309

<u>proclamation by the governor of the state.</u>	310
(B) A covenant, condition, restriction, rule, regulation, bylaw, governing document, or agreement or a construction of any of these items that violates division (A) of this section is against public policy and unenforceable in any court of this state to the extent it violates that division.	311 312 313 314 315
<u>(C) As used in this section, "thin blue line flag" and "thin blue line emblem" have the same meanings as in section 4781.40 of the Revised Code.</u>	316 317 318
<b>Sec. 5311.191.</b> (A) No declaration, bylaw, rule, regulation, or agreement of a condominium property or construction of any of these items by the board of managers of its unit owners association shall prohibit any of the following:	319 320 321 322
(1) The placement of a flagpole that is to be used for the purpose of displaying, or the display of the flag of the United States or the national league of families POW/MIA flag on or within the limited common areas and facilities of a unit owner or on the immediately adjacent exterior of the building in which the unit of a unit owner is located, if the flag is displayed in accordance with any of the following:	323 324 325 326 327 328 329
(a) The patriotic customs set forth in 4 U.S.C. 5-10, and 36 U.S.C. 902, governing the display and use of the flag;	330 331
(b) The recommended flagpole standards set forth in "Our Flag," published pursuant to S.C.R. 61 of the 105th Congress, 1st Session (1998);	332 333 334
(c) Any federal law, proclamation of the president of the United States or the governor, section of the Revised Code, or local ordinance or resolution.	335 336 337

(2) The placement of a flagpole that is to be used for the purpose of displaying, or the display of the flag of the state as defined in section 5.01 of the Revised Code on or within the limited common areas and facilities of a unit owner or on the immediately adjacent exterior of the building in which the unit of a unit owner is located, if the flag is displayed in accordance with any state law, local ordinance or resolution, or proclamation by the governor of the state;

(3) The display of a service flag approved by the United States secretary of defense for display in a window of the residence of a member of the immediate family of an individual serving in the armed forces of the United States. A service flag includes a blue star banner, a gold star banner, and any other flag the secretary of defense designates as a service flag.

(4) The display of a thin blue line flag or emblem on a flag pole, through the use of a bracket, or in a window on or within the limited common areas and facilities of a unit owner, or on the immediately adjacent exterior of the building in which the unit of a unit owner is located, if the flag or emblem is displayed in accordance with any state law, local ordinance or resolution, or a proclamation by the governor of the state.

(B) Any display of the flag of the United States ~~or~~, the national league of families POW/MIA flag, or the thin blue line flag shall use a flag or flag pole of an appropriate size, consistent with the size and character of the condominium buildings and common areas.

(C) A declaration, bylaw, rule, regulation, or agreement or the construction of any of these items that violates division (A) of this section is against public policy and unenforceable in any court of this state to the extent it violates that

division. 368

(D) As used in this section, "thin blue line flag" and 369  
"thin blue line emblem" have the same meanings as in section 370  
4781.40 of the Revised Code. 371

**Sec. 5321.131.** (A) No landlord shall include any 372  
restriction in a rental agreement against, or otherwise prohibit 373  
on a tenant's rental property, any of the following: 374

(1) The display of the flag of the United States or the 375  
national league of families POW/MIA flag if the flag is 376  
displayed in accordance with any of the following: 377

(a) The patriotic customs set forth in 4 U.S.C. 5-10, and 378  
36 U.S.C. 902, governing the display and use of the flag; 379

(b) Federal law, state law, or any local ordinance or 380  
resolution; 381

(c) A proclamation of the president of the United States 382  
or the governor of the state. 383

(2) The display of the state flag as defined in section 384  
5.01 of the Revised Code if the flag is displayed in accordance 385  
with state law, any local ordinance or resolution, or 386  
proclamation by the governor of the state; 387

(3) The display of a service flag approved by the United 388  
States secretary of defense for display in a window of the 389  
residence of a member of the immediate family of an individual 390  
serving in the armed forces of the United States. A service flag 391  
includes a blue star banner, a gold star banner, and any other 392  
flag the secretary of defense designates as a service flag. 393

(4) The display of a thin blue line flag or emblem on a 394  
flag pole, through the use of a bracket, or in a window if 395

displayed in accordance with any state law, local ordinance or 396  
resolution, or proclamation by the governor of the state. 397

(B) (1) A tenant who requests to display the flag of the 398  
United States ~~or~~, the national league of families POW/MIA flag, 399  
or a thin blue line flag at the rental property as provided in 400  
~~division~~ divisions (A) (1) and (4) of this section through the 401  
use of a flag pole shall contact the landlord with reasonable 402  
notice before installation of the flag pole to discuss the 403  
following: 404

(a) Placement in compliance with any local zoning 405  
restrictions and the required underground utility service 406  
requests (OUPS); 407

(b) Cost of the materials and installation; 408

(c) Installation in a workerlike manner if installed at 409  
the tenant's request and expense; 410

(d) Any lighting required to comply with division (A) (1) 411  
(a) of this section; 412

(e) The appropriate size of the flag and flag pole, which 413  
shall be consistent with the size and character of the building. 414

(2) A tenant who requests to display the flag of the 415  
United States ~~or~~, the national league of families POW/MIA flag, 416  
or a thin blue line flag at the rental property as provided in 417  
~~division~~ divisions (A) (1) and (4) of this section through the 418  
use of a bracket to be permanently affixed to the unit, shall 419  
contact the landlord with reasonable notice before installation 420  
of the bracket to discuss the following: 421

(a) Placement in compliance with any local zoning 422  
restrictions; 423

(b) Cost of the materials and installation;	424
(c) Preferred location of the bracket with installation to be performed in a workerlike manner if installed at the tenant's request and expense;	425 426 427
(d) Any lighting required to comply with division (A) (1) (a) of this section;	428 429
(e) The appropriate size of the flag and flag pole, which shall be consistent with the size and character of the building.	430 431
(C) A landlord who does not receive the notifications required under division (B) of this section is not liable for any damages, fines, or costs associated with any issues arising from the placement of the flag pole or the bracket by the tenant.	432 433 434 435 436
(D) Any violation of this section is against public policy and unenforceable. Any provision of a rental agreement that violates this section is an unconscionable term under section 5321.14 of the Revised Code.	437 438 439 440
(E) Nothing in division (B) of this section exempts a tenant from a provision in a lease agreement that requires a tenant, at the termination of a lease, to return the premises in the same condition as they were in when the tenant took possession.	441 442 443 444 445
<b>Section 2.</b> That existing sections 4781.40, 5301.072, 5311.191, and 5321.131 of the Revised Code are hereby repealed.	446 447