

As Introduced

**127th General Assembly
Regular Session
2007-2008**

H. B. No. 161

Representative Raussen

**Cosponsors: Representatives McGregor, J., Setzer, White, Collier, Fessler,
Williams, S., Bulp, DeGeeter, Domenick, Fende, Budish**

—

A B I L L

To enact section 5321.171 of the Revised Code to 1
permit a tenant to terminate a residential rental 2
agreement without penalty if the tenant or the 3
tenant's spouse is 62 years of age or older and, 4
for medical reasons, enters a nursing home or 5
other specified care facility. 6

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

Section 1. That section 5321.171 of the Revised Code be 7
enacted to read as follows: 8

Sec. 5321.171. (A) As used in this section: 9

(1) "Adult care facility" has the same meaning as in section 10
3722.01 of the Revised Code except that it includes a nursing 11
home, residential care facility, or home for the aging. 12

(2) "Family member" means an individual who is related by 13
blood or marriage to a tenant or to the spouse of a tenant. 14

(3) "Home for the aging," "nursing home," and "residential 15
care facility" have the same meanings as in section 3721.01 of the 16
Revised Code. 17

(B) A tenant may terminate a rental agreement for the use and 18

occupancy of residential premises pursuant to this section if all 19
of the following apply: 20

(1) The tenant or the spouse of the tenant is sixty-two years 21
of age or older. 22

(2) The tenant or the spouse of the tenant, for medical 23
reasons, no longer is able to live independently in the 24
residential premises that is the subject of the rental agreement 25
and requires assistance with the instrumental activities of daily 26
living or the personal activities of daily living. 27

(3) The tenant or the spouse of the tenant is moving into any 28
of the following: 29

(a) A nursing home, residential care facility, or home for 30
the aging; 31

(b) A facility authorized to provide extended care services 32
under Title XVIII of the "Social Security Act," 49 Stat. 620 33
(1935), 42 U.S.C. 301, as amended; 34

(c) A county home or district home operated pursuant to 35
Chapter 5155. of the Revised Code; 36

(d) An adult care facility; 37

(e) A community residential care facility approved by the 38
secretary of the department of veterans affairs under section 39
104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 40
993, 38 U.S.C. 1730, as amended, and used exclusively for the 41
placement and care of veterans; 42

(f) An adult foster home certified under section 173.36 of 43
the Revised Code; 44

(g) The home of a family member of the tenant who is not the 45
spouse of the tenant or the home of a family member of the spouse 46
of the tenant, if the move is expected to be for a period of six 47
months or more. 48

(C) In order to terminate a rental agreement pursuant to this section, subject to division (F) of this section, the tenant shall provide a written notice of termination to the person to whom the tenant normally pays the rent under the rental agreement or to the place where the tenant normally pays or sends that rent. The tenant shall attach the following to the notice of termination:

(1) A certification by a physician certifying that the tenant or the spouse of the tenant is sixty-two years of age or older and the tenant or the spouse of the tenant, for medical reasons, no longer is able to live independently in the residential premises that is the subject of the rental agreement and requires assistance with the instrumental activities of daily living or the personal activities of daily living;

(2) If the tenant or the spouse of the tenant is moving into a home or facility described in divisions (B)(3)(a) to (f) of this section, evidence of admission or pending admission to that home or facility. That evidence may be a letter of admission or pending admission to the home or facility signed by the administrator of the home or facility or a copy of a lease or other contract entered into by the tenant or the spouse of the tenant evidencing the tenant's or spouse's admission or pending admission to the home or facility.

(3) If the tenant or the spouse of the tenant is moving into the home of a family member as described in division (B)(3)(g) of this section, a notarized statement of the family member stating that the tenant or the spouse of the tenant is related by blood or marriage to the family member and will be moving into the home of the family member for a period of not less than six months.

(D)(1) The termination date of a rental agreement that is terminated pursuant to this section shall be the next date on which the rent under the rental agreement is due that is at least thirty days subsequent to the receipt of the written notice of

termination described in division (C) of this section. The notice 81
of termination is considered received five days after the notice 82
is mailed or upon personal delivery of the notice. 83

(2) The landlord under the rental agreement that is 84
terminated pursuant to this section is responsible for complying 85
with the obligations of a landlord related to the termination of a 86
rental agreement under this chapter, including, but not limited 87
to, the return of any security deposit pursuant to section 5321.16 88
of the Revised Code. 89

(3) The tenant under the rental agreement that is terminated 90
pursuant to this section is not responsible for any rent or fees 91
that accrue on or after the termination date of the rental 92
agreement described in division (D)(1) of this section. 93

(E)(1) Each written rental agreement shall contain an 94
addendum notice of the tenant's right to terminate the existing 95
rental agreement pursuant to this section. In the case of an oral 96
rental agreement, the landlord shall deliver to the tenant at the 97
time of the tenant's initial occupancy of the residential premises 98
that is the subject of the oral rental agreement a written notice 99
of the tenant's right to terminate the existing rental agreement 100
pursuant to this section. 101

(2) The addendum notice and the written notice described in 102
division (E)(1) of this section shall be printed or typed in 103
capital letters and not less than fourteen-point type and shall be 104
substantially in the following form: 105

"Notice to senior citizens 106

Termination of residential rental agreement 107

1. You may terminate this rental agreement early without 108
penalty if you or your spouse is sixty-two (62) years of age or 109
older and, for medical reasons, is moving into any of the 110
following: 111

<u>a. A "nursing home," "residential care facility," or "home for the aging" as defined in section 3721.01 of the Revised Code;</u>	112
	113
<u>b. A facility authorized to provide extended care services under Title XVIII of the "Social Security Act," 42 U.S. Code 301;</u>	114
	115
<u>c. A county home or district home operated pursuant to Chapter 5155. of the Revised Code;</u>	116
	117
<u>d. An "adult care facility" as defined in section 3722.01 of the Revised Code;</u>	118
	119
<u>e. A community residential care facility approved by the secretary of the department of veterans affairs under section 104(a) of the "Veterans Health Care Amendments of 1983," 38 U.S. Code 1730, and used exclusively for the placement and care of veterans;</u>	120
	121
	122
	123
	124
<u>f. An adult foster home certified under section 173.36 of the Revised Code;</u>	125
	126
<u>g. The home of a family member, other than your spouse, who is related to you or your spouse by blood or marriage, if the move is expected to be for a period of six (6) months or more.</u>	127
	128
	129
<u>2. To terminate the rental agreement, send a written notice to the person to whom you normally pay your rent or to the place where you normally pay or send your rent, stating that you are terminating the rental agreement because you or your spouse must move due to medical reasons. Attach the following to that notice:</u>	130
	131
	132
	133
	134
<u>a. A statement of a physician certifying that the person moving into a home or facility described in paragraphs 1.a. to f., above, or into a family member's home as described in paragraph 1.g., above, is sixty-two (62) years of age or older and, for medical reasons, no longer is able to live independently in the residential premises covered by the rental agreement and requires assistance with the instrumental activities or personal activities</u>	135
	136
	137
	138
	139
	140
	141

of daily living; 142

b. If the move is into a home or facility described in 143
paragraphs 1.a. to f., above, documentation evidencing admission 144
or pending admission to the home or facility. This documentation 145
may be a letter signed by the administrator of the home or 146
facility or a copy of a lease or other contract with the home or 147
facility. 148

c. If the move is into the home of a family member described 149
in paragraph 1.g., above, a notarized statement of the family 150
member stating that you or your spouse is related by blood or 151
marriage to the family member and will be moving into the family 152
member's home for a period of not less than six (6) months. 153

3. Your rental agreement will terminate on the next date upon 154
which rent is due that is at least thirty (30) days after your 155
notice of termination is received. Your notice of termination will 156
be considered received when personally delivered or five (5) days 157
after mailing." 158

(F) If a written rental agreement does not contain an 159
addendum notice required under division (E)(1) of this section or 160
if, in the case of an oral rental agreement, the landlord does not 161
deliver to the tenant the written notice required under that 162
division, notwithstanding any provision of the rental agreement or 163
any provision in this chapter, a tenant may terminate the rental 164
agreement under the circumstances described in division (B) of 165
this section without providing the written notice of termination 166
and attachments under division (C) of this section. 167