

As Introduced

**128th General Assembly
Regular Session
2009-2010**

H. B. No. 64

Representative Pillich

**Cosponsors: Representatives Foley, Pryor, Hagan, Murray, Garland, Letson,
Weddington, Williams, S., Williams, B., Patten, Phillips, Yuko, Skindell,
Koziura, Luckie**

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A B I L L

To amend section 5321.01 and to enact section 5321.20 1
of the Revised Code to enable members of the armed 2
services and the Ohio National Guard to terminate 3
a rental agreement when the member receives 4
military orders to deploy or for a permanent 5
change of station. 6

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

Section 1. That section 5321.01 be amended and section 7
5321.20 of the Revised Code be enacted to read as follows: 8

Sec. 5321.01. As used in this chapter: 9

(A) "Tenant" means a person entitled under a rental agreement 10
to the use and occupancy of residential premises to the exclusion 11
of others. 12

(B) "Landlord" means the owner, lessor, or sublessor of 13
residential premises, the agent of the owner, lessor, or 14
sublessor, or any person authorized by the owner, lessor, or 15
sublessor to manage the premises or to receive rent from a tenant 16

under a rental agreement. 17

(C) "Residential premises" means a dwelling unit for 18
residential use and occupancy and the structure of which it is a 19
part, the facilities and appurtenances in it, and the grounds, 20
areas, and facilities for the use of tenants generally or the use 21
of which is promised the tenant. "Residential premises" includes a 22
dwelling unit that is owned or operated by a college or 23
university. "Residential premises" does not include any of the 24
following: 25

(1) Prisons, jails, workhouses, and other places of 26
incarceration or correction, including, but not limited to, 27
halfway houses or residential arrangements that are used or 28
occupied as a requirement of a community control sanction, a 29
post-release control sanction, or parole; 30

(2) Hospitals and similar institutions with the primary 31
purpose of providing medical services, and homes licensed pursuant 32
to Chapter 3721. of the Revised Code; 33

(3) Tourist homes, hotels, motels, recreational vehicle 34
parks, recreation camps, combined park-camps, temporary 35
park-camps, and other similar facilities where circumstances 36
indicate a transient occupancy; 37

(4) Elementary and secondary boarding schools, where the cost 38
of room and board is included as part of the cost of tuition; 39

(5) Orphanages and similar institutions; 40

(6) Farm residences furnished in connection with the rental 41
of land of a minimum of two acres for production of agricultural 42
products by one or more of the occupants; 43

(7) Dwelling units subject to sections 3733.41 to 3733.49 of 44
the Revised Code; 45

(8) Occupancy by an owner of a condominium unit; 46

(9) Occupancy in a facility licensed as an SRO facility 47
pursuant to Chapter 3731. of the Revised Code, if the facility is 48
owned or operated by an organization that is exempt from taxation 49
under section 501(c)(3) of the "Internal Revenue Code of 1986," 50
100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or 51
group of entities in which such an organization has a controlling 52
interest, and if either of the following applies: 53

(a) The occupancy is for a period of less than sixty days. 54

(b) The occupancy is for participation in a program operated 55
by the facility, or by a public entity or private charitable 56
organization pursuant to a contract with the facility, to provide 57
either of the following: 58

(i) Services licensed, certified, registered, or approved by 59
a governmental agency or private accrediting organization for the 60
rehabilitation of mentally ill persons, developmentally disabled 61
persons, adults or juveniles convicted of criminal offenses, or 62
persons suffering from substance abuse; 63

(ii) Shelter for juvenile runaways, victims of domestic 64
violence, or homeless persons. 65

(10) Emergency shelters operated by organizations exempt from 66
federal income taxation under section 501(c)(3) of the "Internal 67
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as 68
amended, for persons whose circumstances indicate a transient 69
occupancy, including homeless people, victims of domestic 70
violence, and juvenile runaways. 71

(D) "Rental agreement" means any agreement or lease, written 72
or oral, which establishes or modifies the terms, conditions, 73
rules, or any other provisions concerning the use and occupancy of 74
residential premises by one of the parties. 75

(E) "Security deposit" means any deposit of money or property 76
to secure performance by the tenant under a rental agreement. 77

(F) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

(G) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(H) "Student tenant" means a person who occupies a dwelling unit owned or operated by the college or university at which the person is a student, and who has a rental agreement that is contingent upon the person's status as a student.

(I) "Recreational vehicle park," "recreation camp," "combined park-camp," and "temporary park-camp" have the same meanings as in section 3729.01 of the Revised Code.

(J) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(K) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.

(L) "School premises" has the same meaning as in section 2925.01 of the Revised Code.

(M) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.

(N) "Preschool or child day-care center premises" has the ~~the~~ same meaning as in section 2950.034 of the Revised Code.

(O) "Active duty" means duty that is in response to military orders to deploy with a military unit or as an individual in support of a military operation, for a period of not less than ninety days. The military orders may be in response to an executive order of the President of the United States, an act of the Congress of the United States, or an order of the governor.

When associated with these military orders, "active duty" includes 108
full-time training, training at a school designated as a service 109
school by law or by the secretary of the military department 110
concerned, and full-time national guard duty. 111

(P) "Service member" means a member of the armed forces or 112
reserve forces of the United States or a member of the Ohio 113
national guard. 114

(O) "Military orders" means official military orders or any 115
notification, certification, or verification from the service 116
member's commanding officer with respect to the service member's 117
current or future military duty status. 118

Sec. 5321.20. (A) A tenant who is a service member may, at 119
the tenant's option, terminate a rental agreement at any time 120
after the tenant receives military orders that require the tenant 121
to do either of the following: 122

(1) Relocate due to a permanent change of station; 123

(2) Deploy on active duty with a military unit, or as a 124
person in support of a military operation, for a period of not 125
less than ninety days. 126

(B) To terminate a rental agreement pursuant to this section, 127
the tenant shall deliver a written notice of the termination, 128
along with a copy of the military orders, to the landlord at the 129
address where rent normally is paid. The delivery may be in person 130
or sent by United States mail, return receipt requested, to that 131
address. 132

(C) The termination of a rental agreement pursuant to this 133
section is effective as follows: 134

(1) In the case of a month-to-month rental agreement, thirty 135
days after the date on which the next rental payment is due; 136

(2) In the case of any other rental agreement, on the last 137

day of the month that follows the month in which the notice is 138
delivered. 139

(D)(1) The tenant shall pay on a prorated basis any rent that 140
is due for the period preceding the effective termination date of 141
the rental agreement. 142

(2) The landlord shall refund within thirty days after the 143
effective termination date any rental amounts that the tenant paid 144
in advance for any period that is after the effective termination 145
date of the rental agreement. 146

(3) The landlord shall return to the tenant any deposit and 147
other amounts due to the tenant as this chapter requires, as if 148
the rental agreement ended on the effective termination date 149
pursuant to its own terms. 150

(E) The early termination of a rental agreement pursuant to 151
this section is deemed to be a termination pursuant to the terms 152
of the rental agreement and the early termination may not be used 153
as a basis to withhold a security deposit or other amounts due the 154
tenant. A landlord may withhold amounts for actual damages in the 155
same manner and for the same reasons as this chapter permits for 156
rental agreements that expire pursuant to their own terms. 157

(F)(1) If a landlord violates this section, the tenant may 158
recover treble damages resulting from that violation and may 159
recover reasonable attorney's fees. 160

(2) A tenant who terminates the rental agreement due to 161
deployment may file for damages at any time prior to ninety days 162
following the tenant's return from deployment or at any later time 163
as otherwise provided by law. 164

Section 2. That existing section 5321.01 of the Revised Code 165
is hereby repealed. 166