

As Passed by the House

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Am. 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, Stewart, Gardner, Jones, Stautberg, Blessing, Grossman, Adams, R., Bacon, Balderson, Batchelder, Blair, Book, Boose, Boyd, Brown, Bubb, Burke, Carney, Celeste, Chandler, Combs, Daniels, DeBose, DeGeeter, Derickson, Dodd, Domenick, Driehaus, Dyer, Evans, Fende, Garrison, Gerberry, Goyal, Hackett, Hall, Harris, Harwood, Heard, Hite, Hottinger, Huffman, Lehner, Lundy, Mallory, Mandel, Martin, McClain, McGregor, Mecklenborg, Moran, Morgan, Newcomb, Oelslager, Sayre, Schneider, Slesnick, Snitchler, Szollosi, Uecker, Ujvagi, Winburn, Yates, Zehringer

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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 to the use and occupancy of residential premises to the exclusion of others.

(B) "Landlord" means the owner, lessor, or sublessor of residential premises, the agent of the owner, lessor, or sublessor, or any person authorized by the owner, lessor, or sublessor to manage the premises or to receive rent from a tenant under a rental agreement.

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

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

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

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

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

(5) Orphanages and similar institutions;

(6) Farm residences furnished in connection with the rental of land of a minimum of two acres for production of agricultural products by one or more of the occupants;	41 42 43
(7) Dwelling units subject to sections 3733.41 to 3733.49 of the Revised Code;	44 45
(8) Occupancy by an owner of a condominium unit;	46
(9) Occupancy in a facility licensed as an SRO facility pursuant to Chapter 3731. of the Revised Code, if the facility is owned or operated by an organization that is exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or group of entities in which such an organization has a controlling interest, and if either of the following applies:	47 48 49 50 51 52 53
(a) The occupancy is for a period of less than sixty days.	54
(b) The occupancy is for participation in a program operated by the facility, or by a public entity or private charitable organization pursuant to a contract with the facility, to provide either of the following:	55 56 57 58
(i) Services licensed, certified, registered, or approved by a governmental agency or private accrediting organization for the rehabilitation of mentally ill persons, developmentally disabled persons, adults or juveniles convicted of criminal offenses, or persons suffering from substance abuse;	59 60 61 62 63
(ii) Shelter for juvenile runaways, victims of domestic violence, or homeless persons.	64 65
(10) Emergency shelters operated by organizations exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, for persons whose circumstances indicate a transient occupancy, including homeless people, victims of domestic	66 67 68 69 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	78
structure that is used as a home, residence, or sleeping place by	79
one person who maintains a household or by two or more persons who	80
maintain a common household.	81
(G) "Controlled substance" has the same meaning as in section	82
3719.01 of the Revised Code.	83
(H) "Student tenant" means a person who occupies a dwelling	84
unit owned or operated by the college or university at which the	85
person is a student, and who has a rental agreement that is	86
contingent upon the person's status as a student.	87
(I) "Recreational vehicle park," "recreation camp," "combined	88
park-camp," and "temporary park-camp" have the same meanings as in	89
section 3729.01 of the Revised Code.	90
(J) "Community control sanction" has the same meaning as in	91
section 2929.01 of the Revised Code.	92
(K) "Post-release control sanction" has the same meaning as	93
in section 2967.01 of the Revised Code.	94
(L) "School premises" has the same meaning as in section	95
2925.01 of the Revised Code.	96
(M) "Sexually oriented offense" and "child-victim oriented	97
offense" have the same meanings as in section 2950.01 of the	98
Revised Code.	99
(N) "Preschool or child day-care center premises" has the the	100

same meaning as in section 2950.034 of the Revised Code. 101

(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 full-time training, training at a school designated as a service school by law or by the secretary of the military department concerned, and full-time national guard duty. 102
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(P) "Service member" means a member of the armed forces or reserve forces of the United States or a member of the Ohio national guard. 112
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(Q) "Military orders" means official military orders or any notification, certification, or verification from the service member's commanding officer with respect to the service member's current or future military duty status. 115
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Sec. 5321.20. (A) A tenant who is a service member may, at the tenant's option, terminate a rental agreement at any time after the tenant receives military orders that require the tenant to do either of the following: 119
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(1) Relocate due to a permanent change of station; 123

(2) Deploy on active duty with a military unit, or as a person in support of a military operation, for a period of not less than ninety days. 124
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(B) To terminate a rental agreement pursuant to this section, the tenant shall deliver a written notice of the termination, along with a copy of the military orders, to the landlord at the address where rent normally is paid. The delivery may be in person 127
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or sent by United States mail, return receipt requested, to that address. 131
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(C) The termination of a rental agreement pursuant to this section is effective as follows: 133
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(1) In the case of a month-to-month rental agreement, thirty days after the date on which the next rental payment is due; 135
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(2) In the case of any other rental agreement, on the last day of the month that follows the month in which the notice is delivered. 137
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(D)(1) The tenant shall pay on a prorated basis any rent that is due for the period preceding the effective termination date of the rental agreement. 140
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(2) The landlord shall refund within thirty days after the effective termination date any rental amounts that the tenant paid in advance for any period that is after the effective termination date of the rental agreement. 143
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(3) The landlord shall return to the tenant any deposit and other amounts due to the tenant as this chapter requires, as if the rental agreement ended on the effective termination date pursuant to its own terms. 147
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(E) The early termination of a rental agreement pursuant to this section is deemed to be a termination pursuant to the terms of the rental agreement and the early termination may not be used as a basis to withhold a security deposit or other amounts due the tenant. A landlord may withhold amounts for actual damages in the same manner and for the same reasons as this chapter permits for rental agreements that expire pursuant to their own terms. 151
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(F)(1) If a landlord violates this section, the tenant may recover double damages resulting from that violation and may recover reasonable attorney's fees. 158
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(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