

**As Introduced**

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

**H. B. No. 9**

**Representatives Celeste, Foley**

**Cosponsors: Representatives Garrison, Heard, Okey, Harris, Boyd,  
Newcomb, Harwood, Koziura, Hagan, Skindell, Stewart, Slesnick, Chandler,  
Brown, Murray, Mallory, DeBose, Patten, Oelslager, Lehner, Yuko, Moran,  
Pryor, Williams, S., Pillich, Phillips, Williams, B., Letson, Winburn, Fende,  
Luckie, Driehaus**

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**A B I L L**

To enact section 5321.20 of the Revised Code to 1  
require that notice of foreclosure and related 2  
sale of residential rental property be given to 3  
tenants at that property and to specify that a 4  
rental agreement for a residential property that 5  
is sold pursuant to a foreclosure action converts 6  
to a month-to-month rental agreement. 7

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

**Section 1.** That section 5321.20 of the Revised Code be 8  
enacted to read as follows: 9

Sec. 5321.20. (A) Any rental agreement for a residential 10  
property that is the subject of a foreclosure action shall convert 11  
to a month-to-month rental agreement upon the approval of a sale 12  
at auction by a court pursuant to section 2329.31 of the Revised 13  
Code. 14

(B)(1) Any landlord of a residential property that is the 15

subject of a foreclosure action shall provide each tenant at that 16  
property with written notice of the foreclosure action. The notice 17  
shall include a statement in substantially the following form: 18

"This property is undergoing foreclosure. For more 19  
information on this action, you should contact the .....(your 20  
county) Clerk of Courts for the Court of Common Pleas, 21  
.....(address), at .....(phone number). 22

A sale at auction may or may not occur as a result of this 23  
foreclosure. Currently, [the sale of this property has been set 24  
for .....(time, date, and place)] or [no date for sale of 25  
this property has been established]. You will receive written 26  
notice of the sale at least twenty-one days before it takes place. 27

If there is a sale of this property at auction, your current 29  
rental agreement will convert to a month-to-month rental agreement 30  
upon the sale of the property. 31

Note: With a month-to-month rental agreement, either the 32  
tenant or the landlord may terminate the agreement by providing 33  
written notice of termination to the other at least thirty days 34  
prior to a date on which the rent payment normally is due. The 35  
rental agreement then terminates on that date." 36

(2) If the rental agreement is entered into before the 37  
foreclosure action is initiated, the landlord shall provide the 38  
written notice of foreclosure within thirty days after the 39  
foreclosure action is filed. If the rental agreement is entered 40  
into after the foreclosure action is initiated, the landlord shall 41  
include the written notice of foreclosure in the rental agreement. 42

(C) Any landlord of a residential property that is the 43  
subject of a foreclosure action shall provide each tenant at that 44  
property with written notice of the date, time, and place of the 45  
sale of the foreclosed property at least twenty-one days before 46

the date of the sale at auction. 47

(D) In addition to any other remedy under law, a tenant may 48  
recover the greater of actual damages or one month's rent plus the 49  
security deposit amount and reasonable attorney's fees, obtain 50  
injunctive relief to enforce the rental agreement, or both, if a 51  
landlord or a successor in interest does either of the following: 52

(1) Fails to honor a rental agreement as division (A) of this 53  
section requires; 54

(2) Fails to provide the written notices that divisions (B) 55  
and (C) of this section require. 56

(E) The rights and remedies provided for in this section are 57  
in addition to, and do not preempt, any other rights and remedies 58  
that a tenant may be entitled to under this chapter. 59