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Urban Development Committee**

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**Sub. H. B. No. 189**

**Representatives Coley, DeGeeter**

**Cosponsors: Representatives O'Brien, Garland, Butler, Yuko, Martin,  
Murray, Slaby, Beck, Fende, Pillich, Blair, Combs, Ruhl, Schuring, Dovilla,  
Adams, J., Phillips, Okey, Antonio, Carey, Derickson, McKenney, Brenner,  
Goyal, Stautberg, Foley, Slesnick, Ashford, Gentile**

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**A B I L L**

To amend sections 3733.11, 5301.072, and 5311.191 and 1  
to enact section 5321.131 of the Revised Code to 2  
prohibit manufactured homes park operators, 3  
condominium associations, neighborhood 4  
associations, and landlords from restricting the 5  
display of blue star banners, gold star banners, 6  
and other service flags, and to prohibit 7  
manufactured homes park operators and landlords 8  
from restricting the display of the United States 9  
flag. 10

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

**Section 1.** That sections 3733.11, 5301.072, and 5311.191 be 11  
amended and section 5321.131 of the Revised Code be enacted to 12  
read as follows: 13

**Sec. 3733.11.** (A)(1) The park operator shall offer each home 14  
owner a written rental agreement for a manufactured home park lot 15

for a term of one year or more that contains terms essentially the same as any alternative month-to-month rental agreement offered to current and prospective tenants and owners. The park operator shall offer the minimum one-year rental agreement to the owner prior to installation of the home in the manufactured home park or, if the home is in the manufactured home park, prior to the expiration of the owner's existing rental agreement.

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

(3) If the park operator sells the manufactured home park for a use other than as a manufactured home park, the park operator shall give each tenant and owner a written notification by certified mail, return receipt requested, or by handing it to the tenant or owner in person. If the park operator delivers the notification in person, the recipient shall complete a return showing receipt of the notification. This notification shall contain notice of the sale of the manufactured home park, and notice of the date by which the tenant or owner shall vacate. The date by which the tenant shall vacate shall be at least one

hundred twenty days after receipt of the written notification, and 48  
the date by which the owner shall vacate shall be at least one 49  
hundred eighty days after receipt of the written notification. 50

(B) A park operator shall fully disclose in writing all fees, 51  
charges, assessments, including rental fees, and rules prior to a 52  
tenant or owner executing a rental agreement and assuming 53  
occupancy in the manufactured home park. No fees, charges, 54  
assessments, or rental fees so disclosed may be increased nor 55  
rules changed by a park operator without specifying the date of 56  
implementation of the changed fees, charges, assessments, rental 57  
fees, or rules, which date shall be not less than thirty days 58  
after written notice of the change and its effective date to all 59  
tenants or owners in the manufactured home park, and no fee, 60  
charge, assessment, or rental fee shall be increased during the 61  
term of any tenant's or owner's rental agreement. Failure on the 62  
part of the park operator to fully disclose all fees, charges, or 63  
assessments shall prevent the park operator from collecting the 64  
undisclosed fees, charges, or assessments. If a tenant or owner 65  
refuses to pay any undisclosed fees, charges, or assessments, the 66  
refusal shall not be used by the park operator as a cause for 67  
eviction in any court. 68

(C)(1) A park operator shall promulgate rules governing the 69  
rental or occupancy of a lot in the manufactured home park. The 70  
rules shall not be unreasonable, arbitrary, or capricious. A copy 71  
of the rules and any amendments to them shall be delivered by the 72  
park operator to the tenant or owner prior to signing the rental 73  
agreement. A copy of the rules and any amendments to them shall be 74  
posted in a conspicuous place upon the manufactured home park 75  
grounds. 76

(2) No park operator shall include any restriction in a 77  
rental agreement, or otherwise prohibit on a tenant's or owner's 78  
rental property, either of the following: 79

(a) The display of the flag of the United States if the flag 80  
is displayed in accordance with any of the following: 81

(i) The patriotic customs set forth in 4 U.S.C.A. 5-10, as 82  
amended, governing the display and use of the flag of the United 83  
States; 84

(ii) Federal law, state law, or any local ordinance or 85  
resolution; 86

(iii) A proclamation of the president of the United States or 87  
the governor of the state. 88

(b) The display of a service flag approved by the United 89  
States secretary of defense for display in a window of the 90  
residence of a member of the immediate family of an individual 91  
serving in the armed forces of the United States. A service flag 92  
includes a blue star banner, a gold star banner, and any other 93  
flag the secretary of defense designates as a service flag. 94

(3) Any violation of this division is against public policy 95  
and unenforceable. Any provision of a rental agreement that 96  
violates this division is an unconscionable term under section 97  
3733.16 of the Revised Code. 98

(D) No park operator shall require an owner to purchase from 99  
the park operator any personal property. The park operator may 100  
determine by rule the style or quality of skirting, equipment for 101  
tying down homes, manufactured or mobile home accessories, or 102  
other equipment to be purchased by an owner from a vendor of the 103  
owner's choosing, provided that the equipment is readily available 104  
to the owner. Any such equipment shall be installed in accordance 105  
with the manufactured home park rules. 106

(E) No park operator shall charge any owner who chooses to 107  
install an electric or gas appliance in a home an additional fee 108  
solely on the basis of the installation, unless the installation 109  
is performed by the park operator at the request of the owner, nor 110

shall the park operator restrict the installation, service, or 111  
maintenance of the appliance, restrict the ingress or egress of 112  
repairpersons to the manufactured home park for the purpose of 113  
installation, service, or maintenance of the appliance, nor 114  
restrict the making of any interior improvement in a home, if the 115  
installation or improvement is in compliance with applicable 116  
building codes and other provisions of law and if adequate utility 117  
services are available for the installation or improvement. 118

(F) No park operator shall require a tenant to lease or an 119  
owner to purchase a manufactured or mobile home from the park 120  
operator or any specific person as a condition of or prerequisite 121  
to entering into a rental agreement. 122

(G) No park operator shall require an owner to use the 123  
services of the park operator or any other specific person for 124  
installation of the manufactured or mobile home on the residential 125  
premises or for the performance of any service. 126

(H) No park operator shall: 127

(1) Deny any owner the right to sell the owner's manufactured 128  
home within the manufactured home park if the owner gives the park 129  
operator ten days' notice of the intention to sell the home; 130

(2) Require the owner to remove the home from the 131  
manufactured home park solely on the basis of the sale of the 132  
home; 133

(3) Unreasonably refuse to enter into a rental agreement with 134  
a purchaser of a home located within the operator's manufactured 135  
home park; 136

(4) Charge any tenant or owner any fee, charge, or 137  
assessment, including a rental fee, that is not set forth in the 138  
rental agreement or, if the rental agreement is oral, is not set 139  
forth in a written disclosure given to the tenant or owner prior 140  
to the tenant or owner entering into a rental agreement; 141

(5) Charge any owner any fee, charge, or assessment because 142  
of the transfer of ownership of a home or because a home is moved 143  
out of or into the manufactured home park, except a charge for the 144  
actual costs and expenses that are incurred by the park operator 145  
in moving the home out of or into the manufactured home park, or 146  
in installing the home in the manufactured home park and that have 147  
not been reimbursed by another tenant or owner. 148

(I) If the park operator violates any provision of divisions 149  
(A) to (H) of this section, the tenant or owner may recover actual 150  
damages resulting from the violation, and, if the tenant or owner 151  
obtains a judgment, reasonable attorneys' fees, or terminate the 152  
rental agreement. 153

(J) No rental agreement shall require a tenant or owner to 154  
sell, lease, or sublet the tenant's or owner's interest in the 155  
rental agreement or the manufactured or mobile home that is or 156  
will be located on the lot that is the subject of the rental 157  
agreement to any specific person or through any specific person as 158  
the person's agent. 159

(K) No park operator shall enter into a rental agreement with 160  
the owner of a manufactured or mobile home for the use of 161  
residential premises, if the rental agreement requires the owner 162  
of the home, as a condition to the owner's renting, occupying, or 163  
remaining on the residential premises, to pay the park operator or 164  
any other person specified in the rental agreement a fee or any 165  
sum of money based on the sale of the home, unless the owner of 166  
the home uses the park operator or other person as the owner's 167  
agent in the sale of the home. 168

(L) A park operator and a tenant or owner may include in a 169  
rental agreement any terms and conditions, including any term 170  
relating to rent, the duration of an agreement, and any other 171  
provisions governing the rights and obligations of the parties 172  
that are not inconsistent with or prohibited by sections 3733.09 173

to 3733.20 of the Revised Code or any other rule of law. 174

(M) Notwithstanding any other provision of the Revised Code, 175  
the owner of a manufactured or mobile home that was previously 176  
titled by a dealer may utilize the services of a manufactured home 177  
dealer licensed under Chapter 4517. of the Revised Code or a 178  
person properly licensed under Chapter 4735. of the Revised Code 179  
to sell or lease the home. 180

**Sec. 5301.072.** (A) No covenant, condition, or restriction set 181  
forth in a deed, and no rule, regulation, bylaw, or other 182  
governing document or agreement of a homeowners, neighborhood, 183  
civic, or other association, shall prohibit or be construed to 184  
prohibit ~~the~~ any of the following: 185

(1) The placement on any property of a flagpole that is to be 186  
used for the purpose of displaying, ~~or shall prohibit or be 187~~  
~~construed to prohibit~~ the flag of the United States; 188

(2) The display on any property of, the flag of the United 189  
States if the flag is displayed in accordance with any of the 190  
following: 191

~~(1)~~(a) The patriotic customs set forth in 4 U.S.C.A. 5-10, as 192  
amended, governing the display and use of the flag of the United 193  
States; 194

~~(2)~~(b) The consent of the property's owner or of any person 195  
having lawful control of the property; 196

~~(3)~~(c) The recommended flagpole standards set forth in "Our 197  
Flag," published pursuant to S.C.R. 61 of the 105th Congress, 1st 198  
Session (1998); 199

~~(4)~~(d) Any federal law, proclamation of the president of the 200  
United States or the governor, section of the Revised Code, or 201  
local ordinance or resolution. 202

(3) The display of a service flag approved by the United 203

States secretary of defense for display in a window of the 204  
residence of a member of the immediate family of an individual 205  
serving in the armed forces of the United States. A service flag 206  
includes a blue star banner, a gold star banner, and any other 207  
flag the secretary of defense designates as a service flag. 208

(B) A covenant, condition, restriction, rule, regulation, 209  
bylaw, governing document, or agreement or a construction of any 210  
of these items that violates division (A) of this section is 211  
against public policy and unenforceable in any court of this state 212  
to the extent it violates that division. 213

**Sec. 5311.191.** (A) No declaration, bylaw, rule, regulation, 214  
or agreement of a condominium property or construction of any of 215  
these items by the board of managers of its unit owners 216  
association shall prohibit ~~the~~ either of the following: 217

(1) The placement of a flagpole that is to be used for the 218  
purpose of displaying, or ~~shall prohibit~~ the display of, the flag 219  
of the United States on or within the limited common areas and 220  
facilities of a unit owner or on the immediately adjacent exterior 221  
of the building in which the unit of a unit owner is located, if 222  
the flag is displayed in accordance with any of the following: 223

~~(1)~~(a) The patriotic customs set forth in 4 U.S.C.A. 5-10, as 224  
amended, governing the display and use of the flag of the United 225  
States; 226

~~(2)~~(b) The recommended flagpole standards set forth in "Our 227  
Flag," published pursuant to S.C.R. 61 of the 105th Congress, 1st 228  
Session (1998); 229

~~(3)~~(c) Any federal law, proclamation of the president of the 230  
United States or the governor, section of the Revised Code, or 231  
local ordinance or resolution. 232

(2) The display of a service flag approved by the United 233



States secretary of defense for display in a window of the 234  
residence of a member of the immediate family of an individual 235  
serving in the armed forces of the United States. A service flag 236  
includes a blue star banner, a gold star banner, and any other 237  
flag the secretary of defense designates as a service flag. 238

(B) A declaration, bylaw, rule, regulation, or agreement or 239  
the construction of any of these items that violates division (A) 240  
of this section is against public policy and unenforceable in any 241  
court of this state to the extent it violates that division. 242

**Sec. 5321.131.** (A) No landlord shall include any restriction 243  
in a rental agreement, or otherwise prohibit on a tenant's rental 244  
property, either of the following: 245

(1) The display of the flag of the United States if the flag 246  
is displayed in accordance with any of the following: 247

(a) The patriotic customs set forth in 4 U.S.C.A. 5-10, as 248  
amended, governing the display and use of the flag of the United 249  
States; 250

(b) Federal law, state law, or any local ordinance or 251  
resolution; 252

(c) A proclamation of the president of the United States or 253  
the governor of the state. 254

(2) The display of a service flag approved by the United 255  
States secretary of defense for display in a window of the 256  
residence of a member of the immediate family of an individual 257  
serving in the armed forces of the United States. A service flag 258  
includes a blue star banner, a gold star banner, and any other 259  
flag the secretary of defense designates as a service flag. 260

(B) Any violation of this section is against public policy 261  
and unenforceable. Any provision of a rental agreement that 262  
violates this section is an unconscionable term under section 263

5321.14 of the Revised Code. 264

**Section 2.** That existing sections 3733.11, 5301.072, and 265

5311.191 of the Revised Code are hereby repealed. 266