

## As Introduced

**130th General Assembly  
Regular Session  
2013-2014**

**H. B. No. 297**

**Representatives Gonzales, Driehaus**

**Cosponsors: Representatives Stinziano, Milkovich, Pelanda, Fedor, Baker,  
Slaby, Ramos, Hagan, R., Antonio, Sheehy, Mallory, Ruhl, Reece, Roegner,  
Hagan, C., Sears, Pillich, Gerberry**

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### **A BILL**

To enact sections 9.131, 4113.80, 4113.81, 5321.171, 1  
5321.172, 5321.173, 5321.174, and 5321.175 of the 2  
Revised Code to allow an employee who is a victim 3  
of domestic violence to take unpaid leave for 4  
purposes relating to the incident of domestic 5  
violence; to allow an employee who is a victim of 6  
domestic violence to file a civil action against 7  
that employee's employer if the employer 8  
terminates the employee's employment as a result 9  
of the employee taking unpaid leave for purposes 10  
relating to the incident of domestic violence; to 11  
allow a tenant who is a victim of domestic 12  
violence to terminate a rental agreement or have 13  
the tenant's name removed from the rental 14  
agreement under certain circumstances; to require 15  
a landlord of a tenant who is a victim of domestic 16  
violence or menacing by stalking to change the 17  
lock to the dwelling unit where the tenant resides 18  
under certain circumstances; to require a 19  
metropolitan housing authority to transfer a 20  
tenant who is a victim of domestic violence or 21

menacing by stalking if the tenant requests such a 22  
transfer and provides the metropolitan housing 23  
authority with certain specified information; and 24  
to prohibit a county, municipal corporation, 25  
township, or law enforcement agency of such a 26  
political subdivision from charging any victim of 27  
domestic violence a fee for assisting the victim. 28

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

**Section 1.** That sections 9.131, 4113.80, 4113.81, 5321.171, 29  
5321.172, 5321.173, 5321.174, and 5321.175 of the Revised Code be 30  
enacted to read as follows: 31

**Sec. 9.131.** No county, municipal corporation, or township, 32  
nor any law enforcement agency of a county, municipal corporation, 33  
or township, may charge any victim of domestic violence or any 34  
property owner where a victim of domestic violence resides for any 35  
assistance that law enforcement officers provide to a victim of 36  
domestic violence. 37

As used in this section, "domestic violence" has the same 38  
meaning as in section 4113.80 of the Revised Code. 39

**Sec. 4113.80.** As used in this section and section 4113.81 of 40  
the Revised Code: 41

(A) "Domestic violence" has the same meaning as in section 42  
3113.31 of the Revised Code. 43

(B) "Employee" has the same meaning as in section 4113.51 of 44  
the Revised Code. 45

(C) "Employer" includes both of the following: 46

(1) The state or any agency or instrumentality of the state, 47

and any municipal corporation, county, township, school district, 48  
or other political subdivision or any agency or instrumentality 49  
thereof; 50

(2) Any person who employs one hundred or more employees for 51  
each working day during each of twenty or more calendar work weeks 52  
in the current or preceding calendar year. 53

(D) "Person" means an individual, corporation, business 54  
trust, estate, trust, partnership, or association. 55

**Sec. 4113.81.** (A)(1) Subject to divisions (A)(2), (B)(1), 56  
(C), and (D) of this section, an employee who is a victim of 57  
domestic violence and who has been employed by the employee's 58  
employer for at least twelve months may take a maximum of five 59  
days per year of unpaid leave, and an employee who is a victim of 60  
domestic violence and who has been employed by the employee's 61  
employer for less than twelve months may take a maximum of three 62  
days per year of unpaid leave, to do any of the following: 63

(a) File a petition under section 3113.31 of the Revised Code 64  
or attend a hearing on the petition, file a petition and a request 65  
for an ex parte order under section 3113.31 of the Revised Code or 66  
attend a hearing on the petition, or file a petition for a 67  
protection order or no-contact order under any substantially 68  
similar law of another state or a substantially similar municipal 69  
ordinance of this state or another state; 70

(b) File a motion for a protection order or attend a hearing 71  
on the protection order pursuant to section 2919.26 of the Revised 72  
Code or file a motion for a protection order or no-contact order 73  
issued under any substantially similar law of another state or a 74  
substantially similar municipal ordinance of this state or another 75  
state; 76

(c) File a motion for a protection order or attend a hearing 77

on the protection order pursuant to section 2903.213 of the 78  
Revised Code or file a motion for a protection order or no-contact 79  
order issued under any substantially similar law of another state 80  
or a substantially similar municipal ordinance of this state or 81  
another state; 82

(d) Seek emergency medical attention related to an incident 83  
of domestic violence. 84

(2) An employee shall provide the employee's employer with as 85  
much notice as practicable before taking any unpaid leave under 86  
division (A)(1) of this section. 87

(B)(1) An employee shall make reasonable efforts when 88  
possible to address matters related to domestic violence during 89  
nonwork hours. 90

(2) Subject to divisions (B)(1) and (3), (C), and (D) of this 91  
section, if it is not reasonably practical for an employee to 92  
schedule appointments outside the employee's working hours, the 93  
employee may take unpaid leave under division (A)(1) of this 94  
section with notice to the employee's employer pursuant to 95  
division (B)(3) of this section to do any of the following: 96

(a) Seek nonemergency medical attention related to an 97  
incident of domestic violence; 98

(b) Meet with law enforcement officers with respect to an 99  
incident of domestic violence; 100

(c) Seek legal assistance or other assistance from a 101  
counselor, social worker, victim advocate, health care provider, 102  
or other professional who assists persons in dealing with an 103  
incident of domestic violence; 104

(d) Attend a court proceeding concerning a civil protection 105  
order under section 3113.31 of the Revised Code or other 106  
injunctive relief for the employee's self or the employee's child; 107

(e) Attend a criminal court proceeding relating to the 108  
prosecution of an incident of domestic violence. 109

(3) The employee shall provide notice as soon as the employee 110  
knows of the need for unpaid leave under division (A)(1) of this 111  
section for the reasons set forth in division (B)(2) of this 112  
section and when an appointment necessitating that unpaid leave 113  
has been scheduled. In no case shall the employee provide notice 114  
any later than the start of the employee's shift or the beginning 115  
of the employee's work day. 116

(C)(1) An employer may require an employee who takes unpaid 117  
leave pursuant to divisions (A) and (B) of this section to provide 118  
documentation of the domestic violence. The employee may satisfy 119  
the documentation requirement by providing the employer with any 120  
of the following: 121

(a) If the leave is to file a petition under section 3113.31 122  
of the Revised Code, a petition and a request for an ex parte 123  
order under section 3113.31 of the Revised Code, a motion for a 124  
protection order or no-contact order issued under any 125  
substantially similar law of another state or a substantially 126  
similar municipal ordinance of this state or another state, a 127  
motion for a protection order pursuant to section 2919.26 of the 128  
Revised Code, a motion for a protection order or no-contact order 129  
issued under any substantially similar law of another state or a 130  
substantially similar municipal ordinance of this state or another 131  
state, a motion for a protection order pursuant to section 132  
2903.213 of the Revised Code, or a motion for a protection order 133  
or no-contact order issued under any substantially similar law of 134  
another state or a substantially similar municipal ordinance of 135  
this state or another state, documentation of that filing from the 136  
court; 137

(b) If the leave is to attend a court proceeding described in 138  
division (A)(1)(b) or (c) or (B)(2)(d) or (e) of this section, 139

documentation of that proceeding from the court, the docket, 140  
pleadings, subpoenas, the prosecutor, the victim's attorney, or a 141  
victim advocate; 142

(c) If the leave is for medical purposes, documentation 143  
supporting the fact of treatment by the health care provider; 144

(d) If the leave is to meet with a law enforcement officer or 145  
a prosecutor, documentation of that meeting from the officer or 146  
prosecutor; 147

(e) If the leave is to meet with counsel, an attorney, or 148  
other person providing assistance or services, documentation of 149  
that meeting from the counsel, attorney, or person providing the 150  
assistance or services. 151

(2) An employer who requires documentation as set forth in 152  
division (C)(1) of this section shall grant the employee a 153  
reasonable period of time not to exceed fourteen days to provide 154  
the documentation. The employer may discharge or otherwise 155  
discipline the employee for taking the unpaid leave without the 156  
approval of the employer if the employee fails to supply the 157  
documentation within the period of time granted by the employer. 158

(D) The maximum amount of unpaid leave an employee who is a 159  
victim of domestic violence and who has been employed by the 160  
employee's employer for less than twelve months may take per year 161  
under this section is three days. The maximum amount of unpaid 162  
leave an employee who is a victim of domestic violence and who has 163  
been employed by the employee's employer for at least twelve 164  
months may take per year under this section is five days. An 165  
employee who is a victim of domestic violence may elect to 166  
substitute, or an employer may require the employee to substitute, 167  
any accrued paid vacation leave or personal leave the employee may 168  
have for the unpaid leave taken pursuant to this section. 169

(E) If an employee who is the victim of domestic violence 170

takes unpaid leave pursuant to this section and the taking of that 171  
unpaid leave results in the termination of the employee's 172  
employment, that employee may file a civil action against the 173  
employer in the common pleas court of the county of that 174  
employment. That civil action filed under this division is the 175  
employee's sole and exclusive remedy. The relief the court may 176  
grant shall be limited to reinstatement of the employee's 177  
employment with back pay plus reasonable attorney's fees. That 178  
civil action shall be barred unless it is filed within one hundred 179  
eighty days immediately following the termination of the 180  
employee's employment. 181

Sec. 5321.171. (A) As used in this section and sections 182  
5321.172 and 5321.173 of the Revised Code: 183

(1) "Domestic violence" means the occurrence of one or more 184  
of the following acts against a household member: 185

(a) Attempting to cause or recklessly causing bodily injury; 186

(b) Placing another person by the threat of force in fear of 187  
imminent serious physical harm or committing a violation of 188  
section 2903.211 or 2911.211 of the Revised Code; 189

(c) Committing any act with respect to a child that would 190  
result in the child being an abused child, as defined in section 191  
2151.031 of the Revised Code; 192

(d) Committing a sexually oriented offense as defined in 193  
section 2950.01 of the Revised Code. 194

(2) "Household member" means an individual who meets either 195  
of the following requirements: 196

(a) The individual is one of the following and is 197  
specifically identified in the lease agreement: 198

(i) The tenant's parent, child, spouse, or person living as a 199  
spouse; 200

<u>(ii) The parent or child of the tenant's spouse or former spouse;</u>	201
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<u>(iii) The parent or child of a person living as a spouse of the tenant;</u>	203
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<u>(iv) An individual otherwise related by consanguinity or affinity to the tenant.</u>	205
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<u>(b) The individual is an adult who notified the landlord within fourteen days after entering the tenant's household that the individual is occupying the tenant's housing unit as the individual's usual place of residence.</u>	207
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<u>(B)(1) A tenant may terminate a rental agreement or have the tenant's name removed from the rental agreement as a cotenant if that tenant, or a household member of that tenant, is a victim of domestic violence. To terminate a rental agreement or to remove the tenant's name as a cotenant from the agreement, the tenant shall notify the landlord in writing that the tenant or household member is a victim of domestic violence and shall supply the landlord with any of the following:</u>	211
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<u>(a) A civil protection order issued after a full hearing under section 2903.214 or 3113.31 of the Revised Code or a consent agreement approved under section 3113.31 of the Revised Code;</u>	219
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<u>(b) A temporary protection order or a no-contact order issued under section 2919.26 of the Revised Code, a criminal protection order issued under section 2903.213 of the Revised Code, or a protection order or no-contact order issued under any substantially similar law of another state or a substantially similar municipal ordinance of this state or another state.</u>	222
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<u>(2) A tenant shall give the landlord the written notice this section requires within ninety days after the incident of domestic violence. The tenant and landlord shall terminate the rental agreement, or the landlord shall remove the tenant's name from the</u>	228
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rental agreement, by a mutually agreed upon date, not to exceed 232  
thirty days after the date the tenant gives the required notice. 233  
If the tenant and landlord do not agree on a date to terminate the 234  
rental agreement or remove the tenant's name from the agreement, 235  
the rental agreement shall terminate or the landlord shall remove 236  
the tenant's name from the rental agreement thirty days after the 237  
tenant gives the required notice. 238

(3) At any time within thirty days after a tenant having the 239  
tenant's name removed from a rental agreement for which there is 240  
at least one cotenant, the landlord may terminate the rental 241  
agreement as to any or all cotenants. 242

(4) A tenant who terminates a rental agreement or removes the 243  
tenant's name from a rental agreement is liable for the tenant's 244  
share of rent, prorated up to the date of the termination of the 245  
rental agreement or the removal of the tenant's name from the 246  
rental agreement. 247

(5) Except as otherwise provided in section 5321.16 of the 248  
Revised Code, if a tenant terminates a rental agreement or removes 249  
the tenant's name from a rental agreement as provided in this 250  
section, the landlord is entitled to retain the tenant's share of 251  
any security deposit. 252

(C) In response to a request to terminate a rental agreement 253  
or remove the tenant's name from a rental agreement pursuant to 254  
division (B) of this section, a landlord may offer the tenant an 255  
opportunity to rent another unit at the location that is 256  
sufficiently distant from the tenant's current unit. Whether to 257  
accept that offer is at the tenant's discretion. 258

(D) No landlord shall knowingly terminate a tenancy because 259  
of the status of a tenant or household member as a victim of 260  
domestic violence or the offense of menacing by stalking, because 261  
the tenant or a household member requested emergency services as 262

such a victim, or because the tenant previously terminated a 263  
rental agreement in accordance with this section. 264

(E) A tenant who is injured by a landlord's violation of 265  
division (D) of this section may recover damages in the amount of 266  
one month's rent and any security deposit as section 5321.16 of 267  
the Revised Code provides, plus reasonable attorney's fees. 268

(F) A landlord does not incur any additional duty of care for 269  
a tenant the landlord accommodates pursuant to this section and 270  
section 5321.172 of the Revised Code, and the landlord gains no 271  
new or additional liability for any third party act that occurs 272  
after an accommodation the landlord makes pursuant to those 273  
sections. 274

**Sec. 5321.172.** (A) A landlord of a tenant who is a victim of 275  
domestic violence or the offense of menacing by stalking shall 276  
change the lock to the dwelling unit where the tenant resides upon 277  
receipt of a written request from the tenant and a copy of a court 278  
order or protection order that orders the respondent or defendant 279  
named in the order to stay away from the tenant. Within 280  
forty-eight hours after receiving the notice and a copy of the 281  
order, the landlord shall change the lock and shall make a good 282  
faith effort to provide a key to the new lock to the tenant and 283  
any remaining cotenant not later than twenty-four hours after the 284  
landlord changes the lock. The tenant shall reimburse the landlord 285  
for the actual expense the landlord incurs in changing the lock. 286  
If the landlord fails to change the lock within the 287  
forty-eight-hour time period as this section requires, the tenant 288  
may change the lock without the landlord's permission. If the 289  
tenant changes the lock, the tenant shall do so in a competent and 290  
workmanlike manner with locks of similar or better quality than 291  
the original lock and shall make a good faith offer to provide a 292  
key to the landlord and any remaining cotenant not later than 293

twenty-four hours after the tenant changes the lock. If within 294  
thirty days after the landlord changes the lock the tenant does 295  
not reimburse the landlord for the expenses the landlord incurs in 296  
changing the locks, the landlord may deduct that amount from the 297  
security deposit or assess that amount as a charge to the tenant. 298

(B)(1) A landlord who receives a request and copy of an order 299  
under this section shall not, by any act, provide the respondent 300  
who is named in the order and who is a tenant of the dwelling unit 301  
access to the dwelling unit for which the landlord or tenant has 302  
changed the locks unless the order allows the respondent to return 303  
to the dwelling unit to retrieve the respondent's personal 304  
possessions and the respondent is accompanied by a law enforcement 305  
escort. 306

(2) A respondent who is a tenant of the dwelling unit remains 307  
liable under the rental agreement for rent or any damage to the 308  
dwelling unit as provided in the rental agreement, unless the 309  
respondent can demonstrate that the tenant who changed the lock or 310  
had the lock changed intentionally damaged the dwelling unit. 311

(C) A landlord who changes a lock to a dwelling unit in 312  
accordance with this section is not liable for excluding from the 313  
dwelling unit a respondent named in an order the landlord receives 314  
from a tenant under this section or for loss of use or damage to 315  
the respondent's personal property while that property is in the 316  
dwelling unit after the lock has been changed. 317

(D) If a landlord takes action to prevent a tenant who has 318  
complied with this section from changing a lock, the tenant may 319  
seek a temporary restraining order, preliminary injunction, or 320  
permanent injunction ordering the landlord to refrain from 321  
preventing the tenant from changing the lock. 322

**Sec. 5321.173.** (A) A victim of domestic violence or the 323

offense of menacing by stalking who is a tenant in a unit owned or 324  
operated by a metropolitan housing authority as described in 325  
section 3735.27 of the Revised Code may request that the housing 326  
authority transfer the tenant to another location. The tenant 327  
shall make any such request for transfer in writing, informing the 328  
housing authority that the tenant or a household member is a 329  
victim of domestic violence or the offense of menacing by stalking 330  
and affirming that the tenant has made not more than one other 331  
such request during the previous five years. The tenant shall 332  
supply the housing authority with any one or more of the following 333  
as evidence of the need for the transfer: 334

(1) A civil protection order issued after a full hearing 335  
under section 2903.214 or 3113.31 of the Revised Code or a consent 336  
agreement approved under section 3113.31 of the Revised Code; 337

(2) A temporary protection order or a no-contact order issued 338  
under section 2919.26 of the Revised Code, a criminal protection 339  
order issued under section 2903.213 of the Revised Code, or a 340  
protection order or no-contact order issued under any 341  
substantially similar law of another state or a substantially 342  
similar municipal ordinance of this state or another state; 343

(3) Medical documentation describing the incident of domestic 344  
violence or menacing by stalking; 345

(4) A sworn, notarized statement provided by a counselor, 346  
social worker, victim advocate, health care provider, or other 347  
professional who assists or has assisted the tenant or household 348  
member in dealing with the incident of domestic violence or 349  
menacing by stalking. 350

(B) Upon receipt of a request made pursuant to this section, 351  
and if the tenant has not made more than one other such request 352  
during the previous five years, the housing authority shall move 353  
the tenant as soon as practicable to another location if the 354

authority has a unit available in another location. 355

(C) A housing authority does not incur any additional duty of 356  
care for a tenant it transfers or fails to transfer pursuant to 357  
this section, and the authority gains no new or additional 358  
liability for any third party act that occurs after a transfer. 359

(D) If a metropolitan housing authority wrongfully fails to 360  
comply with division (B) of this section, the tenant may recover 361  
actual damages resulting from the failure to transfer, obtain 362  
injunctive relief, and obtain a judgment for reasonable attorney's 363  
fees. 364

**Sec. 5321.174.** (A) Except to the extent that a landlord 365  
reasonably believes it is necessary to share information for the 366  
safety of any tenant or any other person, any information a 367  
landlord receives from a tenant under section 5321.171, 5321.172, 368  
or 5321.173 of the Revised Code is confidential. A landlord shall 369  
not share any confidential information with any other past, 370  
current, or prospective landlord, and a landlord shall not share 371  
any information with respect to a tenant's status as a victim of 372  
domestic violence or the offense of menacing by stalking with any 373  
other past, current, or prospective landlord. If the tenant shares 374  
any information that the tenant provides to a landlord under this 375  
section, that sharing does not waive the confidentiality of the 376  
information or the nature of the privileged communication. 377

(B) A landlord is not liable for any good faith violation of 378  
the confidentiality requirement this section establishes. 379

**Sec. 5321.175.** If a tenant has been convicted of or pleaded 380  
guilty to a violation of section 2919.25 of the Revised Code while 381  
the tenant was subject to the rental agreement, the landlord may 382  
terminate the tenant's rental agreement or may remove the tenant's 383  
name from a rental agreement and may retain the tenant's share of 384

any security deposit. 385

**Section 2.** Sections 5321.171, 5321.172, 5321.173, and 386  
5321.174 of the Revised Code, as enacted by this act, apply to 387  
rental agreements entered into or renewed on or after the 388  
effective date of this act. 389