

As Introduced

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

S. B. No. 191

Senator Tavares

Cosponsors: Senators Schiavoni, Brown, Sawyer, Skindell

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A B I L L

To amend section 5321.04 and to enact section 5321.20 1
of the Revised Code to require a landlord who has 2
been served with notice of a foreclosure action to 3
disclose to a prospective tenant of the property 4
subject to that action of the action and to 5
terminate the provisions of this act on January 1, 6
2018, by repealing section 5321.20 of the Revised 7
Code on that date. 8

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

Section 1. That section 5321.04 be amended and section 9
5321.20 of the Revised Code be enacted to read as follows: 10

Sec. 5321.04. (A) A landlord who is a party to a rental 11
agreement shall do all of the following: 12

(1) Comply with the requirements of all applicable building, 13
housing, health, and safety codes that materially affect health 14
and safety; 15

(2) Make all repairs and do whatever is reasonably necessary 16
to put and keep the premises in a fit and habitable condition; 17

(3) Keep all common areas of the premises in a safe and 18

sanitary condition;	19
(4) Maintain in good and safe working order and condition all	20
electrical, plumbing, sanitary, heating, ventilating, and air	21
conditioning fixtures and appliances, and elevators, supplied or	22
required to be supplied by the landlord;	23
(5) When the landlord is a party to any rental agreements	24
that cover four or more dwelling units in the same structure,	25
provide and maintain appropriate receptacles for the removal of	26
ashes, garbage, rubbish, and other waste incidental to the	27
occupancy of a dwelling unit, and arrange for their removal;	28
(6) Supply running water, reasonable amounts of hot water,	29
and reasonable heat at all times, except where the building that	30
includes the dwelling unit is not required by law to be equipped	31
for that purpose, or the dwelling unit is so constructed that heat	32
or hot water is generated by an installation within the exclusive	33
control of the tenant and supplied by a direct public utility	34
connection;	35
(7) Not abuse the right of access conferred by division (B)	36
of section 5321.05 of the Revised Code;	37
(8) Except in the case of emergency or if it is impracticable	38
to do so, give the tenant reasonable notice of the landlord's	39
intent to enter and enter only at reasonable times. Twenty-four	40
hours is presumed to be a reasonable notice in the absence of	41
evidence to the contrary.	42
(9) Promptly commence an action under Chapter 1923. of the	43
Revised Code, after complying with division (C) of section 5321.17	44
of the Revised Code, to remove a tenant from particular	45
residential premises, if the tenant fails to vacate the premises	46
within three days after the giving of the notice required by that	47
division and if the landlord has actual knowledge of or has	48
reasonable cause to believe that the tenant, any person in the	49

tenant's household, or any person on the premises with the consent 50
of the tenant previously has or presently is engaged in a 51
violation as described in division (A)(6)(a)(i) of section 1923.02 52
of the Revised Code, whether or not the tenant or other person has 53
been charged with, has pleaded guilty to or been convicted of, or 54
has been determined to be a delinquent child for an act that, if 55
committed by an adult, would be a violation as described in that 56
division. Such actual knowledge or reasonable cause to believe 57
shall be determined in accordance with that division. 58

(10) Comply with the rights of tenants under the 59
Servicemembers Civil Relief Act, 117 Stat. 2835, 50 U.S.C. App. 60
501; 61

(11) When the landlord is party to any rental agreements that 62
cover a property with one to four dwelling units in the same 63
structure and are entered into before January 1, 2018, comply with 64
section 5321.20 of the Revised Code. 65

(B) If the landlord makes an entry in violation of division 66
(A)(8) of this section, makes a lawful entry in an unreasonable 67
manner, or makes repeated demands for entry otherwise lawful that 68
have the effect of harassing the tenant, the tenant may recover 69
actual damages resulting from the entry or demands, obtain 70
injunctive relief to prevent the recurrence of the conduct, and 71
obtain a judgment for reasonable attorney's fees, or may terminate 72
the rental agreement. 73

Sec. 5321.20. (A) A landlord of a property with one to four 74
single-family dwelling units in the same structure, who has been 75
served notice of a foreclosure action against that property, which 76
action has not been dismissed, shall provide a written disclosure 77
of the foreclosure action to any prospective tenant of the 78
property prior to executing a lease agreement for the property. 79

(B) The written disclosure required pursuant to division (A) 80

of this section shall be provided to the prospective tenant in the 81
following substantial form: 82

"THE FORECLOSURE PROCESS HAS BEGUN ON THIS PROPERTY, AND THIS 83
PROPERTY MAY BE SOLD AT A FORECLOSURE SALE. IF YOU RENT THIS 84
PROPERTY, AND A FORECLOSURE SALE OCCURS, THE SALE MAY AFFECT YOUR 85
RIGHT TO CONTINUE TO LIVE IN THIS PROPERTY IN THE FUTURE. YOUR 86
TENANCY MAY CONTINUE AFTER THE SALE. THE NEW OWNER MUST HONOR THE 87
LEASE UNLESS THE NEW OWNER WILL OCCUPY THE PROPERTY AS A PRIMARY 88
RESIDENCE, OR IN OTHER LIMITED CIRCUMSTANCES AS PROVIDED IN THE 89
FEDERAL PROTECTING TENANTS AT FORECLOSURE ACT. IN ORDER FOR THE 90
NEW OWNER TO EVICT YOU, THE NEW OWNER MUST PROVIDE YOU WITH AT 91
LEAST 90 DAYS WRITTEN EVICTION NOTICE IN MOST CASES." 92

(C) If a landlord violates division (A) of this section, the 93
affected tenant may do one of the following: 94

(1) Void the lease, which shall entitle the tenant to recover 95
from the landlord who was served notice one month's rent or twice 96
the actual damages, whichever is greater, and all prepaid rent; 97

(2) If the foreclosure sale has not occurred and the tenant 98
has not voided the lease, deduct a total amount equal to one 99
month's rent from future rent obligations owed to the landlord who 100
was served notice. 101

(D) A property manager shall not be liable under this section 102
for failure to provide the written disclosure required pursuant to 103
division (A) of this section unless the landlord has notified the 104
property manager of the notice of the foreclosure action and 105
directed the property manager, in writing, to deliver the written 106
disclosure to the prospective tenant. If a landlord has directed 107
the property manager to deliver the disclosure in accordance with 108
this division, and the property manager fails to do so, the tenant 109
is entitled to void the lease and to recover from the property 110
manager one month's rent or twice the actual damages, whichever is 111

greater, and all prepaid rent. This division does not preclude a 112
landlord from being held liable when a tenant does not receive the 113
written disclosure described in division (B) of this section. 114

(E) The rights and remedies provided in this section are in 115
addition to any other rights and remedies available under law. 116
Nothing in this section shall be construed to alter, limit, or 117
negate any other rights and remedies. 118

Section 2. That existing section 5321.04 of the Revised Code 119
is hereby repealed. 120

Section 3. Section 5321.20 of the Revised Code is hereby 121
repealed, effective January 1, 2018. Any right to recover that 122
accrues prior to that date continues in effect. The right to 123
recover accrues upon the violation of division (A) of section 124
5321.20 of the Revised Code, even if the foreclosure action 125
continues after that date or the foreclosure sale occurs after 126
that date. 127