

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 234**

**Senator LaRose**

**Cosponsors: Senators Eklund, Jordan, Hottinger, Uecker**

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**A BILL**

To amend sections 5321.01 and 5321.13 of the 1  
Revised Code regarding a tenant of subsidized 2  
rental premises owning, using, or possessing a 3  
firearm, a firearm component, or ammunition 4  
within the tenant's residential dwelling unit. 5

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

**Section 1.** That sections 5321.01 and 5321.13 of the 6  
Revised Code be amended to read as follows: 7

**Sec. 5321.01.** As used in this chapter: 8

(A) "Tenant" means a person entitled under a rental 9  
agreement to the use and occupancy of residential premises to 10  
the exclusion of others. 11

(B) "Landlord" means the owner, lessor, or sublessor of 12  
residential premises, the agent of the owner, lessor, or 13  
sublessor, or any person authorized by the owner, lessor, or 14  
sublessor to manage the premises or to receive rent from a 15  
tenant under a rental agreement. 16

(C) "Residential premises" means a dwelling unit for 17

residential use and occupancy and the structure of which it is a 18  
part, the facilities and appurtenances in it, and the grounds, 19  
areas, and facilities for the use of tenants generally or the 20  
use of which is promised the tenant. "Residential premises" 21  
includes a dwelling unit that is owned or operated by a college 22  
or university. "Residential premises" does not include any of 23  
the following: 24

(1) Prisons, jails, workhouses, and other places of 25  
incarceration or correction, including, but not limited to, 26  
halfway houses or residential arrangements that are used or 27  
occupied as a requirement of a community control sanction, a 28  
post-release control sanction, or parole; 29

(2) Hospitals and similar institutions with the primary 30  
purpose of providing medical services, and homes licensed 31  
pursuant to Chapter 3721. of the Revised Code; 32

(3) Tourist homes, hotels, motels, recreational vehicle 33  
parks, recreation camps, combined park-camps, temporary park- 34  
camps, and other similar facilities where circumstances indicate 35  
a transient occupancy; 36

(4) Elementary and secondary boarding schools, where the 37  
cost of room and board is included as part of the cost of 38  
tuition; 39

(5) Orphanages and similar institutions; 40

(6) Farm residences furnished in connection with the 41  
rental of land of a minimum of two acres for production of 42  
agricultural products by one or more of the occupants; 43

(7) Dwelling units subject to sections 3733.41 to 3733.49 44  
of the Revised Code; 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, persons with developmental disabilities, 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 violence, and juvenile runaways.	66 67 68 69 70 71
(D) "Rental agreement" means any agreement or lease, written or oral, which establishes or modifies the terms, conditions, rules, or any other provisions concerning the use	72 73 74

and occupancy of residential premises by one of the parties.	75
(E) "Security deposit" means any deposit of money or property to secure performance by the tenant under a rental agreement.	76 77 78
(F) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.	79 80 81 82
(G) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.	83 84
(H) "Student tenant" means a person who occupies a dwelling unit owned or operated by the college or university at which the person is a student, and who has a rental agreement that is contingent upon the person's status as a student.	85 86 87 88
(I) "Recreational vehicle park," "recreation camp," "combined park-camp," and "temporary park-camp" have the same meanings as in section 3729.01 of the Revised Code.	89 90 91
(J) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	92 93
(K) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.	94 95
(L) "School premises" has the same meaning as in section 2925.01 of the Revised Code.	96 97
(M) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.	98 99 100
(N) "Preschool or child day-care center premises" has the	101

same meaning as in section 2950.034 of the Revised Code. 102

(O) "Firearm" has the same meaning as in section 2923.11 103  
of the Revised Code. 104

(P) "Subsidized residential premises" means residential 105  
premises for which the landlord receives rental assistance 106  
payments under a rental assistance agreement administered by the 107  
United States department of agriculture under the multifamily 108  
housing rental assistance program under Title V of the "Federal 109  
Housing Act of 1949" or receives housing assistance payments 110  
under a housing assistance payment contract administered by the 111  
United States department of housing and urban development under 112  
the housing choice voucher program, the new construction 113  
program, the substantial rehabilitation program, or the moderate 114  
rehabilitation program under section 8 of the "United States 115  
Housing Act of 1937." "Subsidized residential premises" does not 116  
include owner-occupied residential premises of two or fewer 117  
dwelling units. 118

**Sec. 5321.13.** (A) No provision of this chapter may be 119  
modified or waived by any oral or written agreement except as 120  
provided in division (F) of this section. 121

(B) No warrant of attorney to confess judgment shall be 122  
recognized in any rental agreement or in any other agreement 123  
between a landlord and tenant for the recovery of rent or 124  
damages to the residential premises. 125

(C) No agreement to pay the landlord's or tenant's 126  
attorney's fees shall be recognized in any rental agreement for 127  
residential premises or in any other agreement between a 128  
landlord and tenant. 129

(D) No agreement by a tenant to the exculpation or 130

limitation of any liability of the landlord arising under law or 131  
to indemnify the landlord for that liability or its related 132  
costs shall be recognized in any rental agreement or in any 133  
other agreement between a landlord and tenant. 134

(E) A rental agreement, or the assignment, conveyance, 135  
trust deed, or security instrument of the landlord's interest in 136  
the rental agreement may not permit the receipt of rent free of 137  
the obligation to comply with section 5321.04 of the Revised 138  
Code. 139

(F) The landlord may agree to assume responsibility for 140  
fulfilling any duty or obligation imposed on a tenant by section 141  
5321.05 of the Revised Code, other than the obligation specified 142  
in division (A) (9) of that section. 143

(G) (1) A rental agreement for subsidized residential 144  
premises may not contain a provision or impose a rule that 145  
requires a person to agree, as a condition of tenancy in the 146  
residential premises, to a prohibition or restriction on the 147  
lawful ownership, use, or possession of a firearm, firearm 148  
component, or ammunition within the tenant's specific rental 149  
dwelling unit. A landlord may impose reasonable restrictions 150  
related to the possession, use, or transport of a firearm, a 151  
firearm component, or ammunition within common areas as long as 152  
those restrictions do not circumvent the purpose of this 153  
division. A tenant shall exercise reasonable care in the storage 154  
of a firearm, firearm component, or ammunition. The restriction 155  
set forth in this division is separate from, and in addition to, 156  
the restriction set forth in division (C) (3) (b) of section 157  
2923.126 of the Revised Code. 158

(2) If a landlord brings an action to enforce a provision 159  
or rule prohibited under division (G) (1) of this section, a 160

tenant, tenant's household member, or tenant's guest who is or 161  
would be affected by the enforcement may recover actual damages 162  
sustained by that tenant, tenant's household member, or tenant's 163  
guest and, in addition to the actual damages, court costs and 164  
reasonable attorney's fees. 165

(3) Except in cases of willful, wanton, or reckless 166  
misconduct or grossly negligent conduct of the landlord, a 167  
landlord is not liable in a civil action for injury, death, or 168  
loss to person or property or other damages resulting from or 169  
arising out of an occurrence involving a firearm, a firearm 170  
component, or ammunition that the landlord is required to allow 171  
on the property under division (G)(1) of this section. 172

(4) Divisions (G)(1) to (4) of this section do not apply 173  
with respect to, limit, or affect any prohibition or restriction 174  
that is required by any law, rule, or regulation of this state 175  
or the United States. 176

**Section 2.** That existing sections 5321.01 and 5321.13 of 177  
the Revised Code are hereby repealed. 178