

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 345

Senator Peterson

A BILL

To amend sections 1923.01, 1923.02, 5321.01, 1
5321.03, and 5321.051 and to enact section 2
2921.06 of the Revised Code to prohibit an 3
offender convicted of a specified violent 4
offense from residing within ten miles of the 5
location of the offense while under post-release 6
supervision and provide for eviction of such an 7
offender from rental premises within that 8
radius. 9

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

Section 1. That sections 1923.01, 1923.02, 5321.01, 10
5321.03, and 5321.051 be amended and section 2921.06 of the 11
Revised Code be enacted to read as follows: 12

Sec. 1923.01. (A) As provided in this chapter, any judge 13
of a county or municipal court or a court of common pleas, 14
within the judge's proper area of jurisdiction, may inquire 15
about persons who make unlawful and forcible entry into lands or 16
tenements and detain them, and about persons who make a lawful 17
and peaceable entry into lands or tenements and hold them 18
unlawfully and by force. If, upon the inquiry, it is found that 19

an unlawful and forcible entry has been made and the lands or 20
tenements are detained, or that, after a lawful entry, lands or 21
tenements are held unlawfully and by force, a judge shall cause 22
the plaintiff in an action under this chapter to have 23
restitution of the lands or tenements. 24

(B) An action shall be brought under this chapter within 25
two years after the cause of action accrues. 26

(C) As used in this chapter: 27

(1) "Tenant" means a person who is entitled under a rental 28
agreement to the use or occupancy of premises, other than 29
premises located in a manufactured home park, to the exclusion 30
of others, except that as used in division (A) (6) of section 31
1923.02 and section 1923.051 of the Revised Code, "tenant" 32
includes a manufactured home park resident. 33

(2) "Landlord" means the owner, lessor, or sublessor of 34
premises, or the agent or person the landlord authorizes to 35
manage premises or to receive rent from a tenant under a rental 36
agreement, except, if required by the facts of the action to 37
which the term is applied, "landlord" means a park operator. 38

(3) "Resident" has the same meaning as in section 4781.01 39
of the Revised Code. 40

(4) "Residential premises" has the same meaning as in 41
section 5321.01 of the Revised Code, except, if required by the 42
facts of the action to which the term is applied, "residential 43
premises" has the same meaning as in section 4781.01 of the 44
Revised Code. 45

(5) "Rental agreement" means any agreement or lease, 46
written or oral, that establishes or modifies the terms, 47
conditions, rules, or other provisions concerning the use or 48

occupancy of premises by one of the parties to the agreement or 49
lease, except that "rental agreement," as used in division (A) 50
(13) of section 1923.02 of the Revised Code and where the 51
context requires as used in this chapter, means a rental 52
agreement as defined in division (D) of section 5322.01 of the 53
Revised Code. 54

(6) "Controlled substance" has the same meaning as in 55
section 3719.01 of the Revised Code. 56

(7) "School premises" has the same meaning as in section 57
2925.01 of the Revised Code. 58

(8) "Sexually oriented offense" and "child-victim oriented 59
offense" have the same meanings as in section 2950.01 of the 60
Revised Code. 61

(9) "Recreational vehicle" and "mobile home" have the same 62
meanings as in section 4501.01 of the Revised Code. 63

(10) "Manufactured home" has the same meaning as in 64
section 3781.06 of the Revised Code. 65

(11) "Manufactured home park" has the same meaning as in 66
section 4781.01 of the Revised Code and also means any tract of 67
land upon which one or two manufactured or mobile homes used for 68
habitation are parked, either free of charge or for revenue 69
purposes, pursuant to rental agreements between the owners of 70
the manufactured or mobile homes and the owner of the tract of 71
land. 72

(12) "Park operator" has the same meaning as in section 73
4781.01 of the Revised Code and also means a landlord of 74
premises upon which one or two manufactured or mobile homes used 75
for habitation are parked, either free of charge or for revenue 76
purposes, pursuant to rental agreements between the owners of 77

the manufactured or mobile homes and a landlord who is not 78
licensed as a manufactured home park operator pursuant to 79
Chapter 4781. of the Revised Code. 80

(13) "Personal property" means tangible personal property 81
other than a manufactured home, mobile home, or recreational 82
vehicle that is the subject of an action under this chapter. 83

(14) "Preschool or child day-care center premises" has the 84
same meaning as in section 2950.034 of the Revised Code. 85

(15) "Extreme offense of violence," "location at which the 86
extreme offense of violence was committed," and "qualifying 87
supervised release" have the same meanings as in section 2921.06 88
of the Revised Code. 89

Sec. 1923.02. (A) Proceedings under this chapter may be 90
had as follows: 91

(1) Against tenants or manufactured home park residents 92
holding over their terms; 93

(2) Against tenants or manufactured home park residents in 94
possession under an oral tenancy, who are in default in the 95
payment of rent as provided in division (B) of this section; 96

(3) In sales of real estate, on executions, orders, or 97
other judicial process, when the judgment debtor was in 98
possession at the time of the rendition of the judgment or 99
decree, by virtue of which the sale was made; 100

(4) In sales by executors, administrators, or guardians, 101
and on partition, when any of the parties to the complaint were 102
in possession at the commencement of the action, after the 103
sales, so made on execution or otherwise, have been examined by 104
the proper court and adjudged legal; 105

(5) When the defendant is an occupier of lands or tenements, without color of title, and the complainant has the right of possession to them;	106 107 108
(6) In any other case of the unlawful and forcible detention of lands or tenements. For purposes of this division, in addition to any other type of unlawful and forcible detention of lands or tenements, such a detention may be determined to exist when both of the following apply:	109 110 111 112 113
(a) A tenant fails to vacate residential premises within three days after both of the following occur:	114 115
(i) The tenant's landlord has actual knowledge of or has reasonable cause to believe that the tenant, any person in the tenant's household, or any person on the premises with the consent of the tenant previously has or presently is engaged in a violation of Chapter 2925. or 3719. of the Revised Code, or of a municipal ordinance that is substantially similar to any section in either of those chapters, which involves a controlled substance and which occurred in, is occurring in, or otherwise was or is connected with the premises, whether or not the tenant or other person has been charged with, has pleaded guilty to or been convicted of, or has been determined to be a delinquent child for an act that, if committed by an adult, would be a violation as described in this division. For purposes of this division, a landlord has "actual knowledge of or has reasonable cause to believe" that a tenant, any person in the tenant's household, or any person on the premises with the consent of the tenant previously has or presently is engaged in a violation as described in this division if a search warrant was issued pursuant to Criminal Rule 41 or Chapter 2933. of the Revised Code; the affidavit presented to obtain the warrant named or	116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135

described the tenant or person as the individual to be searched 136
and particularly described the tenant's premises as the place to 137
be searched, named or described one or more controlled 138
substances to be searched for and seized, stated substantially 139
the offense under Chapter 2925. or 3719. of the Revised Code or 140
the substantially similar municipal ordinance that occurred in, 141
is occurring in, or otherwise was or is connected with the 142
tenant's premises, and states the factual basis for the 143
affiant's belief that the controlled substances are located on 144
the tenant's premises; the warrant was properly executed by a 145
law enforcement officer and any controlled substance described 146
in the affidavit was found by that officer during the search and 147
seizure; and, subsequent to the search and seizure, the landlord 148
was informed by that or another law enforcement officer of the 149
fact that the tenant or person has or presently is engaged in a 150
violation as described in this division and it occurred in, is 151
occurring in, or otherwise was or is connected with the tenant's 152
premises. 153

(ii) The landlord gives the tenant the notice required by 154
division (C) of section 5321.17 of the Revised Code. 155

(b) The court determines, by a preponderance of the 156
evidence, that the tenant, any person in the tenant's household, 157
or any person on the premises with the consent of the tenant 158
previously has or presently is engaged in a violation as 159
described in division (A) (6) (a) (i) of this section. 160

(7) In cases arising out of Chapter 5313. of the Revised 161
Code. In those cases, the court has the authority to declare a 162
forfeiture of the vendee's rights under a land installment 163
contract and to grant any other claims arising out of the 164
contract. 165

(8) Against tenants who have breached an obligation that 166
is imposed by section 5321.05 of the Revised Code, other than 167
the obligation specified in division (A) (9) of that section, and 168
that materially affects health and safety. Prior to the 169
commencement of an action under this division, notice shall be 170
given to the tenant and compliance secured with section 5321.11 171
of the Revised Code. 172

(9) Against tenants who have breached an obligation 173
imposed upon them by a written rental agreement; 174

(10) Against manufactured home park residents who have 175
defaulted in the payment of rent or breached the terms of a 176
rental agreement with a park operator. Nothing in this division 177
precludes the commencement of an action under division (A) (12) 178
of this section when the additional circumstances described in 179
that division apply. 180

(11) Against manufactured home park residents who have 181
committed two material violations of the rules of the 182
manufactured home park, of the division of industrial compliance 183
of the department of commerce, or of applicable state and local 184
health and safety codes and who have been notified of the 185
violations in compliance with section 4781.45 of the Revised 186
Code; 187

(12) Against a manufactured home park resident, or the 188
estate of a manufactured home park resident, who as a result of 189
death or otherwise has been absent from the manufactured home 190
park for a period of thirty consecutive days prior to the 191
commencement of an action under this division and whose 192
manufactured home or mobile home, or recreational vehicle that 193
is parked in the manufactured home park, has been left 194
unoccupied for that thirty-day period, without notice to the 195

park operator and without payment of rent due under the rental agreement with the park operator;	196 197
(13) Against occupants of self-service storage facilities, as defined in division (A) of section 5322.01 of the Revised Code, who have breached the terms of a rental agreement or violated section 5322.04 of the Revised Code;	198 199 200 201
(14) Against any resident or occupant who, pursuant to a rental agreement, resides in or occupies residential premises located within one thousand feet of any school premises, preschool or child day-care center premises, children's crisis care facility premises, or residential infant care center premises and to whom both of the following apply:	202 203 204 205 206 207
(a) The resident's or occupant's name appears on the state registry of sex offenders and child-victim offenders maintained under section 2950.13 of the Revised Code.	208 209 210
(b) The state registry of sex offenders and child-victim offenders indicates that the resident or occupant was convicted of or pleaded guilty to a sexually oriented offense or a child-victim oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for that offense.	211 212 213 214 215 216
(15) Against any tenant who permits any person to occupy residential premises located within one thousand feet of any school premises, preschool or child day-care center premises, children's crisis care facility premises, or residential infant care center premises if both of the following apply to the person:	217 218 219 220 221 222
(a) The person's name appears on the state registry of sex offenders and child-victim offenders maintained under section	223 224

2950.13 of the Revised Code.	225
(b) The state registry of sex offenders and child-victim offenders indicates that the person was convicted of or pleaded guilty to a sexually oriented offense or a child-victim oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for that offense.	226 227 228 229 230 231
<u>(16) Against any resident or occupant who, pursuant to a rental agreement, resides in or occupies residential premises if all of the following apply with respect to the resident or occupant and the premises:</u>	232 233 234 235
<u>(a) The resident or occupant has been convicted of or pleaded guilty to an extreme offense of violence.</u>	236 237
<u>(b) The resident or occupant is under qualifying supervised release with respect to that extreme offense of violence.</u>	238 239 240
<u>(c) The residential premises are located within ten miles of the location at which that extreme offense of violence was committed.</u>	241 242 243
<u>(d) The prohibition set forth in division (B) of section 2921.06 of the Revised Code applies to the resident or occupant.</u>	244 245
<u>(e) The resident's or occupant's landlord under the rental agreement knows that the resident or occupant has been convicted of or pleaded guilty to an extreme offense of violence, that the resident or occupant is under qualifying supervised release with respect to that extreme offense of violence, that the residential premises are located within ten miles of the location at which that extreme offense of violence was committed, and that the prohibition set forth in division (B) of</u>	246 247 248 249 250 251 252 253

<u>section 2921.06 of the Revised Code applies to the resident or</u>	254
<u>occupant.</u>	255
<u>(17) Against any tenant who permits any person to occupy</u>	256
<u>residential premises if all of the following apply with respect</u>	257
<u>to the person and the premises:</u>	258
<u>(a) The person has been convicted of or pleaded guilty to</u>	259
<u>an extreme offense of violence.</u>	260
<u>(b) The person is under qualifying supervised release with</u>	261
<u>respect to that extreme offense of violence.</u>	262
<u>(c) The residential premises are located within ten miles</u>	263
<u>of the location at which that extreme offense of violence was</u>	264
<u>committed.</u>	265
<u>(d) The prohibition set forth in division (B) of section</u>	266
<u>2921.06 of the Revised Code applies to the person.</u>	267
<u>(e) The tenant knows that the person has been convicted of</u>	268
<u>or pleaded guilty to an extreme offense of violence, that the</u>	269
<u>person is under qualifying supervised release with respect to</u>	270
<u>that extreme offense of violence, that the residential premises</u>	271
<u>are located within ten miles of the location at which that</u>	272
<u>extreme offense of violence was committed, and that the</u>	273
<u>prohibition set forth in division (B) of section 2921.06 of the</u>	274
<u>Revised Code applies to the person.</u>	275
(B) If a tenant or manufactured home park resident holding	276
under an oral tenancy is in default in the payment of rent, the	277
tenant or resident forfeits the right of occupancy, and the	278
landlord may, at the landlord's option, terminate the tenancy by	279
notifying the tenant or resident, as provided in section 1923.04	280
of the Revised Code, to leave the premises, for the restitution	281
of which an action may then be brought under this chapter.	282

(C) (1) If a tenant or any other person with the tenant's permission resides in or occupies residential premises that are located within one thousand feet of any school premises, children's crisis care facility premises, or residential infant care center premises and is a resident or occupant of the type described in division (A) (14) of this section or a person of the type described in division (A) (15) of this section, or if a tenant or any other person with the tenant's permission resides in or occupies residential premises that are located within ten miles of the location at which an extreme offense of violence was committed and is a resident or occupant of the type described in division (A) (16) of this section or a person of the type described in division (A) (17) of this section, the landlord for those residential premises, upon discovery that the tenant or other person is a resident, occupant, or person of that nature, may terminate the rental agreement or tenancy for those residential premises by notifying the tenant and all other occupants, as provided in section 1923.04 of the Revised Code, to leave the premises.

(2) If a landlord is authorized to terminate a rental agreement or tenancy pursuant to division (C) (1) of this section but does not so terminate the rental agreement or tenancy, the landlord is not liable in a tort or other civil action in damages for any injury, death, or loss to person or property that allegedly result from that decision.

(D) This chapter does not apply to a student tenant as defined by division (H) of section 5321.01 of the Revised Code when the college or university proceeds to terminate a rental agreement pursuant to section 5321.031 of the Revised Code.

(E) As used in this section, "children's crisis care

facility premises" and "residential infant care center premises" 313
have the same meanings as in section 2950.034 of the Revised 314
Code. 315

Sec. 2921.06. (A) As used in this section: 316

(1) "Extreme offense of violence" means any of the 317
following: 318

(a) A violation of section 2903.01 or 2903.02 of the 319
Revised Code; 320

(b) An offense of violence that is a felony of the first 321
or second degree. 322

(2) "Location at which the extreme offense of violence was 323
committed" means any building in which, and any parcel of real 324
property on which, any element of an extreme offense of violence 325
takes place. 326

(3) "Qualifying supervised release" means any period of 327
time during which an offender is on parole or is under post- 328
release control supervision. 329

(4) "Parole" and "post-release control" have the same 330
meanings as in section 2967.01 of the Revised Code. 331

(5) "Prosecutor" means the prosecuting attorney who 332
handled the case in which an offender is or was convicted of or 333
pleaded guilty to an extreme offense of violence or that 334
prosecuting attorney's successor in office. 335

(6) "Petitioner" means a person who files a motion under 336
division (E) (2) of this section. 337

(B) Subject to division (E) of this section, no person who 338
has been convicted of or pleaded guilty to committing, prior to, 339

on, or after the effective date of this section, an extreme 340
offense of violence shall knowingly do any of the following 341
during any period during which the person is under qualifying 342
supervised release with respect to that extreme offense of 343
violence: 344

(1) Establish a residence within ten miles of the location 345
at which the extreme offense of violence was committed; 346

(2) Occupy any residential premises located within ten 347
miles of the location at which the extreme offense of violence 348
was committed, including any residential premises the person 349
owned, leased, otherwise controlled, or occupied prior to or on 350
the effective date of this section or prior to or on the date on 351
which the person committed the extreme offense of violence. 352

(C) (1) With respect to an extreme offense of violence that 353
involves the death of a person, the element referred to in 354
division (A) (2) of this section includes the act that causes the 355
death, the physical contact that causes the death, the death 356
itself, or any other element that is set forth in the offense in 357
question. 358

(2) If a person has been convicted of or pleaded guilty to 359
committing an extreme offense of violence and if not all of the 360
elements of the offense take place at the same location, 361
division (B) of this section applies with respect to each 362
location at which any of those elements takes place. 363

(D) Subject to division (E) of this section, division (B) 364
of this section applies to any person who has been convicted of 365
or pleaded guilty to an extreme offense of violence, regardless 366
of whether the person committed the offense prior to, on, or 367
after the effective date of this section. 368

(E) (1) If a person is convicted of or pleads guilty to an 369
extreme offense of violence committed on or after the effective 370
date of this section, except as otherwise provided in this 371
division, the court as part of the person's sentence shall 372
include an order that specifies that division (B) of this 373
section applies to the person. If the court includes such an 374
order in the person's sentence, division (B) of this section 375
applies to the person. If the court prior to or at the time of 376
sentencing determines that, in the interest of justice and 377
fairness, the person should be exempted from the application of 378
division (B) of this section, the court as part of the person's 379
sentence may include an order that exempts the person from the 380
application of that division. If the court includes such an 381
order in the person's sentence, division (B) of this section 382
does not apply to the person. 383

(2) (a) If a person has been convicted of or pleaded guilty 384
to an extreme offense of violence committed prior to the 385
effective date of this section, or if a person is convicted of 386
or pleads guilty to an extreme offense of violence committed on 387
or after the effective date of this section and the sentencing 388
court did not exempt the person from the application of division 389
(B) of this section pursuant to division (E) (1) of this section, 390
the person at any time may file a motion with the sentencing 391
court requesting the court to issue an order exempting the 392
person from the continued application of division (B) of this 393
section. The motion shall be accompanied by evidence supporting 394
the petitioner's request. Upon the filing of a motion under this 395
division, the petitioner shall serve a copy of the motion on the 396
prosecutor. Upon the filing of the motion, the court shall set a 397
tentative date for a hearing on the motion. The court shall 398
notify the petitioner and the prosecutor of the date, time, and 399

place of the hearing. 400

After the prosecutor is served with a copy of the motion 401
and notice of the hearing, at least seven days before the 402
hearing date, the prosecutor may file an objection to the motion 403
with the court and serve a copy of the objection to the motion 404
to the petitioner or the petitioner's attorney. 405

(b) If a motion is filed as described in division (E) (2) 406
(a) of this section and the prosecutor does not file an 407
objection to the petitioner's motion, the court, without a 408
hearing, may issue an order that grants the motion and exempts 409
the petitioner from the continued application of division (B) of 410
this section if the court determines based on the evidence 411
submitted by the petitioner that, in the interest of justice and 412
fairness, the petitioner should be exempted from the continued 413
application of division (B) of this section. If the prosecutor 414
does not file an objection to the petitioner's motion, absent 415
such a finding, the court shall conduct a hearing under division 416
(E) (2) (c) of this section on the motion. 417

(c) If a motion is filed as described in division (E) (2) 418
(a) of this section, and if either the prosecutor files an 419
objection to the petitioner's motion or the prosecutor does not 420
file an objection to the motion but division (E) (2) (b) of this 421
section requires the court to conduct a hearing on the motion, 422
the court shall hold a hearing to determine whether to grant or 423
deny the motion. At the hearing, the Rules of Civil Procedure 424
apply, except to the extent that those Rules would by their 425
nature be clearly inapplicable, and the petitioner and the 426
prosecutor may present relevant evidence and testimony. At the 427
hearing, the petitioner has the burden of proof, by a 428
preponderance of the evidence, that the petitioner should be 429

exempted from the continued application of division (B) of this 430
section. 431

If the court at the hearing determines that, in the 432
interest of justice and fairness, the petitioner should be 433
exempted from the continued application of division (B) of this 434
section, the court shall issue an order that grants the motion 435
and exempts the petitioner from the continued application of 436
division (B) of this section. Absent such a determination, the 437
court shall issue an order that denies the motion and specifies 438
that division (B) of this section continues to apply to the 439
petitioner. 440

(d) If the court issues an order under division (E) (2) (c) 441
of this section denying a petitioner's motion filed as described 442
in division (E) (2) (a) of this section, the petitioner may 443
subsequently file another such motion requesting the court to 444
issue an order exempting the person from the continued 445
application of division (B) of this section but may not file 446
more than one such motion in any five-year period. 447

(e) Upon its issuance of an order under division (E) (2) (b) 448
or (c) of this section that either grants or denies a 449
petitioner's motion requesting exemption of the petitioner from 450
the continued application of division (B) of this section, the 451
court shall provide prompt notice of the order to the petitioner 452
or the petitioner's attorney and the prosecutor. If the court's 453
order grants the motion, division (B) of this section does not 454
apply to the person after the date of issuance of the order. If 455
the court's order denies the motion, division (B) of this 456
section continues to apply to the person. 457

(F) (1) If a person to whom division (B) of this section 458
applies violates division (B) of this section by establishing a 459

residence or occupying residential premises within ten miles of 460
the location at which the person's extreme offense of violence 461
was committed, an owner or lessee of real property that is 462
located within ten miles of that location, or the prosecuting 463
attorney, village solicitor, city or township director of law, 464
similar chief legal officer of a municipal corporation or 465
township, or official designated as a prosecutor in a municipal 466
corporation that has jurisdiction over the place at which the 467
person establishes the residence or occupies the residential 468
premises in question, has a cause of action for injunctive 469
relief against the person. The plaintiff shall not be required 470
to prove irreparable harm in order to obtain the relief. 471

(2) If a person to whom division (B) of this section 472
applies violates division (B) of this section by establishing a 473
residence or occupying residential premises within ten miles of 474
the location at which the person's extreme offense of violence 475
was committed, and if at the time of the violation the person 476
was subject to an order issued by a court under division (E) (1) 477
or (2) (c) of this section that applied, or continued the 478
application of, division (B) of this section to the person, the 479
person's violation of division (B) of this section may be 480
punished as contempt of court. 481

Sec. 5321.01. As used in this chapter: 482

(A) "Tenant" means a person entitled under a rental 483
agreement to the use and occupancy of residential premises to 484
the exclusion of others. 485

(B) "Landlord" means the owner, lessor, or sublessor of 486
residential premises, the agent of the owner, lessor, or 487
sublessor, or any person authorized by the owner, lessor, or 488
sublessor to manage the premises or to receive rent from a 489

tenant under a rental agreement.	490
(C) "Residential premises" means a dwelling unit for	491
residential use and occupancy and the structure of which it is a	492
part, the facilities and appurtenances in it, and the grounds,	493
areas, and facilities for the use of tenants generally or the	494
use of which is promised the tenant. "Residential premises"	495
includes a dwelling unit that is owned or operated by a college	496
or university. "Residential premises" does not include any of	497
the following:	498
(1) Prisons, jails, workhouses, and other places of	499
incarceration or correction, including, but not limited to,	500
halfway houses or residential arrangements that are used or	501
occupied as a requirement of a community control sanction, a	502
post-release control sanction, or parole;	503
(2) Hospitals and similar institutions with the primary	504
purpose of providing medical services, and homes licensed	505
pursuant to Chapter 3721. of the Revised Code;	506
(3) Tourist homes, hotels, motels, recreational vehicle	507
parks, recreation camps, combined park-camps, temporary park-	508
camps, and other similar facilities where circumstances indicate	509
a transient occupancy;	510
(4) Elementary and secondary boarding schools, where the	511
cost of room and board is included as part of the cost of	512
tuition;	513
(5) Orphanages and similar institutions;	514
(6) Farm residences furnished in connection with the	515
rental of land of a minimum of two acres for production of	516
agricultural products by one or more of the occupants;	517

(7) Dwelling units subject to sections 3733.41 to 3733.49	518
of the Revised Code;	519
(8) Occupancy by an owner of a condominium unit;	520
(9) Occupancy in a facility licensed as an SRO facility	521
pursuant to Chapter 3731. of the Revised Code, if the facility	522
is owned or operated by an organization that is exempt from	523
taxation under section 501(c)(3) of the "Internal Revenue Code	524
of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an	525
entity or group of entities in which such an organization has a	526
controlling interest, and if either of the following applies:	527
(a) The occupancy is for a period of less than sixty days.	528
(b) The occupancy is for participation in a program	529
operated by the facility, or by a public entity or private	530
charitable organization pursuant to a contract with the	531
facility, to provide either of the following:	532
(i) Services licensed, certified, registered, or approved	533
by a governmental agency or private accrediting organization for	534
the rehabilitation of mentally ill persons, persons with	535
developmental disabilities, adults or juveniles convicted of	536
criminal offenses, or persons suffering from substance abuse;	537
(ii) Shelter for juvenile runaways, victims of domestic	538
violence, or homeless persons.	539
(10) Emergency shelters operated by organizations exempt	540
from federal income taxation under section 501(c)(3) of the	541
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A.	542
501, as amended, for persons whose circumstances indicate a	543
transient occupancy, including homeless people, victims of	544
domestic violence, and juvenile runaways.	545

(D) "Rental agreement" means any agreement or lease, 546
written or oral, which establishes or modifies the terms, 547
conditions, rules, or any other provisions concerning the use 548
and occupancy of residential premises by one of the parties. 549

(E) "Security deposit" means any deposit of money or 550
property to secure performance by the tenant under a rental 551
agreement. 552

(F) "Dwelling unit" means a structure or the part of a 553
structure that is used as a home, residence, or sleeping place 554
by one person who maintains a household or by two or more 555
persons who maintain a common household. 556

(G) "Controlled substance" has the same meaning as in 557
section 3719.01 of the Revised Code. 558

(H) "Student tenant" means a person who occupies a 559
dwelling unit owned or operated by the college or university at 560
which the person is a student, and who has a rental agreement 561
that is contingent upon the person's status as a student. 562

(I) "Recreational vehicle park," "recreation camp," 563
"combined park-camp," and "temporary park-camp" have the same 564
meanings as in section 3729.01 of the Revised Code. 565

(J) "Community control sanction" has the same meaning as 566
in section 2929.01 of the Revised Code. 567

(K) "Post-release control sanction" has the same meaning 568
as in section 2967.01 of the Revised Code. 569

(L) "School premises" has the same meaning as in section 570
2925.01 of the Revised Code. 571

(M) "Sexually oriented offense" and "child-victim oriented 572
offense" have the same meanings as in section 2950.01 of the 573

Revised Code.	574
(N) "Preschool or child day-care center premises" has the same meaning as in section 2950.034 of the Revised Code.	575 576
<u>(O) "Extreme offense of violence," "location at which the extreme offense of violence was committed," and "qualifying supervised release" have the same meanings as in section 2921.06 of the Revised Code.</u>	577 578 579 580
Sec. 5321.03. (A) Notwithstanding section 5321.02 of the Revised Code, a landlord may bring an action under Chapter 1923. of the Revised Code for possession of the premises if:	581 582 583
(1) The tenant is in default in the payment of rent;	584
(2) The violation of the applicable building, housing, health, or safety code that the tenant complained of was primarily caused by any act or lack of reasonable care by the tenant, or by any other person in the tenant's household, or by anyone on the premises with the consent of the tenant;	585 586 587 588 589
(3) Compliance with the applicable building, housing, health, or safety code would require alteration, remodeling, or demolition of the premises which would effectively deprive the tenant of the use of the dwelling unit;	590 591 592 593
(4) A tenant is holding over the tenant's term.	594
(5) The residential premises are located within one thousand feet of any school premises, preschool or child day-care center premises, children's crisis care facility premises, or residential infant care center premises, and both of the following apply regarding the tenant or other occupant who resides in or occupies the premises:	595 596 597 598 599 600
(a) The tenant's or other occupant's name appears on the	601

state registry of sex offenders and child-victim offenders 602
maintained under section 2950.13 of the Revised Code. 603

(b) The state registry of sex offenders and child-victim 604
offenders indicates that the tenant or other occupant was 605
convicted of or pleaded guilty to a sexually oriented offense or 606
a child-victim oriented offense in a criminal prosecution and 607
was not sentenced to a serious youthful offender dispositional 608
sentence for that offense. 609

(6) All of the following apply with respect to the 610
residential premises and the tenant or other occupant who 611
resides in or occupies the premises: 612

(a) The tenant or other occupant was convicted of or 613
pleaded guilty to an extreme offense of violence. 614

(b) The tenant or other occupant is under qualifying 615
supervised release with respect to that extreme offense of 616
violence. 617

(c) The residential premises are located within ten miles 618
of the location at which that extreme offense of violence was 619
committed. 620

(d) The prohibition set forth in division (B) of section 621
2921.06 of the Revised Code applies to the tenant or other 622
occupant. 623

(e) The landlord knows that the tenant or other occupant 624
has been convicted of or pleaded guilty to the extreme offense 625
of violence, that the tenant or other occupant is under 626
qualifying supervised release with respect to that extreme 627
offense of violence, that the residential premises are located 628
within ten miles of the location at which that extreme offense 629
of violence was committed, and that the prohibition set forth in 630

division (B) of section 2921.06 of the Revised Code applies to 631
the tenant or other occupant. 632

(B) The maintenance of an action by the landlord under 633
this section does not prevent the tenant from recovering damages 634
for any violation by the landlord of the rental agreement or of 635
section 5321.04 of the Revised Code. 636

(C) This section does not apply to a dwelling unit 637
occupied by a student tenant. 638

(D) As used in this section, "children's crisis care 639
facility premises" and "residential infant care center premises" 640
have the same meanings as in section 2950.034 of the Revised 641
Code. 642

Sec. 5321.051. (A) (1) No tenant of any residential 643
premises located within one thousand feet of any school 644
premises, preschool or child day-care center premises, 645
children's crisis care facility premises, or residential infant 646
care center premises shall allow any person to occupy those 647
residential premises if both of the following apply regarding 648
the person: 649

(a) The person's name appears on the state registry of sex 650
offenders and child-victim offenders maintained under section 651
2950.13 of the Revised Code. 652

(b) The state registry of sex offenders and child-victim 653
offenders indicates that the person was convicted of or pleaded 654
guilty to either a sexually oriented offense that is not a 655
registration-exempt sexually oriented offense or a child-victim 656
oriented offense in a criminal prosecution and was not sentenced 657
to a serious youthful offender dispositional sentence for that 658
offense. 659

(2) No tenant of any residential premises shall allow any person to occupy those residential premises if all of the following apply regarding the person and the premises: 660
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(a) The person was convicted of or pleaded guilty to an extreme offense of violence. 663
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(b) The person is under qualifying supervised release with respect to that extreme offense of violence. 665
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(c) The residential premises are located within ten miles of the location at which that extreme offense of violence was committed. 667
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669

(d) The prohibition set forth in division (B) of section 2921.06 of the Revised Code applies to the person. 670
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(e) The tenant knows that the other person has been convicted of or pleaded guilty to the extreme offense of violence, that the other person is under qualifying supervised release with respect to that extreme offense of violence, that the residential premises are located within ten miles of the location at which that extreme offense of violence was committed, and that the prohibition set forth in division (B) of section 2921.06 of the Revised Code applies to the person. 672
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(3) If a tenant allows occupancy in violation of this section or a person establishes a residence or occupies residential premises in violation of section 2921.06 or 2950.034 of the Revised Code, the landlord for the residential premises that are the subject of the rental agreement or other tenancy may terminate the rental agreement or other tenancy of the tenant and all other occupants. 680
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(B) If a landlord is authorized to terminate a rental agreement or other tenancy pursuant to division (A) of this 687
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section but does not so terminate the rental agreement or other 689
tenancy, the landlord is not liable in a tort or other civil 690
action in damages for any injury, death, or loss to person or 691
property that allegedly results from that decision. 692

(C) As used in this section, "children's crisis care 693
facility premises" and "residential infant care center premises" 694
have the same meanings as in section 2950.034 of the Revised 695
Code. 696

Section 2. That existing sections 1923.01, 1923.02, 697
5321.01, 5321.03, and 5321.051 of the Revised Code are hereby 698
repealed. 699

Section 3. Sections 1923.01, 1923.02, 5321.01, 5321.03, 700
and 5321.051 of the Revised Code, as amended by this act, apply 701
with respect to rental agreements entered into on or after the 702
effective date of this section. 703