



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Wendy H. Gridley

H.B. 230

132nd General Assembly
(As Passed by the House)

Reps. Gonzales and Ginter, Greenspan, Dean, Johnson, Boccieri, Retherford, Hughes, Goodman, Antani, Anielski, Antonio, Arndt, Ashford, Barnes, Butler, Craig, Faber, Gavarone, Green, Holmes, Keller, Landis, LaTourette, Lepore-Hagan, Lipps, Miller, O'Brien, Stein, Strahorn, Sweeney, West, Rosenberger

BILL SUMMARY

- Prohibits manufactured home park operators and landlords from including a restriction in a rental agreement or otherwise prohibiting the display of a thin blue line flag or emblem.
 - Prohibits neighborhood associations and condominium associations from including a provision in a governing document that prohibits the display of a thin blue line flag or emblem, subject to specified conditions, and prohibits the trustees of the association from construing a provision in a governing document for that purpose.
 - Declares such a prohibited provision or construction to be void as against public policy.
-

CONTENT AND OPERATION

Display of thin blue line flag or emblem

When the thin blue line flag or emblem is displayed in accordance with specified requirements, the bill prohibits: (1) a manufactured home park operator or landlord from including any restriction in a rental agreement, or (2) a neighborhood or condominium association from including a provision in a governing document (a deed, rental agreement, declaration, bylaw, rule, or regulation) that prohibits the display of a thin blue line flag or emblem on a tenant's rental property or owner's property. Any such prohibited provision or construction is void as against public policy.¹ Under the

¹ R.C. 4781.40(C)(2) and (8), 5301.072(A)(5) and (B), 5311.191(A) and (C), and 5321.131(A) and (D).

bill, "thin blue line flag" and "thin blue line emblem" mean a flag or emblem used by law enforcement to commemorate fallen law enforcement officers, to show support for living law enforcement officers, and to symbolize the relationship of law enforcement with the community as protectors of fellow citizens from criminal elements.²

The display must be with the consent of the property's owner or legal custodian or in accordance with state law, local ordinance or resolution, or a proclamation by the governor.³

Display and notice requirements

A tenant renting a manufactured home or other property or a tenant renting a lot in a manufactured home park who requests to display a thin blue line flag on the property through the use of a flag pole or bracket must contact the landlord or park operator with reasonable notice before installing the flag pole or bracket to discuss the following issues, if applicable under the circumstances:

(1) Compliance with zoning restrictions and required underground utility service requests;

(2) Cost of the materials and installation with respect to rented manufactured homes or other properties;

(3) Preferred location (applicable to a tenant leasing a lot in a manufactured home park who displays the flag using a bracket permanently affixed to the manufactured home, to ensure that there will be no encroachment of the flag or bracket onto common areas of the park);

(4) Preferred location and installation in a workerlike⁴ manner if installed at the tenant's request and expense;

(5) The appropriate size of the flag and flag pole, which must be consistent with the size and character of the relevant type of building or manufactured home.

A park operator or landlord who does not receive the required notification is not liable for any damages, fines, or costs associated with any issues arising from the placement of the flag pole or the bracket by the tenant. As under current law with other flag displays, the discussions that must occur before installing a flag pole or bracket do

² R.C. 4781.40(C)(10) and 5301.072; R.C. 5311.191, by reference to R.C. 4781.40.

³ R.C. 4781.40(C)(2), 5301.072(A)(5), and 5311.191(A)(4).

⁴ "Workerlike" is the Legislative Service Commission's nongender variant of "workmanlike."



not exempt a tenant from a provision in a lease agreement that requires a tenant, at the termination of a lease, to return the premises in the same condition as they were in when the tenant took possession.

A property owner or resident subject to a neighborhood or condominium association who uses a flagpole for the purpose of displaying a thin blue line flag must ensure that the flag and flag pole are an appropriate size, consistent with the size and character of the buildings and common areas that are subject to the association's requirements or agreements.⁵

HISTORY

ACTION	DATE
Introduced	05-17-17
Reported, H. Economic Development, Commerce & Labor	09-20-17
Passed House (90-2)	11-29-17

H0230-PH-132.docx/ks

⁵ R.C. 4781.40(C), 5301.072(A)(1), 5311.191(B), and 5321.131(B)(2), (C), and (E).

