



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Andrew Little

Sub. H.B. 390

132nd General Assembly

(As Reported by H. Financial Institutions, Housing, and Urban Development)

Rep. Merrin

BILL SUMMARY

Eviction actions

- Specifies how days are counted for the Eviction Law's requirement of prior notice before the filing of an eviction action and the deadline for law enforcement to execute an order of eviction (a writ of execution) in the action.

Metropolitan housing authorities

- Allows metropolitan housing authorities to develop mixed-income and mixed-use projects.
- Allows metropolitan housing authorities to contract with other organizations to provide services.

Electric vehicle charging stations

- Prohibits manufactured home park operators and condominium boards of directors from placing unreasonable restrictions on electric vehicle charging stations.
 - Requires that manufactured home park operators and condominium boards of directors adopt standards for electric vehicle charging stations.
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CONTENT AND OPERATION

Calculation of time in eviction actions

The bill specifies how time periods are calculated regarding the Eviction Law's requirement of prior notice before the filing of an eviction action and the deadline for law enforcement to execute an order of eviction (a writ of execution) in the action. Under the bill, the period begins the day after the notice or writ is delivered, and all

intervening days, including Saturdays, Sundays, and legal holidays, are counted. Under existing law, Sundays and legal holidays are excluded if they fall on the last day. Generally, continuing law requires a property owner to give the person to be evicted at least three-days' notice to leave the property before filing an eviction action.¹ If that person voluntarily leaves the property within three days, no action for eviction is needed.

If the court orders an eviction in an eviction action, the property owner can request a writ of execution directing law enforcement to carry out the eviction (e.g., to return possession of the premises to the landlord).² Continuing law requires law enforcement to do so within ten days after receiving the writ.³

The bill changes the way days are counted with respect to the three-day period and ten-day period described above. Under the general rule of construction in existing law, R.C. 1.14, days are counted by excluding the first day (the day the notice is given or the writ of execution is received) and including the last day, unless the last day falls on a Sunday or legal holiday. In that case, the next day that is not a Sunday or legal holiday is considered the final day.⁴

The bill requires that Saturdays, Sundays, and legal holidays be counted when calculating the relevant three- and ten-day periods. By way of example, under R.C. 1.14, if a three-day notice is given on Thursday, the soonest an eviction action can be filed is the following Tuesday. Friday is counted as the first day, Saturday is counted as the second, Sunday is excluded, and Monday is counted as the third day. Under the bill, however, Sunday would be counted as the third day and the action could be filed on Monday.

Continuing law also requires landlords to evict tenants for the violation of certain drug laws by providing a notice stating that the tenancy or other rental agreement is terminated three days after the notice is given. If the tenant does not vacate during that time, continuing law also requires the landlord to file an action for eviction. The bill applies the same rule for calculating the three-day period as that discussed above.⁵

¹ R.C. 1923.04(A).

² R.C. 1923.13, not in the bill.

³ R.C. 1923.14(A).

⁴ R.C. 1.14, not in the bill.

⁵ R.C. 5321.17(C); R.C. 5321.04(A)(9) and 5321.05(A)(9), not in the bill.



Metropolitan housing authorities

Mixed-income and mixed-use developments

Under continuing law, a metropolitan housing authority (MHA) is created when the Director of Development Services determines that, within certain territorial limits, there is a need for one. Need can be determined due to either (1) unsanitary or unsafe inhabited housing accommodations, or (2) a shortage of safe and sanitary housing accommodations in that area available to people who lack the amount of income that is necessary to enable them to live in decent, safe, sanitary, and uncongested dwellings without financial assistance.⁶

Once created, MHAs have certain purposes and powers under Ohio law. The bill expands these purposes and powers.

Purposes

Continuing law lists those purposes as clearing, planning, and rebuilding slum areas within an MHA's territory, or any combination of those purposes. The bill adds redevelopment of slum areas and the making available, acquisition, construction, improvement, management, leasing, or ownership of mixed-use or mixed-income developments, or a combination of such developments, to the purposes of MHAs.⁷

Powers

Continuing law's list of MHA powers includes items such as the authority to identify slum areas; acquire, clear, improve, and divest property; establish housing projects for seniors; engage in or contract for the construction or alteration of housing projects; manage housing projects; coordinate with municipal corporations; and obtain financing for housing projects. The bill adds the authority to participate in partnerships or joint ventures relating to the development or redevelopment of housing or projects with other public or private entities.⁸

Related definitions

The bill also changes related definitions. Specifically, existing law defines a "**housing project**" or "**project**" as any of several works or undertakings. Those include demolishing, clearing, or removing buildings from slum areas, to which the bill adds redeveloping buildings. The bill also adds providing for "mixed-income developments,"

⁶ R.C. 3735.27, not in the bill.

⁷ R.C. 3735.31.

⁸ R.C. 3735.31.



and "mixed-use developments" to the larger list of works or undertaking that constitute housing projects or projects and defines each of those terms.

Under the bill, "**mixed-income development**" is defined as a development that provides decent, safe, and sanitary urban or rural dwellings, apartments, or other living accommodations for persons or families of varying incomes, including but not limited to, families of low income. And "**mixed-use development**" is defined as a development that is both residential and nonresidential in character.⁹

Federal rent subsidies

Existing law sets requirements on MHAs' operation or management of housing projects. One requirement is that MHAs rent dwelling accommodations only at rentals within the financial reach of people who qualify for those subsidies. The bill changes this requirement to a requirement that MHAs only use federally derived rent subsidies to rent or lease dwelling accommodations that are within the financial reach of persons who qualify for those subsidies.

Other existing requirements limit the use of federally derived rent subsidies to individuals who meet certain income requirements and limit the number of rooms subsidized to the number necessary to provide safe and sanitary accommodations. The bill enacts a new provision stating that, notwithstanding any other provision in the pertinent section of law, an MHA may always provide a federally derived rent subsidy to a tenant who is eligible for such a subsidy under federal law.¹⁰

Cooperation between metropolitan housing authorities

Existing law allows MHAs to cooperate with regards to financing and for any two or more MHAs to enter into shared services agreements. The bill additionally allows an MHA to provide, consult, or contract to provide to other MHAs, public housing authorities, nonprofit organizations, or government agencies housing-related knowledge, technology, or expertise. Those actions may be taken for the development or redevelopment of housing projects, the performance of federal housing contracts or grants, or any matter related to the efficient operation of housing projects.¹¹

⁹ R.C. 3735.40(C), (G), and (H).

¹⁰ R.C. 3735.41.

¹¹ R.C. 3735.33.



Electric vehicle charging stations

The bill prohibits manufactured home parks and condominiums from prohibiting or placing unreasonable restrictions on the construction or use of electric vehicle charging stations, with charging levels up to 240 volts, in a tenant's or owner's designated parking space. It also prohibits a manufactured home park operator from placing unreasonable restrictions on the use of any electric vehicle stations it constructs in a common parking area or in a tenant's or owner's designated parking space. Condominium boards of directors are also prohibited from placing unreasonable restrictions on the use of charging stations they construct in either a common element, a limited common element, or a unit owner's designated parking space. A manufactured home park deed restriction, rule, rental agreement, or development plan, or a condominium deed restriction, declaration, bylaw, drawing, rule, regulation, or agreement, that conflicts with these provisions is void and unenforceable under the bill.¹²

The bill defines "**reasonable restrictions**," which are expressly allowed, as restrictions that do not significantly increase the cost of the construction or use of an electric vehicle charging station or significantly decrease its efficiency or specified performance.¹³ The bill also requires manufactured home park operators and condominium boards of directors to adopt standards regarding electric vehicle charging stations. Those standards must, at a minimum, require a manufactured home park tenant or owner or a condominium unit owner to be responsible for the cost of electricity, maintenance and repair, insurance, and the cost of construction if the charging station is constructed in that person's designated parking space.

The bill calls for the required standards to be developed before a manufactured home park owner, tenant or operator, or a condominium unit owner or board of directors, constructs an electric vehicle charging station. Park operators and boards of directors are not to unreasonably delay the adoption of the standards. Additionally, if an electric vehicle charging station was already constructed, the standards are to be adopted within 180 days of the bill's effective date.¹⁴

Electric vehicle charging station definitions

As used in this analysis:

¹² R.C. 4781.401(B)(1) and (2) and 5311.192(B)(1) and (2).

¹³ R.C. 4781.401(A)(4) and (B)(3) and 5311.192(A)(4) and (B)(3).

¹⁴ R.C. 4781.401(C) and 5311.192(C).



"**Charging level**" means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms "level-one," "level-two," and "level-three" include the following specifications:

- (a) "**Level-one**" means voltage from the range of zero through 120 volts.
- (b) "**Level-two**" means voltage from 120 through 240 volts.
- (c) "**Level-three**" means voltage greater than 240 volts.

"**Designated parking space**," with respect to a manufactured home park owner or tenant, includes, but is not limited to, a parking space on the owner's or tenant's manufactured home park lot, or a parking space that is specifically designated for use by a particular owner or tenant.

"**Designated parking space**," with respect to a condominium unit owner, means a deeded parking space, a parking space in an owner's exclusive use limited common element, or a parking space that is specifically designated for use by a particular owner.

"**Electric vehicle charging station**" means a station that delivers electricity from a source outside an electric vehicle into one or more electric vehicles. An electric vehicle charging station may include several charge points simultaneously connecting several electric vehicles to the station and any related equipment needed to facilitate charging plug-in electric vehicles.¹⁵

COMMENT

1. Rule 6(A) of the Ohio Rules of Civil Procedure appears on its face to be relevant, as it provides a similar rule, but it counts the days differently. It excludes the day of the act from which the period of time begins to run, and excludes the last day if it falls on a Saturday, as well as a Sunday or legal holiday. That Rule also provides that, when the relevant period of time is less than seven days, intermediate Saturdays, Sundays, and legal holidays are excluded in all instances.¹⁶ Several Ohio courts have found that rule is inapplicable to actions for forcible entry and detainer, however.¹⁷

¹⁵ R.C. 4781.401(A)(1) to (3) and 5311.192(A)(1) to (3).

¹⁶ Civ.R. 6(A), not in the bill.

¹⁷ See *State ex rel. GMS Mgmt. Co. v. Lazzaro*, 8th Dist. No. 97875, 2012-Ohio-3961, ¶ 7-9.



To put this rule, R.C. 1.14, and the bill in context, the following table describes the different timelines if the notice is filed, or the writ is delivered, on a Thursday (and no legal holidays are involved):

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5 Notice filed/ writ delivered	6	7
8	9 Bill – file action	10 R.C. 1.14 – file action	11 Civ.R. 6(A) – file action	12	13	14
15 Bill – execute writ by	16 R.C. 1.14 and Civ.R. 6(A) – execute writ by	17	18	19	20	21

2. The Eviction Law also states that two types of notice required outside the Eviction Law are sufficient to meet the usual pre-filing notice requirement. The first relates to forfeiture of land contracts, where a ten-day notice is required. The second relates to evictions required under the Landlord-Tenant Act after violations of certain drug laws, and a three-day notice is required. The bill does not apply to the former, but does apply to the latter.¹⁸

HISTORY

ACTION

DATE

Introduced
Reported, H. Financial Institutions, Housing, and Urban
Development

10-24-17

11-28-18

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¹⁸ R.C. 1923.04(B); R.C. 5313.05, 5313.06, 5321.04(A)(9), and 5321.17(C), not in the bill.

