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H.B. 712
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. K. Miller and Ginter

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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 a neighborhood association and condominium association from including a provision in a governing document that prohibits the display of a thin blue line flag or emblem, subject to specified conditions.
- Declares such a prohibited provision to be void as against public policy.

DETAILED ANALYSIS

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 landlord or association restrictions that prohibit the display of a thin blue line flag or emblem on a tenant's rental property or owner's property. Specifically, it prohibits (1) a manufactured home park operator or landlord from including any such restriction in a rental agreement, or (2) a neighborhood, homeowners, or civic association or condominium association from including such a provision in a governing document (a deed, agreement, declaration, bylaw, rule, or regulation). Any such prohibited provision or construction is void as against public policy.¹

The bill defines "thin blue line flag" and "thin blue line emblem" as a flag or emblem used by law enforcement to commemorate fallen law enforcement officers, to show support

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

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 in accordance with state law, local ordinance or resolution, or a proclamation by the Governor.³ Under existing law, similar protections are provided for the display of the U.S. flag, national league of families POW/MIA flag, Ohio flag, and a service flag when the service flag is displayed in a window of the residence of a member of the immediate family of an individual serving in the U.S. armed forces.

Neighborhood, homeowners, and civic associations also are prohibited from including a restriction in a governing document that prohibits the display of a thin blue line flag or emblem in accordance with the consent of the property's owner or any other person having legal control of the property.⁴

Display and notice requirements

Rental property

If a tenant renting residential property or a manufactured home owner or tenant renting a lot in a manufactured home park wishes to display a thin blue line flag on the property through the use of a flag pole or bracket, the person 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. The placement in compliance with any local zoning restrictions, and if using a flagpole, the required underground utility service requests;
2. The cost of the materials and installation;
3. The installation in a worker like manner if installed at the tenant's request and expense;
4. Any lighting required;
5. The appropriate size of the flag and flagpole, which must be consistent with the size and character of the building;
6. Preferred location of the bracket to insure that there will be no encroachment of the flag or bracket onto common areas of the manufactured home park.

A landlord or park operator 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 not exempt a tenant from a provision in a rental agreement that requires a tenant, at the termination of the rental

² R.C. 4781.40(C)(10), 5301.072(C), and 5311.191(D).

³ R.C. 4781.40(C)(2), 5301.072(A)(5), 5311.191(A)(4), and 5311.131(A)(4).

⁴ R.C. 5301.072(A)(5).

agreement, to return the premises in the same condition as they were in when the tenant took possession.⁵

By way of background, in a manufactured home park, a person may either own the manufactured home but rent the lot in the manufactured home park (an owner), or rent both (a tenant).⁶

Property subject to an association

In addition, a property owner or resident subject to a neighborhood, homeowners, civic, or condominium association who uses a flagpole for the purpose of displaying a thin blue line flag must ensure that the flag and flagpole 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.⁷

HISTORY

Action	Date
Introduced	08-17-22

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⁵ R.C. 4781.40(C) and 5321.131(B), (C), and (E).

⁶ R.C. 4781.01(T) and (U), not in the bill.

⁷ R.C. 5301.072(A)(1) and 5311.191(B).