



# OHIO LEGISLATIVE SERVICE COMMISSION

Joseph Rogers

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## Fiscal Note & Local Impact Statement

**Bill:** S.B. 234 of the 132nd G.A.

**Status:** As Introduced

**Sponsor:** Sen. LaRose

**Local Impact Statement Procedure Required:** No

**Subject:** Prohibits rental agreements for subsidized housing from disallowing the possession of firearms

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### State & Local Fiscal Highlights

- The bill may increase the number of civil actions filed in common pleas, municipal, and county courts for damages stemming from restrictive rental agreements for subsidized housing that prohibit or otherwise limit firearm ownership as a rental condition. The number of such actions filed in any given local jurisdiction is likely to be relatively small and absorbed into the court's daily operations with no discernible ongoing fiscal effect.
- The bill has no direct fiscal effect on the state.

### Detailed Fiscal Analysis

The bill specifies that a rental agreement for subsidized residential premises may not contain a provision or impose a rule that requires a person to agree, as a condition of tenancy in the residential premises, to a prohibition or restriction on the lawful ownership, use, or possession of a firearm, firearm component, or ammunition within the tenant's specific rental dwelling unit. A landlord is permitted however to impose reasonable restrictions within common areas of the rental property.

#### Civil action

If a landlord brings forth legal action to enforce a provision that is barred under the above-described restriction, a tenant, tenant's household member, or tenant's guest affected by the enforcement action may recover actual damages sustained by that tenant, household member, or guest, and, additionally, court costs and reasonable attorney's fees.

It would be reasonable to expect that landlords who rent subsidized residential properties as specified in the bill will be fully aware of the new requirement that rental agreements for the specified properties may not contain restrictions for lawful firearm ownership. Updated rental agreements will conform to the change in the law. The landlords for these properties would have no reason to file a civil action to enforce provisions that are no longer in the rental agreements. To the extent that such civil actions to enforce firearms restrictions in rental agreements are being filed under

current law, the bill will either reduce their numbers or expedite the resolution and dismissal of any such actions.

### **Civil immunity**

Except in cases of willful, wanton, or reckless misconduct or grossly negligent conduct of the landlord, a landlord is not liable in a civil action for injury, death, or loss to person or property or other damages resulting from or arising out of an occurrence involving a firearm, a firearm component, or ammunition that the landlord is required under the bill's provisions to allow on the property. This provision may prevent some lawsuits from being filed against a landlord in the wake of a firearm-related tragedy, or expedite the resolution of any such suit, thereby creating a savings effect on the daily operations and related operating expenses of common pleas, municipal, and county courts with subject matter jurisdictions over such matters.