

*****DRAFT - NOT FOR FILING*****

4781-12-28 Manufactured home parks; resident's remedies; retaliation prohibited.

- (A) Subject to section 4781.37 of the Revised Code, a park operator shall not retaliate against a resident by increasing the resident's rent, decreasing services that are due to the resident, refusing to renew or threatening to refuse to renew the rental agreement with the resident, or bringing or threatening to bring an action for possession of the resident's premises be-cause:
- (1) The resident has complained to an appropriate governmental agency of a violation of a building, housing, health, or safety code that is applicable to the premises, and the violation materially affects health and safety;
 - (2) The resident has complained to the park operator of any violation of section 4781.38 of the Revised Code; or
 - (3) The resident joined with other residents for the purpose of negotiating or dealing collectively with the park operator on any of the terms and conditions of a rental agreement.
- (B) If a park operator acts in violation of paragraph (A) of this rule, the resident may:
- (1) Use the retaliatory action of the park operator as a defense to an action by the park operator to recover possession of the premises;
 - (2) Recover possession of the premises; or
 - (3) Terminate the rental agreement.
- In addition, the resident may recover from the park operator any actual damages together with reasonable ~~attorney's~~sattorneys' fees.
- (C) Nothing in paragraph (A) of this rule prohibits a park operator from increasing the rent to reflect the cost of improvements installed by the park operator in or about the premises or to reflect an increase in other costs of operation of the premises.
- (D) In the event that a court of competent jurisdiction determines that a park operator has violated division (A) of section 4781.36 of the Revised Code, the ~~commission~~division shall consider such violation a violation of this rule and may take action pursuant to section 4781.121 of the Revised Code.