

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

4781-12-32 Security deposit limitations.

- (A) Any security deposit in excess of fifty dollars or one month's periodic rent, whichever is greater, shall bear interest on the excess at the rate of five per cent per annum if the resident remains in possession of the premises for six months or more, and shall be computed and paid annually by the park operator to the resident.
- (B) Upon termination of the rental agreement, any property or money held by the park operator as a security deposit may be applied to the payment of past due rent and to the payment of the amount of damages that the park operator has suffered by reason of the resident's noncompliance with section 4781.39 of the Revised Code or the rental agreement. Any deduction from the security deposit shall be itemized and identified by the park operator in a written notice delivered to the resident together with the amount due, within thirty days after termination of the rental agreement and delivery of possession. The resident shall provide the park operator in writing with a forwarding address or new address to which the written notice and amount due from the park operator may be sent. If the resident fails to provide the park operator with the forwarding or new address as required, the resident shall not be entitled to damages or attorneys' fees under paragraph (C) of this rule.
- (C) If the park operator fails to comply with paragraph (B) of this rule, the resident may recover the property and money due him or her, together with damages in an amount equal to the amount wrongfully withheld, and reasonable ~~attorney's~~attorneys' fees.
- (D) In the event that a court of competent jurisdiction determines that a park operator has violated any of the divisions of section ~~4781.39~~4781.50 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.