

SR020421

The Miami Tenants Rights Resolution

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The Ohio Council of Student Governments
Sponsors

Submitted to the Student Senate
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- Whereas:** Miami University currently has roughly 15,000 students, but only room in our On-campus residence hall housing for roughly 7,000, meaning that roughly 8,000 Miami students live off-campus, and;
- Whereas:** Although many students live off campus by choice, the fact of the matter is that Miami will inherently have off-campus students as long as the student population outweighs the residence hall availability, and;
- Whereas:** These off campus students will invariably rent either apartments or houses around the Oxford area from various landlords, the majority of which are responsible to the needs of their residents, open to concerns, and fair in their lease agreements, as exemplified by the number of landlords in the Oxford area who have agreed to use the 'standard lease' offered by ASG, and;
- Whereas:** The reputations of these responsible landlords, and the well being of the off campus student body are harmed by certain issues, such as rent prices, rent payment policies, responsiveness to residential concerns, maintenance on the dwellings owned by the various landlords, and the lack of feasible legal recourse for college students who may have rented from unresponsive or irresponsible landlords, and;
- Whereas:** Ohio Revised Code gives tenants the right to sequester rent from landlords in the event that a landlord is not honoring their end of a housing contract. This is located in Section § 5321.07 which states:

§ 5321.07. Notice to landlord to remedy condition; deposit of rent with court or other remedies.

- (A) If a landlord fails to fulfill any obligation imposed upon him by [section 5321.04](#) of the Revised Code, other than the obligation specified in division (A)(9) of that section, or any obligation imposed upon him by the rental agreement, if the conditions of the residential premises are such that the tenant reasonably believes that a landlord has failed to fulfill any such obligations, or if a governmental agency has found that the premises are not in compliance with building, housing, health, or safety codes that apply to any condition of the premises that could materially affect the health and safety of an occupant, the tenant may give notice in writing to the landlord, specifying the acts, omissions, or code violations that constitute noncompliance. The notice shall be sent to the person or place where rent is normally paid.
- (B) If a landlord receives the notice described in division (A) of this section and after receipt of the notice fails to remedy the condition within a reasonable time considering the severity of the condition and the time

necessary to remedy it, or within thirty days, whichever is sooner, and if the tenant is current in rent payments due under the rental agreement, the tenant may do one of the following:

- (1) Deposit all rent that is due and thereafter becomes due the landlord with the clerk of the municipal or county court having jurisdiction in the territory in which the residential premises are located;
- (2) Apply to the court for an order directing the landlord to remedy the condition. As part of the application, the tenant may deposit rent pursuant to division (B)(1) of this section, may apply for an order reducing the periodic rent due the landlord until the landlord remedies the condition, and may apply for an order to use the rent deposited to remedy the condition. In any order issued pursuant to this division, the court may require the tenant to deposit rent with the clerk of court as provided in division (B)(1) of this section.

Whereas: Virtually all off-campus students at Miami University sign leases where two rent payments: one at the beginning of the fall semester and one at the beginning of the spring semester are made, and;

Whereas: The inability to sequester rent causes students who rent under the semester system to forfeit their statutory rights on a de facto basis, and;

Whereas: The ability for all tenants to exercise their rights under the Ohio Revised Code will help the public good of the surrounding community.

Therefore Be it Resolved: That The Associated Student Government of Miami University proposes to the state of Ohio that legislation be enacted in order to remedy the current situation in which students forfeit their rights to sequestration under ORC § 5321.07.

Further Be it Resolved: That the Associated Student Government propose that landlords who primarily rent to college students and set up leases accordingly (e.g. landlords who charge rent by semester or academic quarter), be offered incentive to offer a cost neutral choice for students between renting on a semester or quarterly basis; or a monthly basis, in order to exercise their rights under ORC § 5321.07. These incentives could include recommendations by Miami University or the City of Oxford toward these landlords during periods of lease purchases, or other incentives the city deems appropriate.

Further Be it Resolved: That once 40% of Oxford landlords agree to take part in this program, the Standard Lease shall then be amended for the purpose of monthly rent also.