

## Provider Controlled Residential Setting

A residence that is controlled by a provider is subject to the requirements of OAC 5123:2-9-02. Specifically, the landlord must enter into a standard lease with the individual receiving services (the tenant) or into a residency agreement (suggested template attached). If the landlord chooses to enter into a standard lease, the lease may not have any provisions contradictory to 5123:2-9-02(F)(3).

Provider controlled Residential Setting means a residence where the landlord is:

- (a) An entity that is owned in whole or in part by the individual's independent provider;
- (b) An immediate family member of the individual's independent provider;
- (c) An immediate family member of an owner or a management employee of the individual's agency provider;
- (d) Affiliated with the individual's agency provider, meaning the landlord:
  - (i) Employs a person who is also an owner or a management employee of the agency provider; or
  - (ii) Has, serving as a member of its board, a person who is also serving as a member of the board of the agency provider;
- (e) An entity that is owned in whole or in part by an owner or a management employee of the individual's agency provider; or
- (f) An owner or a management employee of the individual's agency provider.