

# Law Bulletin



THE OHIO STATE UNIVERSITY

COLLEGE OF FOOD, AGRICULTURAL,  
AND ENVIRONMENTAL SCIENCES

Law you need to know from OSU Extension's Farm Office

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## Ohio's New Statutory Termination Date for Farm Crop Leases

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A new Ohio law effective on July 21, 2022, impacts some landlords who want to terminate their farm crop leases. If the farm lease does not establish a date or method for terminating the lease, the law requires a landlord who wants to terminate the lease to do so in writing by September 1. The law's goal is to prevent "late" terminations that can harm tenant operators who have made investments for the next crop season.

### What farm leases are subject to the new law?

The law applies to both written and verbal "agricultural lease agreements" that address the planting, growing, and harvesting of agricultural crops. The law does not apply to leases for pasture, timber, farm buildings, horticultural buildings, or equipment.

### What if a lease already addresses termination?

The new law only applies when a leasing arrangement has not provided for a termination date or a method for giving notice of termination. If the landlord and tenant operator have addressed these provisions in their leasing situation, the provisions are unchanged by the law and continue to be effective.

### When is the termination effective?

If a landlord gives notice of termination in writing by September 1, the lease is terminated either upon the date harvest is complete or December 31, whichever is earlier. The law allows the parties to establish a different termination date if agreed to in writing.

### How must a landlord give notice of termination?

The landlord must give the notice in writing and deliver it to the tenant operator by hand, mail,

facsimile, or email by September 1. The law does not require using specific language for the notice, but we recommend including the date of the notice, an identification of the lease property, and a statement that the lease will terminate at the end of harvest or December 31, 20\_\_ unless the parties agree in writing to a different date.

### What if a landlord terminates after September 1?

Unless the leasing arrangement provides otherwise, a termination delivered by the landlord after September is not effective and the lease would continue for another period. However, the tenant operator could agree to accept the late termination. If so, the parties should both sign a termination date agreement.

### Can a tenant terminate a lease after September 1?

A tenant operator is not subject to the new law and can terminate a lease after September 1 unless the leasing arrangement provides otherwise.

### The value of a written farm lease

The new law arose because many farm leases aren't in writing, creating uncertainty over termination rights. A written lease is invaluable for agreeing to important farm lease terms like termination. If you need legal assistance getting your lease in writing, check out our farm lease resources and contact us for a referral to an agricultural attorney. It's money well spent.

### Where to find the law

The new farm crop lease statutory termination law is in [Ohio Revised Code Section 5301.71](#).

### FOR MORE INFORMATION FROM OSU EXTENSION'S AGRICULTURAL & RESOURCE LAW PROGRAM:

- Visit our website at <http://farmoffice.osu.edu>.
- Sign up at <http://farmoffice.osu.edu/blog> to receive the Ohio Ag Law Blog by e-mail.
- Contact us at [aglaw@osu.edu](mailto:aglaw@osu.edu).