

As Introduced

124th General Assembly
Regular Session
2001-2002

H. B. No. 520

REPRESENTATIVES Hoops, Peterson, Seitz, Calvert, Fessler, Setzer,
Husted, Callender, Evans, Carmichael, Hollister, Widowfield, Olman,
Jolivette, Webster, Niehaus, Blasdel, Allen, Hartnett, Patton

A B I L L

To amend sections 1923.01, 1923.02, 1923.09, 1923.11, 1
1923.13, 1923.14, 3733.091, 4503.061, 4503.062, and 2
4513.01 and to enact section 1923.12 of the Revised 3
Code to revise the forcible entry and detainer law 4
relative to writs of execution issued in connection 5
with manufactured home park residential premises 6
and the removal, storage, and potential sale or 7
destruction of an abandoned manufactured home, 8
mobile home, or recreational vehicle on those 9
premises; to expand the types of information 10
included in the register of manufactured or mobile 11
homes that make use of a manufactured home court, 12
park, or similar property; and to exclude 13
manufactured homes and mobile homes from the 14
abandoned vehicle statutes. 15

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1923.01, 1923.02, 1923.09, 1923.11, 16
1923.13, 1923.14, 3733.091, 4503.061, 4503.062, and 4513.01 be 17
amended and section 1923.12 of the Revised Code be enacted to read 18
as follows: 19

Sec. 1923.01. (A) As provided in this chapter, any judge of a county or municipal court or a court of common pleas, within the judge's proper area of jurisdiction, may inquire about persons who make unlawful and forcible entry into lands or tenements and detain them, and about persons who make a lawful and peaceable entry into lands or tenements and hold them unlawfully and by force. If, upon ~~such~~ the inquiry, it is found that an unlawful and forcible entry has been made and the lands or tenements are detained, or that, after a lawful entry, lands or tenements are held unlawfully and by force, a judge shall cause the plaintiff in an action under this chapter to have restitution of the lands or tenements.

(B) An action shall be brought under this chapter within two years after the cause of action accrues.

(C) As used in this chapter:

(1) "Tenant" means a person who is entitled under a rental agreement to the use or occupancy of premises, other than premises located in a manufactured home park ~~as defined in section 3733.01 of the Revised Code~~, to the exclusion of others.

(2) "Landlord" means the owner, lessor, or sublessor of premises, or the agent or person the landlord authorizes to manage premises or to receive rent from a tenant under a rental agreement, except, if required by the facts of the action to which the term is applied, "landlord" means a park operator.

(3) "Park operator," "manufactured home," "mobile home," "manufactured home park," "recreational vehicle," and "resident" have the same meanings as in section 3733.01 of the Revised Code.

(4) "Residential premises" has the same meaning as in section 5321.01 of the Revised Code, except, if required by the facts of the action to which the term is applied, "residential premises"

has the same meaning as in section 3733.01 of the Revised Code.

(5) "Rental agreement" means any agreement or lease, written or oral, that establishes or modifies the terms, conditions, rules, or ~~any~~ other provisions concerning the use or occupancy of premises by one of the parties to the agreement or lease, except that "rental agreement," as used in division (A)~~(11)~~(13) of section 1923.02 of the Revised Code and where the context requires as used in this chapter, means a rental agreement as defined in division (D) of section 5322.01 of the Revised Code.

(6) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

Sec. 1923.02. (A) Proceedings under this chapter may be had as follows:

(1) Against tenants or manufactured home park residents holding over their terms;

(2) Against tenants or manufactured home park residents in possession under an oral tenancy, who are in default in the payment of rent as provided in division (B) of this section;

(3) In sales of real estate, on executions, orders, or other judicial process, when the judgment debtor was in possession at the time of the rendition of the judgment or decree, by virtue of which ~~such~~ the sale was made;

(4) In sales by executors, administrators, or guardians, and on partition, when any of the parties to the complaint were in possession at the commencement of the action, after ~~such~~ the sales, so made on execution or otherwise, have been examined by the proper court and adjudged legal;

(5) When the defendant is an occupier of lands or tenements, without color of title, and the complainant has the right of

possession to them;

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(6) In any other case of the unlawful and forcible detention
of lands or tenements. For purposes of this division, in addition
to any other type of unlawful and forcible detention of lands or
tenements, such a detention may be determined to exist when both
of the following apply:

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(a) A tenant fails to vacate residential premises within
three days after both of the following occur:

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(i) ~~His~~ The tenant's landlord has actual knowledge of or has
reasonable cause to believe that the tenant, any person in the
tenant's household, or any person on the premises with the consent
of the tenant previously has or presently is engaged in a
violation of Chapter 2925. or 3719. of the Revised Code, or of a
municipal ordinance that is substantially similar to any section
in either of those chapters, which involves a controlled substance
and which occurred in, is occurring in, or otherwise was or is
connected with the premises, whether or not the tenant or other
person has been charged with, has pleaded guilty to or been
convicted of, or has been determined to be a delinquent child for
an act that, if committed by an adult, would be a violation as
described in this division. For purposes of this division, a
landlord has "actual knowledge of or has reasonable cause to
believe" that a tenant, any person in the tenant's household, or
any person on the premises with the consent of the tenant
previously has or presently is engaged in a violation as described
in this division if a search warrant was issued pursuant to
Criminal Rule 41 or Chapter 2933. of the Revised Code; the
affidavit presented to obtain the warrant named or described the
tenant or person as the individual to be searched and particularly
described the tenant's premises as the place to be searched, named
or described one or more controlled substances to be searched for
and seized, stated substantially the offense under Chapter 2925.

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or 3719. of the Revised Code or the substantially similar 112
municipal ordinance that occurred in, is occurring in, or 113
otherwise was or is connected with the tenant's premises, and 114
states the factual basis for the affiant's belief that the 115
controlled substances are located on the tenant's premises; the 116
warrant was properly executed by a law enforcement officer and any 117
controlled substance described in the affidavit was found by that 118
officer during the search and seizure; and, subsequent to the 119
search and seizure, the landlord was informed by that or another 120
law enforcement officer of the fact that the tenant or person has 121
or presently is engaged in a violation as described in this 122
division and it occurred in, is occurring in, or otherwise was or 123
is connected with the tenant's premises. 124

(ii) The landlord gives the tenant the notice required by 125
division (C) of section 5321.17 of the Revised Code. 126

(b) The court determines, by a preponderance of the evidence, 127
that the tenant, any person in the tenant's household, or any 128
person on the premises with the consent of the tenant previously 129
has or presently is engaged in a violation as described in 130
division (A)(6)(a)(i) of this section. 131

(7) In cases arising out of Chapter 5313. of the Revised 132
Code. In ~~such~~ those cases, the court has the authority to declare 133
a forfeiture of the vendee's rights under a land installment 134
contract and to grant any other claims arising out of the 135
contract. 136

(8) Against tenants who have breached an obligation that is 137
imposed by section 5321.05 of the Revised Code, other than the 138
obligation specified in division (A)(9) of that section, and that 139
materially affects health and safety. Prior to the commencement of 140
an action under this division, notice shall be given to the tenant 141
and compliance secured with section 5321.11 of the Revised Code. 142

(9) Against tenants who have breached an obligation imposed upon them by a written rental agreement;

(10) Against manufactured home park residents who have defaulted in the payment of rent or breached the terms of a rental agreement with a manufactured home park operator. Nothing in this division precludes the commencement of an action under division (A)(12) of this section when the additional circumstances described in that division apply.

(11) Against manufactured home park residents who have committed two material violations of the rules of the manufactured home park, of the public health council, or of applicable state and local health and safety codes and who have been notified of the violations in compliance with section 3733.13 of the Revised Code;

(12) Against a manufactured home park resident, or the estate of a manufactured home park resident, who has been absent from the manufactured home park for a period of thirty consecutive days prior to the commencement of an action under this division and whose manufactured home or mobile home, or recreational vehicle parked in the manufactured home park, has been left unoccupied for that thirty-day period, without notice to the park operator and without payment of rent due under the rental agreement with the park operator;

(13) Against occupants of self-service storage facilities, as defined in division (A) of section 5322.01 of the Revised Code, who have breached the terms of a rental agreement or violated section 5322.04 of the Revised Code.

(B) If a tenant or manufactured home park resident holding under an oral tenancy is in default in the payment of rent, ~~he~~ the tenant or resident forfeits ~~his~~ the right of occupancy, and the landlord may, at ~~his~~ the landlord's option, terminate the tenancy

by notifying the tenant or resident, as provided in section 175
1923.04 of the Revised Code, to leave the premises, for the 176
restitution of which an action may then be brought under this 177
chapter. 178

(C) This chapter does not apply to a student tenant as 179
defined by division (H) of section 5321.01 of the Revised Code 180
when the college or university proceeds to terminate a rental 181
agreement pursuant to section 5321.031 of the Revised Code. 182

Sec. 1923.09. (A) If an action under this chapter is not 183
continued, the place of trial is not changed, and neither party 184
demands a jury on the return day of the summons, a judge of the 185
court shall try the cause. After hearing the evidence, if ~~he~~ the 186
judge concludes that the complaint is not true, ~~he~~ the judge shall 187
enter judgment against the plaintiff for costs. If ~~he~~ the judge 188
finds the complaint to be true, ~~he~~ the judge shall render a 189
general judgment against the defendant, in favor of the plaintiff, 190
for restitution of the premises and costs of suit. If the judge 191
finds the complaint true in part, ~~he~~ the judge shall render a 192
judgment for restitution of ~~such~~ that part only, and the ~~cost~~ 193
costs shall be taxed as ~~he deems~~ the judge considers just. 194

(B) If a judgment is entered under this section in favor of 195
the plaintiff in any action under this chapter in which the 196
plaintiff is a park operator, the judge shall include in the 197
judgment entry authority for the plaintiff to permit, in 198
accordance with section 1923.12 and division (B) of both sections 199
1923.13 and 1923.14 of the Revised Code, the removal and potential 200
sale, destruction, or transfer of ownership of the resident's 201
manufactured home, mobile home, or recreational vehicle. 202

Sec. 1923.11. (A) The court shall enter the verdict rendered 203
by a jury under section 1923.10 of the Revised Code upon the 204
docket, and render judgment in the action as if the facts, 205

authorizing the finding of ~~such~~ the verdict, had been found by the court itself.

(B) If a judgment is entered under this section in favor of the plaintiff in any action under this chapter in which the plaintiff is a park operator, the judge shall include in the judgment entry authority for the plaintiff to permit, in accordance with section 1923.12 and division (B) of both sections 1923.13 and 1923.14 of the Revised Code, the removal and potential sale, destruction, or transfer of ownership of the resident's manufactured home, mobile home, or recreational vehicle.

Sec. 1923.12. (A) A park operator of a manufactured home park from which a resident or a resident's estate has been evicted pursuant to a judgment entered under section 1923.09 or 1923.11 of the Revised Code in any action under this chapter, if the resident or estate has abandoned or otherwise left unoccupied the resident's manufactured home, mobile home, or recreational vehicle on the residential premises for a period of three days following the entry of the judgment, provide to the titled owner of the home or vehicle a written notice to remove the home or vehicle from the manufactured home park within seven days from the date of the delivery of the notice. Delivery of the notice may be by personal delivery to the owner or by ordinary mail sent to the last known address of the owner. If the manufactured home, mobile home, or recreational vehicle is not removed from the manufactured home park within seven days from the date of the delivery of the notice, the park operator may follow the procedures of division (B) of both sections 1923.13 and 1923.14 of the Revised Code to permit the removal and potential sale, destruction, or transfer of ownership of the home or vehicle.

(B) Every notice provided to the titled owner of a manufactured home, mobile home, or recreational vehicle under this section shall contain the following language printed in a

conspicuous manner: "You are being asked to remove your
manufactured home, mobile home, or recreational vehicle from the
residential premises of, a manufactured home park, in
accordance with a judgment of eviction entered in court
on against If the manufactured home, mobile
home, or recreational vehicle is not removed from the manufactured
home park within seven days from the date of delivery of this
notice, the home or vehicle may be sold or destroyed, or its title
may be transferred to, pursuant to division (B) of both
sections 1923.13 and 1923.14 of the Revised Code. If you are in
doubt regarding your legal rights, it is recommended that you seek
legal assistance."

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(C) Before requesting a writ of execution under division (B)
of section 1923.13 of the Revised Code, the park operator shall
conduct or cause to be conducted a search of the appropriate
public records that relate to the manufactured home, mobile home,
or recreational vehicle, and make or cause to be made reasonably
diligent inquiries, for the purpose of identifying any persons who
have an outstanding right, title, or interest in the home or
vehicle. If the search or inquiries reveal any person who has an
outstanding right, title, or interest in the manufactured home,
mobile home, or recreational vehicle, the park operator shall list
the name and last known address of each such person on its request
for the writ of execution. The park operator also shall certify on
the request that the written notice required by this section has
been provided.

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Sec. 1923.13. (A) When a judgment of restitution is entered
by a court in an action under this chapter, unless the plaintiff
or the plaintiff's agent or attorney proceeds under division (B)
of this section, at the request of the plaintiff or his the
plaintiff's agent or attorney, that court shall issue a writ of
execution on the judgment, in the following form, as near as

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"The state of Ohio, county: To any 271
constable or police officer of township, city, 272
or village; or To the sheriff of 273
county; or ~~to~~ To any authorized bailiff of the÷ (name 274
of court): 275

Whereas, in a certain action for the forcible entry and 276
detention (or the forcible detention, as the case may be), of the 277
following described premises, to wit:, lately tried 278
before this court, wherein was plaintiff, and 279
..... was defendant, judgment was rendered on 280
the day of,, that the plaintiff 281
have restitution of those premises; and also that ~~he~~ the plaintiff 282
recover costs in the sum of, You therefore are 283
hereby commanded to cause the defendant to be forthwith removed 284
from those premises, and the plaintiff to have restitution of 285
them; also, that you levy of the goods and chattels of the 286
defendant, and make the costs previously mentioned and all 287
accruing costs, and of this writ make legal service and due 288
return. 289

Witness my hand, this day of, ~~A.D.~~ 290
..... Judge, (Name of court)" 291

(B) When a judgment of restitution is entered by a court in 292
any action under this chapter against a manufactured home park 293
resident or the estate of a manufactured home park resident, at 294
the request of the plaintiff or the plaintiff's agent or attorney, 295
that court shall issue a writ of execution on the judgment, in the 296
following form, as near as practicable: 297

"The state of Ohio, county; To any constable or 298
police officer of township, city, or village; or To the 299
sheriff of county; or To any authorized bailiff of the 300
..... (name of court): 301

Whereas, in a certain action for eviction of a resident or a 302
resident's estate from the following described residential 303
premises of a manufactured home park on which the following 304
described manufactured home, mobile home, or recreational vehicle 305
is located, to wit:, lately tried before this court, 306
wherein was plaintiff, and was defendant, 307
..... judgment was rendered on the day of 308
.....,, that the plaintiff have restitution of the 309
premises and also that the plaintiff recover costs in the sum of 310
..... You therefore are hereby authorized to cause the 311
defendant to be removed from the residential premises, if 312
necessary. Also, you are to levy of the goods and chattels of the 313
defendant, and make the costs previously mentioned and all 314
accruing costs, and of this writ make legal service and due 315
return. 316

Further, you are authorized to cause the subject manufactured 317
home, mobile home, or recreational vehicle, and all personal 318
property and vehicles of the defendant on the residential 319
premises, to be, at your option, either (1) removed from the 320
manufactured home park and, if necessary, moved to a storage 321
facility of your choice, or (2) retained at their current location 322
on the residential premises, until they are disposed of in a 323
manner authorized by this writ or the law of this state. 324

If the subject manufactured home, mobile home, or 325
recreational vehicle has been abandoned by the defendant and the 326
requirements of section 1923.12 of the Revised Code have been 327
satisfied, you are hereby authorized to cause the sale of the home 328
or vehicle in accordance with division (B)(3) of section 1923.14 329
of the Revised Code. A search of appropriate public records or 330
other reasonably diligent inquiries reveals the following persons, 331
whose last known addresses are listed next to their names, may 332
continue to have an outstanding right, title, or interest in the 333

home or vehicle:If you are unable to sell the subject 334
manufactured home, mobile home, or recreational vehicle due to a 335
want of bidders, after it is offered for sale on two occasions, 336
you are hereby commanded to cause the presentation of this writ to 337
the clerk of this court for the issuance of a certificate of title 338
transferring the title of the home or vehicle to the plaintiff, 339
free and clear of all security interests, liens, and encumbrances, 340
in accordance with division (B)(3) of section 1923.14 of the 341
Revised Code. 342

If the subject manufactured home, mobile home, or 343
recreational vehicle has been so abandoned and has a value of less 344
than three thousand dollars and if the requirements of section 345
1923.12 of the Revised Code have been satisfied, you are hereby 346
authorized either to cause the sale or destruction of the home or 347
vehicle, or to cause the presentation of this writ to the clerk of 348
this court for the issuance of a certificate of title transferring 349
the title of the home or vehicle to the plaintiff, free and clear 350
of all security interests, liens, and encumbrances, in accordance 351
with division (B)(4) of section 1923.14 of the Revised Code. 352

Upon this writ's presentation to the clerk of this court 353
under the circumstances described in either of the two preceding 354
paragraphs and in accordance with division (B)(3) or (4) of 355
section 1923.14 of the Revised Code, as applicable, the clerk is 356
hereby commanded to issue a certificate of title transferring the 357
title of the subject manufactured home, mobile home, or 358
recreational vehicle to the plaintiff, free and clear of all 359
security interests, liens, and encumbrances, in the manner 360
prescribed in section 4505.10 of the Revised Code. 361

Witness my hand, this day of, 362
....., Judge, (Name of court)." 363

Sec. 1923.14. (A) Except as otherwise provided in this 364

section, within ten days after receiving ~~the~~ a writ of execution 365
described in division (A) or (B) of section 1923.13 of the Revised 366
Code, the sheriff, police officer, constable, or bailiff shall 367
execute it by restoring the plaintiff to the possession of the 368
premises, and shall levy and collect the costs and make return, as 369
upon other executions. If an appeal from the judgment of 370
restitution is filed and if, following the filing of the appeal, a 371
stay of execution is obtained and any required bond is filed with 372
the court of common pleas, municipal court, or county court, the 373
judge of that court immediately shall issue ~~his~~ an order to the 374
sheriff, police officer, constable, or bailiff commanding ~~him to~~ 375
the delay of all further proceedings upon the execution. If the 376
premises have been restored to the plaintiff, the sheriff, police 377
officer, constable, or bailiff shall forthwith place the defendant 378
in possession of them, and return the writ with ~~his~~ the sheriff's, 379
police officer's, constable's, or bailiff's proceedings and the 380
costs taxed ~~thereon~~ on it. 381

(B)(1) After a writ of execution described in division (B) of 382
section 1923.13 of the Revised Code is issued by a court of common 383
pleas, municipal court, or county court, the clerk of the court 384
shall send by regular mail, to the last known address of the 385
titled owner of the subject manufactured home, mobile home, or 386
recreational vehicle and to the last known address of each other 387
person who is listed on the writ as having any outstanding right, 388
title, or interest in the home or vehicle, a written notice that 389
the home or vehicle potentially may be sold, destroyed, or have 390
its title transferred under the circumstances described in 391
division (B)(3) or (4) of this section. 392

(2) After receiving a writ of execution described in division 393
(B) of section 1923.13 of the Revised Code, and after causing the 394
defendant to be removed from the residential premises of the 395
manufactured home park, if necessary, in accordance with the writ, 396

the sheriff, police officer, constable, or bailiff may cause the 397
subject manufactured home, mobile home, or recreational vehicle, 398
and all personal property and vehicles of the defendant on the 399
residential premises, at the sheriff's, police officer's, 400
constable's, or bailiff's option, either to be removed from the 401
manufactured home park and, if necessary, moved to a storage 402
facility of the sheriff's, police officer's, constable's, or 403
bailiff's choice, or to be retained at their current location on 404
the residential premises, until they are claimed by their owner or 405
they are disposed of in a manner authorized by division (B)(3) or 406
(4) of this section or by another section of the Revised Code. 407

Neither the sheriff, police officer, constable, or bailiff 408
nor any party authorized by the sheriff, police officer, 409
constable, or bailiff to so remove the subject manufactured home, 410
mobile home, or recreational vehicle, or the personal property and 411
vehicles of the defendant on the residential premises, shall be 412
liable for any damage caused to the home, any vehicle, or any 413
personal property during the removal. The reasonable costs for a 414
removal of the subject manufactured home, mobile home, or 415
recreational vehicle and, as applicable, the reasonable costs for 416
its storage shall constitute a lien upon the home or vehicle 417
payable by its titled owner or payable pursuant to division (B)(3) 418
of this section. 419

(3) Except as provided in division (B)(4) of this section, 420
within sixty days after receiving a writ of execution described in 421
division (B) of section 1923.13 of the Revised Code, the sheriff, 422
police officer, constable, or bailiff shall commence proceedings 423
for the sale of the subject manufactured home, mobile home, or 424
recreational vehicle in accordance with the procedures for the 425
sale of goods on execution under Chapter 2329. of the Revised 426
Code, if it is determined to be abandoned. In addition to all 427
notices required to be given under section 2329.13 of the Revised 428

Code, the sheriff, police officer, constable, or bailiff shall 429
serve a written notice of the date, time, and place of the sale 430
upon all persons who are listed on the writ of execution as having 431
any outstanding right, title, or interest in the abandoned 432
manufactured home, mobile home, or recreational vehicle, at their 433
respective last known addresses. 434

Notwithstanding any statutory provision to the contrary, 435
including, but not limited to, section 2329.66 of the Revised 436
Code, there shall be no stay of execution or exemption from levy 437
or sale on execution available to the titled owner of the 438
abandoned manufactured home, mobile home, or recreational vehicle 439
in relation to a sale under this division. The proceeds from the 440
sale of an abandoned manufactured home, mobile home, or 441
recreational vehicle under this division shall be distributed as 442
follows: 443

(a) First, to pay the costs for any moving of and any storage 444
outside the manufactured home park of the home or vehicle pursuant 445
to division (B)(2) of this section, the costs of the sale, and any 446
unpaid court costs assessed against the defendant in the 447
underlying action; 448

(b) Second, to pay all outstanding tax liens on the home or 449
vehicle; 450

(c) Third, to pay all other outstanding security interests, 451
liens, or encumbrances on the home or vehicle by priority of 452
filing or other priority; 453

(d) Fourth, to pay any outstanding monetary judgment rendered 454
under section 1923.09 or 1923.11 of the Revised Code in favor of 455
the plaintiff and any costs associated with retaining the home or 456
vehicle prior to the sale at its location on the residential 457
premises within the manufactured home park pursuant to division 458
(B)(2) of this section; 459

(e) Fifth, after complying with divisions (B)(3)(a) to (d) of this section, remaining money into the county treasury to the credit of the general fund. 460
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Upon the return of any writ of execution for the satisfaction of which an abandoned manufactured home, mobile home, or recreational vehicle has been sold under this division, on careful examination of the proceedings of the sheriff, police officer, constable, or bailiff conducting the sale, if the court that issued the writ finds that the sale was made, in all respects, in conformity with the relevant provisions of Chapter 2329. of the Revised Code and with this division, it shall direct the clerk of the court to make an entry on the journal that the court is satisfied with the legality of the sale and to issue a certificate of title, free and clear of all security interests, liens, and encumbrances, to the purchaser of the home or vehicle. 463
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If, after it is offered for sale on two occasions under this division, the abandoned manufactured home, mobile home, or recreational vehicle cannot be sold due to a want of bidders, the sheriff, police officer, constable, or bailiff shall present the writ of execution unsatisfied to the clerk of the court that issued the writ for the issuance by the clerk in the manner prescribed in section 4505.10 of the Revised Code of a certificate of title transferring the title of the home or vehicle to the plaintiff, free and clear of all security interests, liens, and encumbrances. If any taxes are owed on the home or vehicle at this time, the county auditor shall remove the delinquent taxes from the manufactured home tax list and the delinquent manufactured home tax list and remit any penalties for late payment of manufactured home taxes. Acceptance of the certificate of title by the plaintiff terminates all further proceedings under this section. 475
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(4) Within sixty days after receiving a writ of execution 491

described in division (B) of section 1923.13 of the Revised Code,
if the subject manufactured home, mobile home, or recreational
vehicle is determined to be abandoned and to have a value of less
than three thousand dollars, the sheriff, police officer,
constable, or bailiff shall serve a written notice of potential
action as described in this division upon all persons who are
listed on the writ as having any outstanding right, title, or
interest in the home or vehicle, at their respective last known
addresses. This notice shall be in addition to all notices
required to be given under section 2329.13 of the Revised Code.
Subject to the fulfillment of these notice requirements, the
sheriff, police officer, constable, or bailiff shall take one of
the following actions with respect to the abandoned manufactured
home, mobile home, or recreational vehicle:

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(a) Cause its destruction if there is no outstanding right,
title, or interest in it;

(b) Proceed with its sale under division (B)(3) of this
section;

(c) Present the writ of execution to the clerk of the court
that issued the writ for the issuance by the clerk in the manner
prescribed in section 4505.10 of the Revised Code of a certificate
of title transferring the title of the home or vehicle to the
plaintiff, free and clear of all security interests, liens, and
encumbrances, if there is no outstanding right, title, or interest
in the home or vehicle. If any taxes are owed on the home or
vehicle at this time, the county auditor shall remove the
delinquent taxes from the manufactured home tax list and the
delinquent manufactured home tax list and remit any penalties for
late payment of manufactured home taxes. Acceptance of the
certificate of title by the plaintiff terminates all further
proceedings under this section.

Sec. 3733.091. (A) Notwithstanding section 3733.09 of the Revised Code, a park operator may bring an action under Chapter 1923. of the Revised Code for possession of the premises if any of the following applies:

(1) The resident is in default in the payment of rent.

(2) The violation of the applicable building, housing, health, or safety code that the resident complained of was primarily caused by any act or lack of reasonable care by the resident, ~~or~~ by any other person in the resident's household, or by anyone on the premises with the consent of the resident.

(3) The resident is holding over ~~his~~ the resident's term.

(4) The resident is in violation of rules of the public health council adopted pursuant to section 3733.02 of the Revised Code or rules of the manufactured home park adopted pursuant to the rules of the public health council.

(5) The resident has been absent from the manufactured home park for a period of thirty consecutive days prior to the commencement of the action, and the resident's manufactured home or mobile home, or recreational vehicle parked in the manufactured home park has been left unoccupied for that thirty-day period, without notice to the park operator and without payment of rent due under the rental agreement.

(B) The maintenance of an action by the park operator under this section does not prevent the resident from recovering damages for any violation by the park operator of the rental agreement or of section 3733.10 of the Revised Code.

Sec. 4503.061. (A) All manufactured and mobile homes shall be listed on either the real property tax list or the manufactured home tax list of the county in which the home has situs. Each

owner shall follow the procedures in this section to identify the 552
home to the county auditor of the county containing the taxing 553
district in which the home has situs so that the auditor may place 554
the home on the appropriate tax list. 555

(B) When a manufactured or mobile home first acquires situs 556
in this state and is subject to real property taxation pursuant to 557
division (B)(1) or (2) of section 4503.06 of the Revised Code, the 558
owner shall present to the auditor of the county containing the 559
taxing district in which the home has its situs the certificate of 560
title for the home, together with proof that all taxes due have 561
been paid and proof that a relocation notice was obtained for the 562
home if required under this section. Upon receiving the 563
certificate of title and the required proofs, the auditor shall 564
place the home on the real property tax list and proceed to treat 565
the home as other properties on that list. After the auditor has 566
placed the home on the tax list of real and public utility 567
property, the auditor shall deliver the certificate of title to 568
the clerk of the court of common pleas that issued it pursuant to 569
section 4505.11 of the Revised Code, and the clerk shall 570
inactivate the certificate of title. 571

(C)(1) When a manufactured or mobile home subject to a 572
manufactured home tax is relocated to or first acquires situs in 573
any county that has adopted a permanent manufactured home 574
registration system, as provided in division (F) of this section, 575
the owner, within thirty days after the home is relocated or first 576
acquires situs under section 4503.06 of the Revised Code, shall 577
register the home with the county auditor of the county containing 578
the taxing district in which the home has its situs. For the first 579
registration in each county of situs, the owner or vendee in 580
possession shall present to the county auditor an Ohio certificate 581
of title, certified copy of the certificate of title, or 582
memorandum certificate of title as such are required by law, and 583

proof, as required by the county auditor, that the home, if it has
previously been occupied and is being relocated, has been
previously registered, that all taxes due and required to be paid
under division (H)(1) of this section before a relocation notice
may be issued have been paid, and that a relocation notice was
obtained for the home if required by division (H) of this section.
If the owner or vendee does not possess the Ohio certificate of
title, certified copy of the certificate of title, or memorandum
certificate of title at the time the owner or vendee first
registers the home in a county, the county auditor shall register
the home without presentation of the document, but the owner or
vendee shall present the certificate of title, certified copy of
the certificate of title, or memorandum certificate of title to
the county auditor within fourteen days after the owner or vendee
obtains possession of the document.

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(2) When a manufactured or mobile home is registered for the
first time in a county and when the total tax due has been paid as
required by division (F) of section 4503.06 of the Revised Code or
divisions (E) and (H) of this section, the county treasurer shall
note by writing or by a stamp on the certificate of title,
certified copy of certificate of title, or memorandum certificate
of title that the home has been registered and that the taxes due,
if any, have been paid for the preceding five years and for the
current year. The treasurer shall then issue a certificate
evidencing registration and a decal to be displayed on the street
side of the home. ~~Such~~ The certificate is valid in any county in
this state during the year for which it is issued.

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(3) For each year thereafter, the county treasurer shall
issue a tax bill stating the amount of tax due under section
4503.06 of the Revised Code, as provided in division (D)(6) of
that section. When the total tax due has been paid as required by
division (F) of that section ~~4503.06 of the Revised Code~~, the

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county treasurer shall issue a certificate evidencing registration 616
that shall be valid in any county in this state during the year 617
for which the certificate is issued. 618

(4) The permanent decal issued under this division is valid 619
during the period of ownership, except that when a manufactured 620
home is relocated in another county the owner shall apply for a 621
new registration as required by this section and section 4503.06 622
of the Revised Code. 623

(D)(1) All owners of manufactured or mobile homes subject to 624
the manufactured home tax being relocated to or having situs in a 625
county that has not adopted a permanent registration system, as 626
provided in division (F) of this section, shall register the home 627
within thirty days after the home is relocated or first acquires 628
situs under section 4503.06 of the Revised Code and thereafter 629
shall annually register the home with the county auditor of the 630
county containing the taxing district in which the home has its 631
situs. 632

(2) Upon the annual registration, the county treasurer shall 633
issue a tax bill stating the amount of annual manufactured home 634
tax due under section 4503.06 of the Revised Code, as provided in 635
division (D)(6) of that section. When a manufactured or mobile 636
home is registered and when the tax for the current one-half year 637
has been paid as required by division (F) of that section ~~4503.06~~ 638
~~of the Revised Code~~, the county treasurer shall issue a 639
certificate evidencing registration and a decal. ~~Such~~ The 640
certificate and decal are valid in any county in this state during 641
the year for which they are issued. The decal shall be displayed 642
on the street side of the home. 643

(3) For the first annual registration in each county of 644
situs, the county auditor shall require the owner or vendee to 645
present an Ohio certificate of title, certified copy of the 646
certificate of title, or memorandum certificate of title as such 647

are required by law, and proof, as required by the county auditor, 648
that the manufactured or mobile home has been previously 649
registered, if such registration was required, that all taxes due 650
and required to be paid under division (H)(1) of this section 651
before a relocation notice may be issued have been paid, and that 652
a relocation notice was obtained for the home if required by 653
division (H) of this section. If the owner or vendee does not 654
possess the Ohio certificate of title, certified copy of the 655
certificate of title, or memorandum certificate of title at the 656
time the owner or vendee first registers the home in a county, the 657
county auditor shall register the home without presentation of the 658
document, but the owner or vendee shall present the certificate of 659
title, certified copy of the certificate of title, or memorandum 660
certificate of title to the county auditor within fourteen days 661
after the owner or vendee obtains possession of the document. When 662
the county treasurer receives the tax payment, the county 663
treasurer shall note by writing or by a stamp on the certificate 664
of title, certified copy of the certificate of title, or 665
memorandum certificate of title that the home has been registered 666
for the current year and that the manufactured home taxes due, if 667
any, have been paid for the preceding five years and for the 668
current year. 669

(4) For subsequent annual registrations, the auditor may 670
require the owner or vendee in possession to present an Ohio 671
certificate of title, certified copy of the certificate of title, 672
or memorandum certificate of title to the county treasurer upon 673
payment of the manufactured home tax that is due. 674

(E)(1) Upon the application to transfer ownership of a 675
manufactured or mobile home for which manufactured home taxes are 676
paid pursuant to division (C) of section 4503.06 of the Revised 677
Code, the clerk of the court of common pleas shall not issue any 678
certificate of title that does not contain or have attached both 679

of the following: 680

(a) An endorsement of the county treasurer stating that the 681
home has been registered for each year of ownership and that all 682
manufactured home taxes imposed pursuant to section 4503.06 of the 683
Revised Code have been paid or that no tax is due; 684

(b) An endorsement of the county auditor that the 685
manufactured home transfer tax imposed pursuant to section 322.06 686
of the Revised Code and any fees imposed under division (F) of 687
section 319.54 of the Revised Code have been paid. 688

(2) If all the taxes have not been paid, the clerk shall 689
notify the vendee to contact the county treasurer of the county 690
containing the taxing district in which the home has its situs at 691
the time of the proposed transfer. The county treasurer shall then 692
collect all the taxes that are due for the year of the transfer 693
and all previous years not exceeding a total of five years. The 694
county treasurer shall distribute that part of the collection owed 695
to the county treasurer of other counties if the home had its 696
situs in another county during a particular year when the unpaid 697
tax became due and payable. The burden to prove the situs of the 698
home in the years that the taxes were not paid is on the 699
transferor of the home. Upon payment of ~~such~~ the taxes, the county 700
auditor shall remove all remaining taxes from the manufactured 701
home tax list and the delinquent manufactured home tax list, and 702
the county treasurer shall release all liens for such taxes. The 703
clerk of courts shall issue a certificate of title, free and clear 704
of all liens for manufactured home taxes, to the transferee of the 705
home. 706

(3) Once the transfer is complete and the certificate of 707
title has been issued, the transferee shall register the 708
manufactured or mobile home pursuant to division (C) or (D) of 709
this section with the county auditor of the county containing the 710
taxing district in which the home remains after the transfer or, 711

if the home is relocated to another county, with the county auditor of the county to which the home is relocated. The transferee need not pay the annual tax for the year of acquisition if the original owner has already paid the annual tax for that year.

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(F) The county auditor may adopt a permanent registration system and issue a permanent decal with the first registration as prescribed by the tax commissioner.

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(G) When any manufactured or mobile home required to be registered by this section is not registered, the county auditor shall impose a penalty of one hundred dollars upon the owner and deposit the amount to the credit of the county real estate assessment fund to be used to pay the costs of administering this section and section 4503.06 of the Revised Code. If unpaid, the penalty shall constitute a lien on the home and shall be added by the county auditor to the manufactured home tax list for collection.

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(H)(1) ~~Before~~ Except as otherwise provided in this division, ~~before~~ moving a manufactured or mobile home on public roads from one address within this state to another address within or outside this state, the owner of the home shall obtain a relocation notice, as provided by this section, from the auditor of the county in which the home is located if the home is currently subject to taxation pursuant to section 4503.06 of the Revised Code. The auditor shall charge five dollars for the notice, and deposit the amount to the credit of the county real estate assessment fund to be used to pay the costs of administering this section and section 4503.06 of the Revised Code. The auditor shall not issue a relocation notice unless all taxes owed on the home under section 4503.06 of the Revised Code that were first charged to the home during the period of ownership of the owner seeking the relocation notice have been paid. If the home is being moved

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by a new owner of the home or by a party taking repossession of 744
the home, the auditor shall not issue a relocation notice unless 745
all of the taxes due for the preceding five years and for the 746
current year have been paid. A relocation notice issued by a 747
county auditor is valid until the last day of December of the year 748
in which it was issued. 749

If the home is being moved by a sheriff, police officer, 750
constable, bailiff, or manufactured home park operator, as defined 751
in section 3733.01 of the Revised Code, or any agent of any of 752
these persons, for purposes of removal from a manufactured home 753
park and storage, sale, or destruction under section 1923.14 of 754
the Revised Code, the auditor shall issue a relocation notice 755
without requiring payment of any taxes owed on the home under 756
section 4503.06 of the Revised Code. 757

(2) If a manufactured or mobile home is not yet subject to 758
taxation under section 4503.06 of the Revised Code, the owner of 759
the home shall obtain a relocation notice from the dealer of the 760
home. Within thirty days after the manufactured or mobile home is 761
purchased, the dealer of the home shall provide the auditor of the 762
county in which the home is to be located written notice of the 763
name of the purchaser of the home, the registration number or 764
vehicle identification number of the home, and the address or 765
location to which the home is to be moved. The county auditor 766
shall provide to each manufactured and mobile home dealer, without 767
charge, a supply of relocation notices to be distributed to 768
purchasers pursuant to this section. 769

(3) The notice shall be in the form of a one-foot square 770
yellow sign with the words "manufactured home relocation notice" 771
printed prominently on it. The name of the owner of the home, the 772
home's registration number or vehicle identification number, the 773
county and the address or location to which the home is being 774
moved, and the county in which the notice is issued shall also be 775

entered on the notice.

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(4) The relocation notice must be attached to the rear of the home when the home is being moved on a public road. Except as provided in ~~division~~ divisions (H)(1) and (5) of this section, no person shall drive a motor vehicle moving a manufactured or mobile home on a public road from one address to another address within this state unless a relocation notice is attached to the rear of the home.

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(5) If the county auditor determines that a manufactured or mobile home has been moved without a relocation notice as required under this division, the auditor shall impose a penalty of one hundred dollars upon the owner of the home and upon the person who moved the home and deposit the amount to the credit of the county real estate assessment fund to pay the costs of administering this section and section 4503.06 of the Revised Code. If the home was relocated from one county in this state to another county in this state and the county auditor of the county to which the home was relocated imposes the penalty, that county auditor, upon collection ~~thereof~~ of the penalty, shall cause an amount equal to the penalty to be transmitted from the county real estate assessment fund to the county auditor of the county from which the home was relocated, who shall deposit the amount to the credit of the county real estate assessment fund. If the penalty on the owner is unpaid, the penalty shall constitute a lien on the home, and the auditor shall add the penalty to the manufactured home tax list for collection. If the county auditor determines that a dealer that has sold a manufactured or mobile home has failed to timely provide the information required under this division, the auditor shall impose a penalty upon the dealer in the amount of one hundred dollars. The penalty shall be credited to the county real estate assessment fund and used to pay the costs of administering this section and section 4503.06 of the Revised

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Code. 808

Sec. 4503.062. (A) Every operator of a manufactured home 809
court, or manufactured home park, as defined in section 3733.01 of 810
the Revised Code, or when there is no operator, every owner of 811
property used for such purposes on which three or more 812
manufactured or mobile homes are located, shall keep a register of 813
all manufactured and mobile homes that make use of the court, 814
park, or property. The register shall contain all of the 815
following: 816

~~(A)~~(1) The name of the owner and all inhabitants of each 817
home; 818

~~(B)~~(2) The ages of all inhabitants of each home; 819

~~(C)~~(3) The permanent and temporary post office addresses of 820
all inhabitants of each home; 821

~~(D)~~(4) The license number of each unit home; 822

~~(E)~~(5) The state issuing each such license; 823

~~(F)~~(6) The date of arrival and of departure of each home-; 824

(7) The make and model of each home, if known and if either 825
of the following applies: 826

(a) The home enters the court, park, or property on or after 827
January 1, 2003. 828

(b) Ownership of the home in the court or park, or on the 829
property, is transferred on or after January 1, 2003. 830

(B) The register shall be open to inspection by the county 831
auditor, the county treasurer, agents of the auditor or treasurer, 832
and all law enforcement agencies at all times. 833

(C) Any person who fails to comply with this section shall be 834
fined not less than twenty-five nor more than one hundred dollars. 835

Sec. 4513.01. ~~Notwithstanding~~ The definitions set forth in 836
section 4511.01 of the Revised Code "~~motor vehicle~~" ~~includes~~ 837
~~manufactured homes and mobile homes for the purposes of sections~~ 838
~~4513.60 to 4513.65 of the Revised Code~~ apply to this chapter. 839

Section 2. That existing sections 1923.01, 1923.02, 1923.09, 840
1923.11, 1923.13, 1923.14, 3733.091, 4503.061, 4503.062, and 841
4513.01 of the Revised Code are hereby repealed. 842