

# As Reported by the House Civil and Commercial Law Committee

124th General Assembly

Regular Session

2001-2002

Sub. 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, Willamowski**

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## A B I L L

To amend sections 1923.01, 1923.02, 1923.09, 1923.11, 1  
1923.13, 1923.14, 3733.01, 3733.091, 4503.061, 2  
4503.062, 4513.01, and 5321.01 and to enact 3  
sections 1901.184, 1907.032, 1923.12, 3733.081, and 4  
3733.082 of the Revised Code to revise the forcible 5  
entry and detainer law relative to writs of 6  
execution issued in connection with manufactured 7  
home park residential premises and the removal, 8  
storage, and potential sale or destruction of an 9  
abandoned manufactured home, mobile home, or 10  
recreational vehicle on those premises; to expand 11  
the types of information included in the register 12  
of manufactured or mobile homes that make use of a 13  
manufactured home court, park, or similar property; 14  
to exclude manufactured homes and mobile homes from 15  
the abandoned vehicle statutes, to provide a 16  
procedure for the removal of abandoned property 17  
from a recreational vehicle park, recreation camp, 18  
combined park-camp, or temporary park-camp, and to 19  
give qualified immunity to manufactured home park 20  
operators. 21

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

**Section 1.** That sections 1923.01, 1923.02, 1923.09, 1923.11, 22  
1923.13, 1923.14, 3733.01, 3733.091, 4503.061, 4503.062, 4513.01, 23  
and 5321.01 be amended and sections 1901.184, 1907.032, 1923.12, 24  
3733.081, and 3733.082 of the Revised Code be enacted to read as 25  
follows: 26

**Sec. 1901.184.** In addition to jurisdiction otherwise granted 27  
by this chapter, a municipal court shall have jurisdiction in 28  
actions filed under section 3733.082 of the Revised Code. 29

**Sec. 1907.032.** In addition to the jurisdiction authorized in 30  
other sections of this chapter, a county court has original 31  
jurisdiction in actions filed under section 3733.082 of the 32  
Revised Code. 33

**Sec. 1923.01.** (A) As provided in this chapter, any judge of a 34  
county or municipal court or a court of common pleas, within the 35  
judge's proper area of jurisdiction, may inquire about persons who 36  
make unlawful and forcible entry into lands or tenements and 37  
detain them, and about persons who make a lawful and peaceable 38  
entry into lands or tenements and hold them unlawfully and by 39  
force. If, upon ~~such~~ the inquiry, it is found that an unlawful and 40  
forcible entry has been made and the lands or tenements are 41  
detained, or that, after a lawful entry, lands or tenements are 42  
held unlawfully and by force, a judge shall cause the plaintiff in 43  
an action under this chapter to have restitution of the lands or 44  
tenements. 45

(B) An action shall be brought under this chapter within two 46  
years after the cause of action accrues. 47

(C) As used in this chapter: 48

(1) "Tenant" means a person who is entitled under a rental 49  
agreement to the use or occupancy of premises, other than premises 50  
located in a manufactured home park ~~as defined in section 3733.01~~ 51  
~~of the Revised Code~~, to the exclusion of others. 52

(2) "Landlord" means the owner, lessor, or sublessor of 53  
premises, or the agent or person the landlord authorizes to manage 54  
premises or to receive rent from a tenant under a rental 55  
agreement, except, if required by the facts of the action to which 56  
the term is applied, "landlord" means a park operator. 57

(3) "Park operator," "manufactured home," "mobile home," 58  
"manufactured home park," "recreational vehicle," and "resident" 59  
have the same meanings as in section 3733.01 of the Revised Code. 60

(4) "Residential premises" has the same meaning as in section 61  
5321.01 of the Revised Code, except, if required by the facts of 62  
the action to which the term is applied, "residential premises" 63  
has the same meaning as in section 3733.01 of the Revised Code. 64

(5) "Rental agreement" means any agreement or lease, written 66  
or oral, that establishes or modifies the terms, conditions, 67  
rules, or ~~any~~ other provisions concerning the use or occupancy of 68  
premises by one of the parties to the agreement or lease, except 69  
that "rental agreement," as used in division (A)~~(11)~~(13) of 70  
section 1923.02 of the Revised Code and where the context requires 71  
as used in this chapter, means a rental agreement as defined in 72  
division (D) of section 5322.01 of the Revised Code. 73

(6) "Controlled substance" has the same meaning as in section 74  
3719.01 of the Revised Code. 75

**Sec. 1923.02.** (A) Proceedings under this chapter may be had 76  
as follows: 77

(1) Against tenants or manufactured home park residents	78
holding over their terms;	79
(2) Against tenants or manufactured home park residents in	80
possession under an oral tenancy, who are in default in the	81
payment of rent as provided in division (B) of this section;	82
(3) In sales of real estate, on executions, orders, or other	83
judicial process, when the judgment debtor was in possession at	84
the time of the rendition of the judgment or decree, by virtue of	85
which <del>such</del> <u>the</u> sale was made;	86
(4) In sales by executors, administrators, or guardians, and	87
on partition, when any of the parties to the complaint were in	88
possession at the commencement of the action, after <del>such</del> <u>the</u>	89
sales, so made on execution or otherwise, have been examined by	90
the proper court and adjudged legal;	91
(5) When the defendant is an occupier of lands or tenements,	92
without color of title, and the complainant has the right of	93
possession to them;	94
(6) In any other case of the unlawful and forcible detention	95
of lands or tenements. For purposes of this division, in addition	96
to any other type of unlawful and forcible detention of lands or	97
tenements, such a detention may be determined to exist when both	98
of the following apply:	99
(a) A tenant fails to vacate residential premises within	100
three days after both of the following occur:	101
(i) <del>His</del> <u>The tenant's</u> landlord has actual knowledge of or has	102
reasonable cause to believe that the tenant, any person in the	103
tenant's household, or any person on the premises with the consent	104
of the tenant previously has or presently is engaged in a	105
violation of Chapter 2925. or 3719. of the Revised Code, or of a	106
municipal ordinance that is substantially similar to any section	107
in either of those chapters, which involves a controlled substance	108

## As Reported by the House Civil and Commercial Law Committee

and which occurred in, is occurring in, or otherwise was or is 109  
connected with the premises, whether or not the tenant or other 110  
person has been charged with, has pleaded guilty to or been 111  
convicted of, or has been determined to be a delinquent child for 112  
an act that, if committed by an adult, would be a violation as 113  
described in this division. For purposes of this division, a 114  
landlord has "actual knowledge of or has reasonable cause to 115  
believe" that a tenant, any person in the tenant's household, or 116  
any person on the premises with the consent of the tenant 117  
previously has or presently is engaged in a violation as described 118  
in this division if a search warrant was issued pursuant to 119  
Criminal Rule 41 or Chapter 2933. of the Revised Code; the 120  
affidavit presented to obtain the warrant named or described the 121  
tenant or person as the individual to be searched and particularly 122  
described the tenant's premises as the place to be searched, named 123  
or described one or more controlled substances to be searched for 124  
and seized, stated substantially the offense under Chapter 2925. 125  
or 3719. of the Revised Code or the substantially similar 126  
municipal ordinance that occurred in, is occurring in, or 127  
otherwise was or is connected with the tenant's premises, and 128  
states the factual basis for the affiant's belief that the 129  
controlled substances are located on the tenant's premises; the 130  
warrant was properly executed by a law enforcement officer and any 131  
controlled substance described in the affidavit was found by that 132  
officer during the search and seizure; and, subsequent to the 133  
search and seizure, the landlord was informed by that or another 134  
law enforcement officer of the fact that the tenant or person has 135  
or presently is engaged in a violation as described in this 136  
division and it occurred in, is occurring in, or otherwise was or 137  
is connected with the tenant's premises. 138

(ii) The landlord gives the tenant the notice required by 139  
division (C) of section 5321.17 of the Revised Code. 140

(b) The court determines, by a preponderance of the evidence, 141  
that the tenant, any person in the tenant's household, or any 142  
person on the premises with the consent of the tenant previously 143  
has or presently is engaged in a violation as described in 144  
division (A)(6)(a)(i) of this section. 145

(7) In cases arising out of Chapter 5313. of the Revised 146  
Code. In ~~such~~ those cases, the court has the authority to declare 147  
a forfeiture of the vendee's rights under a land installment 148  
contract and to grant any other claims arising out of the 149  
contract. 150

(8) Against tenants who have breached an obligation that is 151  
imposed by section 5321.05 of the Revised Code, other than the 152  
obligation specified in division (A)(9) of that section, and that 153  
materially affects health and safety. Prior to the commencement of 154  
an action under this division, notice shall be given to the tenant 155  
and compliance secured with section 5321.11 of the Revised Code. 156

(9) Against tenants who have breached an obligation imposed 158  
upon them by a written rental agreement; 159

(10) Against manufactured home park residents who have 160  
defaulted in the payment of rent or breached the terms of a rental 161  
agreement with a manufactured home park operator. Nothing in this 162  
division precludes the commencement of an action under division 163  
(A)(12) of this section when the additional circumstances 164  
described in that division apply. 165

(11) Against manufactured home park residents who have 166  
committed two material violations of the rules of the manufactured 167  
home park, of the public health council, or of applicable state 168  
and local health and safety codes and who have been notified of 169  
the violations in compliance with section 3733.13 of the Revised 170  
Code. 171

(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 that is 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; 172  
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(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. 181  
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(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 1923.04 of the Revised Code, to leave the premises, for the restitution of which an action may then be brought under this chapter. 185  
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(C) This chapter does not apply to a student tenant as defined by division (H) of section 5321.01 of the Revised Code when the college or university proceeds to terminate a rental agreement pursuant to section 5321.031 of the Revised Code. 193  
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**Sec. 1923.09.** (A) If an action under this chapter is not continued, the place of trial is not changed, and neither party demands a jury on the return day of the summons, a judge of the court shall try the cause. After hearing the evidence, if ~~he~~ the judge concludes that the complaint is not true, ~~he~~ the judge shall enter judgment against the plaintiff for costs. If ~~he~~ the judge 197  
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finds the complaint to be true, ~~he~~ the judge shall render a 203  
general judgment against the defendant, in favor of the plaintiff, 204  
for restitution of the premises and costs of suit. If the judge 205  
finds the complaint true in part, ~~he~~ the judge shall render a 206  
judgment for restitution of ~~such~~ that part only, and the ~~cost~~ 207  
costs shall be taxed as ~~he deems~~ the judge considers just. 208

(B) If a judgment is entered under this section in favor of a 209  
plaintiff who is a park operator, the judge shall include in the 210  
judgment entry authority for the plaintiff to permit, in 211  
accordance with section 1923.12 and division (B) of section 212  
1923.13 and division (B) of section 1923.14 of the Revised Code, 213  
the removal from the manufactured home park and potential sale, 214  
destruction, or transfer of ownership of the defendant's 215  
manufactured home, mobile home, or recreational vehicle. 216

**Sec. 1923.11.** (A) The court shall enter the verdict rendered 217  
by a jury under section 1923.10 of the Revised Code upon the 218  
docket, and render judgment in the action as if the facts, 219  
authorizing the finding of ~~such~~ the verdict, had been found by the 220  
court itself. 221

(B) If a judgment is entered under this section in favor of a 222  
plaintiff who is a park operator, the judge shall include in the 223  
judgment entry authority for the plaintiff to permit, in 224  
accordance with section 1923.12 and division (B) of section 225  
1923.13 and division (B) of section 1923.14 of the Revised Code, 226  
the removal from the manufactured home park and potential sale, 227  
destruction, or transfer of ownership of the defendant's 228  
manufactured home, mobile home, or recreational vehicle. 229

**Sec. 1923.12.** (A) If a resident or a resident's estate has 230  
been evicted from a manufactured home park pursuant to a judgment 231  
entered under section 1923.09 or 1923.11 of the Revised Code and 232  
if the resident or estate has abandoned or otherwise left 233



unoccupied the resident's manufactured home, mobile home, or 234  
recreational vehicle on the residential premises of the 235  
manufactured home park for a period of three days following the 236  
entry of the judgment, the operator of the manufactured home park 237  
may provide to the titled owner of the home or vehicle a written 238  
notice to remove the home or vehicle from the manufactured home 239  
park within fourteen days from the date of the delivery of the 240  
notice. The park operator shall deliver or cause the delivery of 241  
the notice by personal delivery to the owner or by ordinary mail 242  
sent to the last known address of the owner. Except as provided in 243  
divisions (D) and (E) of this section, if the owner of the 244  
manufactured home, mobile home, or recreational vehicle does not 245  
remove it or cause it to be removed from the manufactured home 246  
park within fourteen days from the date of the delivery of the 247  
notice, the park operator may follow the procedures of division 248  
(B) of section 1923.13 and division (B) of section 1923.14 of the 249  
Revised Code to permit the removal from the manufactured home 250  
park, and the potential sale, destruction, or transfer of 251  
ownership of the home or vehicle. 252

(B) Every notice provided to the titled owner of a 253  
manufactured home, mobile home, or recreational vehicle under this 254  
section shall contain the following language printed in a 255  
conspicuous manner: "You are being asked to remove your 256  
manufactured home, mobile home, or recreational vehicle from the 257  
residential premises of ....., a manufactured home park, in 258  
accordance with a judgment of eviction entered in ..... court 259  
on ..... against ..... If the manufactured home, mobile 260  
home, or recreational vehicle is not removed from the manufactured 261  
home park within fourteen days from the date of delivery of this 262  
notice, the home or vehicle may be sold or destroyed, or its title 263  
may be transferred to ....., pursuant to division (B) of both 264  
sections 1923.13 and 1923.14 of the Revised Code. If you are in 265

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 person with a right, title, or interest of that nature on its request for the writ of execution. The park operator also shall certify on the request that park operator provided the written notice required by this section.

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(D) When a resident's estate has been evicted from a manufactured home park pursuant to a judgment entered under section 1923.09 or 1923.11 of the Revised Code, the removal from the park and potential sale, destruction, or transfer of ownership of the resident's home or vehicle shall be conducted in the manner prescribed by the probate court in which letters testamentary or of administration have been granted for the estate in accordance with Title XXI of the Revised Code. The park operator may store the resident's home or vehicle at a storage facility or at another location within the manufactured home park during the administration of the estate. The park operator shall notify the executor or administrator of the resident's estate where the home or vehicle will be stored during the administration of the estate. The costs for the removal and storage of the home or vehicle shall be a claim against the resident's estate without further

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presentation of the claim to the executor or administrator. 298

(E)(1) When the resident who has been evicted from a 299  
manufactured home park pursuant to a judgment entered under 300  
section 1923.09 or 1923.11 of the Revised Code is the titled owner 301  
of a manufactured home, mobile home, or recreational vehicle and 302  
is or becomes deceased prior to the removal of the home or vehicle 303  
from the manufactured home park, and no probate court has granted 304  
letters testamentary or of administration with respect to the 305  
resident's estate, the park operator may store the home or vehicle 306  
at a storage facility or at another location within the 307  
manufactured home park before and after a probate court grants 308  
letters testamentary or of administration with respect to the 309  
resident's estate pursuant to Title XXI of the Revised Code. 310

(2) If no probate court grants letters testamentary or of 311  
administration with respect to the resident's estate within one 312  
year of the date of the eviction of the resident from the 313  
manufactured home park pursuant to a judgment entered under 314  
section 1923.09 or 1923.11 of the Revised Code, the park operator 315  
may follow the procedures of division (B) of section 1923.13 and 316  
division (B) of section 1923.14 of the Revised Code to permit the 317  
removal from the park and potential sale, destruction, or transfer 318  
of ownership of the home or vehicle. 319

(3) If a probate court grants letters testamentary or of 320  
administration with respect to the resident's estate within one 321  
year of the date of the eviction of the resident from the park, 322  
the removal from the park and potential sale, destruction, or 323  
transfer of ownership of the home or vehicle shall be conducted 324  
pursuant to division (D) of this section. 325

**Sec. 1923.13.** (A) When a judgment of restitution is entered 326  
by a court in an action under this chapter, unless the plaintiff 327  
or the plaintiff's agent or attorney proceeds under division (B) 328

of this section, at the request of the plaintiff or ~~his~~ the 329  
plaintiff's agent or attorney, that court shall issue a writ of 330  
execution on the judgment, in the following form, as near as 331  
practicable: 332

"The state of Ohio, ..... county: To any 333  
constable or police officer of ..... township, city, 334  
or village; or To the sheriff of ..... 335  
county; or ~~to~~ To any authorized bailiff of the .....÷ (name 336  
of court): 337

Whereas, in a certain action for the forcible entry and 338  
detention (or the forcible detention, as the case may be), of the 339  
following described premises, to wit: ....., lately tried 340  
before this court, wherein ..... was plaintiff, and 341  
..... was defendant, ..... judgment was rendered on 342  
the ..... day of ....., ....., that the plaintiff 343  
have restitution of those premises; and also that ~~he~~ the plaintiff 344  
recover costs in the sum of ....., You therefore are 345  
hereby commanded to cause the defendant to be forthwith removed 346  
from those premises, and the plaintiff to have restitution of 347  
them; also, that you levy of the goods and chattels of the 348  
defendant, and make the costs previously mentioned and all 349  
accruing costs, and of this writ make legal service and due 350  
return. 351

Witness my hand, this ..... day of ....., ~~A.D.~~ ..... 352  
..... Judge, ..... (Name of court)" 353

(B) When a judgment of restitution is entered by a court in 354  
any action under this chapter against a manufactured home park 355  
resident or the estate of a manufactured home park resident, at 356  
the request of the plaintiff or the plaintiff's agent or attorney, 357  
that court shall issue a writ of execution on the judgment, in the 358  
following form, as near as practicable: 359

"The state of Ohio, ..... county; To any constable or 360

police officer of ..... township, city, or village; or To the 361  
sheriff of ..... county; or To any authorized bailiff of the 362  
..... (name of court): 363

Whereas, in a certain action for eviction of a resident or a 364  
resident's estate from the following described residential 365  
premises of a manufactured home park on which the following 366  
described manufactured home, mobile home, or recreational vehicle 367  
is located, to wit: ....., lately tried before this court, 368  
wherein ..... was plaintiff, and ..... was defendant, 369  
..... judgment was rendered on the ..... day of 370  
....., ....., that the plaintiff have restitution of the 371  
premises and also that the plaintiff recover costs in the sum of 372  
..... You therefore are hereby authorized to cause the 373  
defendant to be removed from the residential premises, if 374  
necessary. Also, you are to levy of the goods and chattels of the 375  
defendant, and make the costs previously mentioned and all 376  
accruing costs, and of this writ make legal service and due 377  
return. 378

Further, you are authorized to cause the manufactured home, 379  
mobile home, or recreational vehicle, and all personal property 380  
and vehicles of the defendant on the residential premises, to be, 381  
at your option, either (1) removed from the manufactured home park 382  
and, if necessary, moved to a storage facility of your choice, or 383  
(2) retained at their current location on the residential 384  
premises, until they are disposed of in a manner authorized by 385  
this writ or the law of this state. 386

If the manufactured home, mobile home, or recreational 387  
vehicle has been abandoned by the defendant and the requirements 388  
of section 1923.12 of the Revised Code have been satisfied, you 389  
are hereby authorized to cause the sale of the home or vehicle in 390  
accordance with division (B)(3) of section 1923.14 of the Revised 391  
Code. A search of appropriate public records or other reasonably 392

diligent inquiries reveals the following persons, whose last known  
addresses are listed next to their names, may continue to have an  
outstanding right, title, or interest in the home or vehicle:  
..... If you are unable to sell the manufactured home, mobile  
home, or recreational vehicle due to a want of bidders, after it  
is offered for sale on two occasions, you are hereby commanded to  
cause the presentation of this writ to the clerk of this court for  
the issuance 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, in accordance with  
division (B)(3) of section 1923.14 of the Revised Code.

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If the manufactured home, mobile home, or recreational  
vehicle has been so abandoned and has a value of less than three  
thousand dollars and if the requirements of section 1923.12 of the  
Revised Code have been satisfied, you are hereby authorized either  
to cause the sale or destruction of the home or vehicle, or to  
cause the presentation of this writ to the clerk of this court for  
the issuance 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, in accordance with  
division (B)(4) of section 1923.14 of the Revised Code.

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

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

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Sec. 1923.14. (A) Except as otherwise provided in this 425  
section, within ten days after receiving ~~the~~ a writ of execution 426  
described in division (A) or (B) of section 1923.13 of the Revised 427  
Code, the sheriff, police officer, constable, or bailiff shall 428  
execute it by restoring the plaintiff to the possession of the 429  
premises, and shall levy and collect the costs and make return, as 430  
upon other executions. If an appeal from the judgment of 431  
restitution is filed and if, following the filing of the appeal, a 432  
stay of execution is obtained and any required bond is filed with 433  
the court of common pleas, municipal court, or county court, the 434  
judge of that court immediately shall issue ~~his~~ an order to the 435  
sheriff, police officer, constable, or bailiff commanding ~~him~~ to 436  
the delay of all further proceedings upon the execution. If the 437  
premises have been restored to the plaintiff, the sheriff, police 438  
officer, constable, or bailiff shall forthwith place the defendant 439  
in possession of them, and return the writ with ~~his~~ the sheriff's, 440  
police officer's, constable's, or bailiff's proceedings and the 441  
costs taxed ~~thereon~~ on it. 442

(B)(1) After a court of common pleas, municipal court, or 443  
county court issues a writ of execution described in division (B) 444  
of section 1923.13 of the Revised Code, the clerk of the court 445  
shall send by regular mail, to the last known address of the 446  
titled owner of the manufactured home, mobile home, or 447  
recreational vehicle that is the subject of the writ and to the 448  
last known address of each other person who is listed on the writ 449  
as having any outstanding right, title, or interest in the home or 450  
vehicle, a written notice that the home or vehicle potentially may 451  
be sold, destroyed, or have its title transferred under the 452  
circumstances described in division (B)(3) or (4) of this section. 453

(2) After receiving a writ of execution described in division 454  
(B) of section 1923.13 of the Revised Code, and after causing the 455  
defendant to be removed from the residential premises of the 456

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

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The sheriff, police officer, constable, or bailiff who  
removes the manufactured home, mobile home, or recreational  
vehicle, or the personal property and vehicles of the defendant,  
from the residential premises shall be immune from civil liability  
pursuant to section 2744.03 of the Revised Code for any damage  
caused to the home, any vehicle, or any personal property during  
the removal. The park operator shall not be liable for any damage  
caused by the park operator's removal of the manufactured home,  
mobile home, or recreational vehicle, or, the removal of the  
personal property or vehicles of the defendant, from the  
residential premises or for any damage to the personal property  
and vehicles of the defendant during the time the home, vehicle,  
or property remains abandoned or stored in the manufactured home  
park, unless the damage is the result of acts that the park  
operator or the park operator's agents or employees performed with  
malicious purpose, in bad faith, or in a wanton or reckless  
manner. The reasonable costs for a removal of the manufactured  
home, mobile home, or recreational vehicle and, as applicable, the  
reasonable costs for its storage shall constitute a lien upon the

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home or vehicle payable by its titled owner or payable pursuant to  
division (B)(3) of this section.

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(3) Except as provided in divisions (B)(4) and (5) of this  
section, within sixty days after receiving a writ of execution  
described in division (B) of section 1923.13 of the Revised Code,  
the sheriff, police officer, constable, or bailiff shall commence  
proceedings for the sale of the manufactured home, mobile home, or  
recreational vehicle that is the subject of the writ if it is  
determined to be abandoned in accordance with the procedures for  
the sale of goods on execution under Chapter 2329. of the Revised  
Code. In addition to all notices required to be given under  
section 2329.13 of the Revised Code, the sheriff, police officer,  
constable, or bailiff shall serve at their respective last known  
addresses a written notice of the date, time, and place of the  
sale upon all persons who are listed on the writ of execution as  
having any outstanding right, title, or interest in the abandoned  
manufactured home, mobile home, or recreational vehicle.

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Notwithstanding any statutory provision to the contrary,  
including, but not limited to, section 2329.66 of the Revised  
Code, there shall be no stay of execution or exemption from levy  
or sale on execution available to the titled owner of the  
abandoned manufactured home, mobile home, or recreational vehicle  
in relation to a sale under this division. The sheriff, police  
officer, constable, or bailiff shall distribute the proceeds from  
the sale of an abandoned manufactured home, mobile home, or  
recreational vehicle under this division in the following manner:

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(a) The sheriff, police officer, constable, or bailiff shall  
first pay the costs for any moving of and any storage outside the  
manufactured home park of the home or vehicle pursuant to division  
(B)(2) of this section, the costs of the sale, and any unpaid  
court costs assessed against the defendant in the underlying  
action.

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(b) Following the payment required by division (B)(3)(a) of this section, the sheriff, police officer, constable, or bailiff shall pay all outstanding tax liens on the home or vehicle. 521  
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(c) Following the payment required by division (B)(3)(b) of this section, the sheriff, police officer, constable, or bailiff shall pay all other outstanding security interests, liens, or encumbrances on the home or vehicle by priority of filing or other priority. 524  
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(d) Following the payment required by division (B)(3)(c) of this section, the sheriff, police officer, constable, or bailiff shall pay any outstanding monetary judgment rendered under section 1923.09 or 1923.11 of the Revised Code in favor of the plaintiff and any costs associated with retaining the home or vehicle prior to the sale at its location on the residential premises within the manufactured home park pursuant to division (B)(2) of this section. 529  
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(e) After complying with divisions (B)(3)(a) to (d) of this section, the sheriff, police officer, constable, or bailiff shall report any remaining money as unclaimed funds pursuant to Chapter 169. of the Revised Code. 537  
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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. 541  
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If, after it is offered for sale on two occasions under this 553  
division, the abandoned manufactured home, mobile home, or 554  
recreational vehicle cannot be sold due to a want of bidders, the 555  
sheriff, police officer, constable, or bailiff shall present the 556  
writ of execution unsatisfied to the clerk of the court that 557  
issued the writ for the issuance by the clerk in the manner 558  
prescribed in section 4505.10 of the Revised Code of a certificate 559  
of title transferring the title of the home or vehicle to the 560  
plaintiff, free and clear of all security interests, liens, and 561  
encumbrances. If any taxes are owed on the home or vehicle at this 562  
time, the county auditor shall remove the delinquent taxes from 563  
the manufactured home tax list and the delinquent manufactured 564  
home tax list and remit any penalties for late payment of 565  
manufactured home taxes. Acceptance of the certificate of title by 566  
the plaintiff terminates all further proceedings under this 567  
section. 568

(4) Except as provided in division (B)(5) of this section, 569  
within sixty days after receiving a writ of execution described in 570  
division (B) of section 1923.13 of the Revised Code, if the 571  
manufactured home, mobile home, or recreational vehicle is 572  
determined to be abandoned and to have a value of less than three 573  
thousand dollars, the sheriff, police officer, constable, or 574  
bailiff shall serve at their respective last known addresses a 575  
written notice of potential action as described in this division 576  
upon all persons who are listed on the writ as having any 577  
outstanding right, title, or interest in the home or vehicle. This 578  
notice shall be in addition to all notices required to be given 579  
under section 2329.13 of the Revised Code. Subject to the 580  
fulfillment of these notice requirements, the sheriff, police 581  
officer, constable, or bailiff shall take one of the following 582  
actions with respect to the abandoned manufactured home, mobile 583  
home, or recreational vehicle: 584

(a) Cause its destruction if there is no outstanding right, title, or interest in it; 585  
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(b) Proceed with its sale under division (B)(3) of this section; 587  
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(c) If there is no outstanding right, title, or interest in the home or vehicle 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 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. 589  
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(5) At any time prior to the issuance of the writ of execution described in division (B) of section 1923.13 of the Revised Code, the titled owner of the manufactured home, mobile home, or recreational vehicle that would be the subject of the writ may remove the abandoned home or vehicle from the manufactured home park or other place of storage upon payment to the county auditor of all outstanding tax liens on the home or vehicle and, unless the owner is indigent, payment to the clerk of court of all unpaid court costs assessed against the defendant in the underlying action. After the issuance of the writ of execution, the titled owner of the home or vehicle may remove the abandoned home or vehicle from the manufactured home park or other place of storage at any time up to the day before the scheduled sale, destruction, or transfer of the home or vehicle pursuant to division (B)(3) or (4) of this section upon payment of all of the 602  
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following: 617

(a) All costs for moving and storage of the home or vehicle 618  
pursuant to division (B)(2) of this section and all costs incurred 619  
by the sheriff, police officer, constable, or bailiff up to and 620  
including the date of the removal of the home or vehicle; 621

(b) All outstanding tax liens on the home or vehicle; 622

(c) Unless the owner is indigent, all unpaid court costs 623  
assessed against the defendant in the underlying action. 624

**Sec. 3733.01.** As used in this chapter: 625

(A) "Manufactured home park" means any tract of land upon 626  
which three or more manufactured or mobile homes used for 627  
habitation are parked, either free of charge or for revenue 628  
purposes, and includes any roadway, building, structure, vehicle, 629  
or enclosure used or intended for use as a part of the facilities 630  
of the park. "Manufactured home park" does not include any of the 631  
following: 632

(1) A tract of land used solely for the storage or display 633  
for sale of manufactured or mobile homes or solely as a temporary 634  
park-camp; 635

(2) A tract of land that is subdivided and the individual 636  
lots are for sale or sold for the purpose of installation of 637  
manufactured or mobile homes used for habitation and the roadways 638  
are dedicated to the local government authority; 639

(3) A tract of land within an area that is subject to local 640  
zoning authority and subdivision requirements and is subdivided, 641  
and the individual lots are for sale or sold for the purpose of 642  
installation of manufactured or mobile homes for habitation. 643

(B) "Recreational vehicle park" means any tract of land used 644  
for parking five or more self-contained recreational vehicles and 645

includes any roadway, building, structure, vehicle, or enclosure  
used or intended for use as part of the park facilities and any  
tract of land that is subdivided for lease or other contract of  
the individual lots for the express or implied purpose of placing  
self-contained recreational vehicles for recreation, vacation, or  
business purposes.

"Recreational vehicle park" does not include any tract of  
land used solely for the storage or display for sale of  
self-contained recreational vehicles or solely as a temporary  
park-camp.

(C) "Portable camping units" means dependent recreational  
vehicles, tents, portable sleeping equipment, and similar camping  
equipment used for travel, recreation, vacation, or business  
purposes.

(D) "Manufactured home" has the meaning set forth in division  
(C)(4) of section 3781.06 of the Revised Code, and "mobile home"  
and "recreational vehicle" have the meanings set forth in section  
4501.01 of the Revised Code.

(E) "Self-contained recreational vehicle" means a  
recreational vehicle that can operate independent of connections  
to sewer and water and has plumbing fixtures or appliances all of  
which are connected to sewage holding tanks located within the  
vehicle.

(F) "Dependent recreational vehicle" means a recreational  
vehicle other than a self-contained recreational vehicle.

(G) "Recreation camp" means any tract of land upon which five  
or more portable camping units are placed and includes any  
roadway, building, structure, vehicle, or enclosure used or  
intended for use as a part of the facilities of the camp. A tract  
of land that is subdivided for lease or other contract of the  
individual lots is a recreation camp if five or more portable

camping units are placed on it for recreation, vacation, or  
business purposes.

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"Recreation camp" does not include any tract of land used  
solely for the storage or display for sale of dependent  
recreational vehicles or solely as a temporary park-camp.

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(H) "Combined park-camp" means any tract of land upon which a  
combination of five or more self-contained recreational vehicles  
or portable camping units are placed and includes any roadway,  
building, structure, vehicle, or enclosure used or intended for  
use as part of the park facilities. A tract of land that is  
subdivided for lease or other contract of the individual lots is a  
combined park-camp if a combination of five or more recreational  
vehicles or portable camping units are placed on it for  
recreation, vacation, or business purposes.

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"Combined park-camp" does not include any tract of land used  
solely as a temporary park-camp.

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(I) "Licensor" means either the board of health of a city or  
general health district, or the authority having the duties of a  
board of health in any city as authorized by section 3709.05 of  
the Revised Code, or the director of health, when required under  
division (B) of section 3733.031 of the Revised Code. "Licensor"  
also means an authorized representative of any of those entities  
or of the director.

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(J) "Tenant" means a person who is entitled under a rental  
agreement with a manufactured home park operator to occupy a  
manufactured home park lot and who does not own the home occupying  
the lot.

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(K) "Owner" means a person who is entitled under a rental  
agreement with a manufactured home park operator to occupy a  
manufactured home park lot and who owns the home occupying the  
lot.

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(L) "Resident" means a person entitled under a rental agreement to the use and occupancy of residential premises to the exclusion of others. It includes both tenants and owners.

(M) "Operator" means the person who has responsible charge of a manufactured home park, recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp and who is licensed under sections 3733.01 to 3733.08 of the Revised Code.

(N) "Park operator" means a manufactured home park operator.

(O) "Residential premises" means a lot located within a manufactured home park and the grounds, areas, and facilities contained within the manufactured home park for the use of residents generally or the use of which is promised to a resident.

(P) "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 and occupancy of residential premises by one of the parties.

(Q) "Security deposit" means any deposit of money or property to secure performance by the resident under a rental agreement.

(R) "Temporary park-camp" means any tract of land used for a period not to exceed a total of twenty-one days per calendar year for the purpose of parking five or more recreational vehicles, dependent recreational vehicles, or portable camping units, or any combination thereof, for one or more periods of time that do not exceed seven consecutive days or parts thereof.

(S) "Development" means any artificial change to improved or unimproved real estate, including, without limitation, buildings or structures, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials, and the construction, expansion, or substantial alteration of a manufactured home park, recreational vehicle park, recreation



camp, or combined park-camp, for which plan review is required 739  
under division (A) of section 3733.021 of the Revised Code. 740  
"Development" does not include the building, construction, 741  
erection, or manufacture of any building to which section 3781.06 742  
of the Revised Code is applicable. 743

(T) "Flood" or "flooding" means either of the following: 744

(1) A general and temporary condition of partial or complete 745  
inundation of normally dry land areas from any of the following: 746

(a) The overflow of inland or tidal waters; 747

(b) The unusual and rapid accumulation or runoff of surface 748  
waters from any source; 749

(c) Mudslides that are proximately caused by flooding as 750  
defined in division (T)(1)(b) of this section and that are akin to 751  
a river of liquid and flowing mud on the surface of normally dry 752  
land areas, as when earth is carried by a current of water and 753  
deposited along the path of the current. 754

(2) The collapse or subsidence of land along the shore of a 755  
lake or other body of water as a result of erosion or undermining 756  
that is caused by waves or currents of water exceeding anticipated 757  
cyclical levels or that is suddenly caused by an unusually high 758  
water level in a natural body of water, and that is accompanied by 759  
a severe storm, by an unanticipated force of nature, such as a 760  
flash flood, by an abnormal tidal surge, or by some similarly 761  
unusual and unforeseeable event, that results in flooding as 762  
defined in division (T)(1)(a) of this section. 763

(U) "Flood plain" means the area adjoining any river, stream, 764  
watercourse, or lake that has been or may be covered by flood 765  
water. 766

(V) "One-hundred-year flood" means a flood having a one per 767  
cent chance of being equaled or exceeded in any given year. 768

(W) "One-hundred-year flood plain" means that portion of a flood plain inundated by a one-hundred-year flood.

(X) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes this state, any political subdivision of this state, and any other state or local body of this state.

(Y) "Substantial damage" means damage of any origin sustained by a manufactured or mobile home that is situated in a manufactured home park located in a flood plain when the cost of restoring the home to its condition before the damage occurred will equal or exceed fifty per cent of the market value of the home before the damage occurred.

(Z) "Substantially alter" means a change in the layout or design of a manufactured home park, recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp, including, without limitation, the movement of utilities or changes in established streets, lots, or sites or in other facilities. In the case of manufactured home parks located within a one-hundred-year flood plain, "substantially alter" also includes changes in elevation resulting from the addition of fill, grading, or excavation that may affect flood plain management.

(AA) "Tract" means a contiguous area of land that consists of one or more parcels, lots, or sites that have been separately surveyed regardless of whether the individual parcels, lots, or sites have been recorded and regardless of whether the one or more parcels, lots, or sites are under common or different ownership.

(BB) "Director of health" means the director of health or the director's authorized representative.

(CC) "Camp operator" means the operator of a recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp.

(DD) "Campsite user" means a person who enters into a 800  
campsite use agreement with a camp operator for the use of a 801  
campsite at a recreational vehicle park, recreation camp, combined 802  
park-camp, or temporary park-camp. 803

Sec. 3733.081. Every campsite use agreement entered into 804  
between a camp operator and a campsite user shall be in writing, 805  
shall contain the name, address, and phone number of the campsite 806  
user, and shall designate the campsite that is the subject of the 807  
agreement. The campsite use agreement also shall contain a 808  
description of the procedure for removing property from the 809  
campsite if the campsite user fails to remove all property from 810  
the campsite as required by section 3733.082 of the Revised Code. 811

Sec. 3733.082. (A) A campsite user who enters into a campsite 812  
use agreement with a camp operator for the use of a campsite at a 813  
recreational vehicle park, recreation camp, combined park-camp, or 814  
temporary park-camp, at the expiration of the campsite use period 815  
under the agreement, shall remove from the campsite all of the 816  
campsite user's property and all property any other person placed 817  
on the campsite with the permission of the campsite user. If the 818  
campsite user fails to remove all of that property from the 819  
campsite within the five-consecutive-day period after the 820  
expiration of that campsite use period, all of the following 821  
apply: 822

(1) The camp operator shall perform an inventory of the 823  
property that the campsite user did not remove from the campsite. 824

(2) The camp operator may send a letter to the campsite user 825  
informing the campsite user that the campsite user has abandoned 826  
the property on the campsite in violation of the campsite use 827  
agreement and that the camp operator will commence an action for 828  
the seizure of the property if the campsite user does not remove 829

the property from the campsite within ten days after the date on  
which the letter is mailed.

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(3) If the campsite user does not remove the property from  
the campsite within ten days after the date on which the letter  
described in division (A)(2) of this section is mailed, the camp  
operator may file an action for the seizure of the property that  
remains on the campsite in the municipal court or county court  
that has territorial jurisdiction over the park or camp. The  
complaint shall contain all of the following:

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(a) The name, address, and phone number of the campsite user  
that is in the campsite use agreement;

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(b) A description of the property that the campsite user has  
not removed from the campsite;

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(c) A demand that all of the property listed in the complaint  
be removed from the campsite within seven days after service of  
the complaint upon the campsite user;

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(d) A description of the procedure that will be followed if  
the campsite user does not remove the listed property within the  
seven-day period;

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(e) A statement that the campsite user shall pay to the clerk  
of the court the amount of the filing fees charged for the filing  
of the complaint, that the campsite user shall pay those fees  
prior to the campsite user's removal of the listed property from  
the campsite, and that if the campsite user fails to pay the  
amount of the filing fees the property may be sold to pay the  
filing fees.

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(4) When the camp operator files an action under division  
(A)(3) of this section, the clerk of the court shall issue a  
summons and a copy of the complaint pursuant to the Rules of Civil  
Procedure to the campsite user at the address provided in the  
campsite use agreement.

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(5) If the campsite user does not file an answer to the 861  
complaint filed under division (A)(3) of this section and remove 862  
all of the property listed in the complaint within seven days 863  
after service of the complaint upon the campsite user, the court 864  
shall do either of the following: 865

(a) Issue an order authorizing the sheriff, another peace 866  
officer, or a bailiff to remove the property from the campsite and 867  
place it in storage; 868

(b) Authorize the camp operator to seize the property and 869  
cause the issuance to the camp operator of a new certificate of 870  
title for the property if the property is a titled vehicle. 871

(6) Upon the removal and storage of the property, the 872  
sheriff, peace officer, bailiff, or camp operator shall conduct or 873  
cause to be conducted a search of the appropriate public records 874  
that relate to the property and shall make or cause to be made 875  
reasonably diligent inquiries for the purpose of identifying 876  
persons who have any right, title, or interest in any of the 877  
property. Then, the sheriff, peace officer, bailiff, or camp 878  
operator may commence proceedings for the sale of the property. 879  
The sheriff, peace officer, bailiff, or camp operator shall send 880  
by certified mail, return receipt requested, a written notice of 881  
the date, time, and place of the sale to each person who, because 882  
of the conduct of the search, the making of inquiries, or 883  
otherwise, the sheriff, peace officer, bailiff, or camp operator 884  
believes has any right, title, or interest in the property. The 885  
sheriff, peace officer, bailiff, or camp operator shall send the 886  
notice to the last known address of each of those persons. 887

(7) If the sheriff, peace officer, bailiff, or camp operator 888  
sells the property, the sheriff, peace officer, bailiff, or camp 889  
operator shall dispose of the proceeds of the sale in the 890  
following order: 891

(a) The sheriff, peace officer, bailiff, or camp operator shall first pay the costs for any moving or any storage of the property, the costs of the sale, and any unpaid court costs assessed against the campsite user in the underlying action. 892  
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(b) Following the payment required by division (A)(7)(a) of this section, the sheriff, peace officer, bailiff, or camp operator shall pay all other outstanding security interests, liens, or encumbrances on the property by priority of filing or other priority. 896  
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(c) After complying with divisions (A)(7)(a) and (b) of this section, the sheriff, peace officer, bailiff, or camp operator shall transfer any remaining money to the owner of the property. 901  
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(8) If the sheriff, peace officer, bailiff, or camp operator does not conduct a sale of the property, the sheriff, peace officer, bailiff, or camp operator shall dispose of the property in the following manner: 904  
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(a) If the property is a motor vehicle or recreational vehicle, in accordance with the procedure in section 4513.61 or 4513.63 of the Revised Code; 908  
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(b) If the property is personal property, in accordance with the procedure in section 2933.41 of the Revised Code. 911  
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(B) Upon collection from the campsite user, the municipal court or county court shall reimburse the filing fees to the camp operator. 913  
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**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: 916  
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(1) The resident is in default in the payment of rent+. 920

(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, 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 home to the county auditor of the county containing the taxing district in which the home has situs so that the auditor may place the home on the appropriate tax list.

(B) When a manufactured or mobile home first acquires situs in this state and is subject to real property taxation pursuant to

As Reported by the House Civil and Commercial Law Committee

division (B)(1) or (2) of section 4503.06 of the Revised Code, the  
owner shall present to the auditor of the county containing the  
taxing district in which the home has its situs the certificate of  
title for the home, together with proof that all taxes due have  
been paid and proof that a relocation notice was obtained for the  
home if required under this section. Upon receiving the  
certificate of title and the required proofs, the auditor shall  
place the home on the real property tax list and proceed to treat  
the home as other properties on that list. After the auditor has  
placed the home on the tax list of real and public utility  
property, the auditor shall deliver the certificate of title to  
the clerk of the court of common pleas that issued it pursuant to  
section 4505.11 of the Revised Code, and the clerk shall  
inactivate the certificate of title.

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

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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.

(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.

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

(4) The permanent decal issued under this division is valid during the period of ownership, except that when a manufactured home is relocated in another county the owner shall apply for a

new registration as required by this section and section 4503.06 1015  
of the Revised Code. 1016

(D)(1) All owners of manufactured or mobile homes subject to 1017  
the manufactured home tax being relocated to or having situs in a 1018  
county that has not adopted a permanent registration system, as 1019  
provided in division (F) of this section, shall register the home 1020  
within thirty days after the home is relocated or first acquires 1021  
situs under section 4503.06 of the Revised Code and thereafter 1022  
shall annually register the home with the county auditor of the 1023  
county containing the taxing district in which the home has its 1024  
situs. 1025

(2) Upon the annual registration, the county treasurer shall 1026  
issue a tax bill stating the amount of annual manufactured home 1027  
tax due under section 4503.06 of the Revised Code, as provided in 1028  
division (D)(6) of that section. When a manufactured or mobile 1029  
home is registered and when the tax for the current one-half year 1030  
has been paid as required by division (F) of that section ~~4503.06~~ 1031  
~~of the Revised Code~~, the county treasurer shall issue a 1032  
certificate evidencing registration and a decal. ~~Such~~ The 1033  
certificate and decal are valid in any county in this state during 1034  
the year for which they are issued. The decal shall be displayed 1035  
on the street side of the home. 1036

(3) For the first annual registration in each county of 1037  
situs, the county auditor shall require the owner or vendee to 1038  
present an Ohio certificate of title, certified copy of the 1039  
certificate of title, or memorandum certificate of title as such 1040  
are required by law, and proof, as required by the county auditor, 1041  
that the manufactured or mobile home has been previously 1042  
registered, if such registration was required, that all taxes due 1043  
and required to be paid under division (H)(1) of this section 1044  
before a relocation notice may be issued have been paid, and that 1045  
a relocation notice was obtained for the home if required by 1046

## As Reported by the House Civil and Commercial Law Committee

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. When  
the county treasurer receives the tax payment, the county  
treasurer shall note by writing or by a stamp on the certificate  
of title, certified copy of the certificate of title, or  
memorandum certificate of title that the home has been registered  
for the current year and that the manufactured home taxes due, if  
any, have been paid for the preceding five years and for the  
current year.

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

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

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

(b) An endorsement of the county auditor that the

manufactured home transfer tax imposed pursuant to section 322.06 1079  
of the Revised Code and any fees imposed under division (F) of 1080  
section 319.54 of the Revised Code have been paid. 1081

(2) If all the taxes have not been paid, the clerk shall 1082  
notify the vendee to contact the county treasurer of the county 1083  
containing the taxing district in which the home has its situs at 1084  
the time of the proposed transfer. The county treasurer shall then 1085  
collect all the taxes that are due for the year of the transfer 1086  
and all previous years not exceeding a total of five years. The 1087  
county treasurer shall distribute that part of the collection owed 1088  
to the county treasurer of other counties if the home had its 1089  
situs in another county during a particular year when the unpaid 1090  
tax became due and payable. The burden to prove the situs of the 1091  
home in the years that the taxes were not paid is on the 1092  
transferor of the home. Upon payment of ~~such~~ the taxes, the county 1093  
auditor shall remove all remaining taxes from the manufactured 1094  
home tax list and the delinquent manufactured home tax list, and 1095  
the county treasurer shall release all liens for such taxes. The 1096  
clerk of courts shall issue a certificate of title, free and clear 1097  
of all liens for manufactured home taxes, to the transferee of the 1098  
home. 1099

(3) Once the transfer is complete and the certificate of 1100  
title has been issued, the transferee shall register the 1101  
manufactured or mobile home pursuant to division (C) or (D) of 1102  
this section with the county auditor of the county containing the 1103  
taxing district in which the home remains after the transfer or, 1104  
if the home is relocated to another county, with the county 1105  
auditor of the county to which the home is relocated. The 1106  
transferee need not pay the annual tax for the year of acquisition 1107  
if the original owner has already paid the annual tax for that 1108  
year. 1109

(F) The county auditor may adopt a permanent registration 1110

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

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

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

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

(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 1175  
the home. 1176

(5) If the county auditor determines that a manufactured or 1177  
mobile home has been moved without a relocation notice as required 1178  
under this division, the auditor shall impose a penalty of one 1179  
hundred dollars upon the owner of the home and upon the person who 1180  
moved the home and deposit the amount to the credit of the county 1181  
real estate assessment fund to pay the costs of administering this 1182  
section and section 4503.06 of the Revised Code. If the home was 1183  
relocated from one county in this state to another county in this 1184  
state and the county auditor of the county to which the home was 1185  
relocated imposes the penalty, that county auditor, upon 1186  
collection ~~thereof~~ of the penalty, shall cause an amount equal to 1187  
the penalty to be transmitted from the county real estate 1188  
assessment fund to the county auditor of the county from which the 1189  
home was relocated, who shall deposit the amount to the credit of 1190  
the county real estate assessment fund. If the penalty on the 1191  
owner is unpaid, the penalty shall constitute a lien on the home, 1192  
and the auditor shall add the penalty to the manufactured home tax 1193  
list for collection. If the county auditor determines that a 1194  
dealer that has sold a manufactured or mobile home has failed to 1195  
timely provide the information required under this division, the 1196  
auditor shall impose a penalty upon the dealer in the amount of 1197  
one hundred dollars. The penalty shall be credited to the county 1198  
real estate assessment fund and used to pay the costs of 1199  
administering this section and section 4503.06 of the Revised 1200  
Code. 1201

**Sec. 4503.062.** (A) Every operator of a manufactured home 1202  
court, or manufactured home park, as defined in section 3733.01 of 1203  
the Revised Code, or when there is no operator, every owner of 1204  
property used for such purposes on which three or more 1205  
manufactured or mobile homes are located, shall keep a register of 1206

all manufactured and mobile homes that make use of the court, 1207  
park, or property. The register shall contain all of the 1208  
following: 1209

~~(A)~~(1) The name of the owner and all inhabitants of each 1210  
home; 1211

~~(B)~~(2) The ages of all inhabitants of each home; 1212

~~(C)~~(3) The permanent and temporary post office addresses of 1213  
all inhabitants of each home; 1214

~~(D)~~(4) The license number of each ~~unit~~ home; 1215

~~(E)~~(5) The state issuing each such license; 1216

~~(F)~~(6) The date of arrival and of departure of each home; ~~i~~ 1217

(7) The make and model of each home, if known and if either 1218  
of the following applies: 1219

(a) The home enters the court, park, or property on or after 1220  
January 1, 2003. 1221

(b) Ownership of the home in the court or park, or on the 1222  
property, is transferred on or after January 1, 2003. 1223

(B) The register shall be open to inspection by the county 1224  
auditor, the county treasurer, agents of the auditor or treasurer, 1225  
and all law enforcement agencies at all times. 1226

(C) Any person who fails to comply with this section shall be 1227  
fined not less than twenty-five nor more than one hundred dollars. 1228

**Sec. 4513.01.** Notwithstanding section 4511.01 of the Revised 1229  
Code "~~motor vehicle~~" ~~includes manufactured homes and mobile homes~~ 1230  
~~for the purposes of sections 4513.60 to 4513.65 of the Revised~~ 1231  
Code, the definitions set forth in section 4511.01 of the Revised 1232  
Code apply to this chapter. 1233

**Sec. 5321.01.** As used in this chapter: 1234



(A) "Tenant" means a person entitled under a rental agreement to the use and occupancy of residential premises to the exclusion of others.

(B) "Landlord" means the owner, lessor, or sublessor of residential premises, the agent of the owner, lessor, or sublessor, or any person authorized by the owner, lessor, or sublessor to manage the premises or to receive rent from a tenant under a rental agreement.

(C) "Residential premises" means a dwelling unit for residential use and occupancy and the structure of which it is a part, the facilities and appurtenances in it, and the grounds, areas, and facilities for the use of tenants generally or the use of which is promised the tenant. "Residential premises" includes a dwelling unit that is owned or operated by a college or university. "Residential premises" does not include any of the following:

(1) Prisons, jails, workhouses, and other places of incarceration or correction, including, but not limited to, halfway houses or residential arrangements which are used or occupied as a requirement of probation or parole;

(2) Hospitals and similar institutions with the primary purpose of providing medical services, and homes licensed pursuant to Chapter 3721. of the Revised Code;

(3) Tourist homes, hotels, motels, recreational vehicle parks, recreation camps, combined park-camps, temporary park-camps, and other similar facilities where circumstances indicate a transient occupancy;

(4) Elementary and secondary boarding schools, where the cost of room and board is included as part of the cost of tuition;

(5) Orphanages and similar institutions;

(6) Farm residences furnished in connection with the rental of land of a minimum of two acres for production of agricultural products by one or more of the occupants;	1265 1266 1267
(7) Dwelling units subject to sections 3733.41 to 3733.49 of the Revised Code;	1268 1269
(8) Occupancy by an owner of a condominium unit;	1270
(9) Occupancy in a facility licensed as an SRO facility pursuant to Chapter 3731. of the Revised Code, if the facility is owned or operated by an organization that is exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or group of entities in which such an organization has a controlling interest, and if either of the following applies:	1271 1272 1273 1274 1275 1276 1277
(a) The occupancy is for a period of less than sixty days;	1278
(b) The occupancy is for participation in a program operated by the facility, or by a public entity or private charitable organization pursuant to a contract with the facility, to provide either of the following:	1279 1280 1281 1282
(i) Services licensed, certified, registered, or approved by a governmental agency or private accrediting organization for the rehabilitation of mentally ill persons, developmentally disabled persons, adults or juveniles convicted of criminal offenses, or persons suffering from substance abuse;	1283 1284 1285 1286 1287
(ii) Shelter for juvenile runaways, victims of domestic violence, or homeless persons.	1288 1289
(10) Emergency shelters operated by organizations exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, for persons whose circumstances indicate a transient occupancy, including homeless people, victims of domestic	1290 1291 1292 1293 1294

violence, and juvenile runaways.	1295
(D) "Rental agreement" means any agreement or lease, written or oral, which establishes or modifies the terms, conditions, rules, or any other provisions concerning the use and occupancy of residential premises by one of the parties.	1296 1297 1298 1299
(E) "Security deposit" means any deposit of money or property to secure performance by the tenant under a rental agreement.	1300 1301 1302
(F) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.	1303 1304 1305 1306
(G) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.	1307 1308
(H) "Student tenant" means a person who occupies a dwelling unit owned or operated by the college or university at which the person is a student, and who has a rental agreement that is contingent upon the person's status as a student.	1309 1310 1311 1312
<u>(I) "Recreational vehicle park," "recreation camp," "combined park-camp," and "temporary park-camp" have the same meanings as in section 3733.01 of the Revised Code.</u>	1313 1314 1315
<b>Section 2.</b> That existing sections 1923.01, 1923.02, 1923.09, 1923.11, 1923.13, 1923.14, 3733.01, 3733.091, 4503.061, 4503.062, 4513.01, and 5321.01 of the Revised Code are hereby repealed.	1316 1317 1318