

As Introduced

**127th General Assembly
Regular Session
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H. B. No. 309

Representative Foley

**Cosponsors: Representatives Patton, Skindell, Hagan, R., Heard, Fende,
Otterman**

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A B I L L

To amend sections 1923.02, 3733.09, 3733.091, 1
3733.10, 3733.101, 3733.11, 3733.99, 3767.41, and 2
4503.06 and to enact sections 3733.092, 3733.111, 3
3733.112, and 3733.113 of the Revised Code to make 4
changes to the law governing manufactured homes. 5
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1923.02, 3733.09, 3733.091, 3733.10, 7
3733.101, 3733.11, 3733.99, 3767.41, and 4503.06 be amended and 8
sections 3733.092, 3733.111, 3733.112, and 3733.113 of the Revised 9
Code be enacted to read as follows: 10

Sec. 1923.02. (A) Proceedings under this chapter may be had 11
as follows: 12

(1) Against tenants ~~or manufactured home park residents~~ 13
holding over their terms; 14

(2) Against tenants or manufactured home park residents in 15
possession under an oral tenancy, who are in default in the 16
payment of rent as provided in division (B) of this section; 17

(3) In sales of real estate, on executions, orders, or other 18
judicial process, when the judgment debtor was in possession at 19
the time of the rendition of the judgment or decree, by virtue of 20
which the sale was made; 21

(4) In sales by executors, administrators, or guardians, and 22
on partition, when any of the parties to the complaint were in 23
possession at the commencement of the action, after the sales, so 24
made on execution or otherwise, have been examined by the proper 25
court and adjudged legal; 26

(5) When the defendant is an occupier of lands or tenements, 27
without color of title, and the complainant has the right of 28
possession to them; 29

(6) In any other case of the unlawful and forcible detention 30
of lands or tenements. For purposes of this division, in addition 31
to any other type of unlawful and forcible detention of lands or 32
tenements, such a detention may be determined to exist when both 33
of the following apply: 34

(a) A tenant fails to vacate residential premises within 35
three days after both of the following occur: 36

(i) The tenant's landlord has actual knowledge of or has 37
reasonable cause to believe that the tenant, any person in the 38
tenant's household, or any person on the premises with the consent 39
of the tenant previously has or presently is engaged in a 40
violation of Chapter 2925. or 3719. of the Revised Code, or of a 41
municipal ordinance that is substantially similar to any section 42
in either of those chapters, which involves a controlled substance 43
and which occurred in, is occurring in, or otherwise was or is 44
connected with the premises, whether or not the tenant or other 45
person has been charged with, has pleaded guilty to or been 46
convicted of, or has been determined to be a delinquent child for 47
an act that, if committed by an adult, would be a violation as 48

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

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

(b) The court determines, by a preponderance of the evidence, 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 as described in division (A)(6)(a)(i) of this section.

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

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

(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 materially breached the terms of a rental agreement with a 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 as a result of death or otherwise 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, 112
without notice to the park operator and without payment of rent 113
due under the rental agreement with the park operator; 114

(13) Against occupants of self-service storage facilities, as 115
defined in division (A) of section 5322.01 of the Revised Code, 116
who have breached the terms of a rental agreement or violated 117
section 5322.04 of the Revised Code; 118

(14) Against any resident or occupant who, pursuant to a 119
rental agreement, resides in or occupies residential premises 120
located within one thousand feet of any school premises or 121
preschool or child day-care center premises and to whom both of 122
the following apply: 123

(a) The resident's or occupant's name appears on the state 124
registry of sex offenders and child-victim offenders maintained 125
under section 2950.13 of the Revised Code. 126

(b) The state registry of sex offenders and child-victim 127
offenders indicates that the resident or occupant was convicted of 128
or pleaded guilty to a sexually oriented offense or a child-victim 129
oriented offense in a criminal prosecution and was not sentenced 130
to a serious youthful offender dispositional sentence for that 131
offense. 132

(15) Against any tenant who permits any person to occupy 133
residential premises located within one thousand feet of any 134
school premises or preschool or child day-care center premises if 135
both of the following apply to the person: 136

(a) The person's name appears on the state registry of sex 137
offenders and child-victim offenders maintained under section 138
2950.13 of the Revised Code. 139

(b) The state registry of sex offenders and child-victim 140
offenders indicates that the person was convicted of or pleaded 141
guilty to a sexually oriented offense or a child-victim oriented 142

offense in a criminal prosecution and was not sentenced to a 143
serious youthful offender dispositional sentence for that offense. 144

145

(B) If a tenant or manufactured home park resident holding 146
under an oral tenancy is in default in the payment of rent, the 147
tenant or resident forfeits the right of occupancy, and the 148
landlord may, at the landlord's option, terminate the tenancy by 149
notifying the tenant or resident, as provided in section 1923.04 150
of the Revised Code, to leave the premises, for the restitution of 151
which an action may then be brought under this chapter. 152

(C)(1) If a tenant or any other person with the tenant's 153
permission resides in or occupies residential premises that are 154
located within one thousand feet of any school premises and is a 155
resident or occupant of the type described in division (A)(14) of 156
this section or a person of the type described in division (A)(15) 157
of this section, the landlord for those residential premises, upon 158
discovery that the tenant or other person is a resident, occupant, 159
or person of that nature, may terminate the rental agreement or 160
tenancy for those residential premises by notifying the tenant and 161
all other occupants, as provided in section 1923.04 of the Revised 162
Code, to leave the premises. 163

(2) If a landlord is authorized to terminate a rental 164
agreement or tenancy pursuant to division (C)(1) of this section 165
but does not so terminate the rental agreement or tenancy, the 166
landlord is not liable in a tort or other civil action in damages 167
for any injury, death, or loss to person or property that 168
allegedly result from that decision. 169

(D) This chapter does not apply to a student tenant as 170
defined by division (H) of section 5321.01 of the Revised Code 171
when the college or university proceeds to terminate a rental 172
agreement pursuant to section 5321.031 of the Revised Code. 173

Sec. 3733.09. (A) Subject to section 3733.091 of the Revised Code, a park operator shall not retaliate against a resident by increasing the resident's rent, decreasing services that are due to the resident, refusing to renew or threatening to refuse to renew the rental agreement with the resident, or bringing or threatening to bring an action for possession of the resident's premises because:

(1) The resident has complained to an appropriate governmental agency of a violation of a building, housing, health, or safety code that is applicable to the premises, and the violation materially affects health and safety;

(2) The resident has complained to the park operator of any violation of section 3733.10 of the Revised Code;

(3) The resident joined with other residents for the purpose of negotiating or dealing collectively with the park operator ~~on any of the terms and conditions of a rental agreement.~~

(B) If a park operator acts in violation of division (A) of this section, the resident may:

(1) Use the retaliatory action of the park operator as a defense to an action by the park operator to recover possession of the premises;

(2) Recover possession of the premises;

(3) Terminate the rental agreement.

In addition, the resident may recover from the park operator any actual damages together with reasonable attorneys fees.

(C) Residents may join with other residents for the purpose of negotiating or dealing collectively with the park operator.

(D) Nothing in division (A) of this section prohibits a park operator from increasing the rent to reflect the cost of

improvements installed by the park operator in or about the 203
premises or to reflect an increase in other costs of operation of 204
the premises, provided that the increase complies with section 205
3733.111 of the Revised Code. 206

Sec. 3733.091. (A) Notwithstanding section 3733.09 of the 207
Revised Code, a park operator may bring an action under Chapter 208
1923. of the Revised Code for possession of the premises if any of 209
the following applies: 210

(1) The resident is in default in the payment of rent. 211

(2) The violation of the applicable building, housing, 212
health, or safety code that the resident complained of was 213
primarily caused by any act or lack of reasonable care by the 214
resident, by any other person in the resident's household, or by 215
anyone on the premises with the consent of the resident. 216

(3) ~~The resident is holding over the resident's term.~~ 217

~~(4)~~ The resident is in violation of rules of the public 218
health council adopted pursuant to section 3733.02 of the Revised 219
Code or rules of the manufactured home park adopted pursuant to 220
the rules of the public health council. 221

~~(5)~~(4) The resident has been absent from the manufactured 222
home park for a period of thirty consecutive days prior to the 223
commencement of the action, and the resident's manufactured home, 224
mobile home, or recreational vehicle parked in the manufactured 225
home park has been left unoccupied for that thirty-day period, 226
without notice to the park operator and without payment of rent 227
due under the rental agreement. 228

(B) The maintenance of an action by the park operator under 229
this section does not prevent the resident from recovering damages 230
for any violation by the park operator of the rental agreement or 231
of section 3733.10 of the Revised Code. 232

Sec. 3733.092. (A) An operator desiring to commence an action 233
under Chapter 1923. of the Revised Code based upon an owner's 234
failure to pay rent shall send to the owner the following notice 235
including the amount owed, by certified mail, return receipt 236
requested, or by handing a written copy to the owner in person at 237
least thirty days prior to providing notice pursuant to section 238
1923.04 of the Revised Code: 239

"You are in default of payment of rent. If you do not pay 240
your rent in full within the next thirty days you will be asked to 241
leave the premises. If you do not leave, an eviction action may be 242
initiated against you. If you are in doubt about your legal rights 243
and obligations as a tenant, it is recommended that you seek legal 244
assistance." 245

(B) No park operator shall refuse to accept from the owner 246
during the thirty days provided in this section payment of rent 247
plus any reasonable late fee provided for in the rental agreement 248
as full payment of the amount of rent owed. 249

(C) All payments accepted by the park operator shall be 250
applied first to payment of rent and then to payment of any 251
separately charged items not included in the rental agreement. 252

Sec. 3733.10. (A) A park operator who is a party to a rental 253
agreement shall: 254

(1) Comply with the requirements of all applicable building, 255
housing, health, and safety codes which materially affect health 256
and safety and rules of the public health council; 257

(2) Make all repairs and do whatever is reasonably necessary 258
to put and keep the premises in a fit and habitable condition; 259

(3) Keep all common areas of the premises in a safe and 260
sanitary condition; 261

(4) Maintain in good and safe working order and condition all electrical and plumbing fixtures and appliances, and septic systems, sanitary and storm sewers, refuse receptacles, and well and water systems that are supplied or required to be supplied by ~~him~~ the park operator;

(5) Maintain accurate records of all repairs and improvements;

(6) Not abuse the right of access conferred by division (B) of section 3733.101 of the Revised Code;

~~(6)~~(7) Except in the case of emergency or if it is impracticable to do so, give the resident reasonable notice of ~~his~~ the park operator's intent to enter onto the residential premises and enter only at reasonable times. Twenty-four hours notice shall be presumed to be a reasonable notice in the absence of evidence to the contrary.

(B) An operator who is a party to a rental agreement shall pay for water services supplied to the manufactured homes that are covered by the rental agreement unless all of the following conditions are met:

(1) During the term of the rental agreement, a public utility supplies the applicable water service to the manufactured home, an individual meter of the public utility measures only the applicable water service supplied to the manufactured home, the resident is the customer with the public utility for the applicable water service supplied to the manufactured home, and, for the applicable water service supplied to the manufactured home, the resident is billed only the cost that the public utility assesses for supplying the manufactured home with the applicable water service.

(2) The resident has reasonable access to the individual meter for the manufactured home for the purpose of reading the

meter. 293

(3) The rental agreement clearly states that the resident is 294
liable for the cost of the applicable water services supplied to 295
the manufactured home during the term of the rental agreement, or, 296
in the case of an oral rental agreement, prior to entering into 297
the agreement, the operator provides the resident with a written 298
notice that clearly states that the tenant is liable for the cost 299
of the applicable water services supplied to the manufactured home 300
during the term of the rental agreement. 301

(C) If the park operator violates any provision of this 302
section, makes a lawful entry onto the residential premises in an 303
unreasonable manner, or makes repeated demands for entry otherwise 304
lawful which demands have the effect of harassing the resident, 305
the resident may recover actual damages resulting from the 306
violation, entry, or demands and injunctive relief to prevent the 307
recurrence of the conduct, and if ~~he~~ the resident obtains a 308
judgment, reasonable attorneys' fees, or terminate the rental 309
agreement. 310

Sec. 3733.101. (A) A resident who is a party to a rental 311
agreement shall: 312

(1) Keep that part of the premises that the resident occupies 313
and uses safe and sanitary; 314

(2) Dispose of all rubbish, garbage, and other waste in a 315
clean, safe, and sanitary manner; 316

(3) Comply with the requirements imposed on residents by all 317
applicable state and local housing, health, and safety codes, 318
rules of the public health council, and rules of the manufactured 319
home park; 320

(4) Personally refrain, and forbid any other person who is on 321
the premises with the resident's permission, from intentionally or 322

negligently destroying, defacing, damaging, or removing any 323
fixture, appliance, or other part of the residential premises; 324

(5) Conduct self and require other persons on the premises 325
with the resident's consent to conduct themselves in a manner that 326
will not disturb the resident's neighbors' peaceful enjoyment of 327
the manufactured home park. 328

(B) The resident shall not unreasonably withhold consent for 329
the park operator to enter the home to inspect utility 330
connections, or enter onto the premises in order to inspect the 331
premises, make ordinary, necessary, or agreed repairs, 332
decorations, alterations, or improvements, deliver parcels which 333
are too large for the resident's mail facilities, or supply 334
necessary or agreed services. 335

(C) If the resident violates any provision of this section, 336
the park operator may recover any actual damages which result from 337
the violation and reasonable attorneys' fees. This remedy is in 338
addition to any right of the park operator to terminate the rental 339
agreement, to maintain an action for the possession of the 340
premises, or injunctive relief to compel access under division (B) 341
of this section. 342

(D) The residents of a manufactured home park may organize a 343
nonprofit organization pursuant to Chapter 1702. of the Revised 344
Code or a cooperative pursuant to Chapter 1729. of the Revised 345
Code for the purpose of purchasing the manufactured home park from 346
the operator pursuant to section 3733.112 of the Revised Code. 347

Sec. 3733.11. (A)(1) The park operator shall offer each home 348
owner a written rental agreement for a manufactured home park lot 349
for a term of one year or more that contains terms essentially the 350
same as any alternative month-to-month rental agreement offered to 351
current and prospective tenants and owners. The park operator 352
shall offer the minimum one-year rental agreement to the owner 353

prior to installation of the home in the manufactured home park 354
or, if the home is in the manufactured home park, prior to the 355
expiration of the owner's existing rental agreement. 356

(2) The park operator shall deliver the offer to the owner by 357
certified mail, return receipt requested, or in person. If the 358
park operator delivers the offer to the owner in person, the owner 359
shall complete a return showing receipt of the offer. If the owner 360
does not accept the offer, the park operator is discharged from 361
any obligation to make any further such offers. If the owner 362
accepts the offer, the park operator shall, at the expiration of 363
each successive rental agreement, offer the owner another rental 364
agreement, for a term of one year or a term of more than one year 365
that is mutually agreed upon, and that contains terms essentially 366
the same as the alternative month-to-month agreement. The park 367
operator shall deliver subsequent rental offers by ordinary mail 368
or personal delivery. If the park operator sells the manufactured 369
home park to another manufactured home park operator, the 370
purchaser is bound by the rental agreements entered into by the 371
purchaser's predecessor. 372

(3) If, after the expiration of the time provided to the 373
owners by section 3733.112 of the Revised Code to purchase the 374
manufactured home park, the park operator sells the manufactured 375
home park for a use other than as a manufactured home park, the 376
park operator shall give each tenant and owner a written 377
notification by certified mail, return receipt requested, or by 378
handing it to the tenant or owner in person. If the park operator 379
delivers the notification in person, the recipient shall complete 380
a return showing receipt of the notification. This notification 381
shall contain notice of the sale of the manufactured home park, 382
and notice of the date by which the tenant or owner shall vacate. 383
The date by which the tenant shall vacate shall be at least one 384
hundred twenty days after receipt of the written notification, and 385

the date by which the owner shall vacate shall be at least one 386
hundred eighty days after receipt of the written notification. 387

(4) If a person purchases a manufactured home park for a use 388
other than as a manufactured home park or if an operator elects to 389
use a manufactured home park for a use other than as a 390
manufactured home park, then sixty days prior to termination of 391
tenancy that person or operator shall pay to the renters a sum 392
equivalent to three months of rent and to the owners relocation 393
expenses equal to the actual reasonable expenses in moving or ten 394
thousand dollars, whichever is greater. 395

(5) If a person purchases property that was in use as a 396
manufactured home park within the year preceding the purchase and 397
elects to use the property for a purpose other than as a 398
manufactured home park, that person shall make the person's best 399
effort to pay relocation expenses as described by division (A)(4) 400
of this section to all renters and owners who owned manufactured 401
homes in the manufactured home park or were tenants in the 402
manufactured home park at the time of its closing. This division 403
does not apply if the relocation expenses described in division 404
(A)(4) of this section have already been paid. 405

(B) A park operator shall fully disclose in writing all fees, 406
charges, assessments, including rental fees, and rules prior to a 407
tenant or owner executing a rental agreement and assuming 408
occupancy in the manufactured home park. No fees, charges, 409
assessments, or rental fees so disclosed may be increased nor 410
rules changed by a park operator without specifying the date of 411
implementation of the changed fees, charges, assessments, rental 412
fees, or rules, which date shall be not less than thirty days 413
after written notice of the change and its effective date to all 414
tenants or owners in the manufactured home park, and no fee, 415
charge, assessment, or rental fee shall be increased during the 416
term of any tenant's or owner's rental agreement. Failure on the 417

part of the park operator to fully disclose all fees, charges, or 418
assessments shall prevent the park operator from collecting the 419
undisclosed fees, charges, or assessments. If a tenant or owner 420
refuses to pay any undisclosed fees, charges, or assessments, the 421
refusal shall not be used by the park operator as a cause for 422
eviction in any court. 423

(C) A park operator shall promulgate rules governing the 424
rental or occupancy of a lot in the manufactured home park. The 425
rules shall not be unreasonable, arbitrary, or capricious. A copy 426
of the rules and any amendments to them shall be delivered by the 427
park operator to the tenant or owner prior to signing the rental 428
agreement. A copy of the rules and any amendments to them shall be 429
posted in a conspicuous place upon the manufactured home park 430
grounds. 431

(D) No park operator shall require an owner to purchase from 432
the park operator any personal property. The park operator may 433
determine by rule the style or quality of skirting, equipment for 434
tying down homes, manufactured or mobile home accessories, or 435
other equipment to be purchased by an owner from a vendor of the 436
owner's choosing, provided that the equipment is readily available 437
to the owner. Any such equipment shall be installed in accordance 438
with the manufactured home park rules. Any change in existing park 439
rules determining the style or quality of skirting, equipment for 440
tying down homes, manufactured or mobile housing accessories, or 441
other equipment to be purchased by an owner shall apply only to 442
new manufactured or mobile homes and not to existing manufactured 443
or mobile homes if the change in rule is a cosmetic change and 444
does not affect the home's compliance with health and safety 445
standards. 446

(E) No park operator shall charge any owner who chooses to 447
install an electric or gas appliance in a home an additional fee 448
solely on the basis of the installation, unless the installation 449

is performed by the park operator at the request of the owner, nor 450
shall the park operator restrict the installation, service, or 451
maintenance of the appliance, restrict the ingress or egress of 452
repairpersons to the manufactured home park for the purpose of 453
installation, service, or maintenance of the appliance, nor 454
restrict the making of any interior improvement in a home, if the 455
installation or improvement is in compliance with applicable 456
building codes and other provisions of law and if adequate utility 457
services are available for the installation or improvement. 458

(F) No park operator shall require a tenant to lease or an 459
owner to purchase a manufactured or mobile home from the park 460
operator or any specific person as a condition of or prerequisite 461
to entering into a rental agreement. 462

(G) No park operator shall require an owner to use the 463
services of the park operator or any other specific person for 464
installation of the manufactured or mobile home on the residential 465
premises or for the performance of any service. 466

(H) No park operator shall: 467

(1) Deny any owner the right to sell the owner's manufactured 468
home within the manufactured home park if the owner gives the park 469
operator ten days' notice of the intention to sell the home; 470

(2) Require the owner to remove the home from the 471
manufactured home park solely on the basis of the sale of the 472
home; 473

(3) Unreasonably refuse to enter into a rental agreement with 474
a purchaser of a home located within the operator's manufactured 475
home park; 476

(4) Charge any tenant or owner any fee, charge, or 477
assessment, including a rental fee, that is not set forth in the 478
rental agreement or, if the rental agreement is oral, is not set 479
forth in a written disclosure given to the tenant or owner prior 480

to the tenant or owner entering into a rental agreement; 481

(5) Charge any owner any fee, charge, or assessment because 482
of the transfer of ownership of a home or because a home is moved 483
out of or into the manufactured home park, except a charge for the 484
actual costs and expenses that are incurred by the park operator 485
in moving the home out of or into the manufactured home park, or 486
in installing the home in the manufactured home park and that have 487
not been reimbursed by another tenant or owner. 488

(I) If the park operator violates any provision of divisions 489
(A) to (H) of this section, the tenant or owner may recover actual 490
damages resulting from the violation, and, if the tenant or owner 491
obtains a judgment, reasonable attorneys' fees, or terminate the 492
rental agreement. 493

(J) No rental agreement shall require a tenant or owner to 494
sell, lease, or sublet the tenant's or owner's interest in the 495
rental agreement or the manufactured or mobile home that is or 496
will be located on the lot that is the subject of the rental 497
agreement to any specific person or through any specific person as 498
the person's agent. 499

(K) No park operator shall enter into a rental agreement with 500
the owner of a manufactured or mobile home for the use of 501
residential premises, if the rental agreement requires the owner 502
of the home, as a condition to the owner's renting, occupying, or 503
remaining on the residential premises, to pay the park operator or 504
~~any other person~~ the park operator's agent specified in the rental 505
agreement a fee or any sum of money based on the sale of the home, 506
unless the owner of the home uses the park operator or ~~other~~ 507
~~person~~ the park operator's agent as the owner's agent in the sale 508
of the home. 509

(L) A park operator and a tenant or owner may include in a 510
rental agreement any terms and conditions, including any term 511

relating to rent, the duration of an agreement, and any other 512
provisions governing the rights and obligations of the parties 513
that are not inconsistent with or prohibited by sections 3733.09 514
to 3733.20 of the Revised Code or any other rule of law. 515

(M) Notwithstanding any other provision of the Revised Code, 516
the owner of a manufactured or mobile home that was previously 517
titled by a dealer may utilize the services of a manufactured home 518
dealer licensed under Chapter 4517. of the Revised Code or a 519
person properly licensed under Chapter 4735. of the Revised Code 520
to sell or lease the home. 521

Sec. 3733.111. (A) No park operator shall increase the lot 522
rent paid by any resident who is fifty-five years of age or older 523
and no owner or park operator shall increase the home rent paid by 524
any tenant who is fifty-five years of age or older in a 525
manufactured home park by a percentage greater than the rate of 526
inflation in the most recently completed calendar year prior to 527
the proposed increase except as provided in division (B) of this 528
section. 529

(B) An owner or park operator may increase the rent by an 530
amount in addition to that allowed by division (A) of this section 531
to reflect the cost of usual and necessary expenses for documented 532
repairs and improvements. The owner or operator shall maintain 533
accurate records of any expenses that the owner or operator claims 534
pursuant to this division. 535

(C) No owner or park operator shall refuse to enter into or 536
renew a rental agreement with an owner or tenant solely based upon 537
the age of the owner or tenant in order to evade the obligations 538
of this section. 539

(D) As used in this section, "rate of inflation" means the 540
percentage increase or decrease in the consumer price index over a 541
calendar year, based on the most recent consumer price index for 542

all urban consumers, midwest region, all items, as determined by 543
the bureau of labor statistics of the United States department of 544
labor or, if that index is no longer published, a generally 545
available comparable index. 546

(E) The director of commerce shall publish the rate of 547
inflation for the most recently completed calendar year on the 548
director's official web site. 549

(F) If any park operator or owner violates any provision of 550
this section, the owner or tenant may recover double the 551
difference between the actual rent paid by the tenant or owner and 552
the allowable increase determined by this section, and, if the 553
tenant or owner obtains a favorable judgment, reasonable 554
attorney's fees. 555

Sec. 3733.112. (A) Before entering into a final unconditional 556
agreement to sell a manufactured home park, the park operator 557
shall give each owner and resident and the department of 558
development, office of housing and community development a written 559
notification of intent to sell the manufactured home park by 560
certified mail, return receipt requested, or by handing it to the 561
owner or resident in person. If the park operator delivers the 562
notification in person, the recipient shall complete a return 563
receipt of the notification. The notification shall include the 564
price and terms and conditions of the sale. 565

(B) Within thirty days after receiving notification of the 566
operator's intent to sell the manufactured home park, the owners 567
may deliver to the operator a letter of intent to purchase the 568
manufactured home park containing both of the following: 569

(1) Signatures of at minimum fifty-one per cent of the 570
owners; 571

(2) A statement of intent to meet the price, terms, and 572

conditions provided in the park operator's written notification of 573
intent to sell. 574

(C) If the owners deliver a letter of intent to purchase the 575
manufactured home park pursuant to division (B) of this section to 576
the operator within thirty days after receiving the operator's 577
written notification of intent to sell the manufactured home park 578
then the owners shall have an additional one hundred twenty days 579
from the end of the thirty day period to do both of the following: 580
581

(1) Organize a nonprofit corporation pursuant to Chapter 582
1702. of the Revised Code or a cooperative pursuant to Chapter 583
1729. of the Revised Code for the purpose of purchasing the 584
manufactured home park unless the residents have already organized 585
a nonprofit for this purpose pursuant to division (D) of section 586
3733.101 of the Revised Code; 587

(2) Meet the operator's price, terms, and conditions of sale 588
by making a written tender of an offer of a contract that meets 589
the operator's price, terms, and conditions of sale as expressed 590
in the operator's written intent to sell. 591

(D) If, after the expiration of the time allotted to the 592
owners by this section to deliver a letter of intent to purchase 593
the manufactured home park and to execute a contract, the park 594
operator offers the manufactured home park for sale at a price 595
lower than the price specified in the operator's initial written 596
notification of intent to sell the manufactured home park, the 597
owners shall have an additional ten days to make a written tender 598
of a contract that meets the operator's most recent price, terms, 599
and conditions. 600

(E) The owners shall have the sole right to purchase the 601
manufactured home park, provided that within the time provided by 602
this section the owners make a written tender of a contract that 603

meets the price, terms, and conditions provided by the operator 604
pursuant to division (A) of this section. 605

(F) No operator shall fail to negotiate with the owners in 606
good faith nor fail to provide to the owners any documents 607
provided to any other person for the purpose of negotiating a sale 608
of the manufactured home park. 609

(G) If the owners do not purchase the manufactured home park 610
pursuant to this section and the operator sells the park to any 611
other person, as a condition of transfer of title, the operator 612
shall sign the following notice verifying the operator's 613
compliance with this section: 614

"On (date) I gave each owner and resident of the 615
manufactured home park written notification of intent to sell 616
including the price, terms, and conditions of the sale. 617

I did not receive any offer from the residents of the 618
manufactured home park that met the most recent terms and 619
conditions of sale." 620

(H) This section does not apply to either of the following: 621

(1) A sale of a manufactured home park to another family 622
member; 623

(2) A transfer of ownership of a manufactured home park 624
within a partnership. 625

(I) If an operator violates this section, the owners may 626
petition the court for injunctive relief or damages in the amount 627
of ten per cent of the sales price if the conveyance has already 628
taken place. 629

Sec. 3733.113. At least half of the directors of any 630
nonprofit corporation organized pursuant to section 3733.112 of 631
the Revised Code shall be residents of the manufactured home park. 632

Sec. 3733.99. (A) Whoever violates division (A) of section 633
3733.08 of the Revised Code is guilty of a misdemeanor of the 634
fourth degree. Each day of continued violation shall constitute a 635
separate offense. 636

(B) Whoever violates section 3733.30 of the Revised Code is 637
guilty of a minor misdemeanor. Each day that such violation 638
continues is a separate offense. 639

(C) Whoever violates section 3733.48 of the Revised Code is 640
guilty of a minor misdemeanor. 641

Sec. 3767.41. (A) As used in this section: 642

(1) "Building" means, except as otherwise provided in this 643
division, any building or structure that is used or intended to be 644
used for residential purposes. "Building" includes, but is not 645
limited to, a building or structure in which any floor is used for 646
retail stores, shops, salesrooms, markets, or similar commercial 647
uses, or for offices, banks, civic administration activities, 648
professional services, or similar business or civic uses, and in 649
which the other floors are used, or designed and intended to be 650
used, for residential purposes. "Building" does not include any 651
building or structure that is occupied by its owner and that 652
contains three or fewer residential units. 653

(2)(a) "Public nuisance" means a building that is a menace to 654
the public health, welfare, or safety; that is structurally 655
unsafe, unsanitary, or not provided with adequate safe egress; 656
that constitutes a fire hazard, is otherwise dangerous to human 657
life, or is otherwise no longer fit and habitable; or that, in 658
relation to its existing use, constitutes a hazard to the public 659
health, welfare, or safety by reason of inadequate maintenance, 660
dilapidation, obsolescence, or abandonment. 661

(b) "Public nuisance" as it applies to subsidized housing 662

means subsidized housing that fails to meet the following 663
standards as specified in the federal rules governing each 664
standard: 665

(i) Each building on the site is structurally sound, secure, 666
habitable, and in good repair, as defined in 24 C.F.R. 5.703(b); 667

(ii) Each building's domestic water, electrical system, 668
elevators, emergency power, fire protection, HVAC, and sanitary 669
system is free of health and safety hazards, functionally 670
adequate, operable, and in good repair, as defined in 24 C.F.R. 671
5.703(c); 672

(iii) Each dwelling unit within the building is structurally 673
sound, habitable, and in good repair, and all areas and aspects of 674
the dwelling unit are free of health and safety hazards, 675
functionally adequate, operable, and in good repair, as defined in 676
24 C.F.R. 5.703(d)(1); 677

(iv) Where applicable, the dwelling unit has hot and cold 678
running water, including an adequate source of potable water, as 679
defined in 24 C.F.R. 5.703(d)(2); 680

(v) If the dwelling unit includes its own sanitary facility, 681
it is in proper operating condition, usable in privacy, and 682
adequate for personal hygiene, and the disposal of human waste, as 683
defined in 24 C.F.R. 5.703(d)(3); 684

(vi) The common areas are structurally sound, secure, and 685
functionally adequate for the purposes intended. The basement, 686
garage, carport, restrooms, closets, utility, mechanical, 687
community rooms, daycare, halls, corridors, stairs, kitchens, 688
laundry rooms, office, porch, patio, balcony, and trash collection 689
areas are free of health and safety hazards, operable, and in good 690
repair. All common area ceilings, doors, floors, HVAC, lighting, 691
smoke detectors, stairs, walls, and windows, to the extent 692
applicable, are free of health and safety hazards, operable, and 693

in good repair, as defined in 24 C.F.R. 5.703(e); 694

(vii) All areas and components of the housing are free of 695
health and safety hazards. These areas include, but are not 696
limited to, air quality, electrical hazards, elevators, 697
emergency/fire exits, flammable materials, garbage and debris, 698
handrail hazards, infestation, and lead-based paint, as defined in 699
24 C.F.R. 5.703(f). 700

(3) "Abate" or "abatement" in connection with any building 701
means the removal or correction of any conditions that constitute 702
a public nuisance and the making of any other improvements that 703
are needed to effect a rehabilitation of the building that is 704
consistent with maintaining safe and habitable conditions over its 705
remaining useful life. "Abatement" does not include the closing or 706
boarding up of any building that is found to be a public nuisance. 707

(4) "Interested party" means any owner, mortgagee, 708
lienholder, tenant, or person that possesses an interest of record 709
in any property that becomes subject to the jurisdiction of a 710
court pursuant to this section, and any applicant for the 711
appointment of a receiver pursuant to this section. 712

(5) "Neighbor" means any owner of property, including, but 713
not limited to, any person who is purchasing property by land 714
installment contract or under a duly executed purchase contract, 715
that is located within five hundred feet of any property that 716
becomes subject to the jurisdiction of a court pursuant to this 717
section, and any occupant of a building that is so located. 718

(6) "Tenant" has the same meaning as in section 5321.01 of 719
the Revised Code. 720

(7) "Subsidized housing" means a property consisting of more 721
than four dwelling units that, in whole or in part, receives 722
project-based assistance pursuant to a contract under any of the 723
following federal housing programs: 724

(a) The new construction or substantial rehabilitation program under section 8(b)(2) of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f(b)(2) as that program was in effect immediately before the first day of October, 1983;	725 726 727 728 729
(b) The moderate rehabilitation program under section 8(e)(2) of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f(e)(2);	730 731 732
(c) The loan management assistance program under section 8 of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f;	733 734 735
(d) The rent supplement program under section 101 of the "Housing and Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat. 667, 12 U.S.C. 1701s;	736 737 738
(e) Section 8 of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f, following conversion from assistance under section 101 of the "Housing and Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat. 667, 12 U.S.C. 1701s;	739 740 741 742 743
(f) The program of supportive housing for the elderly under section 202 of the "Housing Act of 1959," Pub. L. No. 86-372, 73 Stat. 654, 12 U.S.C. 1701q;	744 745 746
(g) The program of supportive housing for persons with disabilities under section 811 of the "National Affordable Housing Act of 1990," Pub. L. No. 101-625, 104 Stat. 4313, 42 U.S.C. 8013;	747 748 749
(h) The rental assistance program under section 521 of the "United States Housing Act of 1949," Pub. L. No. 90-448, 82 Stat. 551, as amended by Pub. L. No. 93-383, 88 Stat. 696, 42 U.S.C. 1490a.	750 751 752 753
(8) "Project-based assistance" means the assistance is	754

attached to the property and provides rental assistance only on 755
behalf of tenants who reside in that property. 756

(9) "Landlord" has the same meaning as in section 5321.01 of 757
the Revised Code. 758

(10) "Residential premises" has the same meaning as in 759
sections 3733.01 and 5321.01 of the Revised Code. 760

(11) "Resident" has the same meaning as in section 3733.01 of 761
the Revised Code. 762

(B)(1)(a) In any civil action to enforce any local building, 763
housing, air pollution, sanitation, health, fire, zoning, or 764
safety code, ordinance, or regulation applicable to buildings, 765
that is commenced in a court of common pleas, municipal court, 766
housing or environmental division of a municipal court, or county 767
court, or in any civil action for abatement commenced in a court 768
of common pleas, municipal court, housing or environmental 769
division of a municipal court, or county court, by a municipal 770
corporation in which the building involved is located, by any 771
neighbor, tenant, resident, or by a nonprofit corporation that is 772
duly organized and has as one of its goals the improvement of 773
housing conditions in the county or municipal corporation in which 774
the building or residential premises involved is located, if a 775
building or residential premises is alleged to be a public 776
nuisance, the municipal corporation, neighbor, tenant, or 777
nonprofit corporation may apply in its complaint for an injunction 778
or other order as described in division (C)(1) of this section, or 779
for the relief described in division (C)(2) of this section, 780
including, if necessary, the appointment of a receiver as 781
described in divisions (C)(2) and (3) of this section, or for both 782
such an injunction or other order and such relief. The municipal 783
corporation, neighbor, tenant, resident, or nonprofit corporation 784
commencing the action is not liable for the costs, expenses, and 785
fees of any receiver appointed pursuant to divisions (C)(2) and 786

(3) of this section. 787

(b) Prior to commencing a civil action for abatement when the 788
property alleged to be a public nuisance is subsidized housing, 789
the municipal corporation, neighbor, tenant, or nonprofit 790
corporation commencing the action shall provide the landlord of 791
that property with written notice that specifies one or more 792
defective conditions that constitute a public nuisance as that 793
term applies to subsidized housing and states that if the landlord 794
fails to remedy the condition within sixty days of the service of 795
the notice, a claim pursuant to this section may be brought on the 796
basis that the property constitutes a public nuisance in 797
subsidized housing. Any party authorized to bring an action 798
against the landlord shall make reasonable attempts to serve the 799
notice in the manner prescribed in the Rules of Civil Procedure to 800
the landlord or the landlord's agent for the property at the 801
property's management office, or at the place where the tenants 802
normally pay or send rent. If the landlord is not the owner of 803
record, the party bringing the action shall make a reasonable 804
attempt to serve the owner. If the owner does not receive service 805
the person bringing the action shall certify the attempts to serve 806
the owner. 807

(2)(a) In a civil action described in division (B)(1) of this 808
section, a copy of the complaint and a notice of the date and time 809
of a hearing on the complaint shall be served upon the owner of 810
the building or residential premises and all other interested 811
parties in accordance with the Rules of Civil Procedure. If 812
certified mail service, personal service, or residence service of 813
the complaint and notice is refused or certified mail service of 814
the complaint and notice is not claimed, and if the municipal 815
corporation, neighbor, tenant, resident, or nonprofit corporation 816
commencing the action makes a written request for ordinary mail 817
service of the complaint and notice, or uses publication service, 818

in accordance with the Rules of Civil Procedure, then a copy of 819
the complaint and notice shall be posted in a conspicuous place on 820
the building. 821

(b) The judge in a civil action described in division (B)(1) 822
of this section shall conduct a hearing at least twenty-eight days 823
after the owner of the building or residential premises and the 824
other interested parties have been served with a copy of the 825
complaint and the notice of the date and time of the hearing in 826
accordance with division (B)(2)(a) of this section. 827

(c) In considering whether subsidized housing is a public 828
nuisance, the judge shall construe the standards set forth in 829
division (A)(2)(b) of this section in a manner consistent with 830
department of housing and urban development and judicial 831
interpretations of those standards. The judge shall deem that the 832
property is not a public nuisance if during the twelve months 833
prior to the service of the notice that division (B)(1)(b) of this 834
section requires, the department of housing and urban 835
development's real estate assessment center issued a score of 836
seventy-five or higher out of a possible one hundred points 837
pursuant to its regulations governing the physical condition of 838
multifamily properties pursuant to 24 C.F.R. part 200, subpart P, 839
and since the most recent inspection, there has been no 840
significant change in the property's conditions that would create 841
a serious threat to the health, safety, or welfare of the 842
property's tenants. 843

(C)(1) If the judge in a civil action described in division 844
(B)(1) of this section finds at the hearing required by division 845
(B)(2) of this section that the building or residential premises 846
involved is a public nuisance, if the judge additionally 847
determines that the owner of the building or residential premises 848
previously has not been afforded a reasonable opportunity to abate 849
the public nuisance or has been afforded such an opportunity and 850

has not refused or failed to abate the public nuisance, and if the
complaint of the municipal corporation, neighbor, tenant,
resident, or nonprofit corporation commencing the action requested
the issuance of an injunction as described in this division, then
the judge may issue an injunction requiring the owner of the
building or residential premises to abate the public nuisance or
issue any other order that the judge considers necessary or
appropriate to cause the abatement of the public nuisance. If an
injunction is issued pursuant to this division, the owner of the
building or residential premises involved shall be given no more
than thirty days from the date of the entry of the judge's order
to comply with the injunction, unless the judge, for good cause
shown, extends the time for compliance.

(2) If the judge in a civil action described in division
(B)(1) of this section finds at the hearing required by division
(B)(2) of this section that the building or residential premises
involved is a public nuisance, if the judge additionally
determines that the owner of the building or residential premises
previously has been afforded a reasonable opportunity to abate the
public nuisance and has refused or failed to do so, and if the
complaint of the municipal corporation, neighbor, tenant,
resident, or nonprofit corporation commencing the action requested
relief as described in this division, then the judge shall offer
any mortgagee, lienholder, or other interested party associated
with the residential premises or the property on which the
building is located, in the order of the priority of interest in
title, the opportunity to undertake the work and to furnish the
materials necessary to abate the public nuisance. Prior to
selecting any interested party, the judge shall require the
interested party to demonstrate the ability to promptly undertake
the work and furnish the materials required, to provide the judge
with a viable financial and construction plan for the

rehabilitation of the building or residential premises as 884
described in division (D) of this section, and to post security 885
for the performance of the work and the furnishing of the 886
materials. 887

If the judge determines, at the hearing, that no interested 888
party is willing or able to undertake the work and to furnish the 889
materials necessary to abate the public nuisance, or if the judge 890
determines, at any time after the hearing, that any party who is 891
undertaking corrective work pursuant to this division cannot or 892
will not proceed, or has not proceeded with due diligence, the 893
judge may appoint a receiver pursuant to division (C)(3) of this 894
section to take possession and control of the building or 895
residential premises. 896

(3)(a) The judge in a civil action described in division 897
(B)(1) of this section shall not appoint any person as a receiver 898
unless the person first has provided the judge with a viable 899
financial and construction plan for the rehabilitation of the 900
building or residential premises involved as described in division 901
(D) of this section and has demonstrated the capacity and 902
expertise to perform the required work and to furnish the required 903
materials in a satisfactory manner. An appointed receiver may be a 904
financial institution that possesses an interest of record in the 905
residential premises, the building, or the property on which ~~it~~ 906
the building is located, a nonprofit corporation as described in 907
divisions (B)(1) and (C)(3)(b) of this section, including, but not 908
limited to, a nonprofit corporation that commenced the action 909
described in division (B)(1) of this section, or any other 910
qualified property manager. 911

(b) To be eligible for appointment as a receiver, no part of 912
the net earnings of a nonprofit corporation shall inure to the 913
benefit of any private shareholder or individual. Membership on 914
the board of trustees of a nonprofit corporation appointed as a 915

receiver does not constitute the holding of a public office or 916
employment within the meaning of sections 731.02 and 731.12 or any 917
other section of the Revised Code and does not constitute a direct 918
or indirect interest in a contract or expenditure of money by any 919
municipal corporation. A member of a board of trustees of a 920
nonprofit corporation appointed as a receiver shall not be 921
disqualified from holding any public office or employment, and 922
shall not forfeit any public office or employment, by reason of 923
membership on the board of trustees, notwithstanding any law to 924
the contrary. 925

(D) Prior to ordering any work to be undertaken, or the 926
furnishing of any materials, to abate a public nuisance under this 927
section, the judge in a civil action described in division (B)(1) 928
of this section shall review the submitted financial and 929
construction plan for the rehabilitation of the building or 930
residential premises involved and, if it specifies all of the 931
following, shall approve that plan: 932

(1) The estimated cost of the labor, materials, and any other 933
development costs that are required to abate the public nuisance; 934

(2) The estimated income and expenses of the residential 935
premises or building and the property on which ~~it~~ the building is 936
located after the furnishing of the materials and the completion 937
of the repairs and improvements; 938

(3) The terms, conditions, and availability of any financing 939
that is necessary to perform the work and to furnish the 940
materials; 941

(4) If repair and rehabilitation of ~~the~~ a building are found 942
not to be feasible, the cost of demolition of the building or of 943
the portions of the building that constitute the public nuisance. 944

(E) Upon the written request of any of the interested parties 945
to have a building, or portions of a building, that constitute a 946

public nuisance demolished because repair and rehabilitation of 947
the building are found not to be feasible, the judge may order the 948
demolition. However, the demolition shall not be ordered unless 949
the requesting interested parties have paid the costs of 950
demolition and, if any, of the receivership, and, if any, all 951
notes, certificates, mortgages, and fees of the receivership. 952

(F) Before proceeding with the duties of receiver, any 953
receiver appointed by the judge in a civil action described in 954
division (B)(1) of this section may be required by the judge to 955
post a bond in an amount fixed by the judge, but not exceeding the 956
value of the building or residential premises involved as 957
determined by the judge. 958

The judge may empower the receiver to do any or all of the 959
following: 960

(1) Take possession and control of the residential premises 961
or the building and the property on which ~~it~~ the building is 962
located, operate and manage the residential premises or building 963
and the property, establish and collect rents and income, lease 964
and rent the residential premises or the building and the 965
property, and evict residents or tenants; 966

(2) Pay all expenses of operating and conserving the 967
residential premises or the building and the property, including, 968
but not limited to, the cost of electricity, gas, water, sewerage, 969
heating fuel, repairs and supplies, custodian services, taxes and 970
assessments, and insurance premiums, and hire and pay reasonable 971
compensation to a managing agent; 972

(3) Pay pre-receivership mortgages or installments of them 973
and other liens; 974

(4) Perform or enter into contracts for the performance of 975
all work and the furnishing of materials necessary to abate, and 976
obtain financing for the abatement of, the public nuisance; 977

(5) Pursuant to court order, remove and dispose of any 978
personal property abandoned, stored, or otherwise located in or on 979
the residential premises or the building and the property that 980
creates a dangerous or unsafe condition or that constitutes a 981
violation of any local building, housing, air pollution, 982
sanitation, health, fire, zoning, or safety code, ordinance, or 983
regulation; 984

(6) Obtain mortgage insurance for any receiver's mortgage 985
from any agency of the federal government; 986

(7) Enter into any agreement and do those things necessary to 987
maintain and preserve the residential premises or the building and 988
the property and comply with all local building, housing, air 989
pollution, sanitation, health, fire, zoning, or safety codes, 990
ordinances, and regulations; 991

(8) Give the custody of the residential premises or the 992
building and the property, and the opportunity to abate the 993
nuisance and operate the property, to its owner or any mortgagee 994
or lienholder of record; 995

(9) Issue notes and secure them by a mortgage bearing 996
interest, and upon terms and conditions, that the judge approves. 997
When sold or transferred by the receiver in return for valuable 998
consideration in money, material, labor, or services, the notes or 999
certificates shall be freely transferable. Any mortgages granted 1000
by the receiver shall be superior to any claims of the receiver. 1001
Priority among the receiver's mortgages shall be determined by the 1002
order in which they are recorded. 1003

(G) A receiver appointed pursuant to this section is not 1004
personally liable except for misfeasance, malfeasance, or 1005
nonfeasance in the performance of the functions of the office of 1006
receiver. 1007

(H)(1) The judge in a civil action described in division 1008

(B)(1) of this section may assess as court costs, the expenses 1009
described in division (F)(2) of this section, and may approve 1010
receiver's fees to the extent that they are not covered by the 1011
income from the property or residential premises. Subject to that 1012
limitation, a receiver appointed pursuant to divisions (C)(2) and 1013
(3) of this section is entitled to receive fees in the same manner 1014
and to the same extent as receivers appointed in actions to 1015
foreclose mortgages. 1016

(2)(a) Pursuant to the police powers vested in the state, all 1017
expenditures of a mortgagee, lienholder, or other interested party 1018
that has been selected pursuant to division (C)(2) of this section 1019
to undertake the work and to furnish the materials necessary to 1020
abate a public nuisance, and any expenditures in connection with 1021
the foreclosure of the lien created by this division, is a first 1022
lien upon the residential premises or the building involved and 1023
the property on which ~~it~~ the building is located and is superior 1024
to all prior and subsequent liens or other encumbrances associated 1025
with the residential premises or the building or the property, 1026
including, but not limited to, those for taxes and assessments, 1027
upon the occurrence of both of the following: 1028

(i) The prior approval of the expenditures by, and the entry 1029
of a judgment to that effect by, the judge in the civil action 1030
described in division (B)(1) of this section; 1031

(ii) The recordation of a certified copy of the judgment 1032
entry and a sufficient description of the residential premises or 1033
the property on which the building is located with the county 1034
recorder in the county in which the property is located within 1035
sixty days after the date of the entry of the judgment. 1036

(b) Pursuant to the police powers vested in the state, all 1037
expenses and other amounts paid in accordance with division (F) of 1038
this section by a receiver appointed pursuant to divisions (C)(2) 1039
and (3) of this section, the amounts of any notes issued by the 1040

receiver in accordance with division (F) of this section, all 1041
mortgages granted by the receiver in accordance with that 1042
division, the fees of the receiver approved pursuant to division 1043
(H)(1) of this section, and any amounts expended in connection 1044
with the foreclosure of a mortgage granted by the receiver in 1045
accordance with division (F) of this section or with the 1046
foreclosure of the lien created by this division, are a first lien 1047
upon the residential premises or the building involved and the 1048
property on which ~~it~~ the building is located and are superior to 1049
all prior and subsequent liens or other encumbrances associated 1050
with the residential premises, the building, or the property, 1051
including, but not limited to, those for taxes and assessments, 1052
upon the occurrence of both of the following: 1053

(i) The approval of the expenses, amounts, or fees by, and 1054
the entry of a judgment to that effect by, the judge in the civil 1055
action described in division (B)(1) of this section; or the 1056
approval of the mortgages in accordance with division (F)(9) of 1057
this section by, and the entry of a judgment to that effect by, 1058
that judge; 1059

(ii) The recordation of a certified copy of the judgment 1060
entry and a sufficient description of the residential premises or 1061
the property on which the building is located, or, in the case of 1062
a mortgage, the recordation of the mortgage, a certified copy of 1063
the judgment entry, and such a description, with the county 1064
recorder of the county in which the property is located within 1065
sixty days after the date of the entry of the judgment. 1066

(c) Priority among the liens described in divisions (H)(2)(a) 1067
and (b) of this section shall be determined as described in 1068
division (I) of this section. Additionally, the creation pursuant 1069
to this section of a mortgage lien that is prior to or superior to 1070
any mortgage of record at the time the mortgage lien is so 1071
created, does not disqualify the mortgage of record as a legal 1072

investment under Chapter 1107. or 1151. or any other chapter of 1073
the Revised Code. 1074

(I)(1) If a receiver appointed pursuant to divisions (C)(2) 1075
and (3) of this section files with the judge in the civil action 1076
described in division (B)(1) of this section a report indicating 1077
that the public nuisance has been abated, if the judge confirms 1078
that the receiver has abated the public nuisance, and if the 1079
receiver or any interested party requests the judge to enter an 1080
order directing the receiver to sell the residential premises or 1081
the building and the property on which ~~it~~ the building is located, 1082
the judge may enter that order after holding a hearing as 1083
described in division (I)(2) of this section and otherwise 1084
complying with that division. 1085

(2)(a) The receiver or interested party requesting an order 1086
as described in division (I)(1) of this section shall cause a 1087
notice of the date and time of a hearing on the request to be 1088
served on the owner of the building or residential premises 1089
involved and all other interested parties in accordance with 1090
division (B)(2)(a) of this section. The judge in the civil action 1091
described in division (B)(1) of this section shall conduct the 1092
scheduled hearing. At the hearing, if the owner or any interested 1093
party objects to the sale of the residential premises or the 1094
building and the property, the burden of proof shall be upon the 1095
objecting person to establish, by a preponderance of the evidence, 1096
that the benefits of not selling the residential premises or the 1097
building and the property outweigh the benefits of selling them. 1098
If the judge determines that there is no objecting person, or if 1099
the judge determines that there is one or more objecting persons 1100
but no objecting person has sustained the burden of proof 1101
specified in this division, the judge may enter an order directing 1102
the receiver to offer the residential premises or the building and 1103
the property for sale upon terms and conditions that the judge 1104

shall specify. 1105

(b) In any sale of subsidized housing that is ordered 1106
pursuant to this section, the judge shall specify that the 1107
subsidized housing not be conveyed unless that conveyance complies 1108
with applicable federal law and applicable program contracts for 1109
that housing. Any such conveyance shall be subject to the 1110
condition that the purchaser enter into a contract with the 1111
department of housing and urban development or the rural housing 1112
service of the federal department of agriculture under which the 1113
property continues to be subsidized housing and the owner 1114
continues to operate that property as subsidized housing unless 1115
the secretary of housing and urban development or the 1116
administrator of the rural housing service terminates that 1117
property's contract prior to or upon the conveyance of the 1118
property. 1119

(3) If a sale of a residential premises or a building and the 1120
property on which ~~it~~ the building is located is ordered pursuant 1121
to divisions (I)(1) and (2) of this section and if the sale occurs 1122
in accordance with the terms and conditions specified by the judge 1123
in the judge's order of sale, then the receiver shall distribute 1124
the proceeds of the sale and the balance of any funds that the 1125
receiver may possess, after the payment of the costs of the sale, 1126
in the following order of priority and in the described manner: 1127
1128

(a) First, in satisfaction of any notes issued by the 1129
receiver pursuant to division (F) of this section, in their order 1130
of priority; 1131

(b) Second, any unreimbursed expenses and other amounts paid 1132
in accordance with division (F) of this section by the receiver, 1133
and the fees of the receiver approved pursuant to division (H)(1) 1134
of this section; 1135

(c) Third, all expenditures of a mortgagee, lienholder, or 1136
other interested party that has been selected pursuant to division 1137
(C)(2) of this section to undertake the work and to furnish the 1138
materials necessary to abate a public nuisance, provided that the 1139
expenditures were approved as described in division (H)(2)(a) of 1140
this section and provided that, if any such interested party 1141
subsequently became the receiver, its expenditures shall be paid 1142
prior to the expenditures of any of the other interested parties 1143
so selected; 1144

(d) Fourth, the amount due for delinquent taxes, assessments, 1145
charges, penalties, and interest owed to this state or a political 1146
subdivision of this state, provided that, if the amount available 1147
for distribution pursuant to division (I)(3)(d) of this section is 1148
insufficient to pay the entire amount of those taxes, assessments, 1149
charges, penalties, and interest, the proceeds and remaining funds 1150
shall be paid to each claimant in proportion to the amount of 1151
those taxes, assessments, charges, penalties, and interest that 1152
each is due. 1153

(e) The amount of any pre-receivership mortgages, liens, or 1154
other encumbrances, in their order of priority. 1155

(4) Following a distribution in accordance with division 1156
(I)(3) of this section, the receiver shall request the judge in 1157
the civil action described in division (B)(1) of this section to 1158
enter an order terminating the receivership. If the judge 1159
determines that the sale of the residential premises or the 1160
building and the property on which ~~it~~ the building is located 1161
occurred in accordance with the terms and conditions specified by 1162
the judge in the judge's order of sale under division (I)(2) of 1163
this section and that the receiver distributed the proceeds of the 1164
sale and the balance of any funds that the receiver possessed, 1165
after the payment of the costs of the sale, in accordance with 1166
division (I)(3) of this section, and if the judge approves any 1167

final accounting required of the receiver, the judge may terminate 1168
the receivership. 1169

(J)(1) A receiver appointed pursuant to divisions (C)(2) and 1170
(3) of this section may be discharged at any time in the 1171
discretion of the judge in the civil action described in division 1172
(B)(1) of this section. The receiver shall be discharged by the 1173
judge as provided in division (I)(4) of this section, or when all 1174
of the following have occurred: 1175

(a) The public nuisance has been abated; 1176

(b) All costs, expenses, and approved fees of the 1177
receivership have been paid; 1178

(c) Either all receiver's notes issued and mortgages granted 1179
pursuant to this section have been paid, or all the holders of the 1180
notes and mortgages request that the receiver be discharged. 1181

(2) If a judge in a civil action described in division (B)(1) 1182
of this section determines that, and enters of record a 1183
declaration that, a public nuisance has been abated by a receiver, 1184
and if, within three days after the entry of the declaration, all 1185
costs, expenses, and approved fees of the receivership have not 1186
been paid in full, then, in addition to the circumstances 1187
specified in division (I) of this section for the entry of such an 1188
order, the judge may enter an order directing the receiver to sell 1189
the residential premises or the building involved and the property 1190
on which ~~it~~ the building is located. Any such order shall be 1191
entered, and the sale shall occur, only in compliance with 1192
division (I) of this section. 1193

(K) The title in any residential premises or any building, 1194
and in the property on which ~~it~~ the building is located, that is 1195
sold at a sale ordered under division (I) or (J)(2) of this 1196
section shall be incontestable in the purchaser and shall be free 1197
and clear of all liens for delinquent taxes, assessments, charges, 1198

penalties, and interest owed to this state or any political 1199
subdivision of this state, that could not be satisfied from the 1200
proceeds of the sale and the remaining funds in the receiver's 1201
possession pursuant to the distribution under division (I)(3) of 1202
this section. All other liens and encumbrances with respect to the 1203
residential premises or the building and the property shall 1204
survive the sale, including, but not limited to, a federal tax 1205
lien notice properly filed in accordance with section 317.09 of 1206
the Revised Code prior to the time of the sale, and the easements 1207
and covenants of record running with the property that were 1208
created prior to the time of the sale. 1209

(L)(1) Nothing in this section shall be construed as a 1210
limitation upon the powers granted to a court of common pleas, a 1211
municipal court or a housing or environmental division of a 1212
municipal court under Chapter 1901. of the Revised Code, or a 1213
county court under Chapter 1907. of the Revised Code. 1214

(2) The monetary and other limitations specified in Chapters 1215
1901. and 1907. of the Revised Code upon the jurisdiction of 1216
municipal and county courts, and of housing or environmental 1217
divisions of municipal courts, in civil actions do not operate as 1218
limitations upon any of the following: 1219

(a) Expenditures of a mortgagee, lienholder, or other 1220
interested party that has been selected pursuant to division 1221
(C)(2) of this section to undertake the work and to furnish the 1222
materials necessary to abate a public nuisance; 1223

(b) Any notes issued by a receiver pursuant to division (F) 1224
of this section; 1225

(c) Any mortgage granted by a receiver in accordance with 1226
division (F) of this section; 1227

(d) Expenditures in connection with the foreclosure of a 1228
mortgage granted by a receiver in accordance with division (F) of 1229

this section;	1230
(e) The enforcement of an order of a judge entered pursuant to this section;	1231 1232
(f) The actions that may be taken pursuant to this section by a receiver or a mortgagee, lienholder, or other interested party that has been selected pursuant to division (C)(2) of this section to undertake the work and to furnish the materials necessary to abate a public nuisance.	1233 1234 1235 1236 1237
(3) A judge in a civil action described in division (B)(1) of this section, or the judge's successor in office, has continuing jurisdiction to review the condition of any building <u>or residential premises</u> that was determined to be a public nuisance pursuant to this section.	1238 1239 1240 1241 1242
Sec. 4503.06. (A) The owner of each manufactured or mobile home that has acquired situs in this state shall pay either a real property tax pursuant to Title LVII of the Revised Code or a manufactured home tax pursuant to division (C) of this section.	1243 1244 1245 1246
(B) The owner of a manufactured or mobile home shall pay real property taxes if either of the following applies:	1247 1248
(1) The manufactured or mobile home acquired situs in the state or ownership in the home was transferred on or after January 1, 2000, and all of the following apply:	1249 1250 1251
(a) The home is affixed to a permanent foundation as defined in division (C)(5) of section 3781.06 of the Revised Code.	1252 1253
(b) The home is located on land that is owned by the owner of the home.	1254 1255
(c) The certificate of title has been inactivated by the clerk of the court of common pleas that issued it, pursuant to division (H) of section 4505.11 of the Revised Code.	1256 1257 1258

(2) The manufactured or mobile home acquired situs in the state or ownership in the home was transferred before January 1, 2000, and all of the following apply:

(a) The home is affixed to a permanent foundation as defined in division (C)(5) of section 3781.06 of the Revised Code.

(b) The home is located on land that is owned by the owner of the home.

(c) The owner of the home has elected to have the home taxed as real property and, pursuant to section 4505.11 of the Revised Code, has surrendered the certificate of title to the auditor of the county containing the taxing district in which the home has its situs, together with proof that all taxes have been paid.

(d) The county auditor has placed the home on the real property tax list and delivered the certificate of title to the clerk of the court of common pleas that issued it and the clerk has inactivated the certificate.

(C)(1) Any mobile or manufactured home that is not taxed as real property as provided in division (B) of this section is subject to an annual manufactured home tax, payable by the owner, for locating the home in this state. The tax as levied in this section is for the purpose of supplementing the general revenue funds of the local subdivisions in which the home has its situs pursuant to this section.

(2) The year for which the manufactured home tax is levied commences on the first day of January and ends on the following thirty-first day of December. The state shall have the first lien on any manufactured or mobile home on the list for the amount of taxes, penalties, and interest charged against the owner of the home under this section. The lien of the state for the tax for a year shall attach on the first day of January to a home that has acquired situs on that date. The lien for a home that has not

acquired situs on the first day of January, but that acquires 1290
situs during the year, shall attach on the next first day of 1291
January. The lien shall continue until the tax, including any 1292
penalty or interest, is paid. 1293

(3)(a) The situs of a manufactured or mobile home located in 1294
this state on the first day of January is the local taxing 1295
district in which the home is located on that date. 1296

(b) The situs of a manufactured or mobile home not located in 1297
this state on the first day of January, but located in this state 1298
subsequent to that date, is the local taxing district in which the 1299
home is located thirty days after it is acquired or first enters 1300
this state. 1301

(4) The tax is collected by and paid to the county treasurer 1302
of the county containing the taxing district in which the home has 1303
its situs. 1304

(D) The manufactured home tax shall be computed and assessed 1305
by the county auditor of the county containing the taxing district 1306
in which the home has its situs as follows: 1307

(1) On a home that acquired situs in this state prior to 1308
January 1, 2000: 1309

(a) By multiplying the assessable value of the home by the 1310
tax rate of the taxing district in which the home has its situs, 1311
and deducting from the product thus obtained any reduction 1312
authorized under section 4503.065 of the Revised Code. The tax 1313
levied under this formula shall not be less than thirty-six 1314
dollars, unless the home qualifies for a reduction in assessable 1315
value under section 4503.065 of the Revised Code, in which case 1316
there shall be no minimum tax and the tax shall be the amount 1317
calculated under this division. 1318

(b) The assessable value of the home shall be forty per cent 1319
of the amount arrived at by the following computation: 1320

(i) If the cost to the owner, or market value at time of purchase, whichever is greater, of the home includes the furnishings and equipment, such cost or market value shall be multiplied according to the following schedule:

For the first calendar year			1321
in which the			1322
home is owned by the			1323
current owner	x	80%	1324
2nd calendar year	x	75%	1325
3rd "	x	70%	1326
4th "	x	65%	1327
5th "	x	60%	1328
6th "	x	55%	1329
7th "	x	50%	1330
8th "	x	45%	1331
9th "	x	40%	1332
10th and each year thereafter	x	35%	1333

The first calendar year means any period between the first day of January and the thirty-first day of December of the first year.

(ii) If the cost to the owner, or market value at the time of purchase, whichever is greater, of the home does not include the furnishings and equipment, such cost or market value shall be multiplied according to the following schedule:

For the first calendar year			1338
in which the			1339
home is owned by the			1340
current owner	x	95%	1341
2nd calendar year	x	90%	1342
3rd "	x	85%	1343
4th "	x	80%	1344
5th "	x	75%	1345

6th "	x	70%	1353
7th "	x	65%	1354
8th "	x	60%	1355
9th "	x	55%	1356
10th and each year thereafter	x	50%	1357

The first calendar year means any period between the first 1358
day of January and the thirty-first day of December of the first 1359
year. 1360

(2) On a home in which ownership was transferred or that 1361
first acquired situs in this state on or after January 1, 2000: 1362

(a) By multiplying the assessable value of the home by the 1363
effective tax rate, as defined in section 323.08 of the Revised 1364
Code, for residential real property of the taxing district in 1365
which the home has its situs, and deducting from the product thus 1366
obtained the reductions required or authorized under section 1367
319.302, division (B) of section 323.152, or section 4503.065 of 1368
the Revised Code. 1369

(b) The assessable value of the home shall be thirty-five per 1370
cent of its true value as determined under division (L) of this 1371
section. 1372

(3)(a) On or before the fifteenth day of January each year, 1373
the county auditor shall record the assessable value and the 1374
amount of tax on the manufactured or mobile home on the tax list 1375
and deliver a duplicate of the list to the county treasurer. In 1376
the case of an emergency as defined in section 323.17 of the 1377
Revised Code, the tax commissioner, by journal entry, may extend 1378
the times for delivery of the duplicate for an additional fifteen 1379
days upon receiving a written application from the county auditor 1380
regarding an extension for the delivery of the duplicate, or from 1381
the county treasurer regarding an extension of the time for the 1382
billing and collection of taxes. The application shall contain a 1383
statement describing the emergency that will cause the unavoidable 1384

delay and must be received by the tax commissioner on or before 1385
the last day of the month preceding the day delivery of the 1386
duplicate is otherwise required. When an extension is granted for 1387
delivery of the duplicate, the time period for payment of taxes 1388
shall be extended for a like period of time. When a delay in the 1389
closing of a tax collection period becomes unavoidable, the tax 1390
commissioner, upon application by the county auditor and county 1391
treasurer, may order the time for payment of taxes to be extended 1392
if the tax commissioner determines that penalties have accrued or 1393
would otherwise accrue for reasons beyond the control of the 1394
taxpayers of the county. The order shall prescribe the final 1395
extended date for payment of taxes for that collection period. 1396

(b) The assessable value of the manufactured or mobile home, 1397
as recorded by the county auditor, shall include only the value of 1398
the manufactured or mobile home and any improvements made by the 1399
owner that were not mandated by any manufactured home park 1400
operator or rules governing the rental agreement. The assessable 1401
value shall not include the value of any auxiliary landscape or 1402
access mandated by the manufactured home park operator that the 1403
owner of the manufactured or mobile home does not own. 1404

(4) After January 1, 1999, the owner of a manufactured or 1405
mobile home taxed pursuant to division (D)(1) of this section may 1406
elect to have the home taxed pursuant to division (D)(2) of this 1407
section by filing a written request with the county auditor of the 1408
taxing district in which the home is located on or before the 1409
first day of December of any year. Upon the filing of the request, 1410
the county auditor shall determine whether all taxes levied under 1411
division (D)(1) of this section have been paid, and if those taxes 1412
have been paid, the county auditor shall tax the manufactured or 1413
mobile home pursuant to division (D)(2) of this section commencing 1414
in the next tax year. 1415

(5) A manufactured or mobile home that acquired situs in this 1416

state prior to January 1, 2000, shall be taxed pursuant to 1417
division (D)(2) of this section if no manufactured home tax had 1418
been paid for the home and the home was not exempted from taxation 1419
pursuant to division (E) of this section for the year for which 1420
the taxes were not paid. 1421

(6)(a) Immediately upon receipt of any manufactured home tax 1422
duplicate from the county auditor, but not less than twenty days 1423
prior to the last date on which the first one-half taxes may be 1424
paid without penalty as prescribed in division (F) of this 1425
section, the county treasurer shall cause to be prepared and 1426
mailed or delivered to each person charged on that duplicate with 1427
taxes, or to an agent designated by such person, the tax bill 1428
prescribed by the tax commissioner under division (D)(7) of this 1429
section. When taxes are paid by installments, the county treasurer 1430
shall mail or deliver to each person charged on such duplicate or 1431
the agent designated by that person a second tax bill showing the 1432
amount due at the time of the second tax collection. The second 1433
half tax bill shall be mailed or delivered at least twenty days 1434
prior to the close of the second half tax collection period. A 1435
change in the mailing address of any tax bill shall be made in 1436
writing to the county treasurer. Failure to receive a bill 1437
required by this section does not excuse failure or delay to pay 1438
any taxes shown on the bill or, except as provided in division 1439
(B)(1) of section 5715.39 of the Revised Code, avoid any penalty, 1440
interest, or charge for such delay. 1441

(b) After delivery of the copy of the delinquent manufactured 1442
home tax list under division (H) of this section, the county 1443
treasurer may prepare and mail to each person in whose name a home 1444
is listed an additional tax bill showing the total amount of 1445
delinquent taxes charged against the home as shown on the list. 1446
The tax bill shall include a notice that the interest charge 1447
prescribed by division (G) of this section has begun to accrue. 1448

(7) Each tax bill prepared and mailed or delivered under 1449
division (D)(6) of this section shall be in the form and contain 1450
the information required by the tax commissioner. The commissioner 1451
may prescribe different forms for each county and may authorize 1452
the county auditor to make up tax bills and tax receipts to be 1453
used by the county treasurer. The tax bill shall not contain or be 1454
mailed or delivered with any information or material that is not 1455
required by this section or that is not authorized by section 1456
321.45 of the Revised Code or by the tax commissioner. In addition 1457
to the information required by the commissioner, each tax bill 1458
shall contain the following information: 1459

(a) The taxes levied and the taxes charged and payable 1460
against the manufactured or mobile home; 1461

(b) The following notice: "Notice: If the taxes are not paid 1462
within sixty days after the county auditor delivers the delinquent 1463
manufactured home tax list to the county treasurer, you and your 1464
home may be subject to collection proceedings for tax 1465
delinquency." Failure to provide such notice has no effect upon 1466
the validity of any tax judgment to which a home may be subjected. 1467

(c) In the case of manufactured or mobile homes taxed under 1468
division (D)(2) of this section, the following additional 1469
information: 1470

(i) The effective tax rate. The words "effective tax rate" 1471
shall appear in boldface type. 1472

(ii) The following notice: "Notice: If the taxes charged 1473
against this home have been reduced by the 2-1/2 per cent tax 1474
reduction for residences occupied by the owner but the home is not 1475
a residence occupied by the owner, the owner must notify the 1476
county auditor's office not later than March 31 of the year for 1477
which the taxes are due. Failure to do so may result in the owner 1478
being convicted of a fourth degree misdemeanor, which is 1479

punishable by imprisonment up to 30 days, a fine up to \$250, or 1480
both, and in the owner having to repay the amount by which the 1481
taxes were erroneously or illegally reduced, plus any interest 1482
that may apply. 1483

If the taxes charged against this home have not been reduced 1484
by the 2-1/2 per cent tax reduction and the home is a residence 1485
occupied by the owner, the home may qualify for the tax reduction. 1486
To obtain an application for the tax reduction or further 1487
information, the owner may contact the county auditor's office at 1488
..... (insert the address and telephone number of the county 1489
auditor's office)." 1490

(E)(1) A manufactured or mobile home is not subject to this 1491
section when any of the following applies: 1492

(a) It is taxable as personal property pursuant to section 1493
5709.01 of the Revised Code. Any manufactured or mobile home that 1494
is used as a residence shall be subject to this section and shall 1495
not be taxable as personal property pursuant to section 5709.01 of 1496
the Revised Code. 1497

(b) It bears a license plate issued by any state other than 1498
this state unless the home is in this state in excess of an 1499
accumulative period of thirty days in any calendar year. 1500

(c) The annual tax has been paid on the home in this state 1501
for the current year. 1502

(d) The tax commissioner has determined, pursuant to section 1503
5715.27 of the Revised Code, that the property is exempt from 1504
taxation, or would be exempt from taxation under Chapter 5709. of 1505
the Revised Code if it were classified as real property. 1506

(2) A travel trailer or park trailer, as these terms are 1507
defined in section 4501.01 of the Revised Code, is not subject to 1508
this section if it is unused or unoccupied and stored at the 1509
owner's normal place of residence or at a recognized storage 1510

facility. 1511

(3) A travel trailer or park trailer, as these terms are 1512
defined in section 4501.01 of the Revised Code, is subject to this 1513
section and shall be taxed as a manufactured or mobile home if it 1514
has a situs longer than thirty days in one location and is 1515
connected to existing utilities, unless either of the following 1516
applies: 1517

(a) The situs is in a state facility or a camping or park 1518
area as defined in division (C), (Q), (S), or (V) of section 1519
3729.01 of the Revised Code. 1520

(b) The situs is in a camping or park area that is a tract of 1521
land that has been limited to recreational use by deed or zoning 1522
restrictions and subdivided for sale of five or more individual 1523
lots for the express or implied purpose of occupancy by either 1524
self-contained recreational vehicles as defined in division (T) of 1525
section 3729.01 of the Revised Code or by dependent recreational 1526
vehicles as defined in division (D) of section 3729.01 of the 1527
Revised Code. 1528

(F) Except as provided in division (D)(3) of this section, 1529
the manufactured home tax is due and payable as follows: 1530

(1) When a manufactured or mobile home has a situs in this 1531
state, as provided in this section, on the first day of January, 1532
one-half of the amount of the tax is due and payable on or before 1533
the first day of March and the balance is due and payable on or 1534
before the thirty-first day of July. At the option of the owner of 1535
the home, the tax for the entire year may be paid in full on the 1536
first day of March. 1537

(2) When a manufactured or mobile home first acquires a situs 1538
in this state after the first day of January, no tax is due and 1539
payable for that year. 1540

(G)(1)(a) Except as otherwise provided in division (G)(1)(b) 1541

of this section, if one-half of the current taxes charged under 1542
this section against a manufactured or mobile home, together with 1543
the full amount of any delinquent taxes, are not paid on or before 1544
the first day of March in that year, or on or before the last day 1545
for such payment as extended pursuant to section 4503.063 of the 1546
Revised Code, a penalty of ten per cent shall be charged against 1547
the unpaid balance of such half of the current taxes. If the total 1548
amount of all such taxes is not paid on or before the thirty-first 1549
day of July, next thereafter, or on or before the last day for 1550
payment as extended pursuant to section 4503.063 of the Revised 1551
Code, a like penalty shall be charged on the balance of the total 1552
amount of the unpaid current taxes. 1553

(b) After a valid delinquent tax contract that includes 1554
unpaid current taxes from a first-half collection period described 1555
in division (F) of this section has been entered into under 1556
section 323.31 of the Revised Code, no ten per cent penalty shall 1557
be charged against such taxes after the second-half collection 1558
period while the delinquent tax contract remains in effect. On the 1559
day a delinquent tax contract becomes void, the ten per cent 1560
penalty shall be charged against such taxes and shall equal the 1561
amount of penalty that would have been charged against unpaid 1562
current taxes outstanding on the date on which the second-half 1563
penalty would have been charged thereon under division (G)(1)(a) 1564
of this section if the contract had not been in effect. 1565

(2)(a) On the first day of the month following the last day 1566
the second installment of taxes may be paid without penalty 1567
beginning in 2000, interest shall be charged against and computed 1568
on all delinquent taxes other than the current taxes that became 1569
delinquent taxes at the close of the last day such second 1570
installment could be paid without penalty. The charge shall be for 1571
interest that accrued during the period that began on the 1572
preceding first day of December and ended on the last day of the 1573

month that included the last date such second installment could be 1574
paid without penalty. The interest shall be computed at the rate 1575
per annum prescribed by section 5703.47 of the Revised Code and 1576
shall be entered as a separate item on the delinquent manufactured 1577
home tax list compiled under division (H) of this section. 1578

(b) On the first day of December beginning in 2000, the 1579
interest shall be charged against and computed on all delinquent 1580
taxes. The charge shall be for interest that accrued during the 1581
period that began on the first day of the month following the last 1582
date prescribed for the payment of the second installment of taxes 1583
in the current year and ended on the immediately preceding last 1584
day of November. The interest shall be computed at the rate per 1585
annum prescribed by section 5703.47 of the Revised Code and shall 1586
be entered as a separate item on the delinquent manufactured home 1587
tax list. 1588

(c) After a valid undertaking has been entered into for the 1589
payment of any delinquent taxes, no interest shall be charged 1590
against such delinquent taxes while the undertaking remains in 1591
effect in compliance with section 323.31 of the Revised Code. If a 1592
valid undertaking becomes void, interest shall be charged against 1593
the delinquent taxes for the periods that interest was not 1594
permitted to be charged while the undertaking was in effect. The 1595
interest shall be charged on the day the undertaking becomes void 1596
and shall equal the amount of interest that would have been 1597
charged against the unpaid delinquent taxes outstanding on the 1598
dates on which interest would have been charged thereon under 1599
divisions (G)(1) and (2) of this section had the undertaking not 1600
been in effect. 1601

(3) If the full amount of the taxes due at either of the 1602
times prescribed by division (F) of this section is paid within 1603
ten days after such time, the county treasurer shall waive the 1604
collection of and the county auditor shall remit one-half of the 1605

penalty provided for in this division for failure to make that 1606
payment by the prescribed time. 1607

(4) The treasurer shall compile and deliver to the county 1608
auditor a list of all tax payments the treasurer has received as 1609
provided in division (G)(3) of this section. The list shall 1610
include any information required by the auditor for the remission 1611
of the penalties waived by the treasurer. The taxes so collected 1612
shall be included in the settlement next succeeding the settlement 1613
then in process. 1614

(H)(1) Beginning in 2000, the county auditor shall compile 1615
annually a "delinquent manufactured home tax list" consisting of 1616
homes the county treasurer's records indicate have taxes that were 1617
not paid within the time prescribed by divisions (D)(3) and (F) of 1618
this section, have taxes that remain unpaid from prior years, or 1619
have unpaid tax penalties or interest that have been assessed. 1620

(2) Within thirty days after the settlement under division 1621
(H)(2) of section 321.24 of the Revised Code beginning in 2000, 1622
the county auditor shall deliver a copy of the delinquent 1623
manufactured home tax list to the county treasurer. The auditor 1624
shall update and publish the delinquent manufactured home tax list 1625
annually in the same manner as delinquent real property tax lists 1626
are published. The county auditor shall apportion the cost of 1627
publishing the list among taxing districts in proportion to the 1628
amount of delinquent manufactured home taxes so published that 1629
each taxing district is entitled to receive upon collection of 1630
those taxes. 1631

(3) When taxes, penalties, or interest are charged against a 1632
person on the delinquent manufactured home tax list and are not 1633
paid within sixty days after the list is delivered to the county 1634
treasurer, the county treasurer shall, in addition to any other 1635
remedy provided by law for the collection of taxes, penalties, and 1636
interest, enforce collection of such taxes, penalties, and 1637

interest by civil action in the name of the treasurer against the 1638
owner for the recovery of the unpaid taxes following the 1639
procedures for the recovery of delinquent real property taxes in 1640
sections 323.25 to 323.28 of the Revised Code. The action may be 1641
brought in municipal or county court, provided the amount charged 1642
does not exceed the monetary limitations for original jurisdiction 1643
for civil actions in those courts. 1644

It is sufficient, having made proper parties to the suit, for 1645
the county treasurer to allege in the treasurer's bill of 1646
particulars or petition that the taxes stand chargeable on the 1647
books of the county treasurer against such person, that they are 1648
due and unpaid, and that such person is indebted in the amount of 1649
taxes appearing to be due the county. The treasurer need not set 1650
forth any other matter relating thereto. If it is found on the 1651
trial of the action that the person is indebted to the state, 1652
judgment shall be rendered in favor of the county treasurer 1653
prosecuting the action. The judgment debtor is not entitled to the 1654
benefit of any law for stay of execution or exemption of property 1655
from levy or sale on execution in the enforcement of the judgment. 1656

Upon the filing of an entry of confirmation of sale or an 1657
order of forfeiture in a proceeding brought under this division, 1658
title to the manufactured or mobile home shall be in the 1659
purchaser. The clerk of courts shall issue a certificate of title 1660
to the purchaser upon presentation of proof of filing of the entry 1661
of confirmation or order and, in the case of a forfeiture, 1662
presentation of the county auditor's certificate of sale. 1663

(I) The total amount of taxes collected shall be distributed 1664
in the following manner: four per cent shall be allowed as 1665
compensation to the county auditor for the county auditor's 1666
service in assessing the taxes; two per cent shall be allowed as 1667
compensation to the county treasurer for the services the county 1668
treasurer renders as a result of the tax levied by this section. 1669

Such amounts shall be paid into the county treasury, to the credit 1670
of the county general revenue fund, on the warrant of the county 1671
auditor. Fees to be paid to the credit of the real estate 1672
assessment fund shall be collected pursuant to division (C) of 1673
section 319.54 of the Revised Code and paid into the county 1674
treasury, on the warrant of the county auditor. The balance of the 1675
taxes collected shall be distributed among the taxing subdivisions 1676
of the county in which the taxes are collected and paid in the 1677
same ratio as those taxes were collected for the benefit of the 1678
taxing subdivision. The taxes levied and revenues collected under 1679
this section shall be in lieu of any general property tax and any 1680
tax levied with respect to the privilege of using or occupying a 1681
manufactured or mobile home in this state except as provided in 1682
sections 4503.04 and 5741.02 of the Revised Code. 1683

(J) An agreement to purchase or a bill of sale for a 1684
manufactured home shall show whether or not the furnishings and 1685
equipment are included in the purchase price. 1686

(K) If the county treasurer and the county prosecuting 1687
attorney agree that an item charged on the delinquent manufactured 1688
home tax list is uncollectible, they shall certify that 1689
determination and the reasons to the county board of revision. If 1690
the board determines the amount is uncollectible, it shall certify 1691
its determination to the county auditor, who shall strike the item 1692
from the list. 1693

(L)(1) The county auditor shall appraise at its true value 1694
any manufactured or mobile home in which ownership is transferred 1695
or which first acquires situs in this state on or after January 1, 1696
2000, and any manufactured or mobile home the owner of which has 1697
elected, under division (D)(4) of this section, to have the home 1698
taxed under division (D)(2) of this section. The true value shall 1699
include the value of the home, any additions, and any fixtures, 1700
but not any furnishings in the home. In determining the true value 1701

of a manufactured or mobile home, the auditor shall consider all 1702
facts and circumstances relating to the value of the home, 1703
including its age, its capacity to function as a residence, any 1704
obsolete characteristics, and other factors that may tend to prove 1705
its true value. 1706

(2)(a) If a manufactured or mobile home has been the subject 1707
of an arm's length sale between a willing seller and a willing 1708
buyer within a reasonable length of time prior to the 1709
determination of true value, the county auditor shall consider the 1710
sale price of the home to be the true value for taxation purposes. 1711

(b) The sale price in an arm's length transaction between a 1712
willing seller and a willing buyer shall not be considered the 1713
true value of the home if either of the following occurred after 1714
the sale: 1715

(i) The home has lost value due to a casualty. 1716

(ii) An addition or fixture has been added to the home. 1717

(3) The county auditor shall have each home viewed and 1718
appraised at least once in each six-year period in the same year 1719
in which real property in the county is appraised pursuant to 1720
Chapter 5713. of the Revised Code, and shall update the appraised 1721
values in the third calendar year following the appraisal. The 1722
person viewing or appraising a home may enter the home to 1723
determine by actual view any additions or fixtures that have been 1724
added since the last appraisal. In conducting the appraisals and 1725
establishing the true value, the auditor shall follow the 1726
procedures set forth for appraising real property in sections 1727
5713.01 and 5713.03 of the Revised Code. 1728

(4) The county auditor shall place the true value of each 1729
home on the manufactured home tax list upon completion of an 1730
appraisal. 1731

(5)(a) If the county auditor changes the true value of a 1732

home, the auditor shall notify the owner of the home in writing, 1733
delivered by mail or in person. The notice shall be given at least 1734
thirty days prior to the issuance of any tax bill that reflects 1735
the change. Failure to receive the notice does not invalidate any 1736
proceeding under this section. 1737

(b) Any owner of a home or any other person or party listed 1738
in division (A)(1) of section 5715.19 of the Revised Code may file 1739
a complaint against the true value of the home as appraised under 1740
this section. The complaint shall be filed with the county auditor 1741
on or before the thirty-first day of March of the current tax year 1742
or the date of closing of the collection for the first half of 1743
manufactured home taxes for the current tax year, whichever is 1744
later. The auditor shall present to the county board of revision 1745
all complaints filed with the auditor under this section. The 1746
board shall hear and investigate the complaint and may take action 1747
on it as provided under sections 5715.11 to 5715.19 of the Revised 1748
Code. 1749

(c) If the county board of revision determines, pursuant to a 1750
complaint against the valuation of a manufactured or mobile home 1751
filed under this section, that the amount of taxes, assessments, 1752
or other charges paid was in excess of the amount due based on the 1753
valuation as finally determined, then the overpayment shall be 1754
refunded in the manner prescribed in section 5715.22 of the 1755
Revised Code. 1756

(d) Payment of all or part of a tax under this section for 1757
any year for which a complaint is pending before the county board 1758
of revision does not abate the complaint or in any way affect the 1759
hearing and determination thereof. 1760

(M) If the county auditor determines that any tax or other 1761
charge or any part thereof has been erroneously charged as a 1762
result of a clerical error as defined in section 319.35 of the 1763
Revised Code, the county auditor shall call the attention of the 1764

county board of revision to the erroneous charges. If the board 1765
finds that the taxes or other charges have been erroneously 1766
charged or collected, it shall certify the finding to the auditor. 1767
Upon receipt of the certification, the auditor shall remove the 1768
erroneous charges on the manufactured home tax list or delinquent 1769
manufactured home tax list in the same manner as is prescribed in 1770
section 319.35 of the Revised Code for erroneous charges against 1771
real property, and refund any erroneous charges that have been 1772
collected, with interest, in the same manner as is prescribed in 1773
section 319.36 of the Revised Code for erroneous charges against 1774
real property. 1775

(N) Any tax paid pursuant to this section shall include only 1776
the value of the manufactured or mobile home and any improvements 1777
made by the owner that were not mandated by any manufactured home 1778
park operator or rules governing the rental agreement. No tax paid 1779
pursuant to this section shall include the value of any auxiliary 1780
landscape or access mandated or completed by the manufactured home 1781
park operator that the owner of the manufactured or mobile home 1782
does not own. 1783

(O) As used in this section and section 4503.061 of the 1784
Revised Code: 1785

(1) "Manufactured home taxes" includes taxes, penalties, and 1786
interest charged under division (C) or (G) of this section and any 1787
penalties charged under division (G) or (H)(5) of section 4503.061 1788
of the Revised Code. 1789

(2) "Current taxes" means all manufactured home taxes charged 1790
against a manufactured or mobile home that have not appeared on 1791
the manufactured home tax list for any prior year. Current taxes 1792
become delinquent taxes if they remain unpaid after the last day 1793
prescribed for payment of the second installment of current taxes 1794
without penalty, whether or not they have been certified 1795
delinquent. 1796

(3) "Delinquent taxes" means:	1797
(a) Any manufactured home taxes that were charged against a manufactured or mobile home for a prior year, including any penalties or interest charged for a prior year, and that remain unpaid;	1798 1799 1800 1801
(b) Any current manufactured home taxes charged against a manufactured or mobile home that remain unpaid after the last day prescribed for payment of the second installment of current taxes without penalty, whether or not they have been certified delinquent, including any penalties or interest.	1802 1803 1804 1805 1806
Section 2. That existing sections 1923.02, 3733.09, 3733.091, 3733.10, 3733.101, 3733.11, 3733.99, 3767.41, and 4503.06 of the Revised Code are hereby repealed.	1807 1808 1809
Section 3. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:	1810 1811 1812 1813 1814 1815 1816 1817
Section 1923.02 of the Revised Code as amended by both Sub. H.B. 56 and Am. Sub. S.B. 10 of the 127th General Assembly.	1818 1819