

As Introduced

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H. B. No. 56

Representative Uecker

**Cosponsors: Representatives McGregor, J., Seitz, Evans, Fende, Wagoner,
Setzer, Combs, Adams, Wolpert, Flowers, Gibbs, Bulp, Distel**

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A B I L L

To amend sections 1923.01, 1923.02, 1923.12, 1923.13, 1
1923.14, and 3733.11 of the Revised Code to 2
clarify the rights and duties of the parties to an 3
action for a forcible entry and detainer at a 4
manufactured home park. 5

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

Section 1. That sections 1923.01, 1923.02, 1923.12, 1923.13, 6
1923.14, and 3733.11 of the Revised Code be amended to read as 7
follows: 8

Sec. 1923.01. (A) As provided in this chapter, any judge of a 9
county or municipal court or a court of common pleas, within the 10
judge's proper area of jurisdiction, may inquire about persons who 11
make unlawful and forcible entry into lands or tenements and 12
detain them, and about persons who make a lawful and peaceable 13
entry into lands or tenements and hold them unlawfully and by 14
force. If, upon the inquiry, it is found that an unlawful and 15
forcible entry has been made and the lands or tenements are 16
detained, or that, after a lawful entry, lands or tenements are 17
held unlawfully and by force, a judge shall cause the plaintiff in 18

an action under this chapter to have restitution of the lands or
tenements.

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

(C) As used in this chapter:

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

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

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

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

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

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

(7) "School premises" has the same meaning as in section 49
2925.01 of the Revised Code. 50

(8) "Sexually oriented offense" and "child-victim oriented 51
offense" have the same meanings as in section 2950.01 of the 52
Revised Code. 53

(9) "Recreational vehicle" ~~has~~ and "mobile home" have the 54
same ~~meaning~~ meanings as in section 4501.01 of the Revised Code. 55

(10) "Manufactured home" has the same meaning as in section 56
3781.06 of the Revised Code. 57

(11) "Personal property" means tangible personal property 58
other than a manufactured home, mobile home, or recreational 59
vehicle that is the subject of an action under this chapter. 60

Sec. 1923.02. (A) Proceedings under this chapter may be had 61
as follows: 62

(1) Against tenants or manufactured home park residents 63
holding over their terms; 64

(2) Against tenants or manufactured home park residents in 65
possession under an oral tenancy, who are in default in the 66
payment of rent as provided in division (B) of this section; 67

(3) In sales of real estate, on executions, orders, or other 68
judicial process, when the judgment debtor was in possession at 69
the time of the rendition of the judgment or decree, by virtue of 70
which the sale was made; 71

(4) In sales by executors, administrators, or guardians, and 72
on partition, when any of the parties to the complaint were in 73
possession at the commencement of the action, after the sales, so 74
made on execution or otherwise, have been examined by the proper 75
court and adjudged legal; 76

(5) When the defendant is an occupier of lands or tenements, 77

without color of title, and the complainant has the right of 78
possession to them; 79

(6) In any other case of the unlawful and forcible detention 80
of lands or tenements. For purposes of this division, in addition 81
to any other type of unlawful and forcible detention of lands or 82
tenements, such a detention may be determined to exist when both 83
of the following apply: 84

(a) A tenant fails to vacate residential premises within 85
three days after both of the following occur: 86

(i) The tenant's landlord has actual knowledge of or has 87
reasonable cause to believe that the tenant, any person in the 88
tenant's household, or any person on the premises with the consent 89
of the tenant previously has or presently is engaged in a 90
violation of Chapter 2925. or 3719. of the Revised Code, or of a 91
municipal ordinance that is substantially similar to any section 92
in either of those chapters, which involves a controlled substance 93
and which occurred in, is occurring in, or otherwise was or is 94
connected with the premises, whether or not the tenant or other 95
person has been charged with, has pleaded guilty to or been 96
convicted of, or has been determined to be a delinquent child for 97
an act that, if committed by an adult, would be a violation as 98
described in this division. For purposes of this division, a 99
landlord has "actual knowledge of or has reasonable cause to 100
believe" that a tenant, any person in the tenant's household, or 101
any person on the premises with the consent of the tenant 102
previously has or presently is engaged in a violation as described 103
in this division if a search warrant was issued pursuant to 104
Criminal Rule 41 or Chapter 2933. of the Revised Code; the 105
affidavit presented to obtain the warrant named or described the 106
tenant or person as the individual to be searched and particularly 107
described the tenant's premises as the place to be searched, named 108
or described one or more controlled substances to be searched for 109

and seized, stated substantially the offense under Chapter 2925. 110
or 3719. of the Revised Code or the substantially similar 111
municipal ordinance that occurred in, is occurring in, or 112
otherwise was or is connected with the tenant's premises, and 113
states the factual basis for the affiant's belief that the 114
controlled substances are located on the tenant's premises; the 115
warrant was properly executed by a law enforcement officer and any 116
controlled substance described in the affidavit was found by that 117
officer during the search and seizure; and, subsequent to the 118
search and seizure, the landlord was informed by that or another 119
law enforcement officer of the fact that the tenant or person has 120
or presently is engaged in a violation as described in this 121
division and it occurred in, is occurring in, or otherwise was or 122
is connected with the tenant's premises. 123

(ii) The landlord gives the tenant the notice required by 124
division (C) of section 5321.17 of the Revised Code. 125

(b) The court determines, by a preponderance of the evidence, 126
that the tenant, any person in the tenant's household, or any 127
person on the premises with the consent of the tenant previously 128
has or presently is engaged in a violation as described in 129
division (A)(6)(a)(i) of this section. 130

(7) In cases arising out of Chapter 5313. of the Revised 131
Code. In those cases, the court has the authority to declare a 132
forfeiture of the vendee's rights under a land installment 133
contract and to grant any other claims arising out of the 134
contract. 135

(8) Against tenants who have breached an obligation that is 136
imposed by section 5321.05 of the Revised Code, other than the 137
obligation specified in division (A)(9) of that section, and that 138
materially affects health and safety. Prior to the commencement of 139
an action under this division, notice shall be given to the tenant 140
and compliance secured with section 5321.11 of the Revised Code. 141

(9) Against tenants who have breached an obligation imposed 142
upon them by a written rental agreement; 143

(10) Against manufactured home park residents who have 144
defaulted in the payment of rent or breached the terms of a rental 145
agreement with a ~~manufactured home~~ park operator. Nothing in this 146
division precludes the commencement of an action under division 147
(A)(12) of this section when the additional circumstances 148
described in that division apply. 149

(11) Against manufactured home park residents who have 150
committed two material violations of the rules of the manufactured 151
home park, of the public health council, or of applicable state 152
and local health and safety codes and who have been notified of 153
the violations in compliance with section 3733.13 of the Revised 154
Code; 155

(12) Against a manufactured home park resident, or the estate 156
of a manufactured home park resident, who has been absent from the 157
manufactured home park for a period of thirty consecutive days 158
prior to the commencement of an action under this division and 159
whose manufactured home or mobile home, or recreational vehicle 160
that is parked in the manufactured home park, has been left 161
unoccupied for that thirty-day period, without notice to the park 162
operator and without payment of rent due under the rental 163
agreement with the park operator; 164

(13) Against occupants of self-service storage facilities, as 165
defined in division (A) of section 5322.01 of the Revised Code, 166
who have breached the terms of a rental agreement or violated 167
section 5322.04 of the Revised Code; 168

(14) Against any resident or occupant who, pursuant to a 169
rental agreement, resides in or occupies residential premises 170
located within one thousand feet of any school premises and to 171
whom both of the following apply: 172

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

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

(15) Against any tenant who permits any person to occupy residential premises located within one thousand feet of any school premises if both of the following apply to the person:

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

(b) The state registry of sex offenders and child-victim offenders indicates that the person was convicted of or pleaded guilty to either a sexually oriented offense that is not a registration-exempt sexually oriented offense or a child-victim oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for that offense.

(16) Against a manufactured home park resident, or the estate of a manufactured home park resident, who dies during the term of the resident's rental agreement with the park operator.

(B) If a tenant or manufactured home park resident holding under an oral tenancy is in default in the payment of rent, the tenant or resident forfeits the right of occupancy, and the landlord may, at the landlord's option, terminate the tenancy by notifying the tenant or resident, as provided in section 1923.04

of the Revised Code, to leave the premises, for the restitution of 204
which an action may then be brought under this chapter. 205

(C)(1) If a tenant or any other person with the tenant's 206
permission resides in or occupies residential premises that are 207
located within one thousand feet of any school premises and is a 208
resident or occupant of the type described in division (A)(14) of 209
this section or a person of the type described in division (A)(15) 210
of this section, the landlord for those residential premises, upon 211
discovery that the tenant or other person is a resident, occupant, 212
or person of that nature, may terminate the rental agreement or 213
tenancy for those residential premises by notifying the tenant and 214
all other occupants, as provided in section 1923.04 of the Revised 215
Code, to leave the premises. 216

(2) If a landlord is authorized to terminate a rental 217
agreement or tenancy pursuant to division (C)(1) of this section 218
but does not so terminate the rental agreement or tenancy, the 219
landlord is not liable in a tort or other civil action in damages 220
for any injury, death, or loss to person or property that 221
allegedly result from that decision. 222

(D) This chapter does not apply to a student tenant as 223
defined by division (H) of section 5321.01 of the Revised Code 224
when the college or university proceeds to terminate a rental 225
agreement pursuant to section 5321.031 of the Revised Code. 226

Sec. 1923.12. (A) If a resident or a resident's estate has 227
been evicted from a manufactured home park pursuant to a judgment 228
entered under section 1923.09 or 1923.11 of the Revised Code and 229
if the resident or estate has abandoned or otherwise left 230
unoccupied the resident's manufactured home, mobile home, or 231
recreational vehicle on the residential premises of the 232
manufactured home park for a period of three days following the 233
entry of the judgment, the operator of the manufactured home park 234

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

(B) Every notice provided to the titled owner of a 250
manufactured home, mobile home, or recreational vehicle under this 251
section shall contain the following language printed in a 252
conspicuous manner: "You are being asked to remove your 253
manufactured home, mobile home, or recreational vehicle from the 254
residential premises of, a manufactured home park, in 255
accordance with a judgment of eviction entered in court 256
on against, If the manufactured home, mobile 257
home, or recreational vehicle is not removed from the manufactured 258
home park within fourteen days from the date of delivery of this 259
notice, the home or vehicle may be sold or destroyed, or its title 260
may be transferred to, pursuant to division (B) of both 261
sections 1923.13 and 1923.14 of the Revised Code. If you are in 262
doubt regarding your legal rights, it is recommended that you seek 263
legal assistance." 264

(C) Before requesting a writ of execution under division (B) 265
of section 1923.13 of the Revised Code, the park operator shall 266

conduct or cause to be conducted a search of the appropriate 267
public records that relate to the manufactured home, mobile home, 268
or recreational vehicle, and make or cause to be made reasonably 269
diligent inquiries, for the purpose of identifying any persons who 270
have an outstanding right, title, or interest in the home or 271
vehicle. If the search or inquiries reveal any person who has an 272
outstanding right, title, or interest in the manufactured home, 273
mobile home, or recreational vehicle, the park operator shall list 274
the name and last known address of each person with a right, 275
title, or interest of that nature on its request for the writ of 276
execution. The park operator also shall certify on the request 277
that the park operator provided the written notice required by 278
this section. The clerk of the municipal court, county court, or 279
court of common pleas may require the park operator to pay an 280
advance deposit sufficient to secure payment of the appraisal of 281
the manufactured home, mobile home, or recreational vehicle and 282
the advertisement of the sale of the home or vehicle. 283

(D) When a deceased resident or a resident's estate has been 284
evicted from a manufactured home park pursuant to a judgment 285
entered under section 1923.09 or 1923.11 of the Revised Code, the 286
removal from the park and potential sale, destruction, or transfer 287
of ownership of the resident's manufactured home, mobile home, or 288
recreational vehicle and any personal property abandoned on the 289
residential premises shall be conducted in the manner prescribed 290
by the probate court in which letters testamentary or of 291
administration have been granted for the estate in accordance with 292
Title XXI of the Revised Code. The park operator may store the 293
resident's manufactured home, mobile home, or recreational vehicle 294
at a storage facility or at another location within the 295
manufactured home park during the administration of the estate. 296
The park operator shall notify the executor or administrator of 297
the resident's estate where the manufactured home, mobile home, or 298
recreational vehicle will be stored during the administration of 299

the estate. The costs for the removal and storage of the 300
manufactured home, mobile home, or recreational vehicle shall be a 301
claim against the resident's estate without further presentation 302
of the claim to the executor or administrator. 303

(E)(1) When the resident who has been evicted from a 304
manufactured home park pursuant to a judgment entered under 305
section 1923.09 or 1923.11 of the Revised Code is the titled owner 306
of a manufactured home, mobile home, or recreational vehicle and 307
is or becomes deceased prior to the removal of the home or vehicle 308
from the manufactured home park, and no probate court has granted 309
letters testamentary or of administration with respect to the 310
resident's estate, the park operator may store the home or vehicle 311
at a storage facility or at another location within the 312
manufactured home park before and after a probate court grants 313
letters testamentary or of administration with respect to the 314
resident's estate pursuant to Title XXI of the Revised Code. 315

(2) If no probate court grants letters testamentary or of 316
administration with respect to the resident's estate within one 317
year of the date of the eviction of the resident from the 318
manufactured home park pursuant to a judgment entered under 319
section 1923.09 or 1923.11 of the Revised Code, the park operator 320
may follow the procedures of division (B) of section 1923.13 and 321
division (B) of section 1923.14 of the Revised Code to permit the 322
removal of the manufactured home, mobile home, or recreational 323
vehicle from the park and potential sale, destruction, or transfer 324
of ownership of the home or vehicle. 325

(3) If a probate court grants letters testamentary or of 326
administration with respect to the resident's estate within one 327
year of the date of the eviction of the resident from the park, 328
the removal of the manufactured home, mobile home, or recreational 329
vehicle from the park and potential sale, destruction, or transfer 330
of ownership of the home or vehicle shall be conducted pursuant to 331

division (D) of this section. 332

Sec. 1923.13. (A) When a judgment of restitution is entered 333
by a court in an action under this chapter, unless the plaintiff 334
or the plaintiff's agent or attorney proceeds under division (B) 335
of this section, at the request of the plaintiff or the 336
plaintiff's agent or attorney, that court shall issue a writ of 337
execution on the judgment, in the following form, as near as 338
practicable: 339

"The state of Ohio, county: To any 340
constable or police officer of township, city, 341
or village; or To the sheriff of 342
county; or To any authorized bailiff of the (name of 343
court): 344

Whereas, in a certain action for the forcible entry and 345
detention (or the forcible detention, as the case may be), of the 346
following described premises, to wit:, lately tried 347
before this court, wherein was plaintiff, and 348
..... was defendant, judgment was rendered on 349
the day of,, that the plaintiff 350
have restitution of those premises; and also that the plaintiff 351
recover costs in the sum of You therefore are 352
hereby commanded to cause the defendant to be forthwith removed 353
from those premises, and the plaintiff to have restitution of 354
them; also, that you levy of the goods and chattels of the 355
defendant, and make the costs previously mentioned and all 356
accruing costs, and of this writ make legal service and due 357
return. 358

Witness my hand, this day of, 359
..... Judge, (Name of court)" 360

(B) When a judgment of restitution is entered by a court in 361
any action under this chapter against a manufactured home park 362

resident or the estate of a manufactured home park resident, at 363
the request of the plaintiff or the plaintiff's agent or attorney, 364
that court shall issue a writ of execution on the judgment, in the 365
following form, as near as practicable: 366

"The state of Ohio, county; To any constable or 367
police officer of township, city, or village; or To the 368
sheriff of county; or To any authorized bailiff of the 369
..... (name of court): 370

Whereas, in a certain action for eviction of a resident or a 371
resident's estate from the following described residential 372
premises of a manufactured home park on which the following 373
described manufactured home, mobile home, or recreational vehicle 374
is located, to wit:, lately tried before this court, 375
wherein was plaintiff, and was defendant, 376
..... judgment was rendered on the day of 377
.....,, that the plaintiff have restitution of the 378
premises and also that the plaintiff recover costs in the sum of 379
..... You therefore are hereby authorized to cause the 380
defendant to be removed from the residential premises, if 381
necessary. Also, you are to levy of the goods and chattels of the 382
defendant, and make the costs previously mentioned and all 383
accruing costs, and of this writ make legal service and due 384
return. 385

Further, you are authorized to cause the manufactured home, 386
mobile home, or recreational vehicle, and all personal property 387
~~and vehicles~~ of the defendant on the residential premises, to be, 388
at your option, either (1) removed from the manufactured home park 389
and, if necessary, moved to a storage facility of your choice, or 390
(2) retained at their current location on the residential 391
premises, until they are disposed of in a manner authorized by 392
this writ or the law of this state. 393

If the manufactured home, mobile home, or recreational 394

vehicle has been abandoned by the defendant and the requirements 395
of section 1923.12 of the Revised Code have been satisfied, you 396
are hereby authorized to cause the sale of the home or vehicle in 397
accordance with division (B)(3) of section 1923.14 of the Revised 398
Code. A search of appropriate public records or other reasonably 399
diligent inquiries reveals the following persons, whose last known 400
addresses are listed next to their names, may continue to have an 401
outstanding right, title, or interest in the home or vehicle: 402
..... If you are unable to sell the manufactured home, mobile 403
home, or recreational vehicle due to a want of bidders, after it 404
is offered for sale on two occasions, you are hereby commanded to 405
cause the presentation of this writ to the clerk of this court for 406
the issuance of a certificate of title transferring the title of 407
the home or vehicle to the plaintiff, free and clear of all 408
security interests, liens, and encumbrances, in accordance with 409
division (B)(3) of section 1923.14 of the Revised Code. 410

If the manufactured home, mobile home, or recreational 411
vehicle has been so abandoned and has a value of less than three 412
thousand dollars and if the requirements of section 1923.12 of the 413
Revised Code have been satisfied, you are hereby authorized either 414
to cause the sale or destruction of the home or vehicle, or to 415
cause the presentation of this writ to the clerk of this court for 416
the issuance of a certificate of title transferring the title of 417
the home or vehicle to the plaintiff, free and clear of all 418
security interests, liens, and encumbrances, in accordance with 419
division (B)(4) of section 1923.14 of the Revised Code. 420

Upon this writ's presentation to the clerk of this court 421
under the circumstances described in either of the two preceding 422
paragraphs and in accordance with division (B)(3) or (4) of 423
section 1923.14 of the Revised Code, as applicable, the clerk is 424
hereby commanded to issue a certificate of title transferring the 425
title of the manufactured home, mobile home, or recreational 426

vehicle to the plaintiff, free and clear of all security 427
interests, liens, and encumbrances, in the manner prescribed in 428
section 4505.10 of the Revised Code. 429

Witness my hand, this day of, 430
..... , Judge, (Name of court)." 431

Sec. 1923.14. (A) Except as otherwise provided in this 432
section, within ten days after receiving a writ of execution 433
described in division (A) or (B) of section 1923.13 of the Revised 434
Code, the sheriff, police officer, constable, or bailiff shall 435
execute it by restoring the plaintiff to the possession of the 436
premises, and shall levy and collect the costs and make return, as 437
upon other executions. If an appeal from the judgment of 438
restitution is filed and if, following the filing of the appeal, a 439
stay of execution is obtained and any required bond is filed with 440
the court of common pleas, municipal court, or county court, the 441
judge of that court immediately shall issue an order to the 442
sheriff, police officer, constable, or bailiff commanding the 443
delay of all further proceedings upon the execution. If the 444
premises have been restored to the plaintiff, the sheriff, police 445
officer, constable, or bailiff shall forthwith place the defendant 446
in possession of them, and return the writ with the sheriff's, 447
police officer's, constable's, or bailiff's proceedings and the 448
costs taxed on it. 449

(B)(1) After a court of common pleas, municipal court, or 450
county court issues a writ of execution described in division (B) 451
of section 1923.13 of the Revised Code, the clerk of the court 452
shall send by regular mail, to the last known address of the 453
titled owner of the manufactured home, mobile home, or 454
recreational vehicle that is the subject of the writ and to the 455
last known address of each other person who is listed on the writ 456
as having any outstanding right, title, or interest in the home or 457

vehicle and to the auditor and treasurer of the county in which 458
the court is located, a written notice that the home or vehicle 459
potentially may be sold, destroyed, or have its title transferred 460
under the circumstances described in division (B)(3) or (4) of 461
this section. 462

(2) ~~After~~ Except as otherwise provided in this division, 463
after receiving a writ of execution described in division (B) of 464
section 1923.13 of the Revised Code, and after causing the 465
defendant to be removed from the residential premises of the 466
manufactured home park, if necessary, in accordance with the writ, 467
the sheriff, police officer, constable, or bailiff may cause the 468
manufactured home, mobile home, or recreational vehicle that is 469
the subject of the writ, and all personal property ~~and vehicles~~ of 470
the defendant on the residential premises, at the sheriff's, 471
police officer's, constable's, or bailiff's option, either to be 472
removed from the manufactured home park and, if necessary, moved 473
to a storage facility of the sheriff's, police officer's, 474
constable's, or bailiff's choice, or to be retained at their 475
current location on the residential premises, until they are 476
claimed by the defendant or they are disposed of in a manner 477
authorized by division (B)(3) ~~or~~, (4), or (6) of this section or 478
by another section of the Revised Code. The sheriff, police 479
officer, constable, or bailiff shall not cause the manufactured 480
home, mobile home, or recreational vehicle that is the subject of 481
the writ, or the defendant's personal property, to be removed from 482
the manufactured home park or moved to a storage facility if the 483
holder of any outstanding lien, right, title, or interest in the 484
home or vehicle, other than the titled owner of the home or 485
vehicle, meets the conditions set forth in division (B)(6) of this 486
section. 487

The sheriff, police officer, constable, or bailiff who 488
removes the manufactured home, mobile home, or recreational 489

vehicle, or the personal property ~~and vehicles~~ of the defendant, 490
from the residential premises shall be immune from civil liability 491
pursuant to section 2744.03 of the Revised Code for any damage 492
caused to the home, ~~any~~ vehicle, or any personal property during 493
the removal. The park operator shall not be liable for any damage 494
caused by the park operator's removal of the manufactured home, 495
mobile home, or recreational vehicle, or, the removal of the 496
personal property ~~or vehicles~~ of the defendant, from the 497
residential premises, or for any damage to the personal property 498
~~and vehicles~~ of the defendant during the time the home, vehicle, 499
or property remains abandoned or stored in the manufactured home 500
park, unless the damage is the result of acts that the park 501
operator or the park operator's agents or employees performed with 502
malicious purpose, in bad faith, or in a wanton or reckless 503
manner. The reasonable costs for a removal of the manufactured 504
home, mobile home, or recreational vehicle and, as applicable, the 505
reasonable costs for its storage shall constitute a lien upon the 506
home or vehicle payable by its titled owner or payable pursuant to 507
division (B)(3) of this section. 508

(3) Except as provided in divisions (B)(4) ~~and~~, (5), and (6) 509
of this section, within sixty days after receiving a writ of 510
execution described in division (B) of section 1923.13 of the 511
Revised Code, the sheriff, police officer, constable, or bailiff 512
shall commence proceedings for the sale of the manufactured home, 513
mobile home, or recreational vehicle that is the subject of the 514
writ, and the personal property of the defendant on the 515
residential premises, if ~~it~~ the home or vehicle is determined to 516
be abandoned in accordance with the procedures for the sale of 517
goods on execution under Chapter 2329. of the Revised Code. In 518
addition to all notices required to be given under section 2329.13 519
of the Revised Code, the sheriff, police officer, constable, or 520
bailiff shall serve at their respective last known addresses a 521
written notice of the date, time, and place of the sale upon all 522

persons who are listed on the writ of execution as having any 523
outstanding right, title, or interest in the abandoned 524
manufactured home, mobile home, or recreational vehicle and the 525
personal property and shall provide written notice to the auditor 526
and the treasurer of the county in which the court issuing the 527
writ is located. 528

Notwithstanding any statutory provision to the contrary, 529
including, but not limited to, section 2329.66 of the Revised 530
Code, there shall be no stay of execution or exemption from levy 531
or sale on execution available to the titled owner of the 532
abandoned manufactured home, mobile home, or recreational vehicle 533
in relation to a sale under this division. The sheriff, police 534
officer, constable, or bailiff shall distribute the proceeds from 535
the sale of an abandoned manufactured home, mobile home, or 536
recreational vehicle under this division in the following manner: 537

(a) The sheriff, police officer, constable, or bailiff shall 538
first pay the costs for any moving of and any storage outside the 539
manufactured home park of the home or vehicle pursuant to division 540
(B)(2) of this section, the costs of the sale, including 541
reimbursing the park operator for the fees that the park operator 542
paid to the clerk of court under division (C) of section 1923.12 543
of the Revised Code, and any unpaid court costs assessed against 544
the defendant in the underlying action. 545

(b) Following the payment required by division (B)(3)(a) of 546
this section, the sheriff, police officer, constable, or bailiff 547
shall pay all outstanding tax liens on the home or vehicle. 548

(c) Following the payment required by division (B)(3)(b) of 549
this section, the sheriff, police officer, constable, or bailiff 550
shall pay all other outstanding security interests, liens, or 551
encumbrances on the home or vehicle by priority of filing or other 552
priority. 553

(d) Following the payment required by division (B)(3)(c) of 554
this section, the sheriff, police officer, constable, or bailiff 555
shall pay any outstanding monetary judgment rendered under section 556
1923.09 or 1923.11 of the Revised Code in favor of the plaintiff 557
and any costs associated with retaining the home or vehicle prior 558
to the sale at its location on the residential premises within the 559
manufactured home park pursuant to division (B)(2) of this 560
section. 561

(e) After complying with divisions (B)(3)(a) to (d) of this 562
section, the sheriff, police officer, constable, or bailiff shall 563
report any remaining money as unclaimed funds pursuant to Chapter 564
169. of the Revised Code. 565

Upon the return of any writ of execution for the satisfaction 566
of which an abandoned manufactured home, mobile home, or 567
recreational vehicle has been sold under this division, on careful 568
examination of the proceedings of the sheriff, police officer, 569
constable, or bailiff conducting the sale, if the court that 570
issued the writ finds that the sale was made, in all respects, in 571
conformity with the relevant provisions of Chapter 2329. of the 572
Revised Code and with this division, it shall direct the clerk of 573
the court to make an entry on the journal that the court is 574
satisfied with the legality of the sale and the court shall direct 575
the clerk of the court of common pleas of the county in which the 576
writ was issued to issue a certificate of title, free and clear of 577
all security interests, liens, and encumbrances, to the purchaser 578
of the home or vehicle. The clerk of the court of common pleas 579
shall issue the new certificate of title to the purchaser of the 580
home or vehicle regardless of whether the writ was issued by the 581
court of common pleas or another court duly authorized to issue 582
the writ. If the manufactured home, mobile home, or recreational 583
vehicle sold under this division is located in a manufactured home 584
park, the purchaser of the home or vehicle shall have no right to 585

maintain the home or vehicle in the manufactured home park without 586
the park operator's consent and the sheriff, police officer, 587
constable, or bailiff conducting the sale shall notify all 588
prospective purchasers of this fact prior to the commencement of 589
the sale. 590

If, after it is offered for sale on two occasions under this 591
division, the abandoned manufactured home, mobile home, or 592
recreational vehicle cannot be sold due to a want of bidders, the 593
sheriff, police officer, constable, or bailiff shall present the 594
writ of execution unsatisfied to the clerk of the court ~~that~~ 595
~~issued~~ of common pleas of the county in which the writ was issued 596
for the issuance by the clerk in the manner prescribed in section 597
4505.10 of the Revised Code of a certificate of title transferring 598
the title of the home or vehicle to the plaintiff, free and clear 599
of all security interests, liens, and encumbrances. The clerk of 600
the court of common pleas shall issue the new certificate of title 601
transferring the title of the manufactured home, mobile home, or 602
recreational vehicle to the plaintiff regardless of whether the 603
writ was issued by the court of common pleas or another court duly 604
authorized to issue the writ. If any taxes are owed on the home or 605
vehicle at this time, the county auditor shall remove the 606
delinquent taxes from the manufactured home tax list and the 607
delinquent manufactured home tax list and remit any penalties for 608
late payment of manufactured home taxes. Acceptance of the 609
certificate of title by the plaintiff terminates all further 610
proceedings under this section. 611

(4) Except as provided in division (B)(5) or (6) of this 612
section, within sixty days after receiving a writ of execution 613
described in division (B) of section 1923.13 of the Revised Code, 614
if the manufactured home, mobile home, or recreational vehicle is 615
determined to be abandoned and to have a value of less than three 616
thousand dollars, the sheriff, police officer, constable, or 617

bailiff shall serve at their respective last known addresses a 618
written notice of potential action as described in this division 619
upon all persons who are listed on the writ as having any 620
outstanding right, title, or interest in the home or vehicle. This 621
notice shall be in addition to all notices required to be given 622
under section 2329.13 of the Revised Code. Subject to the 623
fulfillment of these notice requirements, the sheriff, police 624
officer, constable, or bailiff shall take one of the following 625
actions with respect to the abandoned manufactured home, mobile 626
home, or recreational vehicle: 627

(a) Cause its destruction if there is no person having an 628
outstanding right, title, or interest in ~~it~~ the home or vehicle, 629
other than the titled owner of the home or vehicle; 630

(b) Proceed with its sale under division (B)(3) of this 631
section; 632

(c) If there is no person having an outstanding right, title, 633
or interest in the home or vehicle other than the titled owner of 634
the home or vehicle, or if there is an outstanding right, title, 635
or interest in the home or vehicle and the lienholder consents in 636
writing, present the writ of execution to the clerk of the court 637
~~that issued~~ of common pleas of the county in which the writ was 638
issued for the issuance by the clerk in the manner prescribed in 639
section 4505.10 of the Revised Code of a certificate of title 640
transferring the title of the home or vehicle to the plaintiff, 641
free and clear of all security interests, liens, and encumbrances. 642
The clerk of the court of common pleas shall issue the new 643
certificate of title transferring the title of the home or vehicle 644
regardless of whether the writ was issued by the court of common 645
pleas or another court duly authorized to issue the writ. If any 646
taxes are owed on the home or vehicle at this time, the county 647
auditor shall remove the delinquent taxes from the manufactured 648
home tax list and the delinquent manufactured home tax list and 649

remit any penalties for late payment of manufactured home taxes. 650
Acceptance of the certificate of title by the plaintiff terminates 651
all further proceedings under this section. 652

(5) At any time prior to the issuance of the writ of 653
execution described in division (B) of section 1923.13 of the 654
Revised Code, the titled owner of the manufactured home, mobile 655
home, or recreational vehicle that would be the subject of the 656
writ may remove the abandoned home or vehicle from the 657
manufactured home park or other place of storage upon payment to 658
the county auditor of all outstanding tax liens on the home or 659
vehicle and, unless the owner is indigent, payment to the clerk of 660
court of all unpaid court costs assessed against the defendant in 661
the underlying action. After the issuance of the writ of 662
execution, the titled owner of the home or vehicle may remove the 663
abandoned home or vehicle from the manufactured home park or other 664
place of storage at any time up to the day before the scheduled 665
sale, destruction, or transfer of the home or vehicle pursuant to 666
division (B)(3) or (4) of this section upon payment of all of the 667
following: 668

(a) All costs for moving and storage of the home or vehicle 669
pursuant to division (B)(2) of this section and all costs incurred 670
by the sheriff, police officer, constable, or bailiff up to and 671
including the date of the removal of the home or vehicle; 672

(b) All outstanding tax liens on the home or vehicle; 673

(c) Unless the owner is indigent, all unpaid court costs 674
assessed against the defendant in the underlying action. 675

(6) At any time after the issuance of the writ of execution 676
described in division (B) of section 1923.13 of the Revised Code, 677
the holder of any outstanding lien, right, title, or interest in 678
the manufactured home, mobile home, or recreational vehicle, other 679
than the titled owner of the home or vehicle, may stop the 680

sheriff, police officer, constable, or bailiff from proceeding 681
with the sale under this division by doing both of the following: 682

(a) Commencing a proceeding to repossess the home or vehicle 683
pursuant to Chapters 1309. and 1317. of the Revised Code; 684

(b) Paying to the park operator all monthly rental payments 685
for the lot on which the home or vehicle is located from the time 686
of the issuance of the writ of execution until the time that the 687
home or vehicle is sold pursuant to Chapters 1309. and 1317. of 688
the Revised Code. 689

Sec. 3733.11. (A)(1) The park operator shall offer each home 690
owner a written rental agreement for a manufactured home park lot 691
for a term of one year or more that contains terms essentially the 692
same as any alternative month-to-month rental agreement offered to 693
current and prospective tenants and owners. The park operator 694
shall offer the minimum one-year rental agreement to the owner 695
prior to installation of the home in the manufactured home park 696
or, if the home is in the manufactured home park, prior to the 697
expiration of the owner's existing rental agreement. 698

(2) The park operator shall deliver the offer to the owner by 699
certified mail, return receipt requested, or in person. If the 700
park operator delivers the offer to the owner in person, the owner 701
shall complete a return showing receipt of the offer. If the owner 702
does not accept the offer, the park operator is discharged from 703
any obligation to make any further such offers. If the owner 704
accepts the offer, the park operator shall, at the expiration of 705
each successive rental agreement, offer the owner another rental 706
agreement, for a term that is mutually agreed upon, and that 707
contains terms essentially the same as the alternative 708
month-to-month agreement. The park operator shall deliver 709
subsequent rental offers ~~in the same manner as the first rental~~ 710
~~offer~~ by ordinary mail or personal delivery. If the park operator 711

sells the manufactured home park to another manufactured home park operator, the purchaser is bound by the rental agreements entered into by ~~his~~ the purchaser's predecessor.

(3) If the park operator sells the manufactured home park for a use other than as a manufactured home park, the park operator shall give each tenant and owner a written notification by certified mail, return receipt requested, or by handing it to the tenant or owner in person. If the park operator delivers the notification in person, the recipient shall complete a return showing receipt of the notification. This notification shall contain notice of the sale of the manufactured home park, and notice of the date by which the tenant or owner shall vacate. The date by which the tenant shall vacate shall be at least one hundred twenty days after receipt of the written notification, and the date by which the owner shall vacate shall be at least one hundred eighty days after receipt of the written notification.

(B) A park operator shall fully disclose in writing all fees, charges, assessments, including rental fees, and rules prior to a tenant or owner executing a rental agreement and assuming occupancy in the manufactured home park. No fees, charges, assessments, or rental fees so disclosed may be increased nor rules changed by a park operator without specifying the date of implementation of the changed fees, charges, assessments, rental fees, or rules, which date shall be not less than thirty days after written notice of the change and its effective date to all tenants or owners in the manufactured home park, and no fee, charge, assessment, or rental fee shall be increased during the term of any tenant's or owner's rental agreement. Failure on the part of the park operator to fully disclose all fees, charges, or assessments shall prevent the park operator from collecting the undisclosed fees, charges, or assessments. If a tenant or owner refuses to pay any undisclosed fees, charges, or assessments, the

refusal shall not be used by the park operator as a cause for 744
eviction in any court. 745

(C) A park operator shall promulgate rules governing the 746
rental or occupancy of a lot in the manufactured home park. The 747
rules shall not be unreasonable, arbitrary, or capricious. A copy 748
of the rules and any amendments to them shall be delivered by the 749
park operator to the tenant or owner prior to signing the rental 750
agreement. A copy of the rules and any amendments to them shall be 751
posted in a conspicuous place upon the manufactured home park 752
grounds. 753

(D) No park operator shall require an owner to purchase from 754
the park operator any personal property. The park operator may 755
determine by rule the style or quality of skirting, equipment for 756
tying down homes, manufactured or mobile home accessories, or 757
other equipment to be purchased by an owner from a vendor of the 758
owner's choosing, provided that the equipment is readily available 759
to the owner. Any such equipment shall be installed in accordance 760
with the manufactured home park rules. 761

(E) No park operator shall charge any owner who chooses to 762
install an electric or gas appliance in a home an additional fee 763
solely on the basis of the installation, unless the installation 764
is performed by the park operator at the request of the owner, nor 765
shall the park operator restrict the installation, service, or 766
maintenance of the appliance, restrict the ingress or egress of 767
repairpersons to the manufactured home park for the purpose of 768
installation, service, or maintenance of the appliance, nor 769
restrict the making of any interior improvement in a home, if the 770
installation or improvement is in compliance with applicable 771
building codes and other provisions of law and if adequate utility 772
services are available for the installation or improvement. 773

(F) No park operator shall require a tenant to lease or an 774
owner to purchase a manufactured or mobile home from the park 775

operator or any specific person as a condition of or prerequisite 776
to entering into a rental agreement. 777

(G) No park operator shall require an owner to use the 778
services of the park operator or any other specific person for 779
installation of the manufactured or mobile home on the residential 780
premises or for the performance of any service. 781

(H) No park operator shall: 782

(1) Deny any owner the right to sell the owner's manufactured 783
home within the manufactured home park if the owner gives the park 784
operator ten days' notice of the intention to sell the home; 785

(2) Require the owner to remove the home from the 786
manufactured home park solely on the basis of the sale of the 787
home; 788

(3) Unreasonably refuse to enter into a rental agreement with 789
a purchaser of a home located within the operator's manufactured 790
home park; 791

(4) Charge any tenant or owner any fee, charge, or 792
assessment, including a rental fee, that is not set forth in the 793
rental agreement or, if the rental agreement is oral, is not set 794
forth in a written disclosure given to the tenant or owner prior 795
to the tenant or owner entering into a rental agreement; 796

(5) Charge any owner any fee, charge, or assessment because 797
of the transfer of ownership of a home or because a home is moved 798
out of or into the manufactured home park, except a charge for the 799
actual costs and expenses that are incurred by the park operator 800
in moving the home out of or into the manufactured home park, or 801
in installing the home in the manufactured home park and that have 802
not been reimbursed by another tenant or owner. 803

(I) If the park operator violates any provision of divisions 804
(A) to (H) of this section, the tenant or owner may recover actual 805

damages resulting from the violation, and, if the tenant or owner
obtains a judgment, reasonable attorneys' fees, or terminate the
rental agreement.

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

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

(L) A park operator and a tenant or owner may include in a
rental agreement any terms and conditions, including any term
relating to rent, the duration of an agreement, and any other
provisions governing the rights and obligations of the parties
that are not inconsistent with or prohibited by sections 3733.09
to 3733.20 of the Revised Code or any other rule of law.

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

Section 2. That existing sections 1923.01, 1923.02, 1923.12,

1923.13, 1923.14, and 3733.11 of the Revised Code are hereby
repealed.

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