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**Sub. H. B. No. 56**

**Representative Uecker**

**Cosponsors: Representatives McGregor, J., Seitz, Evans, Fende, Wagoner,  
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Dodd, Domenick, Driehaus, Hughes, Letson, Luckie, Lundy, Otterman, Sayre,  
Wachtmann, Yuko**

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**A B I L L**

To amend sections 1923.01, 1923.02, 1923.04, 1923.06, 1  
1923.081, 1923.12, 1923.13, 1923.14, and 3733.11 2  
of the Revised Code to clarify the rights and 3  
duties of the parties to an action for a forcible 4  
entry and detainer at a manufactured home park. 5

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

**Section 1.** That sections 1923.01, 1923.02, 1923.04, 1923.06, 6  
1923.081, 1923.12, 1923.13, 1923.14, and 3733.11 of the Revised 7  
Code be amended to read as 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 19  
tenements. 20

(B) An action shall be brought under this chapter within two 21  
years after the cause of action accrues. 22

(C) As used in this chapter: 23

(1) "Tenant" means a person who is entitled under a rental 24  
agreement to the use or occupancy of premises, other than premises 25  
located in a manufactured home park, to the exclusion of others, 26  
except that as used in division (A)(6) of section 1923.02 and 27  
section 1923.051 of the Revised Code, "tenant" includes a 28  
manufactured home park resident. 29

(2) "Landlord" means the owner, lessor, or sublessor of 30  
premises, or the agent or person the landlord authorizes to manage 31  
premises or to receive rent from a tenant under a rental 32  
agreement, except, if required by the facts of the action to which 33  
the term is applied, "landlord" means a park operator. 34

(3) ~~"Park operator," "manufactured home," "mobile home,"~~ 35  
~~"manufactured home park," and "resident" have~~ Resident" has the 36  
same ~~meanings~~ meaning as in section 3733.01 of the Revised Code. 37

(4) "Residential premises" has the same meaning as in section 38  
5321.01 of the Revised Code, except, if required by the facts of 39  
the action to which the term is applied, "residential premises" 40  
has the same meaning as in section 3733.01 of the Revised Code. 41

(5) "Rental agreement" means any agreement or lease, written 42  
or oral, that establishes or modifies the terms, conditions, 43  
rules, or other provisions concerning the use or occupancy of 44  
premises by one of the parties to the agreement or lease, except 45  
that "rental agreement," as used in division (A)(13) of section 46

1923.02 of the Revised Code and where the context requires as used 47  
in this chapter, means a rental agreement as defined in division 48  
(D) of section 5322.01 of the Revised Code. 49

(6) "Controlled substance" has the same meaning as in section 50  
3719.01 of the Revised Code. 51

(7) "School premises" has the same meaning as in section 52  
2925.01 of the Revised Code. 53

(8) "Sexually oriented offense" and "child-victim oriented 54  
offense" have the same meanings as in section 2950.01 of the 55  
Revised Code. 56

(9) "Recreational vehicle" ~~has~~ and "mobile home" have the 57  
same ~~meaning~~ meanings as in section 4501.01 of the Revised Code. 58

(10) "Manufactured home" has the same meaning as in section 59  
3781.06 of the Revised Code. 60

(11) "Manufactured home park" has the same meaning as in 61  
section 3733.01 of the Revised Code and also means any tract of 62  
land upon which one or two manufactured or mobile homes used for 63  
habitation are parked, either free of charge or for revenue 64  
purposes, pursuant to rental agreements between the owners of the 65  
manufactured or mobile homes and the owner of the tract of land. 66

(12) "Park operator" has the same meaning as in section 67  
3733.01 of the Revised Code and also means a landlord of premises 68  
upon which one or two manufactured or mobile homes used for 69  
habitation are parked, either free of charge or for revenue 70  
purposes, pursuant to rental agreements between the owners of the 71  
manufactured or mobile homes and a landlord who is not licensed as 72  
a manufactured home park operator pursuant to Chapter 3733. of the 73  
Revised Code. 74

(13) "Personal property" means tangible personal property 75  
other than a manufactured home, mobile home, or recreational 76

vehicle that is the subject of an action under this chapter. 77

**Sec. 1923.02.** (A) Proceedings under this chapter may be had 78  
as follows: 79

(1) Against tenants or manufactured home park residents 80  
holding over their terms; 81

(2) Against tenants or manufactured home park residents in 82  
possession under an oral tenancy, who are in default in the 83  
payment of rent as provided in division (B) of this section; 84

(3) In sales of real estate, on executions, orders, or other 85  
judicial process, when the judgment debtor was in possession at 86  
the time of the rendition of the judgment or decree, by virtue of 87  
which the sale was made; 88

(4) In sales by executors, administrators, or guardians, and 89  
on partition, when any of the parties to the complaint were in 90  
possession at the commencement of the action, after the sales, so 91  
made on execution or otherwise, have been examined by the proper 92  
court and adjudged legal; 93

(5) When the defendant is an occupier of lands or tenements, 94  
without color of title, and the complainant has the right of 95  
possession to them; 96

(6) In any other case of the unlawful and forcible detention 97  
of lands or tenements. For purposes of this division, in addition 98  
to any other type of unlawful and forcible detention of lands or 99  
tenements, such a detention may be determined to exist when both 100  
of the following apply: 101

(a) A tenant fails to vacate residential premises within 102  
three days after both of the following occur: 103

(i) The tenant's landlord has actual knowledge of or has 104  
reasonable cause to believe that the tenant, any person in the 105  
tenant's household, or any person on the premises with the consent 106

of the tenant previously has or presently is engaged in a 107  
violation of Chapter 2925. or 3719. of the Revised Code, or of a 108  
municipal ordinance that is substantially similar to any section 109  
in either of those chapters, which involves a controlled substance 110  
and which occurred in, is occurring in, or otherwise was or is 111  
connected with the premises, whether or not the tenant or other 112  
person has been charged with, has pleaded guilty to or been 113  
convicted of, or has been determined to be a delinquent child for 114  
an act that, if committed by an adult, would be a violation as 115  
described in this division. For purposes of this division, a 116  
landlord has "actual knowledge of or has reasonable cause to 117  
believe" that a tenant, any person in the tenant's household, or 118  
any person on the premises with the consent of the tenant 119  
previously has or presently is engaged in a violation as described 120  
in this division if a search warrant was issued pursuant to 121  
Criminal Rule 41 or Chapter 2933. of the Revised Code; the 122  
affidavit presented to obtain the warrant named or described the 123  
tenant or person as the individual to be searched and particularly 124  
described the tenant's premises as the place to be searched, named 125  
or described one or more controlled substances to be searched for 126  
and seized, stated substantially the offense under Chapter 2925. 127  
or 3719. of the Revised Code or the substantially similar 128  
municipal ordinance that occurred in, is occurring in, or 129  
otherwise was or is connected with the tenant's premises, and 130  
states the factual basis for the affiant's belief that the 131  
controlled substances are located on the tenant's premises; the 132  
warrant was properly executed by a law enforcement officer and any 133  
controlled substance described in the affidavit was found by that 134  
officer during the search and seizure; and, subsequent to the 135  
search and seizure, the landlord was informed by that or another 136  
law enforcement officer of the fact that the tenant or person has 137  
or presently is engaged in a violation as described in this 138  
division and it occurred in, is occurring in, or otherwise was or 139

is connected with the tenant's premises. 140

(ii) The landlord gives the tenant the notice required by 141  
division (C) of section 5321.17 of the Revised Code. 142

(b) The court determines, by a preponderance of the evidence, 143  
that the tenant, any person in the tenant's household, or any 144  
person on the premises with the consent of the tenant previously 145  
has or presently is engaged in a violation as described in 146  
division (A)(6)(a)(i) of this section. 147

(7) In cases arising out of Chapter 5313. of the Revised 148  
Code. In those cases, the court has the authority to declare a 149  
forfeiture of the vendee's rights under a land installment 150  
contract and to grant any other claims arising out of the 151  
contract. 152

(8) Against tenants who have breached an obligation that is 153  
imposed by section 5321.05 of the Revised Code, other than the 154  
obligation specified in division (A)(9) of that section, and that 155  
materially affects health and safety. Prior to the commencement of 156  
an action under this division, notice shall be given to the tenant 157  
and compliance secured with section 5321.11 of the Revised Code. 158

(9) Against tenants who have breached an obligation imposed 159  
upon them by a written rental agreement; 160

(10) Against manufactured home park residents who have 161  
defaulted in the payment of rent or breached the terms of a rental 162  
agreement with a ~~manufactured home~~ park operator. Nothing in this 163  
division precludes the commencement of an action under division 164  
(A)(12) of this section when the additional circumstances 165  
described in that division apply. 166

(11) Against manufactured home park residents who have 167  
committed two material violations of the rules of the manufactured 168  
home park, of the public health council, or of applicable state 169  
and local health and safety codes and who have been notified of 170

the violations in compliance with section 3733.13 of the Revised Code; 171  
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(12) Against a manufactured home park resident, or the estate 173  
of a manufactured home park resident, who as a result of death or 174  
otherwise has been absent from the manufactured home park for a 175  
period of thirty consecutive days prior to the commencement of an 176  
action under this division and whose manufactured home or mobile 177  
home, or recreational vehicle that is parked in the manufactured 178  
home park, has been left unoccupied for that thirty-day period, 179  
without notice to the park operator and without payment of rent 180  
due under the rental agreement with the park operator; 181

(13) Against occupants of self-service storage facilities, as 182  
defined in division (A) of section 5322.01 of the Revised Code, 183  
who have breached the terms of a rental agreement or violated 184  
section 5322.04 of the Revised Code; 185

(14) Against any resident or occupant who, pursuant to a 186  
rental agreement, resides in or occupies residential premises 187  
located within one thousand feet of any school premises and to 188  
whom both of the following apply: 189

(a) The resident's or occupant's name appears on the state 190  
registry of sex offenders and child-victim offenders maintained 191  
under section 2950.13 of the Revised Code. 192

(b) The state registry of sex offenders and child-victim 193  
offenders indicates that the resident or occupant was convicted of 194  
or pleaded guilty to either a sexually oriented offense that is 195  
not a registration-exempt sexually oriented offense or a 196  
child-victim oriented offense in a criminal prosecution and was 197  
not sentenced to a serious youthful offender dispositional 198  
sentence for that offense. 199

(15) Against any tenant who permits any person to occupy 200  
residential premises located within one thousand feet of any 201

school premises if both of the following apply to the person:	202
(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.	203 204 205
(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.	206 207 208 209 210 211 212
(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 which an action may then be brought under this chapter.	213 214 215 216 217 218 219
(C)(1) If a tenant or any other person with the tenant's permission resides in or occupies residential premises that are located within one thousand feet of any school premises and is a resident or occupant of the type described in division (A)(14) of this section or a person of the type described in division (A)(15) of this section, the landlord for those residential premises, upon discovery that the tenant or other person is a resident, occupant, or person of that nature, may terminate the rental agreement or tenancy for those residential premises by notifying the tenant and all other occupants, as provided in section 1923.04 of the Revised Code, to leave the premises.	220 221 222 223 224 225 226 227 228 229 230
(2) If a landlord is authorized to terminate a rental agreement or tenancy pursuant to division (C)(1) of this section	231 232



but does not so terminate the rental agreement or tenancy, the 233  
landlord is not liable in a tort or other civil action in damages 234  
for any injury, death, or loss to person or property that 235  
allegedly result from that decision. 236

(D) This chapter does not apply to a student tenant as 237  
defined by division (H) of section 5321.01 of the Revised Code 238  
when the college or university proceeds to terminate a rental 239  
agreement pursuant to section 5321.031 of the Revised Code. 240

**Sec. 1923.04.** (A) Except as provided in division (B) or (C) 241  
of this section, a party desiring to commence an action under this 242  
chapter shall notify the adverse party to leave the premises, for 243  
the possession of which the action is about to be brought, three 244  
or more days before beginning the action, by certified mail, 245  
return receipt requested, or by handing a written copy of the 246  
notice to the defendant in person, or by leaving it at ~~his~~ the 247  
defendant's usual place of abode or at the premises from which the 248  
defendant is sought to be evicted. 249

Every notice given under this section by a landlord to 250  
recover residential premises shall contain the following language 251  
printed or written in a conspicuous manner: "You are being asked 252  
to leave the premises. If you do not leave, an eviction action may 253  
be initiated against you. If you are in doubt regarding your legal 254  
rights and obligations as a tenant, it is recommended that you 255  
seek legal assistance." 256

(B) The service of notice pursuant to section 5313.06 of the 257  
Revised Code constitutes compliance with the notice requirement of 258  
division (A) of this section. The service of the notice required 259  
by division (C) of section 5321.17 of the Revised Code constitutes 260  
compliance with the notice requirement of division (A) of this 261  
section. 262

(C) If the adverse party in an action under this chapter is a 263

deceased resident of a manufactured home park, the notice required 264  
by division (A) of this section shall be left at the premises from 265  
which the defendant is sought to be evicted and also shall be sent 266  
by ordinary mail to the following persons if their names and 267  
addresses are known to the park operator: 268

(1) If a probate court has granted letters testamentary or of 269  
administration for the estate of the adverse party in accordance 270  
with Title XXI of the Revised Code, the executor or administrator 271  
appointed by the probate court; 272

(2) The deceased resident's spouse and any other members of 273  
the deceased resident's immediate family. 274

**Sec. 1923.06.** (A) Any summons in an action, including a claim 275  
for possession, pursuant to this chapter shall be issued, be in 276  
the form specified, and be served and returned as provided in this 277  
section. Such service shall be at least seven days before the day 278  
set for trial. 279

(B) Every summons issued under this section to recover 280  
residential premises shall contain the following language printed 281  
in a conspicuous manner: "A complaint to evict you has been filed 282  
with this court. No person shall be evicted unless the person's 283  
right to possession has ended and no person shall be evicted in 284  
retaliation for the exercise of the person's lawful rights. If you 285  
are depositing rent with the clerk of this court you shall 286  
continue to deposit such rent until the time of the court hearing. 287  
The failure to continue to deposit such rent may result in your 288  
eviction. You may request a trial by jury. You have the right to 289  
seek legal assistance. If you cannot afford a lawyer, you may 290  
contact your local legal aid or legal service office. If none is 291  
available, you may contact your local bar association." 292

(C) The clerk of the court in which a complaint to evict is 293  
filed shall mail any summons by ordinary mail, along with a copy 294

of the complaint, document, or other process to be served, to the 295  
defendant at the address set forth in the caption of the summons 296  
and to any address set forth in any written instructions furnished 297  
to the clerk. The mailing shall be evidenced by a certificate of 298  
mailing which the clerk shall complete and file. 299

In addition to this ordinary mail service, the clerk also 300  
shall cause service of that process to be completed under ~~division~~ 301  
either of the following: 302

(1) Division (D) or (E) of this section or both, depending 303  
upon which of those two methods of service is requested by the 304  
plaintiff upon filing the complaint to evict; 305

(2) Division (F) of this section if the action relates to a 306  
deceased manufactured home park resident. 307

(D)(1) If requested, the clerk shall deliver sufficient 308  
copies of the summons, complaint, document, or other process to be 309  
served to, and service shall be made by, one of the following 310  
persons: 311

(a) The sheriff of the county in which the premises are 312  
located when the process issues from a court of common pleas or 313  
county court; 314

(b) The bailiff of the court for service when process issues 315  
from a municipal court; 316

(c) Any person who is eighteen years of age or older, who is 317  
not a party, and who has been designated by order of the court to 318  
make service of process when process issues from any of the courts 319  
referred to in divisions (D)(1)(a) and (b) of this section. 320

(2) The person serving process shall effect service at the 321  
premises that are the subject of the forcible entry and detainer 322  
action by one of the following means: 323

(a) By locating the person to be served at the premises to 324

tender a copy of the process and accompanying documents to that person; 325  
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(b) By leaving a copy of the summons, complaint, document, or other process with a person of suitable age and discretion found at the premises if the person to be served cannot be found at the time the person making service attempts to serve the summons pursuant to division (D)(2)(a) of this section; 327  
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(c) By posting a copy in a conspicuous place on the subject premises if service cannot be made pursuant to divisions (D)(2)(a) and (b) of this section. 332  
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(3) Within five days after receiving the summons, complaint, document, or other process from the clerk for service, the person making service shall return the process to the clerk. The person shall indicate on the process which method described in division (D)(2) of this section was used to serve the summons. The clerk shall make the appropriate entry on the appearance docket. 335  
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(E) If requested, the clerk shall mail by certified mail, return receipt requested, a copy of the summons, complaint, document, or other process to be served to the address set forth in the caption of the summons and to any address set forth in any written instructions furnished to the clerk. 341  
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(F)(1) If the person to be evicted in an action pursuant to this chapter is a deceased manufactured home park resident, the plaintiff shall provide to the clerk the following information: 346  
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(a) If the plaintiff knows that a probate court has granted letters testamentary or of administration for the estate of the deceased resident, the name and address of the probate court, the case number of the estate, and the name and address of the executor or administrator appointed by the probate court; 349  
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(b) If the plaintiff knows that a probate court has not granted letters testamentary or of administration for the estate 354  
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of the deceased resident or does not know whether or not a probate 356  
court has granted letters testamentary or of administration for 357  
the estate, the names and addresses of the deceased resident's 358  
spouse and any other members of the deceased resident's immediate 359  
family that are known to the plaintiff; 360

(c) If the plaintiff does not possess the information set 361  
forth in division (F)(1)(a) or (b) of this section, an affidavit 362  
from the plaintiff stating that the plaintiff does not possess the 363  
information. 364

(2)(a) Upon receipt from the plaintiff of the information set 365  
forth in division (F)(1)(a) of this section, the clerk shall mail 366  
by certified mail, return receipt requested, a copy of the 367  
summons, complaint, document, or other process to be served to the 368  
address of the executor or administrator appointed by the probate 369  
court. 370

(b) Upon receipt from the plaintiff of the information set 371  
forth in division (F)(1)(b) or (c) of this section, the clerk 372  
shall do both of the following: 373

(i) Mail by ordinary mail and by certified mail, return 374  
receipt requested, a copy of the summons, complaint, document, or 375  
other process to be served to the persons and addresses provided 376  
by the plaintiff, if any. The ordinary mail mailing shall be 377  
evidenced by a certificate of mailing that the clerk shall 378  
complete and file. 379

(ii) Cause service of notice to be made by publication in a 380  
newspaper of general circulation in the county in which the 381  
complaint is filed. The publication shall set forth the name and 382  
address of the court, the case number, the name and address of the 383  
plaintiff or the plaintiff's attorney, and the name and address of 384  
the deceased manufactured home park resident. The publication 385  
shall describe the premises entered upon and detained, shall 386

contain a summary statement of the object of the eviction 387  
complaint against the deceased resident, and shall state that the 388  
claim for restitution of the premises shall be scheduled for a 389  
hearing in accordance with local court rules, but in no event 390  
sooner than the seventh day from the date service is complete. The 391  
clerk shall cause the publication to be published at least once a 392  
week for two weeks. 393

(G) Service of process shall be deemed complete on the date 394  
that any of the following has occurred: 395

(1) Service is made pursuant to division (D)(2)(a) or (b) of 396  
this section. 397

(2) Both ordinary mail service under division (C) and service 398  
by posting pursuant to division (D)(2)(c) of this section have 399  
been made. 400

(3) For service performed pursuant to division (E) or 401  
(F)(2)(a) of this section, on the date of mailing, if on the date 402  
of the hearing either of the following applies: 403

(a) The certified mail has not been returned for any reason 404  
other than refused or unclaimed. 405

(b) The certified mail has not been endorsed, and the 406  
ordinary mail has not been returned. 407

~~(G)~~(4) For service performed under division (F)(2)(b) of this 408  
section, on the date of mailing under division (F)(2)(b)(i) of 409  
this section or on the date of the last publication under division 410  
(F)(2)(b)(ii) of this section, whichever is later, if on the date 411  
of the hearing, either of the following applies: 412

(a) The certified mail has not been returned for any reason 413  
other than refused or unclaimed. 414

(b) The certified mail has not been endorsed, and the 415  
ordinary mail has not been returned. 416

(H)(1) The claim for restitution of the premises shall be 417  
scheduled for hearing in accordance with local court rules, but in 418  
no event sooner than the seventh day from the date service is 419  
complete. 420

(2) Answer day for any other claims filed with the claim for 421  
possession shall be twenty-eight days from the date service is 422  
deemed complete under this section. 423

(I) As used in this section, "immediate family" means a 424  
person's spouse, brothers and sisters of the whole or half blood, 425  
children, including adopted children and stepchildren, parents, 426  
and grandparents. 427

**Sec. 1923.081.** A trial in an action for forcible entry and 428  
detainer for residential premises, other than an action against a 429  
deceased resident of a manufactured home park, or for a storage 430  
space at a self-service storage facility, as defined in division 431  
(A) of section 5322.01 of the Revised Code, pursuant to this 432  
chapter may also include a trial on claims of the plaintiff for 433  
past due rent and other damages under a rental agreement, unless 434  
for good cause shown the court continues the trial on those 435  
claims. For purposes of this section, good cause includes the 436  
request of the defendant to file an answer or counterclaim to the 437  
claims of the plaintiff or for discovery, in which case the 438  
proceedings shall be the same in all respects as in other civil 439  
cases. If, at the time of the trial, the defendant has filed an 440  
answer or counterclaim, the trial may proceed on the claims of the 441  
plaintiff and the defendant. A plaintiff who is a park operator 442  
may seek a judgment for past due rent and other damages under a 443  
rental agreement against a deceased manufactured home park 444  
resident in a separate civil action for damages. 445

**Sec. 1923.12.** (A) If a resident or a resident's estate has 446

been evicted from a manufactured home park pursuant to a judgment 447  
entered under section 1923.09 or 1923.11 of the Revised Code and 448  
if the resident or estate has abandoned or otherwise left 449  
unoccupied the resident's manufactured home, mobile home, or 450  
recreational vehicle on the residential premises of the 451  
manufactured home park for a period of three days following the 452  
entry of the judgment, the operator of the manufactured home park 453  
may provide to the titled owner of the home or vehicle a written 454  
notice to remove the home or vehicle from the manufactured home 455  
park within fourteen days from the date of the delivery of the 456  
notice. The park operator shall deliver or cause the delivery of 457  
the notice by personal delivery to the owner or by ordinary mail 458  
sent to the last known address of the owner. Except as provided in 459  
divisions (D) and (E) of this section, if the owner of the 460  
manufactured home, mobile home, or recreational vehicle does not 461  
remove it or cause it to be removed from the manufactured home 462  
park within fourteen days from the date of the delivery of the 463  
notice, the park operator may follow the procedures of division 464  
(B) of section 1923.13 and division (B) of section 1923.14 of the 465  
Revised Code to permit the removal of the home or vehicle from the 466  
manufactured home park, and the potential sale, destruction, or 467  
transfer of ownership of the home or vehicle. 468

(B) Every notice provided to the titled owner of a 469  
manufactured home, mobile home, or recreational vehicle under this 470  
section shall contain the following language printed in a 471  
conspicuous manner: "You are being asked to remove your 472  
manufactured home, mobile home, or recreational vehicle from the 473  
residential premises of ....., a manufactured home park, in 474  
accordance with a judgment of eviction entered in ..... court 475  
on ..... against ....., If the manufactured home, mobile 476  
home, or recreational vehicle is not removed from the manufactured 477  
home park within fourteen days from the date of delivery of this 478  
notice, the home or vehicle may be sold or destroyed, or its title 479



may be transferred to ....., pursuant to division (B) of both 480  
sections 1923.13 and 1923.14 of the Revised Code. If you are in 481  
doubt regarding your legal rights, it is recommended that you seek 482  
legal assistance." 483

(C) Before requesting a writ of execution under division (B) 484  
of section 1923.13 of the Revised Code, the park operator shall 485  
conduct or cause to be conducted a search of the appropriate 486  
public records that relate to the manufactured home, mobile home, 487  
or recreational vehicle, and make or cause to be made reasonably 488  
diligent inquiries, for the purpose of identifying any persons who 489  
have an outstanding right, title, or interest in the home or 490  
vehicle. If the search or inquiries reveal any person who has an 491  
outstanding right, title, or interest in the manufactured home, 492  
mobile home, or recreational vehicle, the park operator shall list 493  
the name and last known address of each person with a right, 494  
title, or interest of that nature on its request for the writ of 495  
execution. In addition, if personal property has been abandoned on 496  
the residential premises and the park operator has knowledge of 497  
any person who has an outstanding right, title, or interest in any 498  
of the personal property, the park operator shall list the item or 499  
items of personal property and the name and last known address of 500  
each person with the outstanding right, title, or interest on the 501  
request for the writ of execution. The park operator also shall 502  
certify on the request that the park operator provided the written 503  
notice required by this section. The clerk of the municipal court, 504  
county court, or court of common pleas may require the park 505  
operator to pay an advance deposit sufficient to secure payment of 506  
the appraisal of the manufactured home, mobile home, or 507  
recreational vehicle and the advertisement of the sale of the home 508  
or vehicle. 509

(D) When a deceased resident or a resident's estate has been 510  
evicted from a manufactured home park pursuant to a judgment 511

entered under section 1923.09 or 1923.11 of the Revised Code, the 512  
removal from the park and potential sale, destruction, or transfer 513  
of ownership of the resident's manufactured home, mobile home, or 514  
recreational vehicle and any personal property abandoned on the 515  
residential premises shall be conducted in the manner prescribed 516  
by the probate court in which letters testamentary or of 517  
administration have been granted for the estate in accordance with 518  
Title XXI of the Revised Code. The park operator may store the 519  
resident's manufactured home, mobile home, or recreational vehicle 520  
at a storage facility or at another location within the 521  
manufactured home park during the administration of the estate. 522  
The park operator shall notify the executor or administrator of 523  
the resident's estate where the manufactured home, mobile home, or 524  
recreational vehicle will be stored during the administration of 525  
the estate. The costs for the removal and storage of the 526  
manufactured home, mobile home, or recreational vehicle shall be a 527  
claim against the resident's estate without further presentation 528  
of the claim to the executor or administrator. 529

(E)(1) When the resident who has been evicted from a 530  
manufactured home park pursuant to a judgment entered under 531  
section 1923.09 or 1923.11 of the Revised Code is the titled owner 532  
of a manufactured home, mobile home, or recreational vehicle and 533  
is or becomes deceased prior to the removal of the home or vehicle 534  
from the manufactured home park, and no probate court has granted 535  
letters testamentary or of administration with respect to the 536  
resident's estate, the park operator may store the home or vehicle 537  
at a storage facility or at another location within the 538  
manufactured home park before and after a probate court grants 539  
letters testamentary or of administration with respect to the 540  
resident's estate pursuant to Title XXI of the Revised Code. 541

(2) If no probate court grants letters testamentary or of 542  
administration with respect to the resident's estate within one 543

year of the date of the eviction of the resident from the 544  
manufactured home park pursuant to a judgment entered under 545  
section 1923.09 or 1923.11 of the Revised Code, the park operator 546  
may follow the procedures of division (B) of section 1923.13 and 547  
division (B) of section 1923.14 of the Revised Code to permit the 548  
removal of the manufactured home, mobile home, or recreational 549  
vehicle from the park and potential sale, destruction, or transfer 550  
of ownership of the home or vehicle. 551

(3) If a probate court grants letters testamentary or of 552  
administration with respect to the resident's estate within one 553  
year of the date of the eviction of the resident from the park, 554  
the removal of the manufactured home, mobile home, or recreational 555  
vehicle from the park and potential sale, destruction, or transfer 556  
of ownership of the home or vehicle shall be conducted pursuant to 557  
division (D) of this section. 558

**Sec. 1923.13.** (A) When a judgment of restitution is entered 559  
by a court in an action under this chapter, unless the plaintiff 560  
or the plaintiff's agent or attorney proceeds under division (B) 561  
of this section, at the request of the plaintiff or the 562  
plaintiff's agent or attorney, that court shall issue a writ of 563  
execution on the judgment, in the following form, as near as 564  
practicable: 565

"The state of Ohio, ..... county: To any 566  
constable or police officer of ..... township, city, 567  
or village; or To the sheriff of ..... 568  
county; or To any authorized bailiff of the ..... (name of 569  
court): 570

Whereas, in a certain action for the forcible entry and 571  
detention (or the forcible detention, as the case may be), of the 572  
following described premises, to wit: ....., lately tried 573  
before this court, wherein ..... was plaintiff, and 574

..... was defendant, ..... judgment was rendered on 575  
the ..... day of ....., ....., that the plaintiff 576  
have restitution of those premises; and also that the plaintiff 577  
recover costs in the sum of ....., You therefore are 578  
hereby commanded to cause the defendant to be forthwith removed 579  
from those premises, and the plaintiff to have restitution of 580  
them; also, that you levy of the goods and chattels of the 581  
defendant, and make the costs previously mentioned and all 582  
accruing costs, and of this writ make legal service and due 583  
return. 584

Witness my hand, this ..... day of ....., ..... 585  
..... Judge, ..... (Name of court)" 586

(B) When a judgment of restitution is entered by a court in 587  
any action under this chapter against a manufactured home park 588  
resident or the estate of a manufactured home park resident, at 589  
the request of the plaintiff or the plaintiff's agent or attorney, 590  
that court shall issue a writ of execution on the judgment, in the 591  
following form, as near as practicable: 592

"The state of Ohio, ..... county; To any constable or 593  
police officer of ..... township, city, or village; or To the 594  
sheriff of ..... county; or To any authorized bailiff of the 595  
..... (name of court): 596

Whereas, in a certain action for eviction of a resident or a 597  
resident's estate from the following described residential 598  
premises of a manufactured home park on which the following 599  
described manufactured home, mobile home, or recreational vehicle 600  
is located, to wit: ....., lately tried before this court, 601  
wherein ..... was plaintiff, and ..... was defendant, 602  
..... judgment was rendered on the ..... day of 603  
....., ....., that the plaintiff have restitution of the 604  
premises and also that the plaintiff recover costs in the sum of 605  
..... You therefore are hereby authorized to cause the 606

defendant to be removed from the residential premises, if 607  
necessary. Also, you are to levy of the goods and chattels of the 608  
defendant, and make the costs previously mentioned and all 609  
accruing costs, and of this writ make legal service and due 610  
return. 611

Further, you are authorized to cause the manufactured home, 612  
mobile home, or recreational vehicle, and all personal property 613  
~~and vehicles of the defendant~~ on the residential premises, to be, 614  
at your option, either (1) removed from the manufactured home park 615  
and, if necessary, moved to a storage facility of your choice, or 616  
(2) retained at their current location on the residential 617  
premises, until they are disposed of in a manner authorized by 618  
this writ or the law of this state. 619

If the manufactured home, mobile home, or recreational 620  
vehicle has been abandoned by the defendant and the requirements 621  
of section 1923.12 of the Revised Code have been satisfied, you 622  
are hereby authorized to cause the sale of the home or vehicle and 623  
personal property in the home or vehicle in accordance with 624  
division (B)(3) of section 1923.14 of the Revised Code. A search 625  
of appropriate public records or other reasonably diligent 626  
inquiries reveals the following persons, whose last known 627  
addresses are listed next to their names, may continue to have an 628  
outstanding right, title, or interest in the home or vehicle: 629  
..... In addition, the following persons, whose last known 630  
addresses are listed next to their names, may continue to have an 631  
outstanding right, title, or interest in certain personal property 632  
left in the home and listed next to their names: ..... If 633  
you are unable to sell the manufactured home, mobile home, or 634  
recreational vehicle due to a want of bidders, after it is offered 635  
for sale on two occasions, you are hereby commanded to cause the 636  
presentation of this writ to ~~the~~ a clerk of ~~this~~ the court of 637  
common pleas for the issuance of a certificate of title 638

transferring the title of the home or vehicle to the plaintiff, 639  
free and clear of all security interests, liens, and encumbrances, 640  
in accordance with division (B)(3) of section 1923.14 of the 641  
Revised Code. 642

If the manufactured home, mobile home, or recreational 643  
vehicle has been so abandoned and has a value of less than three 644  
thousand dollars and if the requirements of section 1923.12 of the 645  
Revised Code have been satisfied, you are hereby authorized either 646  
to cause the sale or destruction of the home or vehicle, or to 647  
cause the presentation of this writ to ~~the~~ a clerk of ~~this~~ the 648  
court of common pleas for the issuance of a certificate of title 649  
transferring the title of the home or vehicle to the plaintiff, 650  
free and clear of all security interests, liens, and encumbrances, 651  
in accordance with division (B)(4) of section 1923.14 of the 652  
Revised Code. 653

Upon this writ's presentation by the levying officer to ~~the~~ a 654  
clerk of ~~this~~ the court of common pleas under the circumstances 655  
described in either of the two preceding paragraphs and in 656  
accordance with division (B)(3) or (4) of section 1923.14 of the 657  
Revised Code, as applicable, the clerk is hereby commanded to 658  
issue a certificate of title transferring the title of the 659  
manufactured home, mobile home, or recreational vehicle to the 660  
plaintiff, free and clear of all security interests, liens, and 661  
encumbrances, in the manner prescribed in section 4505.10 of the 662  
Revised Code. 663

Witness my hand, this ..... day of ....., 664  
..... , ..... Judge, ..... (Name of court)." 665

**Sec. 1923.14.** (A) Except as otherwise provided in this 666  
section, within ten days after receiving a writ of execution 667  
described in division (A) or (B) of section 1923.13 of the Revised 668  
Code, the sheriff, police officer, constable, or bailiff shall 669

execute it by restoring the plaintiff to the possession of the 670  
premises, and shall levy and collect the costs and make return, as 671  
upon other executions. If an appeal from the judgment of 672  
restitution is filed and if, following the filing of the appeal, a 673  
stay of execution is obtained and any required bond is filed with 674  
the court of common pleas, municipal court, or county court, the 675  
judge of that court immediately shall issue an order to the 676  
sheriff, police officer, constable, or bailiff commanding the 677  
delay of all further proceedings upon the execution. If the 678  
premises have been restored to the plaintiff, the sheriff, police 679  
officer, constable, or bailiff shall forthwith place the defendant 680  
in possession of them, and return the writ with the sheriff's, 681  
police officer's, constable's, or bailiff's proceedings and the 682  
costs taxed on it. 683

(B)(1) After a court of common pleas, municipal court, or 684  
county court issues a writ of execution described in division (B) 685  
of section 1923.13 of the Revised Code, the clerk of the court 686  
shall send by regular mail, to the last known address of the 687  
titled owner of the manufactured home, mobile home, or 688  
recreational vehicle that is the subject of the writ and to the 689  
last known address of each other person who is listed on the writ 690  
as having any outstanding right, title, or interest in the home 691  
or, vehicle, or personal property and to the auditor and treasurer 692  
of the county in which the court is located, a written notice that 693  
the home or vehicle potentially may be sold, destroyed, or have 694  
its title transferred under the circumstances described in 695  
division (B)(3) or (4) of this section. 696

(2) ~~After~~ Except as otherwise provided in this division, 697  
after receiving a writ of execution described in division (B) of 698  
section 1923.13 of the Revised Code, and after causing the 699  
defendant to be removed from the residential premises of the 700  
manufactured home park, if necessary, in accordance with the writ, 701

the sheriff, police officer, constable, or bailiff may cause the 702  
manufactured home, mobile home, or recreational vehicle that is 703  
the subject of the writ, and all personal property ~~and vehicles of~~ 704  
~~the defendant~~ on the residential premises, at the sheriff's, 705  
police officer's, constable's, or bailiff's option, either to be 706  
removed from the manufactured home park and, if necessary, moved 707  
to a storage facility of the sheriff's, police officer's, 708  
constable's, or bailiff's choice, or to be retained at their 709  
current location on the residential premises, until they are 710  
claimed by the defendant or they are disposed of in a manner 711  
authorized by division (B)(3) ~~or~~ (4), or (6) of this section or 712  
by another section of the Revised Code. The sheriff, police 713  
officer, constable, or bailiff shall not cause the manufactured 714  
home, mobile home, or recreational vehicle that is the subject of 715  
the writ, or the personal property, to be removed from the 716  
manufactured home park or moved to a storage facility if the 717  
holder of any outstanding lien, right, title, or interest in the 718  
home or vehicle, other than the titled owner of the home or 719  
vehicle, meets the conditions set forth in division (B)(6) or (7) 720  
of this section. 721

The sheriff, police officer, constable, or bailiff who 722  
removes the manufactured home, mobile home, or recreational 723  
vehicle, or the abandoned personal property ~~and vehicles of the~~ 724  
~~defendant~~, from the residential premises shall be immune from 725  
civil liability pursuant to section 2744.03 of the Revised Code 726  
for any damage caused to the home, ~~any~~ vehicle, or any personal 727  
property during the removal. The park operator shall not be liable 728  
for any damage caused by the park operator's removal of the 729  
manufactured home, mobile home, or recreational vehicle, ~~or~~ the 730  
removal of the personal property ~~or vehicles of the defendant~~, 731  
from the residential premises, or for any damage to the home, 732  
vehicle, or personal property and vehicles of the defendant during 733  
the time the home, vehicle, or property remains abandoned or 734



stored in the manufactured home park, unless the damage is the 735  
result of acts that the park operator or the park operator's 736  
agents or employees performed with malicious purpose, in bad 737  
faith, or in a wanton or reckless manner. The reasonable costs for 738  
a removal of the manufactured home, mobile home, or recreational 739  
vehicle and personal property and, as applicable, the reasonable 740  
costs for its storage shall constitute a lien upon the home or 741  
vehicle payable by ~~its~~ the titled owner of the home or vehicle or 742  
payable pursuant to division (B)(3) of this section. 743

(3) Except as provided in divisions (B)(4) ~~and~~, (5), and (6) 744  
of this section and division (D) of section 1923.12 of the Revised 745  
Code, within sixty days after receiving a writ of execution 746  
described in division (B) of section 1923.13 of the Revised Code, 747  
the sheriff, police officer, constable, or bailiff shall commence 748  
proceedings for the sale of the manufactured home, mobile home, or 749  
recreational vehicle that is the subject of the writ, and the 750  
abandoned personal property on the residential premises, if ~~it~~ the 751  
home or vehicle is determined to be abandoned in accordance with 752  
the procedures for the sale of goods on execution under Chapter 753  
2329. of the Revised Code. In addition to all notices required to 754  
be given under section 2329.13 of the Revised Code, the sheriff, 755  
police officer, constable, or bailiff shall serve at their 756  
respective last known addresses a written notice of the date, 757  
time, and place of the sale upon all persons who are listed on the 758  
writ of execution as having any outstanding right, title, or 759  
interest in the abandoned manufactured home, mobile home, or 760  
recreational vehicle and the personal property and shall provide 761  
written notice to the auditor and the treasurer of the county in 762  
which the court issuing the writ is located. 763

~~Notwithstanding~~ Unless the proceedings are governed by 764  
division (D) of section 1923.12 of the Revised Code, 765  
notwithstanding any statutory provision to the contrary, 766

including, but not limited to, section 2329.66 of the Revised Code, there shall be no stay of execution or exemption from levy or sale on execution available to the titled owner of the abandoned manufactured home, mobile home, or recreational vehicle in relation to a sale under this division. ~~The~~ Except as otherwise provided in sections 2113.031, 2117.25, and 5111.11 of the Revised Code in a case involving a deceased resident or resident's estate, the sheriff, police officer, constable, or bailiff shall distribute the proceeds from the sale of an abandoned manufactured home, mobile home, or recreational vehicle and any personal property under this division in the following manner:

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

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

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

(d) Following the payment required by division (B)(3)(c) of this section, the sheriff, police officer, constable, or bailiff shall pay any outstanding monetary judgment rendered under section 1923.09 or 1923.11 of the Revised Code in favor of the plaintiff and any costs associated with retaining the home or vehicle prior

to the sale at its location on the residential premises within the 799  
manufactured home park pursuant to division (B)(2) of this 800  
section. 801

(e) After complying with divisions (B)(3)(a) to (d) of this 802  
section, the sheriff, police officer, constable, or bailiff shall 803  
report any remaining money as unclaimed funds pursuant to Chapter 804  
169. of the Revised Code. 805

Upon the return of any writ of execution for the satisfaction 806  
of which an abandoned manufactured home, mobile home, or 807  
recreational vehicle has been sold under this division, on careful 808  
examination of the proceedings of the sheriff, police officer, 809  
constable, or bailiff conducting the sale, if the court that 810  
issued the writ finds that the sale was made, in all respects, in 811  
conformity with the relevant provisions of Chapter 2329. of the 812  
Revised Code and with this division, it shall direct the clerk of 813  
the court to make an entry on the journal that the court is 814  
satisfied with the legality of the sale and the court shall direct 815  
the clerk of the court of common pleas of the county in which the 816  
writ was issued to issue a certificate of title, free and clear of 817  
all security interests, liens, and encumbrances, to the purchaser 818  
of the home or vehicle. The clerk of the court of common pleas 819  
shall issue the new certificate of title to the purchaser of the 820  
home or vehicle regardless of whether the writ was issued by the 821  
court of common pleas or another court duly authorized to issue 822  
the writ. If the manufactured home, mobile home, or recreational 823  
vehicle sold under this division is located in a manufactured home 824  
park, the purchaser of the home or vehicle shall have no right to 825  
maintain the home or vehicle in the manufactured home park without 826  
the park operator's consent and the sheriff, police officer, 827  
constable, or bailiff conducting the sale shall notify all 828  
prospective purchasers of this fact prior to the commencement of 829  
the sale. 830

If, after it is offered for sale on two occasions under this 831  
division, the abandoned manufactured home, mobile home, or 832  
recreational vehicle cannot be sold due to a want of bidders, the 833  
sheriff, police officer, constable, or bailiff shall present the 834  
writ of execution unsatisfied to the clerk of the court ~~that~~ 835  
issued of common pleas of the county in which the writ was issued 836  
for the issuance by the clerk in the manner prescribed in section 837  
4505.10 of the Revised Code of a certificate of title transferring 838  
the title of the home or vehicle to the plaintiff, free and clear 839  
of all security interests, liens, and encumbrances. The clerk of 840  
the court of common pleas shall issue the new certificate of title 841  
transferring the title of the manufactured home, mobile home, or 842  
recreational vehicle to the plaintiff regardless of whether the 843  
writ was issued by the court of common pleas or another court duly 844  
authorized to issue the writ. If any taxes are owed on the home or 845  
vehicle at this time, the county auditor shall remove the 846  
delinquent taxes from the manufactured home tax list and the 847  
delinquent manufactured home tax list and remit any penalties for 848  
late payment of manufactured home taxes. Acceptance of the 849  
certificate of title by the plaintiff terminates all further 850  
proceedings under this section. 851

(4) Except as provided in division (B)(5) or (6) of this 852  
section and division (D) of section 1923.12 of the Revised Code, 853  
within sixty days after receiving a writ of execution described in 854  
division (B) of section 1923.13 of the Revised Code, if the 855  
manufactured home, mobile home, or recreational vehicle is 856  
determined to be abandoned and to have a value of less than three 857  
thousand dollars, the sheriff, police officer, constable, or 858  
bailiff shall serve at their respective last known addresses a 859  
written notice of potential action as described in this division 860  
upon all persons who are listed on the writ as having any 861  
outstanding right, title, or interest in the home or vehicle. This 862  
notice shall be in addition to all notices required to be given 863

under section 2329.13 of the Revised Code. Subject to the 864  
fulfillment of these notice requirements, the sheriff, police 865  
officer, constable, or bailiff shall take one of the following 866  
actions with respect to the abandoned manufactured home, mobile 867  
home, or recreational vehicle: 868

(a) Cause its destruction if there is no person having an 869  
outstanding right, title, or interest in ~~it~~ the home or vehicle, 870  
other than the titled owner of the home or vehicle; 871

(b) Proceed with its sale under division (B)(3) of this 872  
section; 873

(c) If there is no person having an outstanding right, title, 874  
or interest in the home or vehicle other than the titled owner of 875  
the home or vehicle, or if there is an outstanding right, title, 876  
or interest in the home or vehicle and the lienholder consents in 877  
writing, present the writ of execution to the clerk of the court 878  
~~that issued~~ of common pleas of the county in which the writ was 879  
issued for the issuance by the clerk in the manner prescribed in 880  
section 4505.10 of the Revised Code of a certificate of title 881  
transferring the title of the home or vehicle to the plaintiff, 882  
free and clear of all security interests, liens, and encumbrances. 883  
The clerk of the court of common pleas shall issue the new 884  
certificate of title transferring the title of the home or vehicle 885  
regardless of whether the writ was issued by the court of common 886  
pleas or another court duly authorized to issue the writ. If any 887  
taxes are owed on the home or vehicle at this time, the county 888  
auditor shall remove the delinquent taxes from the manufactured 889  
home tax list and the delinquent manufactured home tax list and 890  
remit any penalties for late payment of manufactured home taxes. 891  
Acceptance of the certificate of title by the plaintiff terminates 892  
all further proceedings under this section. 893

(5) At any time prior to the issuance of the writ of 894  
execution described in division (B) of section 1923.13 of the 895

Revised Code, the titled owner of the manufactured home, mobile home, or recreational vehicle that would be the subject of the writ may remove the abandoned home or vehicle from the manufactured home park or other place of storage upon payment to the county auditor of all outstanding tax liens on the home or vehicle and, unless the owner is indigent, payment to the clerk of court of all unpaid court costs assessed against the defendant in the underlying action. After the issuance of the writ of execution, the titled owner of the home or vehicle may remove the abandoned home or vehicle from the manufactured home park or other place of storage at any time up to the day before the scheduled sale, destruction, or transfer of the home or vehicle pursuant to division (B)(3) or (4) of this section upon payment of all of the following:

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

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

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

(6) At any time after the issuance of the writ of execution described in division (B) of section 1923.13 of the Revised Code, the holder of any outstanding lien, right, title, or interest in the manufactured home, mobile home, or recreational vehicle, other than the titled owner of the home or vehicle, may stop the sheriff, police officer, constable, or bailiff from proceeding with the sale under this division by doing both of the following:

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

(b) Paying to the park operator all monthly rental payments

for the lot on which the home or vehicle is located from the time 927  
of the issuance of the writ of execution until the time that the 928  
home or vehicle is sold pursuant to Chapters 1309. and 1317. of 929  
the Revised Code. 930

(7)(a) At any time prior to the day before the scheduled sale 931  
of the property pursuant to division (B) (3) of this section, the 932  
defendant may remove any personal property of the defendant from 933  
the abandoned home or vehicle or other place of storage. 934

(b) If personal property owned by a person other than the 935  
defendant is abandoned on the residential premises and has not 936  
previously been removed, the owner of the personal property may 937  
remove the personal property from the abandoned home or vehicle or 938  
other place of storage up to the day before the scheduled sale of 939  
the property pursuant to division (B)(3) of this section upon 940  
presentation of proof of ownership of the property that is 941  
satisfactory to the sheriff, police officer, constable, or bailiff 942  
conducting the sale. 943

**Sec. 3733.11.** (A)(1) The park operator shall offer each home 944  
owner a written rental agreement for a manufactured home park lot 945  
for a term of one year or more that contains terms essentially the 946  
same as any alternative month-to-month rental agreement offered to 947  
current and prospective tenants and owners. The park operator 948  
shall offer the minimum one-year rental agreement to the owner 949  
prior to installation of the home in the manufactured home park 950  
or, if the home is in the manufactured home park, prior to the 951  
expiration of the owner's existing rental agreement. 952

(2) The park operator shall deliver the offer to the owner by 953  
certified mail, return receipt requested, or in person. If the 954  
park operator delivers the offer to the owner in person, the owner 955  
shall complete a return showing receipt of the offer. If the owner 956  
does not accept the offer, the park operator is discharged from 957

any obligation to make any further such offers. If the owner 958  
accepts the offer, the park operator shall, at the expiration of 959  
each successive rental agreement, offer the owner another rental 960  
agreement, for a term that is mutually agreed upon, and that 961  
contains terms essentially the same as the alternative 962  
month-to-month agreement. The park operator shall deliver 963  
subsequent rental offers ~~in the same manner as the first rental~~ 964  
~~offer~~ by ordinary mail or personal delivery. If the park operator 965  
sells the manufactured home park to another manufactured home park 966  
operator, the purchaser is bound by the rental agreements entered 967  
into by ~~his~~ the purchaser's predecessor. 968

(3) If the park operator sells the manufactured home park for 969  
a use other than as a manufactured home park, the park operator 970  
shall give each tenant and owner a written notification by 971  
certified mail, return receipt requested, or by handing it to the 972  
tenant or owner in person. If the park operator delivers the 973  
notification in person, the recipient shall complete a return 974  
showing receipt of the notification. This notification shall 975  
contain notice of the sale of the manufactured home park, and 976  
notice of the date by which the tenant or owner shall vacate. The 977  
date by which the tenant shall vacate shall be at least one 978  
hundred twenty days after receipt of the written notification, and 979  
the date by which the owner shall vacate shall be at least one 980  
hundred eighty days after receipt of the written notification. 981

(B) A park operator shall fully disclose in writing all fees, 982  
charges, assessments, including rental fees, and rules prior to a 983  
tenant or owner executing a rental agreement and assuming 984  
occupancy in the manufactured home park. No fees, charges, 985  
assessments, or rental fees so disclosed may be increased nor 986  
rules changed by a park operator without specifying the date of 987  
implementation of the changed fees, charges, assessments, rental 988  
fees, or rules, which date shall be not less than thirty days 989



after written notice of the change and its effective date to all 990  
tenants or owners in the manufactured home park, and no fee, 991  
charge, assessment, or rental fee shall be increased during the 992  
term of any tenant's or owner's rental agreement. Failure on the 993  
part of the park operator to fully disclose all fees, charges, or 994  
assessments shall prevent the park operator from collecting the 995  
undisclosed fees, charges, or assessments. If a tenant or owner 996  
refuses to pay any undisclosed fees, charges, or assessments, the 997  
refusal shall not be used by the park operator as a cause for 998  
eviction in any court. 999

(C) A park operator shall promulgate rules governing the 1000  
rental or occupancy of a lot in the manufactured home park. The 1001  
rules shall not be unreasonable, arbitrary, or capricious. A copy 1002  
of the rules and any amendments to them shall be delivered by the 1003  
park operator to the tenant or owner prior to signing the rental 1004  
agreement. A copy of the rules and any amendments to them shall be 1005  
posted in a conspicuous place upon the manufactured home park 1006  
grounds. 1007

(D) No park operator shall require an owner to purchase from 1008  
the park operator any personal property. The park operator may 1009  
determine by rule the style or quality of skirting, equipment for 1010  
tying down homes, manufactured or mobile home accessories, or 1011  
other equipment to be purchased by an owner from a vendor of the 1012  
owner's choosing, provided that the equipment is readily available 1013  
to the owner. Any such equipment shall be installed in accordance 1014  
with the manufactured home park rules. 1015

(E) No park operator shall charge any owner who chooses to 1016  
install an electric or gas appliance in a home an additional fee 1017  
solely on the basis of the installation, unless the installation 1018  
is performed by the park operator at the request of the owner, nor 1019  
shall the park operator restrict the installation, service, or 1020  
maintenance of the appliance, restrict the ingress or egress of 1021

repairpersons to the manufactured home park for the purpose of 1022  
installation, service, or maintenance of the appliance, nor 1023  
restrict the making of any interior improvement in a home, if the 1024  
installation or improvement is in compliance with applicable 1025  
building codes and other provisions of law and if adequate utility 1026  
services are available for the installation or improvement. 1027

(F) No park operator shall require a tenant to lease or an 1028  
owner to purchase a manufactured or mobile home from the park 1029  
operator or any specific person as a condition of or prerequisite 1030  
to entering into a rental agreement. 1031

(G) No park operator shall require an owner to use the 1032  
services of the park operator or any other specific person for 1033  
installation of the manufactured or mobile home on the residential 1034  
premises or for the performance of any service. 1035

(H) No park operator shall: 1036

(1) Deny any owner the right to sell the owner's manufactured 1037  
home within the manufactured home park if the owner gives the park 1038  
operator ten days' notice of the intention to sell the home; 1039

(2) Require the owner to remove the home from the 1040  
manufactured home park solely on the basis of the sale of the 1041  
home; 1042

(3) Unreasonably refuse to enter into a rental agreement with 1043  
a purchaser of a home located within the operator's manufactured 1044  
home park; 1045

(4) Charge any tenant or owner any fee, charge, or 1046  
assessment, including a rental fee, that is not set forth in the 1047  
rental agreement or, if the rental agreement is oral, is not set 1048  
forth in a written disclosure given to the tenant or owner prior 1049  
to the tenant or owner entering into a rental agreement; 1050

(5) Charge any owner any fee, charge, or assessment because 1051

of the transfer of ownership of a home or because a home is moved 1052  
out of or into the manufactured home park, except a charge for the 1053  
actual costs and expenses that are incurred by the park operator 1054  
in moving the home out of or into the manufactured home park, or 1055  
in installing the home in the manufactured home park and that have 1056  
not been reimbursed by another tenant or owner. 1057

(I) If the park operator violates any provision of divisions 1058  
(A) to (H) of this section, the tenant or owner may recover actual 1059  
damages resulting from the violation, and, if the tenant or owner 1060  
obtains a judgment, reasonable attorneys' fees, or terminate the 1061  
rental agreement. 1062

(J) No rental agreement shall require a tenant or owner to 1063  
sell, lease, or sublet the tenant's or owner's interest in the 1064  
rental agreement or the manufactured or mobile home that is or 1065  
will be located on the lot that is the subject of the rental 1066  
agreement to any specific person or through any specific person as 1067  
the person's agent. 1068

(K) No park operator shall enter into a rental agreement with 1069  
the owner of a manufactured or mobile home for the use of 1070  
residential premises, if the rental agreement requires the owner 1071  
of the home, as a condition to the owner's renting, occupying, or 1072  
remaining on the residential premises, to pay the park operator or 1073  
any other person specified in the rental agreement a fee or any 1074  
sum of money based on the sale of the home, unless the owner of 1075  
the home uses the park operator or other person as the owner's 1076  
agent in the sale of the home. 1077

(L) A park operator and a tenant or owner may include in a 1078  
rental agreement any terms and conditions, including any term 1079  
relating to rent, the duration of an agreement, and any other 1080  
provisions governing the rights and obligations of the parties 1081  
that are not inconsistent with or prohibited by sections 3733.09 1082  
to 3733.20 of the Revised Code or any other rule of law. 1083

(M) Notwithstanding any other provision of the Revised Code, 1084  
the owner of a manufactured or mobile home that was previously 1085  
titled by a dealer may utilize the services of a manufactured home 1086  
dealer licensed under Chapter 4517. of the Revised Code or a 1087  
person properly licensed under Chapter 4735. of the Revised Code 1088  
to sell or lease the home. 1089

**Section 2.** That existing sections 1923.01, 1923.02, 1923.04, 1090  
1923.06, 1923.081, 1923.12, 1923.13, 1923.14, and 3733.11 of the 1091  
Revised Code are hereby repealed. 1092