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Sub. H. B. No. 56

Representative Uecker

**Cosponsors: Representatives McGregor, J., Seitz, Evans, Fende, Wagoner,
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Harwood, Okey, Dyer, Coley, Latta, Batchelder, Bolon, Chandler, Collier,
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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 forcible entry has been made and the lands or tenements are detained, or that, after a lawful entry, lands or tenements are held unlawfully and by force, a judge shall cause the plaintiff in an action under this chapter to have restitution of the lands or tenements.

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

(C) As used in this chapter:

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

(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~~ Resident" has the same meaning 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 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 171
Code; 172

(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 203
offenders and child-victim offenders maintained under section 204
2950.13 of the Revised Code. 205

(b) The state registry of sex offenders and child-victim 206
offenders indicates that the person was convicted of or pleaded 207
guilty to either a sexually oriented offense that is not a 208
registration-exempt sexually oriented offense or a child-victim 209
oriented offense in a criminal prosecution and was not sentenced 210
to a serious youthful offender dispositional sentence for that 211
offense. 212

(B) If a tenant or manufactured home park resident holding 213
under an oral tenancy is in default in the payment of rent, the 214
tenant or resident forfeits the right of occupancy, and the 215
landlord may, at the landlord's option, terminate the tenancy by 216
notifying the tenant or resident, as provided in section 1923.04 217
of the Revised Code, to leave the premises, for the restitution of 218
which an action may then be brought under this chapter. 219

(C)(1) If a tenant or any other person with the tenant's 220
permission resides in or occupies residential premises that are 221
located within one thousand feet of any school premises and is a 222
resident or occupant of the type described in division (A)(14) of 223
this section or a person of the type described in division (A)(15) 224
of this section, the landlord for those residential premises, upon 225
discovery that the tenant or other person is a resident, occupant, 226
or person of that nature, may terminate the rental agreement or 227
tenancy for those residential premises by notifying the tenant and 228
all other occupants, as provided in section 1923.04 of the Revised 229
Code, to leave the premises. 230

(2) If a landlord is authorized to terminate a rental 231

agreement or tenancy pursuant to division (C)(1) of this section 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 325
person; 326

(b) By leaving a copy of the summons, complaint, document, or 327
other process with a person of suitable age and discretion found 328
at the premises if the person to be served cannot be found at the 329
time the person making service attempts to serve the summons 330
pursuant to division (D)(2)(a) of this section; 331

(c) By posting a copy in a conspicuous place on the subject 332
premises if service cannot be made pursuant to divisions (D)(2)(a) 333
and (b) of this section. 334

(3) Within five days after receiving the summons, complaint, 335
document, or other process from the clerk for service, the person 336
making service shall return the process to the clerk. The person 337
shall indicate on the process which method described in division 338
(D)(2) of this section was used to serve the summons. The clerk 339
shall make the appropriate entry on the appearance docket. 340

(E) If requested, the clerk shall mail by certified mail, 341
return receipt requested, a copy of the summons, complaint, 342
document, or other process to be served to the address set forth 343
in the caption of the summons and to any address set forth in any 344
written instructions furnished to the clerk. 345

(F)(1) If the person to be evicted in an action pursuant to 346
this chapter is a deceased manufactured home park resident, the 347
plaintiff shall provide to the clerk the following information: 348

(a) If the plaintiff knows that a probate court has granted 349
letters testamentary or of administration for the estate of the 350
deceased resident, the name and address of the probate court, the 351
case number of the estate, and the name and address of the 352
executor or administrator appointed by the probate court; 353

(b) If the plaintiff knows that a probate court has not 354

granted letters testamentary or of administration for the estate 355
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 evicted from a manufactured home park pursuant to a judgment entered under section 1923.09 or 1923.11 of the Revised Code, the removal from the park and potential sale, destruction, or transfer of ownership of the resident's manufactured home, mobile home, or recreational vehicle and any personal property abandoned on the residential premises shall be conducted in the manner prescribed by the probate court in which letters testamentary or of administration have been granted for the estate in accordance with Title XXI of the Revised Code. The park operator may store the resident's manufactured home, mobile home, or recreational vehicle at a storage facility or at another location within the manufactured home park during the administration of the estate. The park operator shall notify the executor or administrator of the resident's estate where the manufactured home, mobile home, or recreational vehicle will be stored during the administration of the estate. The costs for the removal and storage of the manufactured home, mobile home, or recreational vehicle shall be a claim against the resident's estate without further presentation of the claim to the executor or administrator.

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

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

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

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

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

Whereas, in a certain action for the forcible entry and detention (or the forcible detention, as the case may be), of the

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

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

(2) ~~After~~ Except as otherwise provided in this division, ~~after~~ receiving a writ of execution described in division (B) of section 1923.13 of the Revised Code, and after causing the

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 767
Code, there shall be no stay of execution or exemption from levy 768
or sale on execution available to the titled owner of the 769
abandoned manufactured home, mobile home, or recreational vehicle 770
in relation to a sale under this division. The Except as otherwise 771
provided in sections 2113.031, 2117.25, and 5111.11 of the Revised 772
Code in a case involving a deceased resident or resident's estate, 773
the sheriff, police officer, constable, or bailiff shall 774
distribute the proceeds from the sale of an abandoned manufactured 775
home, mobile home, or recreational vehicle and any personal 776
property under this division in the following manner: 777

(a) The sheriff, police officer, constable, or bailiff shall 778
first pay the costs for any moving of and any storage outside the 779
manufactured home park of the home or vehicle and any personal 780
property pursuant to division (B)(2) of this section, the costs of 781
the sale, including reimbursing the park operator for the deposit 782
that the park operator paid to the clerk of court under division 783
(C) of section 1923.12 of the Revised Code, and any unpaid court 784
costs assessed against the defendant in the underlying action. 785

(b) Following the payment required by division (B)(3)(a) of 786
this section, the sheriff, police officer, constable, or bailiff 787
shall pay all outstanding tax liens on the home or vehicle. 788

(c) Following the payment required by division (B)(3)(b) of 789
this section, the sheriff, police officer, constable, or bailiff 790
shall pay all other outstanding security interests, liens, or 791
encumbrances on the home or vehicle by priority of filing or other 792
priority. 793

(d) Following the payment required by division (B)(3)(c) of 794
this section, the sheriff, police officer, constable, or bailiff 795
shall pay any outstanding monetary judgment rendered under section 796

1923.09 or 1923.11 of the Revised Code in favor of the plaintiff 797
and any costs associated with retaining the home or vehicle prior 798
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 896
home, or recreational vehicle that would be the subject of the 897
writ may remove the abandoned home or vehicle from the 898
manufactured home park or other place of storage upon payment to 899
the county auditor of all outstanding tax liens on the home or 900
vehicle and, unless the owner is indigent, payment to the clerk of 901
court of all unpaid court costs assessed against the defendant in 902
the underlying action. After the issuance of the writ of 903
execution, the titled owner of the home or vehicle may remove the 904
abandoned home or vehicle from the manufactured home park or other 905
place of storage at any time up to the day before the scheduled 906
sale, destruction, or transfer of the home or vehicle pursuant to 907
division (B)(3) or (4) of this section upon payment of all of the 908
following: 909

(a) All costs for moving and storage of the home or vehicle 910
pursuant to division (B)(2) of this section and all costs incurred 911
by the sheriff, police officer, constable, or bailiff up to and 912
including the date of the removal of the home or vehicle; 913

(b) All outstanding tax liens on the home or vehicle; 914

(c) Unless the owner is indigent, all unpaid court costs 915
assessed against the defendant in the underlying action. 916

(6) At any time after the issuance of the writ of execution 917
described in division (B) of section 1923.13 of the Revised Code, 918
the holder of any outstanding lien, right, title, or interest in 919
the manufactured home, mobile home, or recreational vehicle, other 920
than the titled owner of the home or vehicle, may stop the 921
sheriff, police officer, constable, or bailiff from proceeding 922
with the sale under this division by doing both of the following: 923

(a) Commencing a proceeding to repossess the home or vehicle 924
pursuant to Chapters 1309. and 1317. of the Revised Code; 925

(b) Paying to the park operator all monthly rental payments 926
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