

As Introduced

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H. B. No. 186

Representatives Foley, Patten

**Cosponsors: Representatives Boyd, Brown, Domenick, Hagan, Heard,
Luckie, Okey, Skindell, Stewart, Yuko**

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A B I L L

To amend section 3733.11 of the Revised Code to allow 1
manufactured and mobile home owners in 2
manufactured home parks to post for sale signs on 3
their lots, to allow manufactured and mobile home 4
tenants and owners in manufactured home parks to 5
post political signs on their lots, and to revise 6
the relief a tenant or owner may obtain for a park 7
operator's violation of certain duties. 8

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

Section 1. That section 3733.11 of the Revised Code be 9
amended to read as follows: 10

Sec. 3733.11. (A)(1) The park operator shall offer each home 11
owner a written rental agreement for a manufactured home park lot 12
for a term of one year or more that contains terms essentially the 13
same as any alternative month-to-month rental agreement offered to 14
current and prospective tenants and owners. The park operator 15
shall offer the minimum one-year rental agreement to the owner 16
prior to installation of the home in the manufactured home park 17
or, if the home is in the manufactured home park, prior to the 18

expiration of the owner's existing rental agreement. 19

(2) The park operator shall deliver the offer to the owner by 20
certified mail, return receipt requested, or in person. If the 21
park operator delivers the offer to the owner in person, the owner 22
shall complete a return showing receipt of the offer. If the owner 23
does not accept the offer, the park operator is discharged from 24
any obligation to make any further such offers. If the owner 25
accepts the offer, the park operator shall, at the expiration of 26
each successive rental agreement, offer the owner another rental 27
agreement, for a term that is mutually agreed upon, and that 28
contains terms essentially the same as the alternative 29
month-to-month agreement. The park operator shall deliver 30
subsequent rental offers by ordinary mail or personal delivery. If 31
the park operator sells the manufactured home park to another 32
manufactured home park operator, the purchaser is bound by the 33
rental agreements entered into by the purchaser's predecessor. 34

(3) If the park operator sells the manufactured home park for 35
a use other than as a manufactured home park, the park operator 36
shall give each tenant and owner a written notification by 37
certified mail, return receipt requested, or by handing it to the 38
tenant or owner in person. If the park operator delivers the 39
notification in person, the recipient shall complete a return 40
showing receipt of the notification. This notification shall 41
contain notice of the sale of the manufactured home park, and 42
notice of the date by which the tenant or owner shall vacate. The 43
date by which the tenant shall vacate shall be at least one 44
hundred twenty days after receipt of the written notification, and 45
the date by which the owner shall vacate shall be at least one 46
hundred eighty days after receipt of the written notification. 47

(B) A park operator shall fully disclose in writing all fees, 48
charges, assessments, including rental fees, and rules prior to a 49
tenant or owner executing a rental agreement and assuming 50

occupancy in the manufactured home park. No fees, charges, 51
assessments, or rental fees so disclosed may be increased nor 52
rules changed by a park operator without specifying the date of 53
implementation of the changed fees, charges, assessments, rental 54
fees, or rules, which date shall be not less than thirty days 55
after written notice of the change and its effective date to all 56
tenants or owners in the manufactured home park, and no fee, 57
charge, assessment, or rental fee shall be increased during the 58
term of any tenant's or owner's rental agreement. Failure on the 59
part of the park operator to fully disclose all fees, charges, or 60
assessments shall prevent the park operator from collecting the 61
undisclosed fees, charges, or assessments. If a tenant or owner 62
refuses to pay any undisclosed fees, charges, or assessments, the 63
refusal shall not be used by the park operator as a cause for 64
eviction in any court. 65

(C) A park operator shall promulgate rules governing the 66
rental or occupancy of a lot in the manufactured home park. The 67
rules shall not be unreasonable, arbitrary, or capricious. A copy 68
of the rules and any amendments to them shall be delivered by the 69
park operator to the tenant or owner prior to signing the rental 70
agreement. A copy of the rules and any amendments to them shall be 71
posted in a conspicuous place upon the manufactured home park 72
grounds. 73

(D) No park operator shall require an owner to purchase from 74
the park operator any personal property. The park operator may 75
determine by rule the style or quality of skirting, equipment for 76
tying down homes, manufactured or mobile home accessories, or 77
other equipment to be purchased by an owner from a vendor of the 78
owner's choosing, provided that the equipment is readily available 79
to the owner. Any such equipment shall be installed in accordance 80
with the manufactured home park rules. 81

(E) No park operator shall charge any owner who chooses to 82

install an electric or gas appliance in a home an additional fee 83
solely on the basis of the installation, unless the installation 84
is performed by the park operator at the request of the owner, nor 85
shall the park operator restrict the installation, service, or 86
maintenance of the appliance, restrict the ingress or egress of 87
repairpersons to the manufactured home park for the purpose of 88
installation, service, or maintenance of the appliance, nor 89
restrict the making of any interior improvement in a home, if the 90
installation or improvement is in compliance with applicable 91
building codes and other provisions of law and if adequate utility 92
services are available for the installation or improvement. 93

(F) No park operator shall require a tenant to lease or an 94
owner to purchase a manufactured or mobile home from the park 95
operator or any specific person as a condition of or prerequisite 96
to entering into a rental agreement. 97

(G) No park operator shall require an owner to use the 98
services of the park operator or any other specific person for 99
installation of the manufactured or mobile home on the residential 100
premises or for the performance of any service. 101

(H) No park operator shall: 102

(1) Deny any owner the right to sell the owner's manufactured 103
home within the manufactured home park if the owner gives the park 104
operator ten days' notice of the intention to sell the home; 105

(2) Require the owner to remove the home from the 106
manufactured home park solely on the basis of the sale of the 107
home; 108

(3) Unreasonably refuse to enter into a rental agreement with 109
a purchaser of a home located within the operator's manufactured 110
home park; 111

(4) Charge any tenant or owner any fee, charge, or 112
assessment, including a rental fee, that is not set forth in the 113

rental agreement or, if the rental agreement is oral, is not set 114
forth in a written disclosure given to the tenant or owner prior 115
to the tenant or owner entering into a rental agreement; 116

(5) Charge any owner any fee, charge, or assessment because 117
of the transfer of ownership of a home or because a home is moved 118
out of or into the manufactured home park, except a charge for the 119
actual costs and expenses that are incurred by the park operator 120
in moving the home out of or into the manufactured home park, or 121
in installing the home in the manufactured home park and that have 122
not been reimbursed by another tenant or owner; 123

(6) Prohibit the indoor or outdoor display either of a for 124
sale sign by an owner on that owner's lot, including a sign that 125
indicates the owner is offering the property for sale by owner, or 126
of a political sign by a tenant or owner on that tenant's or 127
owner's lot, if the tenant or owner displaying the sign complies 128
with all applicable sections of the Revised Code and all 129
applicable municipal and county ordinances and resolutions 130
regulating the display of such a sign. 131

(I)(1) If the park operator violates any provision of 132
divisions (A) to (H) of this section, the tenant or owner may 133
~~recover~~ commence a civil action against the park operator for 134
either or both of the following: 135

(a) The greater of one hundred dollars or the actual damages 136
resulting from the violation, and, if the tenant or owner obtains 137
a judgment, reasonable attorneys' fees, or terminate; 138

(b) Termination of the rental agreement. 139

(2) A court also may award a prevailing tenant or owner 140
reasonable attorney's fees. 141

(J) No rental agreement shall require a tenant or owner to 142
sell, lease, or sublet the tenant's or owner's interest in the 143
rental agreement or the manufactured or mobile home that is or 144

will be located on the lot that is the subject of the rental 145
agreement to any specific person or through any specific person as 146
the person's agent. 147

(K) No park operator shall enter into a rental agreement with 148
the owner of a manufactured or mobile home for the use of 149
residential premises, if the rental agreement requires the owner 150
of the home, as a condition to the owner's renting, occupying, or 151
remaining on the residential premises, to pay the park operator or 152
any other person specified in the rental agreement a fee or any 153
sum of money based on the sale of the home, unless the owner of 154
the home uses the park operator or other person as the owner's 155
agent in the sale of the home. 156

(L) A park operator and a tenant or owner may include in a 157
rental agreement any terms and conditions, including any term 158
relating to rent, the duration of an agreement, and any other 159
provisions governing the rights and obligations of the parties 160
that are not inconsistent with or prohibited by sections 3733.09 161
to 3733.20 of the Revised Code or any other rule of law. 162

(M) Notwithstanding any other provision of the Revised Code, 163
the owner of a manufactured or mobile home that was previously 164
titled by a dealer may utilize the services of a manufactured home 165
dealer licensed under Chapter 4517. of the Revised Code or a 166
person properly licensed under Chapter 4735. of the Revised Code 167
to sell or lease the home. 168

Section 2. That existing section 3733.11 of the Revised Code 169
is hereby repealed. 170