



Lisa Sandberg

*Bill Analysis*  
*Legislative Service Commission*

## **Sub. H.B. 56\***

127th General Assembly  
(As Reported by S. Judiciary - Civil Justice)

**Reps. Uecker, J. McGregor, Seitz, Evans, Fende, Wagoner, Setzer, Combs, Adams, Wolpert, Flowers, Gibbs, Bubp, Distel, Blessing, Harwood, Okey, Dyer, Coley, Latta, Batchelder, Bolon, Chandler, Collier, Dodd, Domenick, Driehaus, Hughes, Letson, Luckie, Lundy, Otterman, Sayre, Wachtmann, Yuko**

---

### **BILL SUMMARY**

- Authorizes eviction (forcible entry and detainer) proceedings against a manufactured home park resident, or the estate of a manufactured home park resident, who, *as a result of death or otherwise*, has been absent from the manufactured home park for 30 consecutive days prior to the commencement of the action and whose manufactured home, mobile home, or recreational vehicle has been left unoccupied for that 30-day period, without notice to the park operator and without payment of rent due under the rental agreement with the park operator.
- Authorizes landlords who have one or two manufactured homes, mobile homes, or recreational vehicles on their property to proceed against tenants under the Forcible Entry and Detainer Law.
- Provides a specific procedure for service of notice and process on deceased tenants or their estates under the Forcible Entry and Detainer Law.
- Specifically authorizes the disposal of personal property abandoned on the residential premises of a manufactured home park when a deceased resident or resident's estate is evicted from a manufactured home park

---

\* This analysis was prepared before the report of the Senate Judiciary - Civil Justice Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

and provides for the retrieval of that property by the owner prior to the sale.

- Authorizes the clerk of a court to require a manufactured home park operator to pay an advance deposit sufficient to secure payment of the appraisal and the advertisement of the sale of an abandoned manufactured or mobile home or recreational vehicle and provides for reimbursement of the deposit from the proceeds of the sale.
- Requires the court clerk to give notice of the possible destruction, sale, or transfer of title of a manufactured or mobile home or recreational vehicle pursuant to a writ of execution on a judgment of restitution issued under the Forcible Entry and Detainer Law to the auditor and treasurer of the county in which the court is located.
- Prohibits the removal from a manufactured home park and the storage of a manufactured or mobile home or recreational vehicle that is the subject of a writ of execution on a judgment of restitution issued under the Forcible Entry and Detainer Law if the holder of any outstanding lien, right, title, or interest in the home or vehicle meets certain conditions.
- Requires that the sheriff, police officer, constable, or bailiff (officer) conducting a sale of an abandoned manufactured or mobile home or recreational vehicle pursuant to a writ of execution on a judgment of restitution issued under the Forcible Entry and Detainer Law give written notice of the date, time, and place of the sale to the auditor and treasurer of the county in which the court that issued the writ of execution is located in addition to giving as required by existing law such notice to persons listed on the writ as having any outstanding right, title, or interest in any personal property to be sold.
- Provides that the purchaser of a manufactured or mobile home or recreational vehicle that was sold pursuant to a writ of execution has no right to maintain the home or vehicle in a manufactured home park without the park operator's consent and that the officer conducting the sale must notify all prospective purchasers of that fact before commencing the sale.
- Authorizes an officer who sells a manufactured or mobile home or recreational vehicle pursuant to a writ of execution on a judgment of restitution issued under the Forcible Entry and Detainer Law to have the

home or vehicle destroyed if it is abandoned and worth less than \$3,000 if there is no person other than the titled owner who has an outstanding right, title, or interest in the home or vehicle or to have title to it transferred to the plaintiff if no one other than the titled owner has an outstanding right, title, or interest in it or if a lienholder who does have an outstanding right, title, or interest in it consents in writing to the transfer.

- Allows the holder of any outstanding lien, right, title, or interest in a manufactured or mobile home or recreational vehicle that is to be sold pursuant to a writ of execution on a judgment of restitution issued under the Forcible Entry and Detainer Law, other than the titled owner of the home or vehicle, to stop a sale of the home or vehicle by commencing a proceeding to repossess it and by paying to the park operator all monthly rental payments for the lot on which the home or vehicle is located from the time of the issuance of the writ of execution until the time that the home or vehicle is sold following repossession.
- Makes aspects of the sale of a manufactured home, mobile home, or recreational vehicle of a deceased resident pursuant to a writ of execution and the distribution of the proceeds of the sale subject to control of the property by the probate court and the Medicaid Estate Recovery Program.
- Clarifies that when an abandoned manufactured home, mobile home, or recreational vehicle is being disposed of pursuant to a writ of execution, the levying officer must present the writ to a court of common pleas in order to get a certificate transferring title to the property.
- Expands the scope of immunity of officers and park operators from civil liability for damage to manufactured homes, mobile homes, or recreational vehicles, and abandoned property removed from or stored on the premises of a manufactured home park.
- Creates a lien on a manufactured home, mobile home, or recreational vehicle for the removal and storage of personal property in conjunction with the removal and storage of an abandoned home or vehicle.
- Authorizes a manufactured home park operator to make rental renewal offers by regular mail or personal delivery.

- Defines "personal property" for purposes of the Forcible Entry and Detainer Law, defines "tenant" to include a manufactured home park resident for purposes of eviction proceedings and for obtaining restitution based on drug offenses committed on the leased premises, and makes various nonsubstantive changes to existing law.

---

## TABLE OF CONTENTS

Eviction of a deceased tenant or the tenant's estate from a manufactured home park.....	4
Retrieval of personal property from an abandoned manufactured home, mobile home, or recreational vehicle.....	6
Service of notice and process on a deceased tenant or the tenant's estate.....	6
Disposition of manufactured home, mobile home, or recreational vehicle on eviction from a manufactured home park .....	8
Deposit for appraisal and advertisement of sale.....	8
Notice of possible action following issuance of a writ of execution .....	9
Removal and storage of home or vehicle .....	9
Notice of sale of manufactured or mobile home or recreational vehicle and personal property.....	10
Notice of sale of personal property in an abandoned manufactured home, mobile home, or recreational vehicle.....	10
Distribution of proceeds of sale.....	10
Issuance of new title to home or vehicle .....	11
Delivery of subsequent rental offers .....	12
Civil immunity from liability for damage to a manufactured home, mobile home, recreational vehicle, or personal property .....	13
Lien for costs of storage and removal of personal property.....	13
Miscellaneous changes to FE and D Law.....	14

---

## CONTENT AND OPERATION

### **Eviction of a deceased tenant or the tenant's estate from a manufactured home park**

The existing Forcible Entry and Detainer Law (FE and D Law) authorizes eviction proceedings to be brought against tenants and other persons under specified circumstances. For example, the statute allows proceedings by landlords against tenants or manufactured home park residents who hold over their terms or breach obligations imposed by statute or written rental agreements. Some provisions apply expressly to manufactured home park residents. These allow eviction proceedings against manufactured home park residents who default in the

payment of rent, breach the terms of a rental agreement, commit multiple material violations of the rules of the manufactured home park, the rules of the public health council, or applicable health and safety codes, or have been absent from the manufactured home park for 30 consecutive days prior to the commencement of the FE and D action without notice or payment of rent and whose home or vehicle has been left unoccupied for that 30-day period. With regard to the last-described category of persons against whom an FE and D action may be brought, the bill specifies that an FE and D action may be brought against such a resident who *as a result of death or otherwise* has been absent for 30 consecutive days prior to the commencement of the FE and D action (R.C. 1923.02(A)(12)).

The bill changes the definitions of "park operator" and "manufactured home park" for purposes of the FE and D Law. Under existing law, those terms have the same meanings as in R.C. 3733.01, which defines "manufactured home park" to mean any tract of land upon which three or more manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of the park. It does not include any of the following: (1) a tract of land used solely for the storage or display for sale of manufactured or mobile homes or solely as a temporary park-camp, (2) a tract of land that is subdivided into individual lots that are for sale or sold for the purpose of installation of manufactured or mobile homes used for habitation, with roadways dedicated to the local government authority, (3) a tract of land within an area that is subject to local zoning authority and subdivision requirements and is subdivided into individual lots that are for sale or sold for the purpose of installation of manufactured or mobile homes for habitation. For purposes of the FE and D Law, the bill retains this definition and adds to it any tract of land upon which one or two manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, pursuant to rental agreements between the owners of the manufactured or mobile homes and the owner of the tract of land. (R.C. 3373.01(A)--not in the bill, and 1923.01(C)(11).)

Under existing law, "park operator" means a person who has responsible charge of a manufactured home park and who is licensed under the manufactured home park statutes. For purposes of the FE and D Law, the bill retains this definition and adds to it a landlord of premises upon which one or two manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, pursuant to rental agreements between the owners of the manufactured or mobile homes and a landlord who is not licensed as a manufactured home park operator. (R.C. 3373.01(G) and (H)--not in the bill, and 1923.01(C)(12).)

**Retrieval of personal property from an abandoned manufactured home, mobile home, or recreational vehicle**

The bill authorizes a defendant in an FE and D action to remove personal property of the defendant from an abandoned manufactured home, mobile home, or recreational vehicle or other place of storage at any time prior to the day before the scheduled sale of the home or vehicle pursuant to a writ of execution. If someone other than the defendant owns personal property that was abandoned on the residential premises and has not previously been removed, the owner of the personal property may remove the personal property from the abandoned home or vehicle or other place of storage up to the day before the scheduled sale of the property upon presentation of proof of ownership of the property that is satisfactory to the officer conducting the sale. (R.C. 1923.14(B)(7).)

**Service of notice and process on a deceased tenant or the tenant's estate**

Existing law requires that the operator of a manufactured home park, before commencing an FE and D action to evict a tenant, give the tenant notice to leave the premises three or more days before beginning the action by certified mail, return receipt requested, by handing it to the defendant, or by leaving it at the defendant's usual place of abode or premises subject to the action. The bill specifies the method of serving the notice if the adverse party (defendant) in the action is a deceased resident of a manufactured home park. Under the bill, the notice must be left at the premises from which the deceased defendant is sought to be evicted and also must be sent by ordinary mail to the executor or administrator appointed by the probate court if a probate court has granted letters testamentary or of administration for the estate if their names and addresses are known to the park operator and to the spouse and other members of the deceased resident's immediate family if their names and addresses are known to the park operator. (R.C. 1923.04(A) and (C).)

The bill requires the plaintiff to give the following information to the clerk of the court in which the FE and D action involving a deceased resident will be heard (R.C. 1923.06(C)(2) and (F)(1)):

(1) If the plaintiff knows that a probate court has granted letters testamentary or of administration for the estate, 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;

(2) If the plaintiff knows that a probate court has not granted letters testamentary or of administration for the estate or does not know whether or not a probate court has granted such letters, the names and addresses of the deceased

resident's spouse and any other members of the deceased resident's immediate family that are known to the plaintiff;

(3) If the plaintiff does not possess the information set forth in (1) or (2), an affidavit stating that the plaintiff does not possess the information.

On receiving the required information from the plaintiff, the court clerk must do one of following, as appropriate (R.C. 1923.06(C)(2) and (F)(2)):

(1) If paragraph (1), above, applies, mail to the executor or administrator, by certified mail, return receipt requested, a copy of the summons, complaint, document, or other process to be served;

(2) If paragraph (2) or (3), above, applies, mail by ordinary mail and by certified mail, return receipt requested, a copy of the summons, complaint, document, or other process to be served to the persons and addresses provided by the plaintiff, if any; complete and file a certificate of mailing for ordinary mailing; and publish in a newspaper of general circulation in the county in which the complaint is filed a notice setting forth the name and address of the court, the case number, the name and address of the plaintiff or the plaintiff's attorney, and the name and address of the deceased manufactured home park resident. The notice must be published at least once a week for two weeks. It must describe the detained premises, contain a summary statement of the object of the eviction complaint against the deceased resident, and state that a claim for restitution of the premises will be scheduled for hearing in accordance with local court rules, but in no event sooner than the seventh day from the date service is complete.

In cases in which the plaintiff knows that a probate court has granted letters testamentary or of administration and the plaintiff has given the court clerk the required information, service of process is complete on the date the clerk mails it if on the date of the hearing (1) the certified mail has not been returned for any reason other than refused or unclaimed or (2) the certified mail has not been endorsed and the ordinary mail has not been returned. In cases in which the plaintiff knows that a probate court has not granted letters or does not know whether or not a probate court has granted letters and the plaintiff has given the court clerk the required information, service of process is complete on the date the clerk mails it or on the date of the last publication, whichever is later, if on the date of the hearing (1) the certified mail has not been returned for any reason other than refused or unclaimed or (2) the certified mail has not been endorsed and the ordinary mail has not been returned. (R.C. 1923.06(G)(3) and (4).)

For purposes of service of process, "immediate family" means a person's spouse, brothers and sisters of the whole or half blood, children, including adopted children and stepchildren, parents, and grandparents (R.C. 1923.06(I)).



Under existing law, when a resident's estate has been evicted from a manufactured home park under the FE and D Law, the removal from the park and the potential sale, destruction, or transfer of ownership of the resident's manufactured or mobile home or recreational vehicle must be conducted in the manner prescribed by the probate court in which letters testamentary or of administration have been granted for the estate. The bill applies this provision to the eviction of a deceased resident as well as to the resident's estate, excepts property subject to this provision from other FE and D procedures, and includes among the property subject to disposition pursuant to the probate court's order any personal property abandoned on the residential premises. (R.C. 1923.12(D) and 1923.14(B)(3), (4), and (5).)

The bill provides that a park operator may not seek a judgment for past due rent and other damages under a rental agreement against a deceased manufactured home park resident in an FE and D action but must proceed in a separate civil action for damages (R.C. 1923.081).

Existing law precludes the titled owner of an abandoned manufactured home, mobile home, or recreational vehicle from obtaining a stay of execution or exemption from levy or sale on execution in an FE and D action. The bill makes an exception for property of a deceased resident or resident's estate that is under control of a probate court. (R.C. 1923.14(B)(3).)

**Disposition of manufactured home, mobile home, or recreational vehicle on eviction from a manufactured home park**

**Deposit for appraisal and advertisement of sale**

Existing FE and D Law provides a procedure through which an operator of a manufactured home park may have the manufactured home, mobile home, or recreational vehicle of an evicted resident or resident's estate removed and disposed of if the home or vehicle has been abandoned or otherwise left unoccupied for three days following the entry of the eviction judgment. The procedure requires the manufactured home park operator to provide notice to the titled owner of the home or vehicle to remove the home or vehicle within 14 days of delivery of the notice, the issuance of a writ of execution by the court if the home or vehicle is not removed within that 14-day period, and the storage and sale of the home or vehicle by a law enforcement officer or bailiff. (R.C. 1923.12(A), (B), and (C), 1923.13(B), and 1923.14(B).)

The bill authorizes the clerk of a municipal court, county court, or court of common pleas to require the park operator to pay an advance deposit sufficient to secure payment of the appraisal and the advertisement of the sale of the home or vehicle (R.C. 1923.12(C)).



### **Notice of possible action following issuance of a writ of execution**

When a court enters a judgment of restitution in an eviction proceeding under the FE and D Law against a resident or estate of a resident of a manufactured home park, it will also issue, at the plaintiff's request, a writ of execution directing the appropriate peace officer (constable, police officer, or sheriff) or bailiff (hereafter "officer") to cause the removal of the defendant (resident) from the residential premises if necessary to levy on the goods and chattels of the defendant, and either to remove the defendant's manufactured or mobile home or recreational vehicle from the manufactured home park and store it if necessary or to retain it at its current location until disposed of (R.C. 1923.13). When a court issues a writ of execution as described above, the court clerk must send notice by regular mail to the last known addresses of the titled owner of the home or vehicle and other persons listed on the writ as having any outstanding right, title, or interest in the home or vehicle that the home or vehicle may be sold or destroyed or have its title transferred. The bill adds the requirement that the clerk also send the notice by regular mail to the auditor and treasurer of the county in which the court is located and to any person who is listed on the writ as having any outstanding right, title, or interest in any personal property in the home or vehicle. (R.C. 1923.14(B)(1).)

### **Removal and storage of home or vehicle**

Under existing FE and D Law, the officer receiving the writ of execution may either remove and store the manufactured or mobile home or recreational vehicle that is the subject of the writ or keep it at its current location until it is claimed by the defendant or otherwise disposed of in an authorized manner. The bill prohibits removal or storage of either the home or vehicle or the defendant's personal property if either of the following apply (R.C. 1923.14(B)(2), (6), and (7)):

(1) The owner of the personal property may remove it (if not the defendant) upon showing proof of ownership;

(2) The holder of any outstanding lien, right, title, or interest in the home or vehicle, other than the titled owner of the home or vehicle, commences a proceeding to repossess the home or vehicle pursuant to R.C. Chapter 1309. (secured transactions) or 1317. (retail installment contracts) and pays to the park operator all monthly rental payments for the lot on which the home or vehicle is located from the time of the issuance of the writ of execution until the time that the home or vehicle is sold pursuant to those chapters. It specifically authorizes the holder of the interest to stop the sheriff or other officer from proceeding with the sale by taking such action.

**Notice of sale of manufactured or mobile home or recreational vehicle and personal property**

Ordinarily, the appropriate officer must commence proceedings for the sale of a manufactured or mobile home or recreational vehicle within 60 days after receiving a writ of execution on a judgment of restitution issued under the FE and D Law if the home or vehicle is determined to be abandoned. In addition to the other notices required to be given, the officer must serve a written notice of the date, time, and place of the sale upon all persons at their respective last known addresses who are listed on the writ of execution as having any outstanding right, title, or interest in the abandoned manufactured home, mobile home, or recreational vehicle. The bill adds to the property to be sold the defendant's personal property on the residential premises and requires that notice of sale be given to persons listed on the writ as having any outstanding right, title, or interest in the personal property. The bill also requires that the officer provide written notice of the sale to the auditor and the treasurer of the county in which the court issuing the writ is located. (R.C. 1923.14(B)(3).)

**Notice of sale of personal property in an abandoned manufactured home, mobile home, or recreational vehicle**

The bill authorizes the sale of personal property left in an abandoned manufactured home, mobile home, or recreational vehicle that is being sold pursuant to a writ of execution. A park operator who knows of anyone having any outstanding right, title, or interest in the personal property must list the personal property on the request for the writ of execution, together with the names and last known addresses of the persons having the right, title, or interest. The writ must state that the listed persons may continue to have a right, title, or interest in the personal property, and the court clerk must give notice of the sale to those persons by regular mail. (R.C. 1923.12(B) and (C) and 1923.13(B).)

The bill authorizes the officer who executes the writ of execution to remove and store or retain on site any personal property in the home or vehicle that is to be sold (R.C. 1923.13(B) and 1923.14(B)).

**Distribution of proceeds of sale**

Existing law provides for the distribution of the proceeds from the sale of an abandoned manufactured or mobile home or recreational vehicle. The bill includes money received from the sale of personal property in the proceeds to be distributed. Under existing law, before any distributions are made for the payment of tax liens, security interests, or other claims on the proceeds, the officer who conducted the sale must pay any costs that have been incurred for moving and storing the home or vehicle. The bill specifies that these costs include

reimbursement to the park operator for any deposit for an appraisal and advertising fee paid to the clerk of courts (see *'Deposit for appraisal and advertisement of sale,'* above). The bill does not otherwise change the priorities for distributing the proceeds from the sale of the abandoned home or vehicle, but it does make distribution of the sale proceeds subject to R.C. 2113.031 (probate court's summary release of small estates from administration), R.C. 2117.25 (payment of claims against decedent's probate estate), and R.C. 5111.11 (Medicaid Estate Recovery Program). (R.C. 1923.14(B)(3) and (B)(3)(a) and 1923.12(C).)

### *Issuance of new title to home or vehicle*

Under existing law, if an officer returns a writ of execution on a judgment of restitution issued under the FE and D Law after selling an abandoned home or vehicle and the court that issued the writ is satisfied that the sale was properly made, the court must direct the clerk of the court to issue a certificate of clear title to the purchaser. If the officer returns the writ unsatisfied because of a lack of bidders, the clerk of the court that issued the writ issues a certificate of clear title to the plaintiff. Under the bill, if the home or vehicle was sold, the court must direct the clerk of the court of common pleas of the county in which the writ was issued to issue the certificate of clear title. If the home or vehicle was not sold because there were no bidders, the clerk of the court of common pleas in the county in which the writ was issued issues the certificate of title to the plaintiff. The bill further requires the clerk of the court of common pleas to issue the certificate of title regardless of whether the writ was issued by the court of common pleas or another court that was authorized to issue the writ. The bill specifies that if a home or vehicle that was sold is located in a manufactured home park, the purchaser has no right to maintain it there without the park operator's consent, and the officer conducting the sale must notify all prospective purchasers of that fact before commencing the sale. (R.C. 1923.13(B) and 1923.14(B)(3), last two paragraphs.)

Under existing law, subject to the exception discussed in the next paragraph, if an officer receives a writ of execution on a judgment of restitution issued under the FE and D Law and the manufactured or mobile home or recreational vehicle is determined to be abandoned and to have a value of less than \$3,000, the peace officer or bailiff, within 60 days after receiving the writ, must serve a written notice of potential action upon all persons at their respective last known addresses who are listed on the writ as having any outstanding right, title, or interest in the home or vehicle. The officer must then take one of three actions. If there is no outstanding right, title, or interest in the home or vehicle, the officer must either cause the destruction of the home or vehicle or present the writ to the clerk of the court that issued it for the issuance by the clerk of a certificate of title transferring the title to the plaintiff. The third alternative is to proceed with a sale.

The bill specifies that the officer may have the home or vehicle destroyed if there is no person, other than the titled owner, who has an outstanding right, title, or interest in the home or vehicle. It further specifies that the officer may have the clerk transfer title to the plaintiff if no one other than the titled owner has an outstanding right, title, or interest or if a lienholder who does have an outstanding right, title, or interest consents in writing to the transfer. The bill requires the clerk of the court of common pleas to issue the certificate transferring the title regardless of whether the writ was issued by the court of common pleas or another court that was authorized to issue the writ. (R.C. 1923.13(B) and 1923.14(B)(4).)

Existing law allows the titled owner of an abandoned manufactured or mobile home or recreational vehicle to remove the home or vehicle from a manufactured home park or other place of storage at any time between the issuance of a writ of execution and the day scheduled for the home or vehicle's sale, destruction, or transfer upon payment of all costs of moving and storage plus costs incurred to date by the officer, all outstanding tax liens, and, unless the owner is indigent, all unpaid court costs assessed against the owner in the eviction proceeding. The bill also allows the holder of any outstanding lien, right, title, or interest in the home or vehicle, other than the titled owner, to stop a sale by commencing a proceeding to enforce a security interest or to repossess under R.C. Chapter 1309. or 1317. or by paying to the park operator all monthly rental payments for the lot on which the home or vehicle is located from the time of the issuance of the writ of execution until the time that the home or vehicle is sold. (R.C. 1923.14(B)(5) and (6).)

### **Delivery of subsequent rental offers**

Existing law, unchanged by the bill requires a manufactured home park operator to offer each home owner a written rental agreement for a manufactured home park lot for a term of one year or more that contains terms essentially the same as any alternative month-to-month rental agreement offered to current and prospective tenants and owners. The park operator must offer the minimum one-year rental agreement to the owner prior to installation of the home in the manufactured home park or, if the home is in the manufactured home park, prior to the expiration of the owner's existing rental agreement. (R.C. 3733.11(A)(1).)

The park operator must deliver the rental offer to the owner by certified mail, return receipt requested, or in person. If the owner accepts the offer, the park operator must, at the expiration of each successive rental agreement, offer the owner another rental agreement, for a term that is mutually agreed upon, and that contains terms essentially the same as the alternative month-to-month agreement. Existing law requires that the park operator deliver subsequent rental offers in the same manner in which the operator delivered the first rental offer. Under the bill,

subsequent rental offers must be made by ordinary mail or personal delivery. (R.C. 3733.11(A)(2).)

**Civil immunity from liability for damage to a manufactured home, mobile home, recreational vehicle, or personal property**

Under existing law, an officer who in an FE and D action removes a manufactured home, mobile home, or recreational vehicle that is subject to a writ of execution, or the personal property and vehicles *of the defendant*, from the residential premises is immune from civil liability for any damage caused to the home, vehicle, or personal property during the removal as long as the officer acts within the scope of the officer's employment and not with malicious purpose, bad faith, or in a wanton or reckless manner. The bill changes the scope of the immunity to cover damage to the manufactured home, mobile home, or recreational vehicle, or the abandoned personal property, without reference to ownership by the defendant. (R.C. 1923.14(B)(2) and 2744.03--not in the bill.)

Under existing law, a park operator who removes a manufactured home, mobile home, or recreational vehicle, or the personal property or vehicles *of the defendant*, from the residential premises is not liable for any damage caused by the removal unless the damage is the result of acts that the park operator or the park operator's agents or employees performed with malicious purpose, in bad faith, or in a wanton or reckless manner. Nor is the park operator liable for damage to such property during the time it remains abandoned or stored in the manufactured home park, provided that the park operator or the park operator's agents or employees did not act with malicious purpose, in bad faith, or in a wanton or reckless manner. The bill changes the scope of the immunity to cover damage to the manufactured home, mobile home, or recreational vehicle or the personal property during removal and while the home, vehicle, or personal property remains abandoned or stored in the manufactured home park, without reference to ownership by the defendant. (R.C. 1923.14(B)(2).)

**Lien for costs of storage and removal of personal property**

Existing law provides that the reasonable costs for removal of a manufactured home, mobile home, or recreational vehicle from the residential premises and, as applicable, the reasonable costs for its storage constitute a lien upon the home or vehicle payable by the titled owner of the home or vehicle or from the distribution of the proceeds of a sale on execution. The bill adds to the lien the reasonable costs of removing and storing personal property. (R.C. 1923.14(B)(2).)

### **Miscellaneous changes to FE and D Law**

The bill defines "personal property" for purposes of R.C. Chapter 1923. (forcible entry and detainer) as "tangible personal property other than a manufactured home, mobile home, or recreational vehicle that is the subject of an action" under Chapter 1923. The bill moves the definitions of "mobile home" and "manufactured home" to separate subdivisions of R.C. 1923.01 and changes the references in the definitions to other sections of the Revised Code without altering the substance of the definitions. (R.C. 1923.01(C)(3), (9), (10), and (11).)

The existing FE and D Law defines "tenant" as 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. The bill provides that "tenant" also includes a manufactured home park resident for purposes of eviction proceedings and for obtaining restitution based on drug offenses committed on the leased premises (R.C. 1923.01(C)(1)).

The bill also makes nonsubstantive corrections or clarifications to some of the language used in several sections (R.C. 1923.02(A)(10); 1923.12(A), (C), (D), and (E)(2) and (3); 1923.13; 1923.14(B)(2) and (3)).

---

## **HISTORY**

ACTION	DATE
Introduced	02-21-07
Reported, H. Judiciary	05-10-07
Passed House (99-0)	05-23-07
Reported, S. Judiciary - Civil Justice	---

h0056-rs-127.doc/st