



Ohio Legislative Service Commission

Bill Analysis

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H.B. 273

131st General Assembly
(As Introduced)

Reps. Pelanda, Rogers, Becker, Grossman, Fedor, Hackett, Young

BILL SUMMARY

- Requires a park operator to wait 90 days after the death of an evicted resident before moving or storing the manufactured home, mobile home, or recreational vehicle (home or vehicle), if the probate has not granted administration of the person's estate within that period.
- Decreases the time the park operator must wait, from one year to 90 days from the date of eviction of the deceased resident, before the park operator is permitted to initiate procedures to remove the home or vehicle from the park.
- Authorizes the park operator to search public records related to the home or vehicle, for the purpose of identifying any persons who have an outstanding right, title, or interest in the home or vehicle.
- Permits the park operator to provide any person with an outstanding right, title, or interest in the home or vehicle a written notice to remove the home or vehicle from the manufactured home park or arrange for the sale of the home or vehicle within 14 days from the date of the delivery of the notice.
- Requires the person who has an outstanding right, title, or interest in the home or vehicle and who arranges for the sale of the home or vehicle to pay rent due to the park operator during the pendency of the sale.
- Permits the park operator to remove the home or vehicle from the manufactured home park, if the person with an outstanding right, title, or interest does not timely remove the home or vehicle or arrange for its sale.
- Permits a park operator to publish a notice of a petition for a writ of execution when the person with an outstanding right, title, or interest in property cannot be found.

- Requires the costs collected and levied by the sheriff or other officer in connection with restoring the plaintiff to the possession of the premises to be "reasonable."
- Eliminates the notice requirement to the title owner of the manufactured home, mobile home, or recreational vehicle, after a court issues a writ of execution.
- Eliminates the sheriff's or other officer's option to remove the home or vehicle from the park to a storage facility of the sheriff's or other officer's choice.
- Requires that a home or vehicle valued at \$3,000 or more be sold.
- Shortens the time period within which the sheriff or other officer must execute the writ of execution for a home or vehicle valued at less than \$3,000 from 60 to 30 days after receiving the writ and requires the park operator's consent for the method of execution.
- Requires the sheriff or other officer to reimburse the park operator from proceeds of a sale for any advertising expenses paid by the park operator.
- Eliminates the requirement that, if the home or vehicle is valued at less than \$3,000, the sheriff or other officer notify all persons who are listed on the writ as having any outstanding right, title, or interest in the home or vehicle.
- Eliminates the requirement that a lienholder consent to the transfer of title, if the judgment is executed by transfer of title.
- Permits the clerk of the court to require a park operator to submit sworn testimony stating the home or vehicle is abandoned and worth less than \$3,000.
- Permits the Manufactured Homes Commission to contract with local boards of health to abate and remove abandoned or unoccupied homes or vehicles that constitute a nuisance.

CONTENT AND OPERATION

Overview

Ohio Eviction Law provides a procedure through which an operator of a manufactured home park may have the manufactured home, mobile home, or recreational vehicle (home or 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. To enforce the judgment, the park operator generally needs the court that issued the judgment to issue

a writ of execution, which orders the sheriff or other officer to take specified actions. The bill modifies the procedure regarding the removal of abandoned or unoccupied homes or vehicles from manufactured home parks.

Evicted resident's estate

Storing the home or vehicle

Under continuing law, when an evicted resident of a manufactured home park is the titled owner of the home or vehicle and the evicted resident dies prior to the removal of the home or vehicle from the park, and if the probate court has not granted administration of the evicted resident's estate, the park operator may store the home or vehicle at a storage facility or at another location within the park. However, under the bill, the park operator must wait 90 days *after the deceased death*, and, if the probate court has not granted administration with respect to the resident's estate within that 90-day period, the park operator is permitted to store the home or vehicle.¹

Removal of home or vehicle

The bill decreases the time the park operator must wait for the administration of the evicted resident's estate, from one year to 90 days *from the date of eviction*, before the park operator is permitted to initiate procedures to remove the home or vehicle from the park and potential sale, destruction, or transfer of ownership of the home or vehicle (disposal of the vehicle).²

Park operator records search and notice

Under the bill if no estate in probate has been filed within 90 days,³ the park operator may search the appropriate public records that relates to the home or vehicle, and make reasonably diligent inquiries for the purpose of identifying any persons who have an outstanding right, title, or interest in the home or vehicle.⁴

If the records search identifies such a person, the park operator may provide the person a written notice to remove the home or vehicle from the manufactured home park or arrange for the sale of the home or vehicle within 14 days from the date of the delivery of the notice. The notice must be in the form specified under continuing law,

¹ R.C. 1923.12(E)(1).

² R.C. 1923.12(E)(2).

³ It is unclear whether this 90-day period begins with the date of the evicted resident's death or the date of the eviction.

⁴ R.C. 1923.12(E)(3).



and the park operator must send the notice by personal delivery to the person or by ordinary mail sent to the last known address of the person.

If the person arranges for a sale of the home or vehicle, the person must pay any rent due to the park operator during the pendency of the sale. If the person does not remove the home or vehicle or arrange for its sale within the 14-day period, the park operator may follow the procedures under continuing law to remove the home or vehicle from the manufactured home park, and the potential disposal of the home or vehicle.⁵

Publication of petition of writ of execution

Under the bill, if the park operator's records search does not reveal a person who has an outstanding right, title, or interest in the home or vehicle, the park operator may publish a notice of the petition for a writ of execution in a newspaper of general circulation in the county where the home or vehicle has been abandoned. The publication must (1) contain the name of the deceased and the last known address of the home or vehicle and (2) run for three consecutive weeks. The park operator must provide to the clerk of the court written certification by the newspaper of the dates of the publication and an affidavit signed by the park operator attesting to the publication. The park operator may then follow the procedures under continuing law to remove the home or vehicle from the manufactured home park, and the potential disposal of the home or vehicle.⁶

Writ of execution enforced

The bill makes a number of changes to the procedures by which the writ of execution of the eviction judgment is enforced.

Costs collected

The bill requires the costs collected and levied by the sheriff or other officer in connection with restoring the plaintiff to the possession of the premises to be "reasonable."⁷

⁵ R.C. 1923.12(E)(3)(a).

⁶ R.C. 1923.12(E)(3)(b).

⁷ R.C. 1923.14(A).



Notice from the court

The bill eliminates the notice requirement to the title owner of the home or vehicle, after a court issues a writ of execution. Under the bill, the clerk of the court must notify each person other than the title owner of the home or vehicle that is subject to the writ and listed on the writ as having any outstanding right, title, or interest in the home, vehicle, or personal property. However, this person is not required to consent to the notice in order for the writ to be executed.⁸

Officer removal of home or vehicle

The bill eliminates the sheriff's or other officer's option to move the home or vehicle that is the subject of the writ from the manufactured home park to a storage facility of the sheriff's or other officer's choice. The remaining option (under continuing law) requires the home or vehicle to be retained at its current location until it is claimed by the defendant or disposed of under law.⁹

Public auction

The bill places a monetary threshold for when the sale of home or vehicle is required. Under continuing law, generally, after 60 days of receiving the writ of execution, the sheriff or other officer must commence proceedings for the sale of the home or vehicle (and abandoned personal property within it) if the home or vehicle is determined to be abandoned. Under the bill the home or vehicle must also have the value of at least \$3,000 in order to be sold at a public auction.¹⁰ If a public auction is held and property is sold, the bill requires the sheriff or other officer to reimburse the park operator for any advertising expenses paid by the park operator for the sale of the home or vehicle.¹¹

Other options

Under the bill the sheriff or other officer must take one of the following actions required under continuing law within 30 days (reduced from 60 days) after receiving the writ of executions for an abandoned home or vehicle valued at less than \$3,000:

(1) Cause the destruction of the home or vehicle, if there is no person that has an outstanding right, title, or interest in the home or vehicle, other than the titled owner;

⁸ R.C.1923.14(B)(1).

⁹ R.C. 1923.13(B) and 1923.14(B)(2).

¹⁰ R.C. 1923.13(B) and 1923.14(B)(3).

¹¹ R.C. 1923.14(B)(3)(a).



(2) Proceed with its sale;

(3) If there is no person that has an outstanding right, title, or interest in the home or vehicle other than the titled owner, present the writ of execution to the clerk of the court that issued the writ to transfer the title to the plaintiff, free and clear of all security interests, liens, and encumbrances.

The bill requires consent of the park operator when proceeding in any manner above and eliminates the requirement that a lienholder consent to the transfer of title. In addition, the bill eliminates the requirement that if the home or vehicle is determined to have a value of less than \$3,000, within 60 days of receiving the writ of execution, the sheriff or other officer must serve notice to all persons who are listed on the writ as having any outstanding right, title, or interest in the home or vehicle.¹²

Affidavit

In a related change, the bill permits the clerk of the court to require the park operator requesting a writ of execution to submit a notarized affidavit stating that the home or recreational vehicle is abandoned and worth less than \$3,000. Under continuing law, the court may also ask the park operator to pay an advance deposit sufficient to secure payment for appraisal and advertisement of the home or vehicle.¹³

Nuisance abatement

The bill permits the Manufactured Homes Commission to contract with local boards of health to abate and remove abandoned or unoccupied homes or vehicles that constitute a nuisance and are located in manufactured home parks within the board's jurisdiction. Under this contract, the Commission can receive complaints of abandoned or unoccupied homes or vehicles that constitute a nuisance and, by order, compel the park operator to abate and remove the nuisance. The park operator must pay for the removal costs.¹⁴

¹² R.C. 1923.14(B)(4) and (B)(4)(c).

¹³ R.C.1923.12(C)(2).

¹⁴ R.C. 4781.56.



Miscellaneous changes

The bill removes references to the court of common pleas having jurisdiction, and instead leaves the term "court" in several sections and makes changes to the writ of execution form to correspond to provisions of the bill.¹⁵

HISTORY

ACTION	DATE
Introduced	06-23-15

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¹⁵ R.C. 1923.13 and 1923.14.

