

As Introduced

135th General Assembly  
Regular Session  
2023-2024

H. B. No. 478

Representatives Edwards, LaRe

---

A BILL

To amend section 2909.07 and to enact sections 1  
1923.16 and 2913.53 of the Revised Code to 2  
provide for the expedited removal of 3  
unauthorized occupants of residential property 4  
and to prohibit the use and sale of fraudulent 5  
deeds. 6

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

**Section 1.** That section 2909.07 be amended and sections 7  
1923.16 and 2913.53 of the Revised Code be enacted to read as 8  
follows: 9

**Sec. 1923.16.** (A) Notwithstanding any contrary provision 10  
of this chapter, a record owner of real property in this state 11  
or the record owner's authorized agent may request the county 12  
sheriff to immediately remove a person who unlawfully occupies a 13  
residential premises on that real property, if all of the 14  
following apply: 15

(1) The requesting person is the record owner of the real 16  
property or the authorized agent of the record owner. 17

(2) The real property includes a residential premises, and 18  
the record owner has the right to occupy that residential 19

premises to the exclusion of others. 20

(3) The unauthorized occupant unlawfully entered the 21  
residential premises and is residing or otherwise remains in the 22  
residential premises. 23

(4) The residential premises was not open to members of 24  
the public at the time the unauthorized occupant entered. 25

(5) The record owner directed the unauthorized occupant to 26  
leave the residential premises. 27

(6) The unauthorized occupant is not a current or former 28  
tenant of the residential premises pursuant to a rental 29  
agreement authorized by the record owner. 30

(7) The unauthorized occupant is not a current or former 31  
owner of any interest in the real property or the residential 32  
premises, and is not listed on the title to the real property, 33  
unless the unauthorized occupant has engaged in title fraud. 34

(8) The unauthorized occupant is not a member of the 35  
record owner's immediate family, as defined in section 1349.04 36  
of the Revised Code. 37

(9) There is no pending litigation related to the real 38  
property or the residential premises between the record owner 39  
and the unauthorized occupant. 40

(B) A request to immediately remove an unauthorized 41  
occupant under this section shall be in substantially the 42  
following form: 43

"COMPLAINT TO REMOVE PERSONS UNLAWFULLY OCCUPYING A 44  
RESIDENTIAL PREMISES 45

I, the record owner or authorized agent of the record 46

owner of the real property located at \_\_\_\_\_ (address), 47  
declare under the penalty of perjury that (initial each box): 48

1. \_\_\_ I am the record owner of the real property, or the 49  
authorized agent of the record owner. 50

2. \_\_\_ I purchased the real property on \_\_\_\_\_ (date). 51

3. \_\_\_ The real property includes a residential premises. 52

4. \_\_\_ An unauthorized person unlawfully entered the 53  
residential premises and is residing or otherwise remains in the 54  
residential premises. 55

5. \_\_\_ The residential premises was not open to members of 56  
the public at the time the unauthorized occupant entered. 57

6. \_\_\_ I have directed the unauthorized occupant to leave 58  
the residential premises, but the unauthorized occupant has not 59  
done so. 60

7. \_\_\_ The unauthorized occupant is not a current or former 61  
tenant of the residential premises pursuant to a rental 62  
agreement with myself or my authorized agent, and any lease that 63  
may be produced by an occupant is fraudulent. 64

8. \_\_\_ The unauthorized occupant is not an owner or co- 65  
owner of the real property or the residential premises and has 66  
not been listed on the title to the property, unless the 67  
unauthorized occupant has engaged in title fraud. 68

9. \_\_\_ The unauthorized occupant is not my immediate family 69  
member. 70

10. \_\_\_ There is no litigation related to the real property 71  
or residential premises pending between the property owner and 72  
the unauthorized occupant. 73

11. \_\_\_ I understand that a person or persons removed from 74  
the residential premises pursuant to this procedure may bring a 75  
cause of action against me for any false statements made in this 76  
complaint, or for wrongfully using this procedure, and that as a 77  
result of such action I may be held liable for actual damages, 78  
penalties, costs, and reasonable attorney's fees. 79

12. \_\_\_ I am requesting the sheriff to immediately remove 80  
the unauthorized occupant from the residential premises. 81

13. \_\_\_ A copy of my valid government-issued identification 82  
is attached, or I am an agent of the record owner and documents 83  
evidencing my authority to act on the record owner's behalf are 84  
attached. 85

I HAVE READ EVERY STATEMENT MADE IN THIS COMPLAINT AND 86  
EACH STATEMENT IS TRUE AND CORRECT. I UNDERSTAND THAT THE 87  
STATEMENTS MADE IN THIS COMPLAINT ARE MADE UNDER PENALTY OF 88  
PERJURY, PUNISHABLE AS PROVIDED IN SECTION 2921.11 OF THE 89  
REVISED CODE. 90

\_\_\_\_\_ (Signature of record owner or record 91  
owner's agent)" 92

(C) (1) Upon receipt of a complaint that substantially 93  
conforms to the requirements of this section, the sheriff shall 94  
verify that the complainant is the record owner of the real 95  
property that is the subject of the complaint, or the authorized 96  
agent of the record owner, and appears to be entitled to relief 97  
under this section. If verified, the sheriff shall, without 98  
delay, service a notice to immediately vacate on all 99  
unauthorized occupants and shall put the record owner in 100  
possession of the real property. 101

(2) Service may be accomplished by hand delivery of the 102

notice to an occupant or by posting the notice on the front door 103  
or entrance of the residential premises. 104

(3) The sheriff shall attempt to verify the identities of 105  
all persons occupying the residential premises and note the 106  
identities on the return of service. If appropriate, the sheriff 107  
may arrest any person found in the residential premises for 108  
trespass, outstanding warrants, or any other legal cause. 109

(D) The sheriff is entitled to the same fee for service of 110  
the notice to immediately vacate as if the sheriff were serving 111  
a writ of possession under section 311.17 of the Revised Code. 112

(E) (1) After the sheriff serves the notice to immediately 113  
vacate, the record owner or authorized agent may request that 114  
the sheriff stand by to keep the peace while the record owner or 115  
agent changes the locks and removes any personal property left 116  
by the unauthorized occupants from the residential premises to 117  
or near the property line. 118

(2) When such a request is made, the sheriff may charge a 119  
reasonable hourly rate, and the person requesting the sheriff to 120  
stand by and keep the peace is responsible for paying the 121  
reasonable hourly rate set by the sheriff. 122

(3) The sheriff is not liable to the unauthorized occupant 123  
or any other party for loss, destruction, or damage to property. 124

(4) The record owner or authorized agent is not liable to 125  
an unauthorized occupant or any other party for the loss, 126  
destruction, or damage to personal property unless the removal 127  
was wrongful. 128

(F) A person wrongfully removed from real property under 129  
this section may bring a civil action for wrongful removal in 130  
any court of competent jurisdiction. The court may restore 131

possession of real property to a person wrongfully removed under 132  
this section and may award actual damages, statutory damages 133  
equal to triple the fair market rent of the residential 134  
premises, court costs, and reasonable attorney's fees. 135

(G) This section does not limit the rights of a property 136  
owner or limit the authority of a law enforcement officer to 137  
arrest an unlawful occupant for trespassing, vandalism, theft, 138  
or other crimes. 139

**Sec. 2909.07.** (A) No person shall: 140

(1) Without privilege to do so, knowingly move, deface, 141  
damage, destroy, or otherwise improperly tamper with either of 142  
the following: 143

(a) The property of another; 144

(b) One's own residential real property with the purpose 145  
to decrease the value of or enjoyment of the residential real 146  
property, if both of the following apply: 147

(i) The residential real property is subject to a 148  
mortgage. 149

(ii) The person has been served with a summons and 150  
complaint in a pending residential mortgage loan foreclosure 151  
action relating to that real property. As used in this division, 152  
"pending" includes the time between judgment entry and 153  
confirmation of sale. 154

(2) With purpose to interfere with the use or enjoyment of 155  
property of another, employ a tear gas device, stink bomb, smoke 156  
generator, or other device releasing a substance that is harmful 157  
or offensive to persons exposed or that tends to cause public 158  
alarm; 159

(3) Without privilege to do so, knowingly move, deface, 160  
damage, destroy, or otherwise improperly tamper with a bench 161  
mark, triangulation station, boundary marker, or other survey 162  
station, monument, or marker; 163

(4) Without privilege to do so, knowingly move, deface, 164  
damage, destroy, or otherwise improperly tamper with any safety 165  
device, the property of another, or the property of the offender 166  
when required or placed for the safety of others, so as to 167  
destroy or diminish its effectiveness or availability for its 168  
intended purpose; 169

(5) With purpose to interfere with the use or enjoyment of 170  
the property of another, set a fire on the land of another or 171  
place personal property that has been set on fire on the land of 172  
another, which fire or personal property is outside and apart 173  
from any building, other structure, or personal property that is 174  
on that land; 175

(6) Without privilege to do so, and with intent to impair 176  
the functioning of any computer, computer system, computer 177  
network, computer software, or computer program, knowingly do 178  
any of the following: 179

(a) In any manner or by any means, including, but not 180  
limited to, computer hacking, alter, damage, destroy, or modify 181  
a computer, computer system, computer network, computer 182  
software, or computer program or data contained in a computer, 183  
computer system, computer network, computer software, or 184  
computer program; 185

(b) Introduce a computer contaminant into a computer, 186  
computer system, computer network, computer software, or 187  
computer program. 188

(7) Without privilege to do so, knowingly destroy or	189
improperly tamper with a critical infrastructure facility;	190
<u>(8) Without privilege to do so, unlawfully detain, occupy,</u>	191
<u>or trespass upon a residential dwelling and intentionally cause</u>	192
<u>damage to the dwelling.</u>	193
(B) As used in this section:	194
(1) "Safety device" means any fire extinguisher, fire	195
hose, or fire axe, or any fire escape, emergency exit, or	196
emergency escape equipment, or any life line, life-saving ring,	197
life preserver, or life boat or raft, or any alarm, light,	198
flare, signal, sign, or notice intended to warn of danger or	199
emergency, or intended for other safety purposes, or any guard	200
railing or safety barricade, or any traffic sign or signal, or	201
any railroad grade crossing sign, signal, or gate, or any first	202
aid or survival equipment, or any other device, apparatus, or	203
equipment intended for protecting or preserving the safety of	204
persons or property.	205
(2) "Critical infrastructure facility" has the same	206
meaning as in section 2911.21 of the Revised Code.	207
(3) "Improperly tamper" means to change the physical	208
location or the physical condition of the property.	209
(C) (1) Whoever violates this section is guilty of criminal	210
mischief, and shall be punished as provided in division (C) (2),	211
(3), or (4) of this section.	212
(2) Except as otherwise provided in this division,	213
criminal mischief committed in violation of division (A) (1),	214
(2), (3), (4), or (5) of this section is a misdemeanor of the	215
third degree. Except as otherwise provided in this division, if	216
the violation of division (A) (1), (2), (3), (4), or (5) of this	217



section creates a risk of physical harm to any person, criminal 218  
mischief committed in violation of division (A) (1), (2), (3), 219  
(4), or (5) of this section is a misdemeanor of the first 220  
degree. If the property involved in the violation of division 221  
(A) (1), (2), (3), (4), or (5) of this section is an aircraft, an 222  
aircraft engine, propeller, appliance, spare part, fuel, 223  
lubricant, hydraulic fluid, any other equipment, implement, or 224  
material used or intended to be used in the operation of an 225  
aircraft, or any cargo carried or intended to be carried in an 226  
aircraft, criminal mischief committed in violation of division 227  
(A) (1), (2), (3), (4), or (5) of this section is one of the 228  
following: 229

(a) If the violation creates a risk of physical harm to 230  
any person, except as otherwise provided in division (C) (2) (b) 231  
of this section, criminal mischief committed in violation of 232  
division (A) (1), (2), (3), (4), or (5) of this section is a 233  
felony of the fifth degree. 234

(b) If the violation creates a substantial risk of 235  
physical harm to any person or if the property involved in a 236  
violation of this section is an occupied aircraft, criminal 237  
mischief committed in violation of division (A) (1), (2), (3), 238  
(4), or (5) of this section is a felony of the fourth degree. 239

(3) Except as otherwise provided in this division, 240  
criminal mischief committed in violation of division (A) (6) of 241  
this section is a misdemeanor of the first degree. Except as 242  
otherwise provided in this division, if the value of the 243  
computer, computer system, computer network, computer software, 244  
computer program, or data involved in the violation of division 245  
(A) (6) of this section or the loss to the victim resulting from 246  
the violation is one thousand dollars or more and less than ten 247

thousand dollars, or if the computer, computer system, computer 248  
network, computer software, computer program, or data involved 249  
in the violation of division (A) (6) of this section is used or 250  
intended to be used in the operation of an aircraft and the 251  
violation creates a risk of physical harm to any person, 252  
criminal mischief committed in violation of division (A) (6) of 253  
this section is a felony of the fifth degree. If the value of 254  
the computer, computer system, computer network, computer 255  
software, computer program, or data involved in the violation of 256  
division (A) (6) of this section or the loss to the victim 257  
resulting from the violation is ten thousand dollars or more, or 258  
if the computer, computer system, computer network, computer 259  
software, computer program, or data involved in the violation of 260  
division (A) (6) of this section is used or intended to be used 261  
in the operation of an aircraft and the violation creates a 262  
substantial risk of physical harm to any person or the aircraft 263  
in question is an occupied aircraft, criminal mischief committed 264  
in violation of division (A) (6) of this section is a felony of 265  
the fourth degree. 266

(4) Criminal mischief committed in violation of division 267  
(A) (7) of this section is a felony of the third degree. 268

(5) Except as otherwise provided in this division, 269  
criminal mischief committed in violation of division (A) (8) of 270  
this section is a misdemeanor of the first degree. If the 271  
violation causes damage to the dwelling in excess of five 272  
thousand dollars, criminal mischief committed in violation of 273  
division (A) (8) of this section is a felony of the fourth 274  
degree. 275

Sec. 2913.53. (A) No person, with the purpose to detain or 276  
remain upon real property, shall knowingly present to another 277

<u>person a false document purporting to be a valid lease</u>	278
<u>agreement, deed, or other instrument conveying real property</u>	279
<u>rights.</u>	280
<u>(B) No person shall knowingly do any of the following:</u>	281
<u>(1) List or advertise residential real property that the</u>	282
<u>purported seller has no legal title or authority to sell;</u>	283
<u>(2) Rent or lease residential real property that the</u>	284
<u>purported owner has no lawful ownership in to another person.</u>	285
<u>(C) Whoever violates this section is guilty of title</u>	286
<u>fraud. A violation of division (A) of this section is a</u>	287
<u>misdemeanor of the first degree. A violation of division (B) of</u>	288
<u>this section is a felony of the first degree.</u>	289
<b>Section 2.</b> That existing section 2909.07 of the Revised	290
Code is hereby repealed.	291