CLIENT ALERTS & INSIGHTS

# New Filing Requirement for Residential Rental Property Owners

OCTOBER 31, 2006

The following information was distributed as a Benesch Real Estate & Environmental Bulletin:

The State of Ohio has amended Ohio Revised Code Section 5323.02 to require all apartment owners and all other lessors of residential property (including lessors of homes) to file a document with the County Auditor of the County in which the property is located. The document will allow the County to keep track of residential landlords.

The law provides that if a property owner leases a private home or one or more apartment units, that person must file a form with the County Auditor of the County in which the home or apartment is located. Each County Auditor determines the exact document that must be filed (some Counties may allow entry by website). The appropriate form can be obtained from each County Auditor's office.

The owner of the residential rental property must update the information on the applicable form required within ten days of any change to the information.

An owner of residential rental property who resides outside of Ohio must designate someone within Ohio as the owner's designee to serve as the owner's agent for acceptance of service or process on behalf of the owner for any legal action.However, if the owner designated a statutory agent with the Ohio Secretary of State that is current, the owner can file a certified copy of the document containing the designation with the County Auditor where the property is located.

Any violators will be guilty of a minor misdemeanor.

The law is already effective, so you should file promptly for each property that you lease for residential purposes.