

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 153

Representative Hillyer

Cosponsors: Representatives Carruthers, Seitz, Schmidt, Dean

A BILL

To amend sections 323.71, 323.78, and 5721.20 of
the Revised Code to limit which abandoned land
may be subject to certain expedited foreclosure
proceedings.

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

Section 1. That sections 323.71, 323.78, and 5721.20 of
the Revised Code be amended to read as follows:

Sec. 323.71. (A) (1) If the county board of revision, upon
its own motion or pursuant to a hearing under division (A) (2) of
this section, determines that the impositions against a parcel
of abandoned land that is the subject of a complaint filed under
section 323.69 of the Revised Code exceed the fair market value
of that parcel as currently shown by the latest valuation by the
auditor of the county in which the land is located, then the
board may proceed to hear and adjudicate the case as provided
under sections 323.70 and 323.72 of the Revised Code. Upon entry
of an order of foreclosure, the parcel may be disposed of as
prescribed by section 323.78 or division (G) of section 323.73
of the Revised Code.

If the board of revision, upon its own motion or pursuant to a hearing under division (A) (2) of this section, determines that the impositions against a parcel do not exceed the fair market value of the parcel as shown by the county auditor's then-current valuation of the parcel, the parcel shall not be disposed of as prescribed by section 323.78 or division (G) of section 323.73 of the Revised Code, but may be disposed of as otherwise provided in section 323.73, 323.74, 323.75, or 323.77, ~~or 323.78~~ of the Revised Code.

(2) By a motion filed not later than seven days before a final hearing on a complaint is held under section 323.70 of the Revised Code, an owner or lienholder may file with the county board of revision a good faith appraisal of the parcel from a licensed professional appraiser and request a hearing to determine whether the impositions against the parcel of abandoned land exceed or do not exceed the fair market value of that parcel as shown by the auditor's then-current valuation of that parcel. If the motion is timely filed, the board of revision shall conduct a hearing and shall make a factual finding as to whether the impositions against the parcel exceed or do not exceed the fair market value of that parcel as shown by the auditor's then-current valuation of that parcel. An owner or lienholder must show by a preponderance of the evidence that the impositions against the parcel do not exceed the auditor's then-current valuation of the parcel in order to preclude the application of division (G) of section 323.73 of the Revised Code.

(B) Notwithstanding sections 323.65 to 323.79 of the Revised Code to the contrary, for purposes of determining in any proceeding under those sections whether the total of the impositions against the abandoned land exceed the fair market

value of the abandoned land, it is prima-facie evidence and a 50
rebuttable presumption that may be rebutted to the county board 51
of revision that the auditor's then-current valuation of that 52
abandoned land is the fair market value of the land, regardless 53
of whether an independent appraisal has been performed. 54

Sec. 323.78. (A) Notwithstanding anything in Chapters 55
323., 5721., and 5723. of the Revised Code, a county treasurer 56
may elect to invoke the alternative redemption period in any 57
petition for foreclosure of abandoned lands under section 58
323.25, sections 323.65 to 323.79, or section 5721.18 of the 59
Revised Code. If the treasurer makes that election, and if the 60
court or board of revision determines that the impositions 61
against the parcel that is the subject of the petition exceed 62
the fair market value of the parcel as shown by the county 63
auditor's then-current valuation of the parcel, the parcel shall 64
be disposed of as prescribed in division (B) or (C) of this 65
section. 66

(B) If a county treasurer invokes the alternative 67
redemption period pursuant to this section, and if a municipal 68
corporation, township, county, school district, community 69
development organization, or county land reutilization 70
corporation has requested title to the parcel, then upon 71
adjudication of foreclosure of the parcel, the court or board of 72
revision shall order, in the decree of foreclosure or by 73
separate order, that the equity of redemption and any statutory 74
or common law right of redemption in the parcel by its owner 75
shall be forever terminated after the expiration of the 76
alternative redemption period and that the parcel shall be 77
transferred by deed directly to the requesting municipal 78
corporation, township, county, school district, community 79
development corporation, or county land reutilization 80

corporation without appraisal and without a sale, free and clear 81
of all impositions and any other liens on the property, which 82
shall be deemed forever satisfied and discharged. ~~The court or~~ 83
~~board of revision shall order such a transfer regardless of~~ 84
~~whether the value of the taxes, assessments, penalties,~~ 85
~~interest, and other charges due on the parcel, and the costs of~~ 86
~~the action, exceed the fair market value of the parcel. No~~ 87
further act of confirmation or other order shall be required for 88
such a transfer, or for the extinguishment of any statutory or 89
common law right of redemption. 90

(C) If a county treasurer invokes the alternative 91
redemption period pursuant to this section and if no community 92
development organization, county land reutilization corporation, 93
municipal corporation, county, township, or school district has 94
requested title to the parcel, then upon adjudication of 95
foreclosure of the parcel, the court or board of revision shall 96
order the property sold as otherwise provided in Chapters 323. 97
and 5721. of the Revised Code, and, failing any bid at any such 98
sale, the parcel shall be forfeited to the state and otherwise 99
disposed of pursuant to Chapter 5723. of the Revised Code. 100

Sec. 5721.20. ~~Except in cases where the property is~~ 101
~~transferred without sale to a municipal corporation, township,~~ 102
~~county, community development organization, or county land~~ 103
~~reutilization corporation pursuant to the alternative redemption~~ 104
~~period procedures contained in section 323.78 of the Revised~~ 105
~~Code, any~~ Any residue of moneys from the sale or foreclosure of 106
lands remaining to the owner on the order of distribution, and 107
unclaimed by such owner within sixty days from its receipt, 108
shall be paid into the county treasury and shall be charged 109
separately to the county treasurer by the county auditor, in the 110
name of the supposed owner. The treasurer shall retain such 111

excess in the treasury for the proper owner of such lands upon 112
which the foreclosure was had, and upon demand by such owner, 113
within three years from the date of receipt, shall pay such 114
excess to the owner. If the owner does not demand payment of the 115
excess within three years, then the excess shall be forfeited to 116
the delinquent tax and assessment collection fund created under 117
section ~~323.261~~ 321.261 of the Revised Code, or in counties that 118
have established a county land reutilization corporation fund 119
under section ~~323.263~~ 321.263 of the Revised Code, to the county 120
land reutilization corporation fund. 121

Section 2. That existing sections 323.71, 323.78, and 122
5721.20 of the Revised Code are hereby repealed. 123