

As Reported by the House State and Local Government Committee

135th General Assembly

Regular Session

2023-2024

Sub. H. B. No. 93

Representatives Johnson, McClain

Cosponsors: Representatives Seitz, Fowler Arthur, King, Stoltzfus

A BILL

To amend sections 321.261, 701.10, 729.49, 735.29, 1
743.04, and 743.06 and to enact sections 319.65, 2
701.101, 701.102, 701.103, 701.20, 701.21, 3
701.22, 701.23, 701.24, 701.25, 701.26, 701.30, 4
701.31, 701.32, 701.33, 701.35, 701.36, 701.37, 5
701.38, 701.39, 701.40, 729.491, 729.492, 6
729.493, 735.291, 735.292, 743.041, 743.042, 7
1901.187, and 1907.033 of the Revised Code 8
regarding limitations on recovery and lien 9
imposition by municipalities against property 10
owners of non-owner-occupied properties for 11
unpaid water, sewer, and disposal services rates 12
and charges. 13

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

Section 1. That sections 321.261, 701.10, 729.49, 735.29, 14
743.04, and 743.06 be amended and sections 319.65, 701.101, 15
701.102, 701.103, 701.20, 701.21, 701.22, 701.23, 701.24, 16
701.25, 701.26, 701.30, 701.31, 701.32, 701.33, 701.35, 701.36, 17
701.37, 701.38, 701.39, 701.40, 729.491, 729.492, 729.493, 18
735.291, 735.292, 743.041, 743.042, 1901.187, and 1907.033 of 19

the Revised Code be enacted to read as follows: 20

Sec. 319.65. (A) As used in this section, "municipal lien" 21
means a lien certified under sections 701.10, 729.49, 735.29, 22
and 743.04 of the Revised Code. 23

(B) Additional certification required to be submitted to 24
the county auditor for a municipal lien shall consist of the 25
parcel number of the property on which the lien is requested, 26
the name of the property owner, the name of the person who 27
contracted for the service for which the lien is sought, and 28
confirmation from the person, board, or entity that certified 29
the lien and submitted the additional certification that all of 30
the information submitted to the auditor has been verified. 31

Sec. 321.261. (A) In each county treasury there shall be 32
created the treasurer's delinquent tax and assessment collection 33
fund and the prosecuting attorney's delinquent tax and 34
assessment collection fund. Except as otherwise provided in this 35
division, two and one-half per cent of all delinquent real 36
property, personal property, and manufactured and mobile home 37
taxes and assessments collected by the county treasurer shall be 38
deposited in the treasurer's delinquent tax and assessment 39
collection fund, and two and one-half per cent of such 40
delinquent taxes and assessments shall be deposited in the 41
prosecuting attorney's delinquent tax and assessment collection 42
fund. The board of county commissioners shall appropriate to the 43
county treasurer from the treasurer's delinquent tax and 44
assessment collection fund, and shall appropriate to the 45
prosecuting attorney from the prosecuting attorney's delinquent 46
tax and assessment collection fund, money to the credit of the 47
respective fund, and except as provided in division (D) of this 48
section, the appropriation shall be used only for the following 49

purposes: 50

(1) By the county treasurer or the county prosecuting 51
attorney in connection with the collection of delinquent real 52
property, personal property, and manufactured and mobile home 53
taxes and assessments, including proceedings related to 54
foreclosure of the state's lien for such taxes against such 55
property; 56

(2) With respect to any portion of the amount appropriated 57
from the treasurer's delinquent tax and assessment collection 58
fund for the benefit of a county land reutilization corporation 59
organized under Chapter 1724. of the Revised Code, the county 60
land reutilization corporation. Upon the deposit of amounts in 61
the treasurer's delinquent tax and assessment collection fund, 62
any amounts allocated at the direction of the treasurer to the 63
support of the county land reutilization corporation shall be 64
paid out of such fund to the corporation upon a warrant of the 65
county auditor. 66

If the balance in the treasurer's or prosecuting 67
attorney's delinquent tax and assessment collection fund exceeds 68
three times the amount deposited into the fund in the preceding 69
year, the treasurer or prosecuting attorney, on or before the 70
twentieth day of October of the current year, may direct the 71
county auditor to forgo the allocation of delinquent taxes and 72
assessments to that officer's respective fund in the ensuing 73
year, except amounts deposited to the fund under section 701.10, 74
729.49, 735.29, or 743.04 of the Revised Code. If the county 75
auditor receives such direction, the auditor shall cause the 76
portion of such taxes and assessments that otherwise would be 77
credited to the fund under this section in that ensuing year to 78
be allocated and distributed among taxing units' funds as 79

otherwise provided in this chapter and other applicable law. 80

(B) During the period of time that a county land 81
reutilization corporation is functioning as such on behalf of a 82
county, the board of county commissioners, upon the request of 83
the county treasurer, may designate by resolution that an 84
additional amount, not exceeding five per cent of all 85
collections of delinquent real property, personal property, and 86
manufactured and mobile home taxes and assessments, excluding 87
amounts required to be deposited to the fund under section 88
701.10, 729.49, 735.29, or 743.04 of the Revised Code, shall be 89
deposited in the treasurer's delinquent tax and assessment 90
collection fund and be available for appropriation by the board 91
for the use of the corporation. Any such amounts so deposited 92
and appropriated under this division shall be paid out of the 93
treasurer's delinquent tax and assessment collection fund to the 94
corporation upon a warrant of the county auditor. 95

(C) Annually by the first day of December, the county 96
treasurer and the prosecuting attorney each shall submit a 97
report to the board of county commissioners regarding the use of 98
the moneys appropriated from their respective delinquent tax and 99
assessment collection funds. Each report shall specify the 100
amount appropriated from the fund during the current calendar 101
year, an estimate of the amount so appropriated that will be 102
expended by the end of the year, a summary of how the amount 103
appropriated has been expended in connection with delinquent tax 104
collection activities or land reutilization, and an estimate of 105
the amount that will be credited to the fund during the ensuing 106
calendar year. 107

The annual report of a county land reutilization 108
corporation required by section 1724.05 of the Revised Code 109

shall include information regarding the amount and use of the 110
moneys that the corporation received from the treasurer's 111
delinquent tax and assessment collection fund. 112

(D) (1) In any county, if the county treasurer or 113
prosecuting attorney determines that the balance to the credit 114
of that officer's corresponding delinquent tax and assessment 115
collection fund exceeds the amount required to be used as 116
prescribed by division (A) of this section, the county treasurer 117
or prosecuting attorney may expend the excess to prevent 118
residential mortgage foreclosures in the county and to address 119
problems associated with other foreclosed real property. The 120
amount used for that purpose in any year may not exceed the 121
amount that would cause the fund to have a reserve of less than 122
twenty per cent of the amount expended in the preceding year for 123
the purposes of division (A) of this section. 124

Money authorized to be expended under division (D) (1) of 125
this section shall be used to provide financial assistance in 126
the form of loans to borrowers in default on their home 127
mortgages, including for the payment of late fees, to clear 128
arrearage balances, and to augment moneys used in the county's 129
foreclosure prevention program. The money also may be used to 130
assist county land reutilization corporations, municipal 131
corporations, or townships in the county, upon their application 132
to the county treasurer, prosecuting attorney, or the county 133
department of development, in the nuisance abatement of 134
deteriorated residential buildings in foreclosure, or vacant, 135
abandoned, tax-delinquent, or blighted real property, including 136
paying the costs of boarding up such buildings, lot maintenance, 137
and demolition. 138

(2) In a county having a population of more than one 139

hundred thousand according to the department of development's 140
2006 census estimate, if the county treasurer or prosecuting 141
attorney determines that the balance to the credit of that 142
officer's corresponding delinquent tax and assessment collection 143
fund exceeds the amount required to be used as prescribed by 144
division (A) of this section, the county treasurer or 145
prosecuting attorney may expend the excess to assist county land 146
reutilization corporations, townships, or municipal corporations 147
located in the county as provided in division (D) (2) of this 148
section, provided that the combined amount so expended each year 149
in a county shall not exceed five million dollars. Upon 150
application for the funds by a county land reutilization 151
corporation, township, or municipal corporation, the county 152
treasurer or prosecuting attorney may assist the county land 153
reutilization corporation, township, or municipal corporation in 154
abating foreclosed residential nuisances, including paying the 155
costs of securing such buildings, lot maintenance, and 156
demolition. At the prosecuting attorney's discretion, the 157
prosecuting attorney also may apply the funds to costs of 158
prosecuting alleged violations of criminal and civil laws 159
governing real estate and related transactions, including fraud 160
and abuse. 161

Sec. 701.10. (A) (1) The legislative authority of a 162
municipal corporation that has established a rate or charge, 163
payable to the municipal corporation, for the provision of 164
collection or disposal services for garbage, ashes, animal and 165
vegetable refuse, dead animals, or animal offal may, after 166
complying with section 701.103 of the Revised Code, certify to 167
the county auditor, by ordinance, the amount of the rate or 168
charge that has not been paid in accordance with applicable 169
requirements by a person using the collection or disposal 170

services, when either of the following applies: 171

(a) The unpaid amount is equal to or greater than two 172
hundred fifty dollars; or 173

(b) The unpaid amount is equal to or greater than the 174
applicable annual rate or charge imposed by the municipal 175
corporation upon the person using the collection or disposal 176
services, regardless of the actual cost incurred by the 177
municipal corporation in providing the collection or disposal 178
services. 179

~~(2)(2)(a) The county auditor shall place the amount~~ 180
~~certified shall be a lien on the person's real property to which~~ 181
~~services are provided, tax list and duplicate against the~~ 182
~~property served by the connection if both of the following~~ 183
~~occur:~~ 184

(i) The auditor also receives from the legislative 185
authority of a municipal corporation additional certification 186
that the unpaid rents or charges have arisen pursuant to a 187
service contract made directly with an owner who occupies the 188
property served, as described in section 319.65 of the Revised 189
Code. 190

(ii) The auditor receives verification from the 191
legislative authority of a municipal corporation that the notice 192
required under section 701.102 of the Revised Code was provided 193
to the owner. 194

(b) The amount placed on the tax list in a separate 195
column, and duplicate shall be a lien on the property served from 196
the date placed on the list and duplicate and shall be collected 197
in the same manner as other taxes, and. The lien shall be 198
released upon payment in full of the certified amount. Ninety 199

per cent of the amounts collected by the county treasurer under 200
this division shall be paid into the general fund of the 201
municipal corporation in accordance with the biannual tax 202
payment and remittance cycle in section 323.12 of the Revised 203
Code. Ten per cent of the amounts collected by the county 204
treasurer shall be deposited to the credit of the county 205
treasurer's delinquent tax and assessment collection fund 206
created under section 321.261 of the Revised Code. 207

(B) A municipal corporation that, on or before October 17, 208
2019, collected all rates or charges for such services in a 209
manner consistent with the collection of other taxes, rather 210
than making that rate or charge payable to the municipal 211
corporation, may continue to collect amounts in such manner 212
without being subject to the limitation in division (A) (1) of 213
this section. 214

Sec. 701.101. The legislative authority of a municipal 215
corporation that has established a rate or charge for the 216
collection or disposal services described in section 701.10 of 217
the Revised Code, which has gone unpaid, may collect it by 218
actions at law in the name of the municipal corporation from an 219
owner, tenant, or other person who is liable to pay the rents or 220
charges. 221

Sec. 701.102. (A) The legislative authority of a municipal 222
corporation shall provide notice to the property owner about the 223
placement of a lien on the owner's property before the county 224
auditor places a lien pursuant to section 701.10 of the Revised 225
Code. The notice shall include a statement informing the owner 226
that the owner may file a lien appeal with a municipal court or 227
county court pursuant to section 701.35 of the Revised Code. 228

(B) The legislative authority shall submit verification to 229

the county auditor that the notice required by this section was 230
provided to the owner. 231

Sec. 701.103. Prior to certifying a lien to the county 232
auditor under section 701.10 of the Revised Code, the 233
legislative authority of a municipal corporation shall do both 234
of the following: 235

(A) Attempt, not less than three times, to collect the 236
unpaid rate or charge amount from the person who is liable for 237
the amount by certified mail; 238

(B) Wait not less than one hundred eighty days following 239
the date that the unpaid rate or charge amount was due. 240

Sec. 701.20. For purposes of sections 701.20 to 701.26 of 241
the Revised Code: 242

(A) "Bring an action" means to bring a civil action under 243
sections 701.101, 729.491, 735.29, and 743.04 of the Revised 244
Code. 245

(B) "Certify a lien" means to certify a lien under 246
sections 701.10, 729.49, 735.29, and 743.04 of the Revised Code. 247

(C) "Dwelling unit" and "tenant" have the same meanings as 248
in section 5321.01 of the Revised Code. 249

(D) "Municipal authority" means any of the following as 250
context requires: 251

(1) Board of trustees of public affairs under section 252
735.29 of the Revised Code; 253

(2) Director of public service or any other official or 254
body under section 743.04 of the Revised Code; 255

(3) Legislative authority of a municipal corporation under 256

<u>sections 701.10, 701.101, 729.49, and 729.491 of the Revised</u>	257
<u>Code.</u>	258
<u>(E) "Municipal services" means any of the following:</u>	259
<u>(1) Collection or disposal services described in section</u>	260
<u>701.10 of the Revised Code;</u>	261
<u>(2) Sewerage services under section 729.49 of the Revised</u>	262
<u>Code;</u>	263
<u>(3) Water services described in Chapter 743. of the</u>	264
<u>Revised Code;</u>	265
<u>(4) Services from waterworks under section 735.29 of the</u>	266
<u>Revised Code.</u>	267
<u>(F) "Municipal services provider" means the entity created</u>	268
<u>or designated by the municipal authority to provide municipal</u>	269
<u>services.</u>	270
<u>(G) "Property owner" means the person who owns the</u>	271
<u>residential property to which municipal services are provided</u>	272
<u>and to whom all of the following apply:</u>	273
<u>(1) The person does not occupy the property.</u>	274
<u>(2) The tenant or other occupant is contractually</u>	275
<u>responsible to pay the charges and fees imposed for the</u>	276
<u>municipal services.</u>	277
<u>(3) If the residential property consists of two or more</u>	278
<u>dwelling units, both of the following must be true:</u>	279
<u>(a) Each dwelling unit has a separate meter;</u>	280
<u>(b) The tenant or other occupant of each dwelling unit is</u>	281
<u>contractually responsible to pay the charges and fees imposed</u>	282
<u>for the municipal services provided to the unit in which the</u>	283

tenant or occupant resides. 284

(H) "Termination amount" means the amount of rates or 285
charges for municipal services that when unpaid results in the 286
termination of those services under the municipal authority 287
regulations. 288

Sec. 701.21. Any person who contracts to receive municipal 289
services shall be financially responsible for paying all rates, 290
fees, charges, and costs associated with the delivery of that 291
service. 292

Sec. 701.22. (A) If a municipal authority attempts to 293
certify a lien against a property or brings an action due to 294
unpaid municipal services rates or charges, there is a 295
rebuttable presumption that amounts exceeding the termination 296
amount cannot be certified as a lien, or recovered by the 297
action, against the property owner. 298

(B) The presumption may be rebutted by any of the 299
following based on a preponderance of the evidence: 300

(1) The property owner agreed to pay all the unpaid rates 301
and charges, after having been given notice of the delinquent 302
amount. 303

(2) The property owner occupies the residence. 304

(3) The municipal authority attempted to mitigate any 305
unpaid rates or charges by strictly adhering to its established 306
protocol for terminating service for delinquent customers. 307

(4) Any other evidence demonstrating that the municipal 308
authority mitigated the amount of unpaid rates and charges 309
before proceeding against the property owner. 310

(C) This section does not abridge or eliminate any cause 311

of action that the municipal authority may have against the 312
tenant personally, or other person liable to pay the unpaid 313
rents or charges. 314

Sec. 701.23. (A) A municipal authority may establish a 315
tenant reinstatement fee for municipal services. 316

(B) A tenant reinstatement fee may be applied if the 317
tenant requests to reestablish municipal services after such 318
services have been terminated by the municipal services provider 319
or the tenant. 320

Sec. 701.24. A municipal authority may track any unpaid 321
rates or charges owed by a person for any municipal services 322
between residential properties if both of the following are 323
true: 324

(A) A person who contracted for municipal services 325
currently has a debit or credit regarding the municipal services 326
provided to the person; 327

(B) Municipal services provided to that person have been 328
terminated at one residential property and have been established 329
at another residential property. 330

Sec. 701.25. A municipal authority may access and review 331
the billing details and histories of any person who contracts to 332
receive municipal services for the purpose of identifying and 333
tracking unpaid rates or charges. 334

Sec. 701.26. (A) Any person who believes that they have 335
been improperly billed for municipal services may file a 336
complaint with the municipal services provider. 337

(B) (1) A municipal services provider must establish a 338
method for persons receiving municipal services to make an 339

improper billing complaint. 340

(2) A municipal services provider must investigate every 341
complaint received. 342

(3) All complaints shall be resolved within ten business 343
days. If the municipal services provider is unable to resolve 344
the complaint within ten business days, the municipal services 345
provider shall provide the person who filed the complaint with a 346
status report every five business days following the initial 347
period. 348

(C) If the complaint is not resolved to the satisfaction 349
of the complaining party, the complaining party may appeal the 350
matter to a municipal court or county court under section 701.31 351
of the Revised Code, if the amount in dispute is equal to or 352
greater than three hundred dollars. 353

Sec. 701.30. For the purposes of sections 701.30 to 701.40 354
of the Revised Code: 355

(A) "Municipal lien" has the same meaning as in section 356
319.65 of the Revised Code. 357

(B) "Property owner," "municipal services," "municipal 358
services provider," and "municipal authority" have the same 359
meanings as in section 701.20 of the Revised Code. 360

(C) "Tenant" has the same meaning as in section 5321.01 of 361
the Revised Code. 362

Sec. 701.31. (A) A municipal court or county court shall 363
hear appeals regarding improper billing complaints for municipal 364
services if all of the following apply: 365

(1) The complainant has previously filed an improper 366
billing complaint with a municipal services provider. 367

(2) The complaint has not been resolved to the 368
satisfaction of the complainant. 369

(3) The amount in dispute is equal to or exceeds three 370
hundred dollars. 371

(B) A municipal court or county court shall hear appeals 372
from property owners in cases where a tenant who is financially 373
responsible for paying for municipal services failed to make 374
payment for such and the property owner was held responsible as 375
a result. 376

(C) A municipal court or county court shall not hear 377
appeals of the reasonableness of the rates, charges, or rents 378
set by the municipal authority for municipal services. 379

Sec. 701.32. The supreme court may adopt rules regarding 380
appeals for improper billing complaints for municipal services, 381
including the following: 382

(A) A procedure by which complaints will be evaluated, to 383
determine whether a hearing is warranted; 384

(B) Hearing procedures and processes; 385

(C) Standards by which a municipal court or county court 386
will make decisions resolving complaints. 387

Sec. 701.33. In connection with an appeal made to a 388
municipal court or county court regarding an improper billing 389
complaint, the court may access and review the billing details 390
and histories of a person who contracts to receive municipal 391
services for the purposes of identifying unpaid rates or 392
charges. 393

Sec. 701.35. A person that receives notice from a 394
municipal authority of a municipal lien being placed on that 395

person's property may file an appeal of the municipal lien with 396
a municipal court or county court. 397

Sec. 701.36. The supreme court may adopt rules governing 398
hearing procedures for appeals of municipal liens. 399

Sec. 701.37. A municipal court or county court shall find 400
for the owner of the property in an appeal of a municipal lien 401
if the court determines both of the following: 402

(A) The unpaid rents, rates, or charges did not arise 403
pursuant to a service contract made directly with the owner. 404

(B) The owner did not occupy the property served by the 405
service contract. 406

Sec. 701.38. (A) If a municipal court or county court 407
finds for the owner of the property under section 3745.158 of 408
the Revised Code, the court shall order both of the following: 409

(1) The county auditor that placed the challenged 410
municipal lien on the real property tax list and duplicate to 411
remove the lien; 412

(2) The municipal authority that certified the challenged 413
municipal lien to pay the owner's reasonable attorneys' fees 414
incurred in prosecuting the appeal. 415

(B) On the order of a court, the county auditor shall 416
remove the challenged service lien. 417

Sec. 701.39. Sections 701.35 to 701.38 of the Revised Code 418
apply to only municipal liens placed on a property on or after 419
the effective date of those sections. 420

Sec. 701.40. A county that operates as a municipal 421
services provider on behalf of a municipal authority is not 422

subject to sections 701.20 to 701.26 and 701.30 to 701.39 of the 423
Revised Code. 424

Sec. 729.49. (A) The legislative authority of a municipal 425
corporation which has installed or is installing sewerage, a 426
system of sewerage, sewage pumping works, or sewage treatment or 427
disposal works for public use, may, by ordinance, establish just 428
and equitable rates or charges of rents to be paid to the 429
municipal corporation for the use of such services, by every 430
person, firm, or corporation whose premises are served by a 431
connection thereof. ~~Such—~~ 432

(B) When sewerage rates or charges are not paid when due, 433
the legislative authority of a municipal corporation may, after 434
complying with section 729.493 of the Revised Code, certify 435
them, together with any penalties, to the county auditor. 436

(1) The county auditor shall ~~constitute~~ place the 437
certified amount on the real property list and duplicate against 438
the property served by the connection if both of the following 439
occur: 440

(a) The auditor also receives from the legislative 441
authority of a municipal corporation additional certification 442
that the unpaid rates or charges have arisen pursuant to a 443
service contract made directly with an owner who occupies the 444
property served, as described in section 319.65 of the Revised 445
Code. 446

(b) The auditor receives verification from the legislative 447
authority of a municipal corporation that the notice required 448
under section 729.492 of the Revised Code was provided to the 449
owner. 450

(2) The amount placed on the tax list and duplicate shall 451

be a lien upon the property served by such connection from the 452
date placed on the list and duplicate and if not paid when due 453
shall be collected in the same manner as other municipal 454
corporation taxes. The lien shall be released upon payment in 455
full of the certified amount. Ninety per cent of the amounts 456
collected by the county treasurer under this division shall be 457
provided to the municipal corporation in accordance with the 458
biannual tax payment and remittance cycle in section 323.12 of 459
the Revised Code. Ten per cent of the amounts collected by the 460
county treasurer shall be deposited to the credit of the county 461
treasurer's delinquent tax and assessment collection fund 462
created under section 321.261 of the Revised Code. ~~The~~ 463

(C) The legislative authority may change such rates or 464
charges from time to time as is deemed advisable. The 465
legislative authority of a municipal corporation operating under 466
a charter may establish such schedule of rates and provide for 467
its administration by designating the department or officer to 468
be charged with the enforcement of sections 729.49 to 729.52, 469
inclusive, of the Revised Code. 470

Sec. 729.491. The legislative authority of a municipal 471
corporation that has established a rate or charge for the 472
sewerage service described in section 729.49 of the Revised 473
Code, which has gone unpaid, may collect it by actions at law in 474
the name of the municipal corporation from an owner, tenant, or 475
other person who is liable to pay the rates or charges. 476

Sec. 729.492. (A) The legislative authority of a municipal 477
corporation shall provide notice to the property owner about the 478
placement of a lien on the owner's property before the county 479
auditor places a lien pursuant to section 729.49 of the Revised 480
Code. The notice shall include a statement informing the owner 481

that the owner may file a lien appeal with a municipal court or 482
county court pursuant to section 701.35 of the Revised Code. 483

(B) The legislative authority shall submit verification to 484
the county auditor that the notice required by this section was 485
provided to the owner. 486

Sec. 729.493. Prior to certifying a lien to the county 487
auditor under section 729.49 of the Revised Code, the 488
legislative authority of a municipal corporation shall do both 489
of the following: 490

(A) Attempt, not less than three times, to collect the 491
unpaid sewerage rates or charges amount from the person who is 492
liable for the amount by certified mail; 493

(B) Wait not less than one hundred eighty days following 494
the date that the unpaid sewerage rates or charges amount was 495
due. 496

Sec. 735.29. (A) The board of trustees of public affairs 497
appointed under section 735.28 of the Revised Code shall manage, 498
conduct, and control the waterworks, electric light plants, 499
artificial or natural gas plants, or other similar public 500
utilities, furnish supplies of water, electricity, or gas, 501
collect all water, electric, and gas rents or charges, and 502
appoint necessary officers, employees, and agents. 503

(B) The board may make such bylaws and rules as it 504
determines to be necessary for the safe, economical, and 505
efficient management and protection of such works, plants, and 506
public utilities. These bylaws and rules, when not repugnant to 507
municipal ordinances or to the constitution or laws of this 508
state, shall have the same validity as ordinances. 509

(C) For the purpose of paying the expenses of conducting 510

and managing such waterworks, plants, and public utilities or of 511
making necessary additions thereto and extensions and repairs 512
thereon, the board may assess a water rent or charge, or a 513
light, power, gas, or utility rent, of sufficient amount, and in 514
such manner as it determines to be most equitable, upon all 515
tenements and premises supplied therewith. When such rents, 516
except water rents and charges, are not paid when due, the board 517
may ~~certify~~, after complying with section 735.292 of the 518
Revised Code, do either or both of the following: 519

(1) Certify them to the county auditor to be placed on the 520
duplicate and collected as other village taxes, ~~or it may~~ 521
~~collect;~~ 522

(2) Collect them by actions at law in the name of the 523
village from an owner, tenant, or other person who is liable to 524
pay the rents or charges. ~~When~~ 525

(D) When water rents or charges are not paid when due, the 526
board may, after complying with section 735.292 of the Revised 527
Code, do either or both of the following: 528

~~(A)~~ (1) Certify them, together with any penalties, to the 529
county auditor. ~~The~~ 530

(a) The county auditor shall place the certified amount on 531
the real property tax list and duplicate against the property 532
served by the connection if ~~he~~ both of the following occur: 533

(i) The auditor also receives from the board additional 534
certification that the unpaid rents or charges have arisen 535
pursuant to a service contract made directly with an owner who 536
occupies the property served, as described in section 319.65 of 537
the Revised Code. 538

(ii) The auditor receives verification from the board that 539

the notice required under section 735.291 of the Revised Code 540
was provided to the owner. 541

(b) The amount placed on the tax list and duplicate shall 542
be a lien on the property served from the date placed on the 543
list and duplicate and shall be collected in the same manner as 544
other taxes, ~~except that, notwithstanding section 323.15 of the~~ 545
~~Revised Code, a county treasurer shall accept a payment in such~~ 546
~~amount when separately tendered as payment for the full amount~~ 547
~~of such unpaid water rents or charges and associated penalties.~~ 548
The lien shall be released ~~immediately~~ upon payment in full of 549
the certified amount. Any Ninety per cent of the amounts 550
collected by the county treasurer under this division shall be 551
placed for ~~immediate~~ distribution to the village, in accordance 552
with the biannual tax payment and remittance cycle in section 553
323.12 of the Revised Code, in the appropriate distinct fund 554
established for water rents and charges. Ten per cent of the 555
amounts collected by the county treasurer shall be deposited to 556
the credit of the county treasurer's delinquent tax and 557
assessment collection fund created under section 321.261 of the 558
Revised Code. 559

~~(B)~~ (2) Collect them by actions at law in the name of the 560
village from an owner, tenant, or other person who is liable to 561
pay the rents or charges. 562

(E) The board shall have the same powers and perform the 563
same duties as are provided in sections 743.01, 743.05 to 564
743.07, 743.10, 743.11, 743.18, 743.24, and 735.05 to 735.09 of 565
the Revised Code, and all powers and duties relating to 566
waterworks in any of such sections shall extend to and include 567
electric light, power, and gas plants, and such other similar 568
public utilities, and such board shall have such other duties as 569

are prescribed by law or ordinance not inconsistent herewith. 570

(F) Each board that assesses water rents or charges shall 571
determine the actual amount of rents due based upon an actual 572
reading of each customer's meter at least once in each three- 573
month period, and at least quarterly the board shall render a 574
bill for the actual amount shown by the meter reading to be due, 575
except estimated bills may be rendered if access to a customer's 576
meter was unobtainable for a timely reading. Each board that 577
assesses water rents or charges shall establish procedures 578
providing fair and reasonable opportunity for resolution of 579
billing disputes. 580

(G) When property to which water service is provided is 581
about to be sold, any party to the sale or ~~his~~ any party's agent 582
may request the board to read the meter at that property and to 583
render within ten days following the date on which the request 584
is made, a final bill for all outstanding rents and charges for 585
water service. Such a request shall be made at least fourteen 586
days prior to the transfer of the title of such property. 587

(H) At any time prior to a certification under division 588
~~(A)-(D) (1)~~ of this section, the board shall accept any partial 589
payment of unpaid water rents or charges, in the amount of ten 590
dollars or more. 591

Sec. 735.291. (A) The board of trustees of public affairs 592
shall provide notice to the property owner about the placement 593
of a lien on the owner's property before the county auditor 594
places a lien pursuant to division (D) of section 735.29 of the 595
Revised Code. The notice shall include a statement informing the 596
owner that the owner may file a lien appeal with a municipal 597
court or county court pursuant to section 701.35 of the Revised 598
Code. 599

(B) The board shall submit verification to the county 600
auditor that the notice required by this section was provided to 601
the owner. 602

Sec. 735.292. Prior to certifying a lien to the county 603
auditor under section 735.29 of the Revised Code, the board of 604
trustees of public affairs shall do both of the following: 605

(A) Attempt, not less than three times, to collect the 606
unpaid rent or charge amount from the person who is liable for 607
the amount by certified mail; 608

(B) Wait not less than one hundred eighty days following 609
the date that the unpaid rent or charge amount was due. 610

Sec. 743.04. (A) For the purpose of paying the expenses of 611
conducting and managing the waterworks of a municipal 612
corporation, including operating expenses and the costs of 613
permanent improvements, the director of public service or any 614
other city official or body authorized by charter may assess and 615
collect a water rent or charge of sufficient amount and in such 616
manner as the director, other official, or body determines to be 617
most equitable from all tenements and premises supplied with 618
water. 619

(1) When water rents or charges are not paid when due, the 620
director or other official or body may, after complying with 621
section 743.042 of the Revised Code, do either or both of the 622
following: 623

(a) Certify them, together with any penalties, to the 624
county auditor. ~~The~~ 625

(i) The county auditor shall place the certified amount on 626
the real property tax list and duplicate against the property 627
served by the connection if ~~the~~ both of the following occur: 628

(I) The auditor also receives from the director or other 629
official or body additional certification that the unpaid rents 630
or charges have arisen pursuant to a service contract made 631
directly with an owner who occupies the property served, as 632
described in section 319.65 of the Revised Code. 633

(II) The auditor receives verification from the director 634
or other official or body that the notice required under section 635
743.041 of the Revised Code was provided to the owner. 636

(ii) The amount placed on the tax list and duplicate shall 637
be a lien on the property served from the date placed on the 638
list and duplicate and shall be collected in the same manner as 639
other taxes, ~~except that, notwithstanding section 323.15 of the~~ 640
~~Revised Code, a county treasurer shall accept a payment in such~~ 641
~~amount when separately tendered as payment for the full amount~~ 642
~~of such unpaid water rents or charges and associated penalties.~~ 643
The lien shall be released ~~immediately~~ upon payment in full of 644
the certified amount. ~~Any~~ Ninety per cent of the amounts 645
collected by the county treasurer under this division shall be 646
~~immediately~~ placed in the distinct fund established by section 647
743.06 of the Revised Code in accordance with the biannual tax 648
payment and remittance cycle in section 323.12 of the Revised 649
Code. Ten per cent of the amounts collected by the county 650
treasurer shall be deposited to the credit of the county 651
treasurer's delinquent tax and assessment collection fund 652
created under section 321.261 of the Revised Code. 653

(b) Collect them by actions at law, in the name of the 654
city from an owner, tenant, or other person who is liable to pay 655
the rents or charges. 656

(2) The director or other official body shall not certify 657
to the county auditor for placement upon the tax list and 658

duplicate and the county auditor shall not place upon the tax 659
list and duplicate as a charge against the property the amount 660
of any unpaid water rents or charges together with any penalties 661
as described in division (A) (1) (a) of this section if any of the 662
following apply: 663

(a) The property served by the connection has been 664
transferred or sold to an electing subdivision as defined in 665
section 5722.01 of the Revised Code, regardless of whether the 666
electing subdivision is still the owner of the property, and the 667
unpaid water rents or charges together with any penalties have 668
arisen from a period of time prior to the transfer or 669
confirmation of sale to the electing subdivision; 670

(b) The property served by the connection has been sold to 671
a purchaser at sheriff's sale or auditor's sale, the unpaid 672
water rents or charges together with any penalties have arisen 673
from a period of time prior to the confirmation of sale, and the 674
purchaser is not the owner of record of the property immediately 675
prior to the judgment of foreclosure nor any of the following: 676

(i) A member of that owner's immediate family; 677

(ii) A person with a power of attorney appointed by that 678
owner who subsequently transfers the land to the owner; 679

(iii) A sole proprietorship owned by that owner or a 680
member of that owner's immediate family; 681

(iv) A partnership, trust, business trust, corporation, or 682
association of which the owner or a member of the owner's 683
immediate family owns or controls directly or indirectly more 684
than fifty per cent. 685

(c) The property served by the connection has been 686
forfeited to this state for delinquent taxes, unless the owner 687

of record redeems the property. 688

(3) Upon valid written notice to the county auditor by any 689
owner possessing an ownership interest of record of the property 690
or by an electing subdivision previously in the chain of title 691
of the property that the unpaid water rents or charges together 692
with any penalties have been certified for placement or placed 693
upon the tax list and duplicate as a charge against the property 694
in violation of division (A) (2) of this section, the county 695
auditor shall promptly remove such charge from the tax 696
duplicate. This written notice to the county auditor shall 697
include all of the following: 698

(a) The parcel number of the property; 699

(b) The common address of the property; 700

(c) The date of the recording of the transfer of the 701
property to the owner or electing subdivision; 702

(d) The charge allegedly placed in violation of division 703
(A) (2) of this section. 704

(4) Each director or other official or body that assesses 705
water rents or charges shall determine the actual amount of 706
rents due based upon an actual reading of each customer's meter 707
at least once in each three-month period, and at least quarterly 708
the director or other official or body shall render a bill for 709
the actual amount shown by the meter reading to be due, except 710
estimated bills may be rendered if access to a customer's meter 711
was unobtainable for a timely reading. Each director or other 712
official or body that assesses water rents or charges shall 713
establish procedures providing fair and reasonable opportunity 714
for resolution of billing disputes. 715

(5) When property to which water service is provided is 716

about to be sold, any party to the sale or the agent of any such 717
party may request the director or other official or body to read 718
the meter at that property and to render within ten days 719
following the date on which the request is made, a final bill 720
for all outstanding rents and charges for water service. Such a 721
request shall be made at least fourteen days prior to the 722
transfer of the title of such property. 723

(6) At any time prior to a certification under division 724
(A) (1) (a) of this section, the director or other official or 725
body shall accept any partial payment of unpaid water rents or 726
charges, in the amount of ten dollars or more. 727

(B) (1) When title to a parcel of land that is subject to 728
any of the actions described in division (A) (1) of this section 729
is transferred to a county land reutilization corporation, any 730
lien placed on the parcel under division (A) (1) (a) of this 731
section shall be extinguished, and the corporation shall not be 732
held liable for unpaid rents or charges in any collection action 733
brought under division (A) (1) (b) of this section, if the rents 734
or charges certified under division (A) (1) (a) of this section or 735
subject to collection under division (A) (1) (b) of this section 736
were incurred before the date of the transfer to the corporation 737
and if the corporation did not incur the rents or charges, 738
regardless of whether the rents or charges were certified, the 739
lien was attached, or the action was brought before the date of 740
transfer. In such a case, the corporation and its successors in 741
title shall take title to the property free and clear of any 742
such lien and shall be immune from liability in any such 743
collection action. 744

If a county land reutilization corporation takes title to 745
property before any rents or charges have been certified or any 746

lien has been placed with respect to the property under division 747
(A) (1) of this section, the corporation shall be deemed a bona 748
fide purchaser for value without knowledge of such rents, 749
charges, or lien, regardless of whether the corporation had 750
actual or constructive knowledge of the rents, charges, or lien, 751
and any such lien shall be void and unenforceable against the 752
corporation and its successors in title. 753

(2) If a lien placed on a parcel is extinguished as 754
provided in division (B) (1) of this section, the municipal 755
corporation may pursue the remedy available under division (A) 756
(1) (b) of this section to recoup the rents and charges incurred 757
with respect to the parcel from any owner, tenant, or other 758
person liable to pay such rents and charges. 759

Sec. 743.041. (A) The director of public service or any 760
other city official or body authorized by charter shall provide 761
notice to the property owner about the placement of a lien on 762
the owner's property before the county auditor places a lien 763
pursuant to section 743.04 of the Revised Code. The notice shall 764
include a statement informing the owner that the owner may file 765
a lien appeal with a municipal court or county court pursuant to 766
section 701.35 of the Revised Code. 767

(B) The director or other official or body shall submit 768
verification to the county auditor that the notice required by 769
this section was provided to the owner. 770

Sec. 743.042. Prior to certifying a lien to the county 771
auditor under section 743.04 of the Revised Code, the director 772
of public service or any other city official or body authorized 773
by charter shall do both of the following: 774

(A) Attempt, not less than three times, to collect the 775

unpaid water rents or charges amount from the person who is 776
liable for the amount by certified mail; 777

(B) Wait not less than one hundred eighty days following 778
the date that the unpaid water rents or charges amount was due. 779

Sec. 743.06. Money collected for water-works purposes 780
shall be deposited weekly, except for water lien amounts 781
collected under division (A) (1) of section 743.04 of the Revised 782
Code, with the treasurer of the municipal corporation, and shall 783
be kept as ~~a~~ a separate and distinct fund. When appropriated by 784
the legislative authority of the municipal corporation, such 785
money shall be subject to the order of the director of public 786
service. The director shall sign all orders drawn on the 787
treasurer of the municipal corporation against such fund. 788

Sec. 1901.187. In addition to jurisdiction otherwise 789
granted by this chapter, a municipal court shall have exclusive 790
original jurisdiction within the territory of the court over 791
actions filed pursuant to sections 701.31 and 701.35 of the 792
Revised Code. 793

Sec. 1907.033. In addition to jurisdiction authorized in 794
other sections of this chapter, a county court shall have 795
exclusive original jurisdiction within its district over actions 796
filed pursuant to sections 701.31 and 701.35 of the Revised 797
Code. 798

Section 2. That existing sections 321.261, 701.10, 729.49, 799
735.29, 743.04, and 743.06 of the Revised Code are hereby 800
repealed. 801