

**As Passed by the House**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Sub. H. B. No. 93**

**Representatives Johnson, McClain**

**Cosponsors: Representatives Seitz, Fowler Arthur, King, Stoltzfus, Claggett, Cutrona, Demetriou, Dobos, Ferguson, Gross, John, Jones, Kick, Lear, Merrin, Miller, K., Miller, M., Rogers, Schmidt, Wiggam, Williams, Willis**

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**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 corporation required by section 1724.05 of the Revised Code shall include information regarding the amount and use of the moneys that the corporation received from the treasurer's delinquent tax and assessment collection fund.

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

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

(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)(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

<u>(3) Legislative authority of a municipal corporation under</u>	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

for the municipal services provided to the unit in which the 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

<u>billing complaint with a municipal services provider.</u>	367
<u>(2) The complaint has not been resolved to the</u>	368
<u>satisfaction of the complainant.</u>	369
<u>(3) The amount in dispute is equal to or exceeds three</u>	370
<u>hundred dollars.</u>	371
<u>(B) A municipal court or county court shall hear appeals</u>	372
<u>from property owners in cases where a tenant who is financially</u>	373
<u>responsible for paying for municipal services failed to make</u>	374
<u>payment for such and the property owner was held responsible as</u>	375
<u>a result.</u>	376
<u>(C) A municipal court or county court shall not hear</u>	377
<u>appeals of the reasonableness of the rates, charges, or rents</u>	378
<u>set by the municipal authority for municipal services.</u>	379
<b><u>Sec. 701.32. The supreme court may adopt rules regarding</u></b>	380
<b><u>appeals for improper billing complaints for municipal services,</u></b>	381
<b><u>including the following:</u></b>	382
<u>(A) A procedure by which complaints will be evaluated, to</u>	383
<u>determine whether a hearing is warranted;</u>	384
<u>(B) Hearing procedures and processes;</u>	385
<u>(C) Standards by which a municipal court or county court</u>	386
<u>will make decisions resolving complaints.</u>	387
<b><u>Sec. 701.33. In connection with an appeal made to a</u></b>	388
<b><u>municipal court or county court regarding an improper billing</u></b>	389
<b><u>complaint, the court may access and review the billing details</u></b>	390
<b><u>and histories of a person who contracts to receive municipal</u></b>	391
<b><u>services for the purposes of identifying unpaid rates or</u></b>	392
<b><u>charges.</u></b>	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 services provider on behalf of a municipal authority is not subject to sections 701.20 to 701.26 and 701.30 to 701.39 of the Revised Code. 421  
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Sec. 729.49. (A) The legislative authority of a municipal corporation which has installed or is installing sewerage, a system of sewerage, sewage pumping works, or sewage treatment or disposal works for public use, may, by ordinance, establish just and equitable rates or charges of rents to be paid to the municipal corporation for the use of such services, by every person, firm, or corporation whose premises are served by a connection thereof. ~~Such~~ 425  
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(B) When sewerage rates or charges are not paid when due, the legislative authority of a municipal corporation may, after complying with section 729.493 of the Revised Code, certify them, together with any penalties, to the county auditor. 433  
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(1) The county auditor shall ~~constitute~~ place the certified amount on the real property list and duplicate against the property served by the connection if both of the following occur: 437  
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(a) The auditor also receives from the legislative authority of a municipal corporation additional certification that the unpaid rates or charges have arisen pursuant to a service contract made directly with an owner who occupies the property served, as described in section 319.65 of the Revised Code. 441  
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(b) The auditor receives verification from the legislative authority of a municipal corporation that the notice required under section 729.492 of the Revised Code was provided to the 447  
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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