

As Introduced

**125th General Assembly
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H. B. No. 431

**Representatives Schneider, Clancy, Peterson, Hollister, Schmidt, Seitz,
Carmichael, Carano, Aslanides, Beatty, Flowers, Barrett, Daniels, Chandler,
Gilb, Kearns, Koziura, McGregor, Miller, Olman, Strahorn, Skindell, Woodard,
Sferra**

A B I L L

To amend sections 122.63, 149.43, 169.05, 173.08,	1
175.08, 175.09, 175.21, 175.22, 175.23, 175.24,	2
175.25, 175.26, 176.05, 176.06, 176.07, 319.63,	3
and 1349.11, to amend, for the purpose of adopting	4
new section numbers as indicated in parentheses,	5
sections 175.08 (175.09), 175.09 (175.10), 175.21	6
(174.02), 175.22 (174.03), 175.23 (174.04), 175.24	7
(174.05), 175.25 (174.06), and 175.26 (174.07), to	8
enact new sections 175.01 to 175.08 and 175.11 to	9
175.13 and section 174.01, and to repeal sections	10
175.01, 175.02, 175.03, 175.04, 175.05, 175.06,	11
175.07, 175.10, 175.11, 175.12, 175.13, 175.14,	12
and 175.15 of the Revised Code to remove the Ohio	13
Housing Finance Agency from the Department of	14
Development, making the Ohio Housing Finance	15
Agency an independent agency, and to make other	16
changes to the Ohio Housing Finance Agency Law.	17

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

Section 1. That sections 122.63, 149.43, 169.05, 173.08,	18
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175.08, 175.09, 175.21, 175.22, 175.23, 175.24, 175.25, 175.26, 19
176.05, 176.06, 176.07, 319.63, and 1349.11 be amended, sections 20
175.08 (175.09), 175.09 (175.10), 175.21 (174.02), 175.22 (174.03), 21
175.23 (174.04), 175.24 (174.05), 175.25 (174.06), and 175.26 22
(174.07) be amended for the purpose of adopting new section 23
numbers as indicated in parentheses, and new sections 175.01, 24
175.02, 175.03, 175.04, 175.05, 175.06, 175.07, 175.08, 175.11, 25
175.12, and 175.13 and section 174.01 of the Revised Code be 26
enacted to read as follows: 27

Sec. 122.63. The department of development shall: 28

(A) Provide technical assistance to sponsors, homeowners, 29
private developers, contractors, and other appropriate persons on 30
matters relating to housing needs and the development, 31
construction, financing, operation, management, and evaluation of 32
housing developments; 33

(B) Carry out continuing studies and analyses of the housing 34
needs of this state and, after conducting public hearings, prepare 35
annually a plan of housing needs, primarily for the use of the 36
department ~~pursuant to Chapter 128. of the Revised Code.~~ The plan, 37
copies of which shall be filed with the speaker of the house of 38
representatives and the president of the senate for distribution 39
to the members of the general assembly, shall: 40

(1) Establish areawide housing needs, including existing and 41
projected needs for the provision of an adequate supply of decent, 42
safe, and sanitary housing for low- and moderate-income persons, 43
including housing that may require utilization of state or federal 44
assistance; 45

(2) Establish priorities for housing needs, taking into 46
account the availability of and need for conserving land and other 47
natural resources; 48

(3) Be coordinated with other housing and related planning of 49
the state and of regional planning agencies. 50

(C) Carry out the provisions of Chapter 3735. of the Revised 51
Code relating to metropolitan housing authorities; 52

(D) Carry out the provisions of sections ~~175.21~~ 174.01 to 53
~~175.25~~ 174.07 of the Revised Code relating to the low- and 54
moderate-income housing trust fund. 55

Sec. 149.43. (A) As used in this section: 56

(1) "Public record" means records kept by any public office, 57
including, but not limited to, state, county, city, village, 58
township, and school district units, and records pertaining to the 59
delivery of educational services by an alternative school in Ohio 60
kept by a nonprofit or for profit entity operating such 61
alternative school pursuant to section 3313.533 of the Revised 62
Code. "Public record" does not mean any of the following: 63

(a) Medical records; 64

(b) Records pertaining to probation and parole proceedings or 65
to proceedings related to the imposition of community control 66
sanctions and post-release control sanctions; 67

(c) Records pertaining to actions under section 2151.85 and 68
division (C) of section 2919.121 of the Revised Code and to 69
appeals of actions arising under those sections; 70

(d) Records pertaining to adoption proceedings, including the 71
contents of an adoption file maintained by the department of 72
health under section 3705.12 of the Revised Code; 73

(e) Information in a record contained in the putative father 74
registry established by section 3107.062 of the Revised Code, 75
regardless of whether the information is held by the department of 76
job and family services or, pursuant to section 3111.69 of the 77

Revised Code, the office of child support in the department or a 78
child support enforcement agency; 79

(f) Records listed in division (A) of section 3107.42 of the 80
Revised Code or specified in division (A) of section 3107.52 of 81
the Revised Code; 82

(g) Trial preparation records; 83

(h) Confidential law enforcement investigatory records; 84

(i) Records containing information that is confidential under 85
section 2317.023 or 4112.05 of the Revised Code; 86

(j) DNA records stored in the DNA database pursuant to 87
section 109.573 of the Revised Code; 88

(k) Inmate records released by the department of 89
rehabilitation and correction to the department of youth services 90
or a court of record pursuant to division (E) of section 5120.21 91
of the Revised Code; 92

(l) Records maintained by the department of youth services 93
pertaining to children in its custody released by the department 94
of youth services to the department of rehabilitation and 95
correction pursuant to section 5139.05 of the Revised Code; 96

(m) Intellectual property records; 97

(n) Donor profile records; 98

(o) Records maintained by the department of job and family 99
services pursuant to section 3121.894 of the Revised Code; 100

(p) Peace officer, firefighter, or EMT residential and 101
familial information; 102

(q) In the case of a county hospital operated pursuant to 103
Chapter 339. of the Revised Code, information that constitutes a 104
trade secret, as defined in section 1333.61 of the Revised Code; 105

(r) Information pertaining to the recreational activities of 106

a person under the age of eighteen; 107

(s) Records provided to, statements made by review board 108
members during meetings of, and all work products of a child 109
fatality review board acting under sections 307.621 to 307.629 of 110
the Revised Code, other than the report prepared pursuant to 111
section 307.626 of the Revised Code; 112

(t) Records provided to and statements made by the executive 113
director of a public children services agency or a prosecuting 114
attorney acting pursuant to section 5153.171 of the Revised Code 115
other than the information released under that section; 116

(u) Test materials, examinations, or evaluation tools used in 117
an examination for licensure as a nursing home administrator that 118
the board of examiners of nursing home administrators administers 119
under section 4751.04 of the Revised Code or contracts under that 120
section with a private or government entity to administer; 121

(v) Records the release of which is prohibited by state or 122
federal law; 123

(w) Proprietary information of or relating to any person that 124
is submitted to or compiled by the Ohio venture capital authority 125
created under section 150.01 of the Revised Code; 126

(x) Information reported and evaluations conducted pursuant 127
to section 3701.072 of the Revised Code; 128

(y) Financial statements and data any person submits for any 129
purpose to the Ohio housing finance agency or the controlling 130
board in connection with applying for, receiving, or accounting 131
for financial assistance from the agency, and information that 132
identifies any individual who benefits directly or indirectly from 133
financial assistance from the agency. 134

(2) "Confidential law enforcement investigatory record" means 135
any record that pertains to a law enforcement matter of a 136

criminal, quasi-criminal, civil, or administrative nature, but 137
only to the extent that the release of the record would create a 138
high probability of disclosure of any of the following: 139

(a) The identity of a suspect who has not been charged with 140
the offense to which the record pertains, or of an information 141
source or witness to whom confidentiality has been reasonably 142
promised; 143

(b) Information provided by an information source or witness 144
to whom confidentiality has been reasonably promised, which 145
information would reasonably tend to disclose the source's or 146
witness's identity; 147

(c) Specific confidential investigatory techniques or 148
procedures or specific investigatory work product; 149

(d) Information that would endanger the life or physical 150
safety of law enforcement personnel, a crime victim, a witness, or 151
a confidential information source. 152

(3) "Medical record" means any document or combination of 153
documents, except births, deaths, and the fact of admission to or 154
discharge from a hospital, that pertains to the medical history, 155
diagnosis, prognosis, or medical condition of a patient and that 156
is generated and maintained in the process of medical treatment. 157

(4) "Trial preparation record" means any record that contains 158
information that is specifically compiled in reasonable 159
anticipation of, or in defense of, a civil or criminal action or 160
proceeding, including the independent thought processes and 161
personal trial preparation of an attorney. 162

(5) "Intellectual property record" means a record, other than 163
a financial or administrative record, that is produced or 164
collected by or for faculty or staff of a state institution of 165
higher learning in the conduct of or as a result of study or 166
research on an educational, commercial, scientific, artistic, 167

technical, or scholarly issue, regardless of whether the study or 168
research was sponsored by the institution alone or in conjunction 169
with a governmental body or private concern, and that has not been 170
publicly released, published, or patented. 171

(6) "Donor profile record" means all records about donors or 172
potential donors to a public institution of higher education 173
except the names and reported addresses of the actual donors and 174
the date, amount, and conditions of the actual donation. 175

(7) "Peace officer, firefighter, or EMT residential and 176
familial information" means either of the following: 177

(a) Any information maintained in a personnel record of a 178
peace officer, firefighter, or EMT that discloses any of the 179
following: 180

(i) The address of the actual personal residence of a peace 181
officer, firefighter, or EMT, except for the state or political 182
subdivision in which the peace officer, firefighter, or EMT 183
resides; 184

(ii) Information compiled from referral to or participation 185
in an employee assistance program; 186

(iii) The social security number, the residential telephone 187
number, any bank account, debit card, charge card, or credit card 188
number, or the emergency telephone number of, or any medical 189
information pertaining to, a peace officer, firefighter, or EMT; 190

(iv) The name of any beneficiary of employment benefits, 191
including, but not limited to, life insurance benefits, provided 192
to a peace officer, firefighter, or EMT by the peace officer's, 193
firefighter's, or EMT's employer; 194

(v) The identity and amount of any charitable or employment 195
benefit deduction made by the peace officer's, firefighter's, or 196
EMT's employer from the peace officer's, firefighter's, or EMT's 197

compensation unless the amount of the deduction is required by 198
state or federal law; 199

(vi) The name, the residential address, the name of the 200
employer, the address of the employer, the social security number, 201
the residential telephone number, any bank account, debit card, 202
charge card, or credit card number, or the emergency telephone 203
number of the spouse, a former spouse, or any child of a peace 204
officer, firefighter, or EMT. 205

(b) Any record that identifies a person's occupation as a 206
peace officer, firefighter, or EMT other than statements required 207
to include the disclosure of that fact under the campaign finance 208
law. 209

As used in divisions (A)(7) and (B)(5) of this section, 210
"peace officer" has the same meaning as in section 109.71 of the 211
Revised Code and also includes the superintendent and troopers of 212
the state highway patrol; it does not include the sheriff of a 213
county or a supervisory employee who, in the absence of the 214
sheriff, is authorized to stand in for, exercise the authority of, 215
and perform the duties of the sheriff. 216

As used in divisions (A)(7) and (B)(5) of this section, 217
"firefighter" means any regular, paid or volunteer, member of a 218
lawfully constituted fire department of a municipal corporation, 219
township, fire district, or village. 220

As used in divisions (A)(7) and (B)(5) of this section, "EMT" 221
means EMTs-basic, EMTs-I, and paramedics that provide emergency 222
medical services for a public emergency medical service 223
organization. "Emergency medical service organization," 224
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 225
section 4765.01 of the Revised Code. 226

(8) "Information pertaining to the recreational activities of 227
a person under the age of eighteen" means information that is kept 228

in the ordinary course of business by a public office, that 229
pertains to the recreational activities of a person under the age 230
of eighteen years, and that discloses any of the following: 231

(a) The address or telephone number of a person under the age 232
of eighteen or the address or telephone number of that person's 233
parent, guardian, custodian, or emergency contact person; 234

(b) The social security number, birth date, or photographic 235
image of a person under the age of eighteen; 236

(c) Any medical record, history, or information pertaining to 237
a person under the age of eighteen; 238

(d) Any additional information sought or required about a 239
person under the age of eighteen for the purpose of allowing that 240
person to participate in any recreational activity conducted or 241
sponsored by a public office or to use or obtain admission 242
privileges to any recreational facility owned or operated by a 243
public office. 244

(9) "Community control sanction" has the same meaning as in 245
section 2929.01 of the Revised Code. 246

(10) "Post-release control sanction" has the same meaning as 247
in section 2967.01 of the Revised Code. 248

(B)(1) Subject to division (B)(4) of this section, all public 249
records shall be promptly prepared and made available for 250
inspection to any person at all reasonable times during regular 251
business hours. Subject to division (B)(4) of this section, upon 252
request, a public office or person responsible for public records 253
shall make copies available at cost, within a reasonable period of 254
time. In order to facilitate broader access to public records, 255
public offices shall maintain public records in a manner that they 256
can be made available for inspection in accordance with this 257
division. 258

(2) If any person chooses to obtain a copy of a public record 259
in accordance with division (B)(1) of this section, the public 260
office or person responsible for the public record shall permit 261
that person to choose to have the public record duplicated upon 262
paper, upon the same medium upon which the public office or person 263
responsible for the public record keeps it, or upon any other 264
medium upon which the public office or person responsible for the 265
public record determines that it reasonably can be duplicated as 266
an integral part of the normal operations of the public office or 267
person responsible for the public record. When the person seeking 268
the copy makes a choice under this division, the public office or 269
person responsible for the public record shall provide a copy of 270
it in accordance with the choice made by the person seeking the 271
copy. 272

(3) Upon a request made in accordance with division (B)(1) of 273
this section, a public office or person responsible for public 274
records shall transmit a copy of a public record to any person by 275
United States mail within a reasonable period of time after 276
receiving the request for the copy. The public office or person 277
responsible for the public record may require the person making 278
the request to pay in advance the cost of postage and other 279
supplies used in the mailing. 280

Any public office may adopt a policy and procedures that it 281
will follow in transmitting, within a reasonable period of time 282
after receiving a request, copies of public records by United 283
States mail pursuant to this division. A public office that adopts 284
a policy and procedures under this division shall comply with them 285
in performing its duties under this division. 286

In any policy and procedures adopted under this division, a 287
public office may limit the number of records requested by a 288
person that the office will transmit by United States mail to ten 289
per month, unless the person certifies to the office in writing 290

that the person does not intend to use or forward the requested 291
records, or the information contained in them, for commercial 292
purposes. For purposes of this division, "commercial" shall be 293
narrowly construed and does not include reporting or gathering 294
news, reporting or gathering information to assist citizen 295
oversight or understanding of the operation or activities of 296
government, or nonprofit educational research. 297

(4) A public office or person responsible for public records 298
is not required to permit a person who is incarcerated pursuant to 299
a criminal conviction or a juvenile adjudication to inspect or to 300
obtain a copy of any public record concerning a criminal 301
investigation or prosecution or concerning what would be a 302
criminal investigation or prosecution if the subject of the 303
investigation or prosecution were an adult, unless the request to 304
inspect or to obtain a copy of the record is for the purpose of 305
acquiring information that is subject to release as a public 306
record under this section and the judge who imposed the sentence 307
or made the adjudication with respect to the person, or the 308
judge's successor in office, finds that the information sought in 309
the public record is necessary to support what appears to be a 310
justiciable claim of the person. 311

(5) Upon written request made and signed by a journalist on 312
or after December 16, 1999, a public office, or person responsible 313
for public records, having custody of the records of the agency 314
employing a specified peace officer, firefighter, or EMT shall 315
disclose to the journalist the address of the actual personal 316
residence of the peace officer, firefighter or EMT and, if the 317
peace officer's, firefighter's or EMT's spouse, former spouse, or 318
child is employed by a public office, the name and address of the 319
employer of the peace officer's, firefighter's, or EMT's spouse, 320
former spouse, or child. The request shall include the 321
journalist's name and title and the name and address of the 322

journalist's employer and shall state that disclosure of the 323
information sought would be in the public interest. 324

As used in division (B)(5) of this section, "journalist" 325
means a person engaged in, connected with, or employed by any news 326
medium, including a newspaper, magazine, press association, news 327
agency, or wire service, a radio or television station, or a 328
similar medium, for the purpose of gathering, processing, 329
transmitting, compiling, editing, or disseminating information for 330
the general public. 331

(C) If a person allegedly is aggrieved by the failure of a 332
public office to promptly prepare a public record and to make it 333
available to the person for inspection in accordance with division 334
(B) of this section, or if a person who has requested a copy of a 335
public record allegedly is aggrieved by the failure of a public 336
office or the person responsible for the public record to make a 337
copy available to the person allegedly aggrieved in accordance 338
with division (B) of this section, the person allegedly aggrieved 339
may commence a mandamus action to obtain a judgment that orders 340
the public office or the person responsible for the public record 341
to comply with division (B) of this section and that awards 342
reasonable attorney's fees to the person that instituted the 343
mandamus action. The mandamus action may be commenced in the court 344
of common pleas of the county in which division (B) of this 345
section allegedly was not complied with, in the supreme court 346
pursuant to its original jurisdiction under Section 2 of Article 347
IV, Ohio Constitution, or in the court of appeals for the 348
appellate district in which division (B) of this section allegedly 349
was not complied with pursuant to its original jurisdiction under 350
Section 3 of Article IV, Ohio Constitution. 351

(D) Chapter 1347. of the Revised Code does not limit the 352
provisions of this section. 353

(E)(1) The bureau of motor vehicles may adopt rules pursuant 354

to Chapter 119. of the Revised Code to reasonably limit the number 355
of bulk commercial special extraction requests made by a person 356
for the same records or for updated records during a calendar 357
year. The rules may include provisions for charges to be made for 358
bulk commercial special extraction requests for the actual cost of 359
the bureau, plus special extraction costs, plus ten per cent. The 360
bureau may charge for expenses for redacting information, the 361
release of which is prohibited by law. 362

(2) As used in divisions (B)(3) and (E)(1) of this section: 363

(a) "Actual cost" means the cost of depleted supplies, 364
records storage media costs, actual mailing and alternative 365
delivery costs, or other transmitting costs, and any direct 366
equipment operating and maintenance costs, including actual costs 367
paid to private contractors for copying services. 368

(b) "Bulk commercial special extraction request" means a 369
request for copies of a record for information in a format other 370
than the format already available, or information that cannot be 371
extracted without examination of all items in a records series, 372
class of records, or data base by a person who intends to use or 373
forward the copies for surveys, marketing, solicitation, or resale 374
for commercial purposes. "Bulk commercial special extraction 375
request" does not include a request by a person who gives 376
assurance to the bureau that the person making the request does 377
not intend to use or forward the requested copies for surveys, 378
marketing, solicitation, or resale for commercial purposes. 379

(c) "Commercial" means profit-seeking production, buying, or 380
selling of any good, service, or other product. 381

(d) "Special extraction costs" means the cost of the time 382
spent by the lowest paid employee competent to perform the task, 383
the actual amount paid to outside private contractors employed by 384
the bureau, or the actual cost incurred to create computer 385

programs to make the special extraction. "Special extraction 386
costs" include any charges paid to a public agency for computer or 387
records services. 388

(3) For purposes of divisions (E)(1) and (2) of this section, 389
"commercial surveys, marketing, solicitation, or resale" shall be 390
narrowly construed and does not include reporting or gathering 391
news, reporting or gathering information to assist citizen 392
oversight or understanding of the operation or activities of 393
government, or nonprofit educational research. 394

Sec. 169.05. (A) Every holder required to file a report under 395
section 169.03 of the Revised Code shall, at the time of filing, 396
pay to the director of commerce ten per cent of the aggregate 397
amount of unclaimed funds as shown on ~~such~~ the report, except for 398
aggregate amounts of fifty dollars or less in which case one 399
hundred per cent shall be paid. ~~Such~~ The funds may be deposited by 400
the director in the state treasury to the credit of the unclaimed 401
funds trust fund, which is hereby created, or placed with a 402
financial organization. Any interest earned on money in the trust 403
fund shall be credited to the trust fund. The remainder of ~~such~~ 404
~~the~~ aggregate amount of unclaimed funds as shown on ~~such~~ the 405
report, plus earnings accrued to date of payment to the director, 406
shall, at the option of the director, be retained by the holder or 407
paid to the director for deposit as agent for the mortgage funds 408
with a financial organization as defined in section 169.01 of the 409
Revised Code, ~~such~~ with the funds to be in income-bearing accounts 410
to the credit of the mortgage funds, or the holder may enter into 411
an agreement with the director specifying the obligations of the 412
United States in which funds are to be invested, and agree to pay 413
the interest on ~~such~~ the obligations to the state. Holders 414
retaining ~~such~~ any funds not in obligations of the United States 415
shall enter into an agreement with the director specifying the 416
classification of income-bearing account in which the funds will 417

be held and pay the state interest ~~thereon~~ on the funds at a rate 418
equal to the prevailing market rate for similar funds. Moneys 419
~~which~~ that the holder is required to pay to the director rather 420
than to retain may be deposited with the treasurer of state, or 421
placed with a financial organization. 422

Securities and other intangible property transferred to the 423
director shall, within a reasonable time, be converted to cash and 424
the proceeds deposited as provided for other funds. 425

One-half of the funds evidenced by ~~such~~ agreements ~~or~~ in 426
~~such~~ income-bearing accounts, or on deposit with the treasurer of 427
state shall be allocated on the records of the director to the 428
mortgage insurance fund created by section 122.561 of the Revised 429
Code. Out of the remaining half, after allocation of sufficient 430
moneys to the minority business bonding fund to meet the 431
provisions of division (B) of this section, ~~an equal amount~~ the 432
remainder shall be allocated on the records of the director to the 433
~~housing guarantee fund created by division (D) of section 175.10~~ 434
~~of the Revised Code and the housing development fund created by~~ 435
division ~~(C)~~ (A) of section ~~175.10~~ 175.11 of the Revised Code. 436

(B) The director shall serve as agent for the director of 437
development, and as agent for the Ohio housing finance agency, in 438
~~the making of~~ deposits and withdrawals and ~~maintenance of~~ 439
maintaining records pertaining to the minority business bonding 440
fund created by section 122.88 of the Revised Code, the mortgage 441
insurance fund, ~~the housing guarantee fund~~, and the housing 442
development fund created by ~~division (C) of section 175.10~~ 175.11 443
of the Revised Code. Funds from the mortgage insurance fund ~~shall~~ 444
~~be~~ are available to the director of development when ~~such~~ those 445
funds are to be disbursed to prevent or cure, or upon the 446
occurrence of, a default of a mortgage insured pursuant to section 447
122.451 of the Revised Code. ~~Funds from the housing guarantee fund~~ 448

~~shall be available to the Ohio housing finance agency when such~~ 449
~~funds are to be disbursed under a guarantee authorized by section~~ 450
~~175.04 of the Revised Code to satisfy a guaranteed mortgage which~~ 451
~~is in default.~~ Funds from the housing development fund ~~shall be~~ 452
are available upon request to the Ohio housing finance agency, in 453
an amount not to exceed the funds allocated on the records of the 454
director, for the purposes of section ~~175.04~~ 175.05 of the Revised 455
Code ~~when it so requests.~~ Funds from the minority business bonding 456
fund ~~shall be~~ are available to the director of development upon 457
request ~~for the purpose of paying~~ to pay obligations on bonds 458
~~written by~~ the director writes pursuant to section 122.88 of the 459
Revised Code; except that, unless the general assembly authorizes 460
~~additional amounts are authorized by the general assembly,~~ the 461
total maximum amount of moneys that may be allocated to the 462
minority business bonding fund under this division is ten million 463
dollars. 464

When ~~such~~ funds are to be ~~so~~ disbursed, the appropriate 465
agency shall call upon the director to transfer ~~to it~~ the 466
necessary funds to it. The director shall first withdraw the funds 467
paid by the holders and deposited with the treasurer of state or 468
in a financial institution as agent for ~~such~~ the funds. Whenever 469
these funds are inadequate to meet the request, the director shall 470
provide for a withdrawal of funds, within a reasonable time, and 471
in ~~such~~ the amount ~~as is~~ necessary to meet the request, from 472
financial institutions in which ~~such~~ the funds were retained or 473
placed by a holder and from other holders who have retained funds, 474
in an equitable manner as ~~prescribed by~~ the director prescribes. 475
In the event that the amount to be withdrawn from any one ~~such~~ 476
holder is less than five hundred dollars, the amount to be 477
withdrawn ~~shall be~~ is at the director's discretion ~~of the~~ 478
~~director~~. The director shall then transfer to the agency the 479
amount of funds requested. 480

Funds ~~which are~~ deposited in the unclaimed funds trust fund 481
~~shall be~~ are subject to call by the director when necessary to pay 482
claims ~~allowed by~~ the director allows under section 169.08 of the 483
Revised Code, in accordance with the director's rules ~~of the~~ 484
~~director,~~ to defray the necessary costs of making publications 485
~~required by~~ this chapter, requires and to pay other operating and 486
administrative expenses ~~incurred by~~ the department of commerce 487
incurs in the administration and enforcement of this chapter. 488

The unclaimed funds trust fund shall be assessed a 489
proportionate share of the administrative costs of the department 490
of commerce in accordance with procedures ~~prescribed by~~ the 491
director of commerce prescribes and ~~approved by~~ the director of 492
budget and management approves. ~~Such~~ The assessment shall be paid 493
from the unclaimed funds trust fund to the division of 494
administration fund. 495

(C) Earnings on the accounts in financial organizations to 496
the credit of the mortgage funds shall, ~~at the option of such a~~ 497
~~the~~ financial organization, ~~be credited to such the~~ accounts at 498
~~such~~ times and at ~~such~~ rates as earnings are paid on other 499
accounts of the same classification held in the financial 500
organization or paid to the director. The director shall be 501
notified annually, and at ~~such~~ other times as the director may 502
request, of the amount of ~~such the~~ earnings credited to the 503
accounts. Interest on unclaimed funds ~~retained by~~ a holder retains 504
shall be paid to the director or credited as specified in the 505
agreement under which the organization retains the funds. Interest 506
payable to the director under an agreement to invest unclaimed 507
funds and obligations of the United States shall be paid annually 508
by ~~such the~~ holder to the director. Any earnings or interest 509
~~received by~~ the director receives under this division shall be 510
deposited in and credited to the mortgage funds. 511

Sec. 173.08. (A) The resident services coordinator program is 512
established in the department of aging to fund resident services 513
coordinators. The coordinators shall provide information to 514
low-income and special-needs tenants, including the elderly, who 515
live in ~~subsidized~~ financially assisted rental housing complexes, 516
and assist those tenants in identifying and obtaining community 517
and program services and other benefits for which they are 518
eligible. 519

(B) The resident services coordinator program fund is hereby 520
created in the state treasury to support the resident services 521
coordinator program established pursuant to this section. The fund 522
consists of all moneys the department of development sets aside 523
pursuant to division (A)(4) of section ~~175.21~~ 174.02 of the 524
Revised Code and moneys the general assembly appropriates to the 525
fund. 526

Sec. 174.01. As used in this chapter: 527

(A) "Financial assistance" means grants, loans, loan 528
guarantees, an equity position in a project, or loan subsidies. 529

(B) "Grant" means funding the department of development or 530
the Ohio housing finance agency provides for which the agency does 531
not require repayment. 532

(C) "Housing" means housing for owner-occupancy and 533
multifamily rental housing. 534

(D) "Housing for owner-occupancy" means housing that is 535
intended for occupancy by an owner as a principal residence. 536
"Housing for owner-occupancy" may be any type of structure and may 537
be owned in any type of ownership. 538

(E) "Housing trust fund" means the low- and moderate-income 539
housing trust fund created and administered pursuant to Chapter 540

174. of the Revised Code. 541

(F) "Lending institution" means any financial institution 542
qualified to conduct business in this state, a subsidiary 543
corporation that is wholly owned by a financial institution 544
qualified to conduct business in this state, and a mortgage lender 545
whose regular business is originating, servicing, or brokering 546
real estate loans and who is qualified to do business in this 547
state. 548

(G) "Loan" means any extension of credit or other form of 549
financing or indebtedness directly or indirectly to a borrower 550
with the expectation that it will be repaid in accordance with the 551
terms of the underlying loan agreement or other pertinent 552
document. "Loan" includes financing extended to lending 553
institutions and indebtedness purchased from lending institutions. 554

(H) "Loan guarantee" means any agreement in favor of a 555
lending institution or other lender in which the credit and 556
resources of the housing trust fund are pledged to secure the 557
payment or collection of financing extended to a borrower for the 558
acquisition, construction, improvement, rehabilitation or 559
preservation of housing, or to refinance any financing previously 560
extended for those purposes by any lender. 561

(I) "Loan subsidy" means any deposit of funds into a lending 562
institution with the authorization or direction that the income or 563
revenues the deposit earns, or could have earned at competitive 564
rates, be applied directly or indirectly to the benefit of housing 565
assistance or financial assistance. 566

(J) "Low and moderate income persons" means individuals and 567
families who qualify as low- and moderate-income persons pursuant 568
to guidelines the department of development establishes. 569

(K) "Multifamily rental housing" means multiple unit housing 570
intended for rental occupancy. 571

(L) "Nonprofit organization" means a nonprofit organization 572
in good standing and qualified to conduct business in this state 573
including any corporation whose members are members of a 574
metropolitan housing authority. 575

Sec. ~~175.21~~ 174.02. (A) The low- and moderate-income housing 576
trust fund is hereby created in the state treasury. The fund ~~shall~~ 577
~~consist~~ consists of all appropriations made to the fund, housing 578
trust fund fees collected by county recorders pursuant to section 579
317.36 of the Revised Code and deposited into the fund pursuant to 580
section 319.63 of the Revised Code, and all grants, gifts, loan 581
repayments, and contributions of money made from any source to the 582
department of development for deposit in the fund. All investment 583
earnings of the fund shall be credited to the fund. The director 584
of development shall allocate a portion of the money in the fund 585
to an account of the Ohio housing finance agency. The department 586
shall administer the fund. The agency shall use money allocated to 587
it ~~in the fund~~ for implementing and administering its programs and 588
duties under sections ~~175.22~~ 174.03 and ~~175.24~~ 174.05 of the 589
Revised Code, and the department shall use the remaining money in 590
the fund for implementing and administering its programs and 591
duties under sections ~~175.22~~ 174.03 to ~~175.25~~ 174.06 of the 592
Revised Code. Use of all money ~~is~~ drawn from the fund is subject 593
to the following restrictions: 594

(1) Not more than six per cent of any current year 595
appropriation authority for the fund shall be used for the 596
transitional and permanent housing program to make grants to 597
municipal corporations, counties, townships, and nonprofit 598
organizations for the acquisition, rehabilitation, renovation, 599
construction, conversion, operation, and cost of supportive 600
services for new and existing transitional and permanent housing 601
for homeless persons. 602

(2)(a) Not more than five per cent of ~~any the~~ current year 603
appropriation authority for the fund shall be ~~used for grants and~~ 604
~~loans to~~ allocated between grants to community development 605
corporations for the community development corporation grant 606
program and grants and loans to the Ohio community development 607
finance fund, a private nonprofit corporation. 608

(b) In any year in which the amount in the fund exceeds one 609
hundred thousand dollars and at least that much is allocated for 610
the uses described in this section, not less than one hundred 611
thousand dollars shall be used to provide training, technical 612
assistance, and capacity building assistance to nonprofit 613
development organizations ~~in areas of the state the director~~ 614
~~designates as underserved.~~ 615

~~(c) For monies awarded in any fiscal year, priority shall be~~ 616
~~given to proposals submitted by nonprofit development~~ 617
~~organizations from areas of the state the director designates as~~ 618
~~underserved.~~ 619

(3) Not more than seven per cent of any current year 620
appropriation authority for the fund shall be used for the 621
emergency shelter housing grants program to make grants to 622
private, nonprofit organizations and municipal corporations, 623
counties, and townships for emergency shelter housing for the 624
homeless. The grants shall be distributed pursuant to rules the 625
director adopts and qualify as matching funds for funds obtained 626
pursuant to the McKinney Act, 101 Stat. 85 (1987), 42 U.S.C.A. 627
11371 to 11378. 628

(4) In any fiscal year in which the amount in the fund 629
exceeds the amount awarded pursuant to division (A)(2)(b) of this 630
section by at least two hundred fifty thousand dollars, at least 631
two hundred fifty thousand dollars from the fund shall be provided 632
to the department of aging for the resident services coordinator 633

program as established in section 173.08 of the Revised Code. 634

(5) Of all money in the fund: 635

(a) Not more than five per cent of any current year 636
appropriation authority shall be used for administration. 637

(b) Not less than forty-five per cent of the funds awarded 638
during any one fiscal year shall be for grants and loans to 639
nonprofit organizations under section ~~175.22~~ 174.03 of the Revised 640
Code. 641

(c) Not less than fifty per cent of the funds awarded during 642
any one fiscal year, excluding the amounts awarded pursuant to 643
divisions (A)(1), (A)(2), and (A)(3) of this section, shall be for 644
grants and loans for activities that provide housing and housing 645
assistance to families and individuals in rural areas and small 646
cities that are not eligible to participate as a participating 647
jurisdiction under the "HOME Investment Partnerships Act," 104 648
Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721. 649

(d) No money in the fund shall be used to pay for any legal 650
services other than the usual and customary legal services 651
associated with the acquisition of housing. 652

(6) ~~Except as otherwise provided by the director under~~ 653
~~division (B) of this section, money~~ Money in the fund may be used 654
as matching money for federal funds received by the state, 655
counties, municipal corporations, and townships for the activities 656
listed in section ~~175.22~~ 174.03 of the Revised Code. 657

(B) If after the second quarter of any year it appears to the 658
director that the full amount of the money in the fund designated 659
in that year for activities that provide housing and housing 660
assistance to families and individuals in rural areas and small 661
cities under division (A) of this section will not be used for 662
that purpose, the director may reallocate all or a portion of that 663
amount for other housing activities. In determining whether or how 664

to reallocate money under this division, the director may consult 665
with and shall receive advice from the housing trust fund advisory 666
committee. 667

Sec. ~~175.22~~ 174.03. (A) The department of development and the 668
Ohio housing finance agency shall each develop programs under 669
which, in accordance with rules adopted under this section, they 670
may make grants, loans, loan guarantees, and loan subsidies to 671
counties, municipal corporations, townships, local housing 672
authorities, and nonprofit organizations and may make loans, loan 673
guarantees, and loan subsidies to private developers and private 674
lenders to assist in activities that provide housing and housing 675
assistance for specifically targeted low- and moderate-income 676
families and individuals. There is no minimum housing project size 677
for awards under this division for any project that is developed 678
for a special needs population and that is supported by a social 679
service agency where the housing project is located. Activities 680
for which grants, loans, loan guarantees, and loan subsidies may 681
be made under this section include all of the following: 682

(1) Acquiring, financing, constructing, leasing, 683
rehabilitating, remodeling, improving, and equipping publicly or 684
privately owned housing; 685

(2) Providing supportive services related to housing and the 686
homeless, including housing counseling. Not more than twenty per 687
cent of the current year appropriation authority for the low- and 688
moderate-income housing trust fund that remains after the award of 689
funds made pursuant to divisions (A)(1), (A)(2), and (A)(3) of 690
section ~~175.21~~ 174.02 of the Revised Code, shall be awarded in any 691
fiscal year for supportive services. 692

(3) Providing rental assistance payments or other project 693
operating subsidies that lower tenant rents. 694

(B) Grants, loans, loan guarantees, and loan subsidies may be 695

made to counties, municipal corporations, townships, and nonprofit 696
organizations for the additional purposes of providing technical 697
assistance, design and finance services and consultation, and 698
payment of pre-development and administrative costs related to any 699
of the activities listed above. 700

(C) In developing programs under this section, the department 701
and the agency shall invite, accept, and consider public comment, 702
and recommendations from the housing trust fund advisory committee 703
created under section ~~175.25~~ 174.06 of the Revised Code, on how 704
the programs should be designed to most effectively benefit low- 705
and moderate-income families and individuals. The programs 706
developed under this section shall respond collectively to housing 707
and housing assistance needs of low- and moderate-income families 708
and individuals statewide. 709

(D) The department and the agency, in accordance with Chapter 710
119. of the Revised Code, shall each adopt rules to administer 711
programs developed under this section. The rules shall prescribe 712
procedures and forms that counties, municipal corporations, 713
townships, local housing authorities, and nonprofit organizations 714
shall use in applying for grants, loans, loan guarantees, and loan 715
subsidies and that private developers and private lenders shall 716
use in applying for loans, loan guarantees, and loan subsidies; 717
eligibility criteria for the receipt of funds; procedures for 718
reviewing and granting or denying applications; procedures for 719
paying out funds; conditions on the use of funds; procedures for 720
monitoring the use of funds; and procedures under which a 721
recipient shall be required to repay funds that are improperly 722
used. The rules shall do both of the following: 723

(1) Require each recipient of a grant or loan made from the 724
low- and moderate-income housing trust fund for activities that 725
provide, or assist in providing, a rental housing project, to 726
reasonably ensure that the rental housing project will remain 727

affordable to those families and individuals targeted for the 728
rental housing project for the useful life of the rental housing 729
project or for thirty years, whichever is longer; 730

(2) Require each recipient of a grant or loan made from the 731
low- and moderate-income housing trust fund for activities that 732
provide, or assist in providing, a housing project to prepare and 733
implement a plan to reasonably assist any families and individuals 734
displaced by the housing project in obtaining decent affordable 735
housing. 736

(E) In prescribing eligibility criteria and conditions for 737
the use of funds, neither the department nor the agency is limited 738
to the criteria and conditions specified in this section and each 739
may prescribe additional eligibility criteria and conditions that 740
relate to the purposes for which grants, loans, loan guarantees, 741
and loan subsidies may be made. However, the department and agency 742
are limited by the following specifically targeted low- and 743
moderate-income guidelines: 744

(1) Not less than seventy-five per cent of the money granted 745
and loaned under this section in any fiscal year shall be for 746
activities that provide affordable housing and housing assistance 747
to families and individuals whose incomes are equal to or less 748
than fifty per cent of the median income for the county in which 749
they live, as determined by the department under section ~~175.23~~ 750
174.04 of the Revised Code. 751

(2) Any money granted and loaned under this section in any 752
fiscal year that is not granted or loaned pursuant to division 753
(E)(1) of this section shall be for activities that provide 754
affordable housing and housing assistance to families and 755
individuals whose incomes are equal to or less than eighty per 756
cent of the median income for the county in which they live, as 757
determined by the department under section ~~175.23~~ 174.04 of the 758
Revised Code. 759

(F) In making grants, loans, loan guarantees, and loan 760
subsidies under this section, the department and the agency shall 761
give preference to viable projects and activities that benefit 762
those families and individuals whose incomes are equal to or less 763
than thirty-five per cent of the median income for the county in 764
which they live, as determined by the department under section 765
~~175.23~~ 174.04 of the Revised Code. 766

(G) The department and the agency shall monitor the programs 767
developed under this section to ensure that money granted and 768
loaned under this section is not used in a manner that violates 769
division (H) of section 4112.02 of the Revised Code or 770
discriminates against families with children. 771

Sec. ~~175.23~~ 174.04. (A) The department of development shall 772
make an annual determination of the median income for ~~families and~~ 773
~~individuals~~ persons in each county. 774

(B) The director of development shall determine appropriate 775
income limits for identifying or classifying low- and 776
moderate-income persons for the purposes of sections 174.01 to 777
174.07 of the Revised Code. In making the determination, the 778
director shall take into consideration the amount of income 779
available for housing, family size, the cost and condition of 780
available housing, ability to pay the amounts the private market 781
charges for decent, safe, and sanitary housing without federal 782
subsidy or state assistance, and the income eligibility standards 783
of federal programs. Income limits may vary from area to area 784
within the state. 785

Sec. ~~175.24~~ 174.05. (A) Annually, the department of 786
development shall submit a report to the president of the senate 787
and the speaker of the house of representatives describing the 788
activities of the department under sections ~~175.21~~ 174.01 to 789

~~175.25~~ 174.07 of the Revised Code during the previous state fiscal year. 790
791

(B) Annually, the Ohio housing finance agency shall submit a report to the president of the senate and the speaker of the house of representatives describing the activities of the agency under sections ~~175.21~~ 174.02, ~~175.22~~ 174.03, and ~~175.24~~ 174.05 of the Revised Code during the previous state fiscal year. 792
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Sec. ~~175.25~~ 174.06. (A) There is hereby created the housing trust fund advisory committee. The committee ~~shall consist~~ consists of fourteen members ~~appointed by~~ the governor appoints as follows, ~~each of whom shall to~~ represent ~~an organization~~ organizations committed to housing and housing assistance for low- and moderate-income persons: 797
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802

~~(A)(1)~~ One member ~~shall to~~ represent lenders. 803

~~(B)(2)~~ One member ~~shall to~~ represent for-profit builders and developers. 804
805

~~(C)(3)~~ One member ~~shall to~~ represent the families and individuals included in the income groups targeted for housing and housing assistance under divisions (E) and (F) of section ~~175.22~~ 174.03 of the Revised Code. 806
807
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809

~~(D)(4)~~ One member ~~shall to~~ represent religious, civic, or social service organizations. 810
811

~~(E)(5)~~ One member ~~shall to~~ represent counties. 812

~~(F)(6)~~ One member ~~shall to~~ represent municipal corporations. 813

~~(G)(7)~~ One member ~~shall to~~ represent townships. 814

~~(H)(8)~~ One member ~~shall to~~ represent local housing authorities. 815
816

~~(I)(9)~~ One member ~~shall to~~ represent fair housing 817

organizations. 818

~~(J)~~(10) Three members ~~shall~~ to represent nonprofit 819
organizations. 820

~~(K)~~(11) One member ~~shall~~ to represent real estate brokers 821
licensed under Chapter 4735. of the Revised Code. 822

~~(L)~~(12) One member ~~shall~~ to represent the for-profit rental 823
housing industry. 824

(B)(1) Terms of office ~~shall be~~ are for four years, with each 825
term ending on the same day of the same month as did the term that 826
it succeeds. Each member shall hold office from the date of ~~his~~ 827
appointment until the end of the term for which ~~he~~ the member was 828
appointed. Vacancies shall be filled in the manner prescribed for 829
the original appointment. A member appointed to fill a vacancy 830
occurring prior to the expiration of ~~the a term for which his~~ 831
~~predecessor was appointed~~ shall hold office for the remainder of 832
that term. A member shall continue in office subsequent to the 833
expiration of ~~his a~~ term until ~~his a~~ successor takes office or 834
until a period of sixty days has elapsed, whichever occurs first. 835

(2) The governor may remove a member ~~appointed by him,~~ for 836
misfeasance, malfeasance, or willful neglect of duty. 837

(C)(1) The committee shall select a ~~chairman~~ chairperson from 838
among its members. The committee shall meet at least once each 839
calendar year and upon the call of the chair. Members of the 840
committee ~~shall~~ serve without compensation, but shall be 841
reimbursed for reasonable and necessary expenses incurred in the 842
discharge of ~~their~~ duties. 843

(2) The department of development shall provide the committee 844
with a meeting place, supplies, and staff assistance as ~~requested~~ 845
~~by~~ the committee requests. 846

(D) The committee shall assist the department and the Ohio 847

housing finance agency in defining housing needs and priorities, 848
~~shall make recommendations~~ recommend to the department and agency 849
at least annually ~~on~~ how the programs developed under section 850
~~175.21~~ 174.02 of the Revised Code should be designed to most 851
effectively benefit low- and moderate-income ~~families and~~ 852
~~individuals~~ persons, consider an allocation of funds for projects 853
of fifteen units or less, and advise the director of development 854
on whether and how to reallocate money in the low- and 855
moderate-income housing trust fund under division (B) of section 856
~~175.21~~ 174.02 of the Revised Code. 857

Sec. ~~175.26~~ 174.07. ~~Neither the~~ The department of development 858
~~nor,~~ on its own and on the behalf of the Ohio housing finance 859
agency and the Ohio department of aging, shall ~~make a~~ obtain 860
controlling board approval prior to making any grant, loan, loan 861
guarantee, or loan subsidy greater than one hundred fifty thousand 862
dollars from or allocated from the low- and moderate-income 863
housing trust fund ~~without first obtaining the approval of the~~ 864
~~controlling board.~~ 865

Sec. 175.01. As used in this chapter: 866

(A) "Bonds" means bonds, notes, debentures, refunding bonds, 867
refunding notes, and other obligations. 868

(B) "Financial assistance" means grants, loans, loan 869
guarantees, an equity position in a project, and loan subsidies. 870

(C) "Grant" means funding for which repayment is not 871
required. 872

(D) "Homeownership program" means any program for which the 873
Ohio housing finance agency provides financing, directly or 874
indirectly, for the purchase of housing for owner-occupancy. 875

(E) "Housing" means housing for owner-occupancy and 876
multifamily rental housing. 877

(F) "Housing development fund" means the housing development 878
fund created and administered pursuant to section 175.11 of the 879
Revised Code. 880

(G) "Housing for owner-occupancy" means housing that is 881
intended for occupancy by an owner as a principal residence. 882
"Housing for owner-occupancy" may be any type of structure and may 883
be owned in any form of ownership. 884

(H) "Housing trust fund" means the low- and moderate-income 885
housing trust fund created and administered pursuant to Chapter 886
174. of the Revised Code. 887

(I) "Improvement" means any alteration, remodeling, addition, 888
or repair that substantially protects or improves the basic 889
habitability or energy efficiency of housing. 890

(J) "Lending institution" means any financial institution 891
qualified to conduct business in this state, a subsidiary 892
corporation that is wholly owned by a financial institution 893
qualified to conduct business in this state, and a mortgage lender 894
whose regular business is originating, servicing, or brokering 895
real estate loans and who is qualified to do business in this 896
state. 897

(K) "Loan" means any extension of credit or other form of 898
financing or indebtedness extended directly or indirectly to a 899
borrower with the expectation that it will be repaid in accordance 900
with the terms of the underlying loan agreement or other pertinent 901
document. "Loan" includes financing the Ohio housing finance 902
agency extends to lending institutions and indebtedness the agency 903
purchases from lending institutions. 904

(L) "Loan guarantee" means any agreement in favor of a 905
lending institution, bondholder, or other lender in which the 906
credit and resources of the housing finance agency or the housing 907
trust fund are pledged to secure the payment or collection of 908

financing extended to a borrower for the acquisition, 909
construction, improvement, rehabilitation, or preservation of 910
housing or to refinance any financing previously extended for 911
those purposes. 912

(M) "Loan subsidy" means any deposit of funds the Ohio 913
housing finance agency holds or administers into a lending 914
institution with the authorization or direction that the income or 915
revenues the deposit earns, or could have earned at competitive 916
rates, be applied directly or indirectly to the benefit of housing 917
assistance or financial assistance. 918

(N) "Low- and moderate-income persons" means individuals and 919
families who qualify as low- and moderate-income pursuant to 920
guidelines the agency establishes. 921

(O) "Multifamily rental housing" means multiple unit housing 922
intended for rental occupancy. 923

(P) "Nonprofit organization" means a nonprofit organization 924
in good standing and qualified to conduct business in this state 925
including any corporation whose members are members of a 926
metropolitan housing authority. 927

(Q) "Owner" means any person, who, jointly or severally has 928
legal or equitable title to housing together with the right to 929
control or possess that housing. "Owner" includes a purchaser of 930
housing pursuant to a land installment contract if that contract 931
vests possession and maintenance responsibilities in the 932
purchaser, and a person who has care, or control of housing as 933
executor, administrator, assignee, trustee, or guardian of the 934
estate of the owner of that housing. 935

(R) "Security interest" means any lien, encumbrance, pledge, 936
assignment, mortgage, or other form of collateral the Ohio housing 937
finance agency holds as security for financial assistance the 938
agency extends or a loan the agency acquires. 939

Sec. 175.02. (A) There is hereby created the Ohio housing 940
finance agency, a body corporate and politic, performing essential 941
governmental functions of the state. The mission of the agency 942
includes but is not limited to assisting with the financing, 943
refinancing, production, development, and preservation of housing 944
for occupancy by low- and moderate-income persons, provision of 945
rental assistance and housing services for low- and moderate 946
income persons, and promoting community development, economic 947
stability, and growth within Ohio. To accomplish this mission, the 948
agency shall work with persons eligible for its programs, 949
nonprofit organizations and for-profit housing development 950
entities, public entities, and lending institutions. The agency 951
may review conformity with its programs and monitor a recipient's 952
use of funds it provides to assure compliance. 953

(B) It is hereby declared to be the public purpose of this 954
state to improve and promote the public health, safety, 955
convenience, welfare, and prosperity of the people of the state by 956
the production and preservation of housing. 957

Sec. 175.03. (A)(1) The Ohio housing finance agency consists 958
of eleven members. The governor, with the advice and consent of 959
the senate, shall appoint nine of the members. The other two 960
members are the director of commerce and the director of 961
development or their respective designees. 962

(2) The governor shall appoint one member with experience in 963
residential housing construction; one with experience in 964
residential housing mortgage lending, loan servicing, or 965
brokering; one with experience in the licensed residential housing 966
brokerage business; one with experience with the housing needs of 967
senior citizens; one with a background in labor representation in 968
the construction industry; one to represent the interests of 969

nonprofit multifamily housing development organizations; one to 970
represent the interests of for-profit multifamily housing 971
development organizations; and two who are public members. 972

(3) The governor shall receive recommendations from the Ohio 973
housing council for appointees to represent the interests of 974
nonprofit multifamily housing development organizations and 975
for-profit multifamily housing development organizations. 976

(4) Not more than six of the appointed members of the agency 977
may be of the same political party. 978

(B)(1) Of the initial appointments the governor makes, one 979
member representing the public has an initial term ending January 980
31, 2010, the other member representing the public has an initial 981
term ending January 31, 2008, the member with a background in 982
labor representation in the construction industry has an initial 983
term ending January 31, 2005, the member with experience in 984
residential housing mortgage lending, loan servicing, or brokering 985
has an initial term ending January 31, 2008, the member with 986
experience with the housing needs of senior citizens has an 987
initial term ending January 31, 2006, the member representing the 988
interests of nonprofit multifamily housing development 989
corporations has an initial term ending January 31, 2007, the 990
member representing the interests of for-profit multifamily 991
housing development organizations has an initial term ending 992
January 31, 2006, and the member with experience in residential 993
housing construction and the member with experience in licensed 994
residential housing brokerage each has an initial term ending 995
January 31, 2009. Thereafter, each appointed member shall serve 996
for a term of six years with each term ending on the thirty-first 997
day of January, six years following the termination date of the 998
term it succeeds. There is no limit on the number of terms a 999
member may serve. 1000

(2) Each member shall hold office from the date of 1001
appointment until the end of the term for which the member is 1002
appointed. Any member appointed to fill a vacancy occurring prior 1003
to the expiration of a term continues in office for the remainder 1004
of that term. Any appointed member shall continue in office 1005
subsequent to the expiration date of the member's term until the 1006
member's successor takes office or until sixty days have elapsed, 1007
whichever occurs first. 1008

(3) The governor may remove an appointed member from office 1009
for misfeasance, nonfeasance, or malfeasance in office. 1010

(C)(1) Except as otherwise provided in this section, members 1011
and agency employees shall comply with Chapter 102. and sections 1012
2921.42 and 2921.43 of the Revised Code. 1013

(2) An agency member who is a director, officer, employee, or 1014
owner of a lending institution is not in violation of Chapter 102. 1015
and is not subject to section 2921.42 of the Revised Code with 1016
respect to a loan to an applicant from the lending institution or 1017
a contract between the agency and the lending institution for the 1018
purchase, administration, or servicing of loans if the member 1019
abstains from participation in any matter that affects the 1020
interests of the member's lending institution. 1021

(3) An agency member who represents multifamily housing 1022
interests is not in violation of division (D) or (E) of section 1023
102.03 or division (A) of section 2921.42 of the Revised Code in 1024
regard to a contract the agency enters into if both of the 1025
following apply: 1026

(a) The contract is entered into for a loan, grant, or 1027
participation in a program the agency administers or funds and the 1028
contract is awarded pursuant to rules or guidelines the agency 1029
adopts. 1030

(b) The member does not participate in the discussion or vote 1031

on the contract if the contract secures a grant or loan that 1032
directly benefits the member, a family member, or a business 1033
associate of the member. 1034

(4)(a) Each appointed agency member shall receive 1035
compensation at the rate of two hundred fifty dollars per agency 1036
meeting attended in person, not to exceed a maximum of four 1037
thousand dollars per year. 1038

(b) The compensation rate for appointed members applies until 1039
six years after the effective date of this section, at which time 1040
the members may increase the compensation for members who are 1041
appointed or reappointed after that time. All members are entitled 1042
to reimbursement for actual and necessary expenses incurred in the 1043
discharge of official duties. 1044

Sec. 175.04. (A) The governor shall appoint a chairperson 1045
from among the members. The agency members shall elect a member as 1046
vice-chairperson. The agency members may appoint other officers, 1047
who need not be members of the agency, as the agency deems 1048
necessary. 1049

(B) Six members of the agency constitute a quorum and the 1050
affirmative vote of six members is necessary for any action the 1051
agency takes. No vacancy in agency membership impairs the right of 1052
a quorum to exercise all of the agency's rights and perform all 1053
the agency's duties. Agency meetings may be held at any place 1054
within the state. Meetings shall comply with section 121.22 of the 1055
Revised Code. 1056

(C) The agency shall maintain accounting records in 1057
accordance with generally accepted accounting principals and other 1058
required accounting standards. 1059

(D) The agency shall develop policies and guidelines for the 1060
administration of its programs and annually shall conduct at least 1061

one public hearing to obtain input from any interested party 1062
regarding the administration of its programs. The hearing shall be 1063
held at a time and place as the agency determines and when a 1064
quorum of the agency is present. 1065

(E) The agency shall appoint committees and subcommittees 1066
comprised of members of the agency to handle matters it deems 1067
appropriate. 1068

(1) The agency shall adopt an annual plan to address this 1069
state's housing needs. The agency shall appoint an annual plan 1070
committee to develop the plan and present it to the agency for 1071
consideration. 1072

(2) The annual plan committee shall select an advisory board 1073
from a list of interested individuals the executive director 1074
provides or on its own recommendation. The advisory board shall 1075
provide input on the plan at committee meetings prior to the 1076
annual public hearing. At the public hearing, the committee shall 1077
discuss advisory board comments. The advisory board may include, 1078
but is not limited to, persons who represent state agencies, local 1079
governments, public corporations, nonprofit organizations, 1080
community development corporations, housing advocacy organizations 1081
for low- and moderate-income persons, realtors, syndicators, 1082
investors, lending institutions, and other entities participating 1083
in the agency's programs. 1084

(F) The agency shall prepare an annual financial report 1085
describing its activities during the reporting year and submit 1086
that report to the governor, the speaker of the house of 1087
representatives, and the president of the senate within three 1088
months after the end of the reporting year. The report shall 1089
include the agency's audited financial statements, prepared in 1090
accordance with generally accepted accounting principles and 1091
appropriate accounting standards. 1092

(G) The agency shall prepare an annual report of its programs 1093
describing how the programs have met this state's housing needs. 1094
The agency shall submit the report to the governor, the speaker of 1095
the house of representatives, and the president of the senate 1096
within three months after the end of the reporting year. 1097

Sec. 175.05. (A) The Ohio housing finance agency shall do all 1098
of the following related to the agency's operation: 1099

(1) Adopt bylaws for the conduct of its business; 1100

(2) Employ and fix the compensation of an executive director 1101
who serves at the pleasure of the agency to administer the 1102
agency's programs and activities. The executive director may 1103
employ and fix the compensation of employees in the unclassified 1104
civil service as necessary to carry out this chapter and may 1105
employ other personnel who are governed by collective bargaining 1106
law and classified under that law. The executive director shall 1107
file financial disclosure statements as described in section 1108
102.02 of the Revised Code. 1109

(3) Establish an operating budget for the agency; 1110

(4) Notwithstanding any other provision of the Revised Code, 1111
hold all moneys, funds, properties, and assets the agency acquires 1112
or that are directly or indirectly within the agency's control, 1113
including proceeds from the sale of bonds, revenues, and 1114
otherwise, in trust for the purpose of exercising its powers and 1115
carrying out its duties pursuant to this chapter. Notwithstanding 1116
any other provision of the Revised Code, at no time shall the 1117
agency's moneys, funds, properties, or assets be considered public 1118
moneys, public funds, public properties, or public assets or 1119
subject to Chapters 131. and 135. of the Revised Code. 1120

(5) Maintain a principal office and other offices within the 1121
state. 1122

(B) The Ohio housing finance agency may do any of the 1123
following related to the agency's operation: 1124

(1) Except as otherwise provided in section 174.04 of the 1125
Revised Code, determine income limits for low- and moderate-income 1126
persons and establish periodic reviews of income limits. In 1127
determining income limits, the agency shall take into 1128
consideration the amount of income available for housing, family 1129
size, the cost and condition of available housing, ability to pay 1130
the amounts the private market charges for decent, safe, and 1131
sanitary housing without federal subsidy or state assistance, and 1132
the income eligibility standards of federal programs. Income 1133
limits may vary from area to area within the state. 1134

(2) Provide technical information, advice, and assistance 1135
related to obtaining federal and state aid to assist in the 1136
planning, construction, rehabilitation, refinancing, and operation 1137
of housing; 1138

(3) Provide information, assistance, or instruction 1139
concerning agency programs, eligibility requirements, application 1140
procedures, and other related matters; 1141

(4) Procure or require the procurement of insurance and pay 1142
the premium against loss in connection with the agency's 1143
operations, to include the repayment of a loan, in amounts and 1144
from insurers, including the federal government, as the agency 1145
determines; 1146

(5) Contract with, retain, or designate financial 1147
consultants, accountants, attorneys, and other consultants and 1148
independent contractors the agency determines are necessary or 1149
appropriate; 1150

(6) Charge, alter, and collect interest and other charges for 1151
program services including, but not limited to, the allocation of 1152
loan funds, the purchase of mortgage loans, and the provision of 1153

services that include processing, inspecting, and monitoring of 1154
housing units financed and the financial records for those units; 1155

(7) Conduct or authorize studies and analyses of housing 1156
needs and conditions to the extent that those activities are not 1157
carried out by other agencies in a manner that is satisfactory for 1158
the agency's needs; 1159

(8)(a) Acquire by gift, purchase, foreclosure, investment, or 1160
other means, and hold, assign, pledge, lease, transfer, or 1161
otherwise dispose of real and personal property or any interest in 1162
that property in the exercise of its powers and the performance of 1163
its duties; 1164

(b) Any instrument by which real property is acquired 1165
pursuant to this section shall identify the state agency that has 1166
the use and benefit of the real property as specified in section 1167
5301.012 of the Revised Code. 1168

(9)(a) Borrow money, receive gifts, grants, loans, or other 1169
assistance from any federal, state, local, or other government 1170
source, including the housing development fund and the housing 1171
trust fund, and enter into contracts in connection with those 1172
sources of assistance; 1173

(b) Receive assistance or contributions from any 1174
nongovernment source to include money, property, labor, or things 1175
of value, to be held, used, and applied only for the purposes for 1176
which the grants and contributions are made and within the 1177
purposes of this chapter. 1178

(10) Sue and be sued in its own name with respect to its 1179
contracts, obligations, and covenants, or the enforcement of this 1180
chapter. Any actions against the agency shall be brought in a 1181
court of competent jurisdiction located in Franklin county, Ohio. 1182

(11) Enter into any contract, commitment, or agreement and 1183

execute any instrument necessary or incidental to the performance 1184
of duties and the execution of powers; 1185

(12) Adopt an official seal; 1186

(13)(a) Contract with any private or government entity to 1187
administer programs for which the agency receives sufficient 1188
revenues for its services or the agency supports with uncommitted 1189
agency resources that pay the agency's operating costs; 1190

(b) Administer state and federal programs for which the 1191
governor designates the agency to act as administrator. The agency 1192
may charge administrative fees to the state, the federal 1193
government, or a program recipient. 1194

(14) Notwithstanding any other provision of the Revised Code, 1195
establish, maintain, administer, and close funds and accounts as 1196
convenient or appropriate to the agency's operations; 1197

(15) Establish a policy to permit the investment of agency 1198
funds in securities and obligations; 1199

(16) Establish rules and procedures that the agency 1200
determines are appropriate to appeal the agency's actions and 1201
decisions; 1202

(17) Serve housing needs in instances that the agency 1203
determines necessary as a public purpose; 1204

(18) Provide coverage for its employees under Chapters 145., 1205
4123., and 4141. of the Revised Code; 1206

(19) Adopt rules pursuant to Chapter 119. of the Revised 1207
Code; 1208

(20) Do anything necessary or appropriate to exercise the 1209
powers of this chapter and carry out the purposes of this chapter 1210
and Section 14, Article VIII and Section 16, Article VIII, Ohio 1211
Constitution. 1212

Sec. 175.06. (A) The Ohio housing finance agency shall do all 1213
of the following related to carrying out its programs: 1214

(1) Upon the governor's designation, serve as the housing 1215
credit agency for the state and perform all responsibilities of a 1216
housing credit agency pursuant to Section 42 of the Internal 1217
Revenue Code and similar applicable laws; 1218

(2) Require that housing that benefits from the agency's 1219
assistance be available without discrimination in accordance with 1220
Chapter 4112. of the Revised Code and applicable provisions of 1221
federal law. 1222

(B) The Ohio housing finance agency may do any of the 1223
following related to carrying out its programs: 1224

(1) Issue bonds, provide security for assets, make deposits, 1225
purchase or make loans, provide economic incentives for the 1226
development of housing, and provide financial assistance for 1227
emergency housing; 1228

(2) Serve as a public housing agency and contract with the 1229
United States department of housing and urban development to 1230
administer the department's rent subsidy program, housing subsidy 1231
program, and monitoring programs for low- and moderate-income 1232
persons. The agency shall ensure that any contract into which it 1233
enters provides for sufficient compensation to the agency for its 1234
services. 1235

(3) Develop and administer programs under which the agency 1236
uses moneys from the housing trust fund as allocated by the 1237
department of development to extend financial assistance pursuant 1238
to sections 174.01 to 174.07 of the Revised Code; 1239

(4) Make financial assistance available; 1240

(5) Guarantee and commit to guarantee the repayment of 1241
financing that a lending institution extends for housing, 1242

guaranteeing that debt with any of the agency's reserve funds not 1243
raised by taxation and not otherwise obligated for debt service, 1244
including the housing development fund established pursuant to 1245
section 175.11 of the Revised Code and any fund created under 1246
division (B)(4) of section 175.05 of the Revised Code; 1247

(6) Make, commit to make, and participate in making financial 1248
assistance, including federally insured mortgage loans, available 1249
to finance the construction and rehabilitation of housing or to 1250
refinance existing housing; 1251

(7) Invest in, purchase, and take from lenders the assignment 1252
of notes or other evidence of debt including federally insured 1253
mortgage loans, or participate with lenders in notes and loans for 1254
homeownership, development, or refinancing of housing; 1255

(8) Sell at public or private sale any mortgage or mortgage 1256
backed securities the agency holds; 1257

(9) Issue bonds to carry out the agency's purposes as set 1258
forth in this chapter; 1259

(10) Extend or otherwise make available housing assistance on 1260
terms the agency determines. 1261

(C) The Ohio housing finance agency may issue bonds and 1262
extend financial assistance from any fund the agency administers 1263
for the prompt, replacement, repair, or refinancing of damaged 1264
housing if both of the following apply: 1265

(1) The governor declares that a state of emergency exists 1266
with respect to a county, region, or political subdivision of this 1267
state, or declares that a county, region, or political subdivision 1268
has experienced a disaster as defined in section 5502.21 of the 1269
Revised Code. 1270

(2) The agency determines that the emergency or disaster has 1271
substantially damaged or destroyed housing in the area of the 1272

emergency or disaster. 1273

(D) The agency shall establish guidelines for extending 1274
financial assistance for emergency housing. The guidelines shall 1275
include eligibility criteria for assistance and the terms and 1276
conditions under which the agency may extend financial assistance. 1277

Sec. 175.07. (A)(1) The Ohio housing finance agency shall not 1278
approve funding for any multifamily rental housing to be 1279
constructed with agency assistance or pursuant to any program the 1280
agency operates or administers unless the applicant provides 1281
notice of the proposed project as this section requires. 1282

(2) Any notice shall be in writing and delivered by certified 1283
mail. The notice shall include the proposed project's address, the 1284
number of units in the project, a description of the project, a 1285
statement of whether the project is new construction, 1286
rehabilitation, or other, a summary of the programs that the 1287
project will utilize, and the address of the agency and the person 1288
to whom to direct comments. The notice shall inform recipients of 1289
their right to submit, within thirty days of the mailing date of 1290
the notice, comments to the agency regarding the proposed 1291
project's impact on the community and that objection to the 1292
project must be submitted in writing and signed by a majority of 1293
the voting members of the legislative body. 1294

(3) An applicant requesting funds for a project of more than 1295
ten units shall provide the notice to all of the following: 1296

(a) The chief executive officer and the clerk of the 1297
legislative body of any municipal corporation in which the project 1298
is proposed to be constructed or that is within one-half mile of 1299
the project's boundaries; 1300

(b) The clerk of any township in which the project is 1301
proposed to be constructed or that is within one-half mile of the 1302

project's boundaries; 1303

(c) The clerk of the board of county commissioners of any 1304
county in which the project is proposed to be constructed or that 1305
is within one-half mile of the project's boundaries. 1306

(4) An applicant requesting funds for a project with ten or 1307
fewer units shall provide the notice to the chief elected official 1308
of the jurisdiction in which the project is proposed to be 1309
constructed, except that if more than one individual serves as the 1310
chief elected official, the applicant shall deliver the notice to 1311
the clerk of the legislative body of that jurisdiction. 1312

(5) To object to a proposed project, a recipient of a notice 1313
shall do both of the following: 1314

(a) Submit a written objection that is signed by a majority 1315
of the voting members of the legislative body in which the project 1316
is proposed to be constructed or that is within one-half mile of 1317
the project's boundaries; 1318

(b) Send a copy of the written objection to the executive 1319
director of the agency by certified mail, return receipt 1320
requested, so that the agency receives the objection within 1321
forty-five days after the applicant mailed the notice to the 1322
recipient. 1323

(6) The agency shall provide a written response to any 1324
comments that it receives pursuant to division (A)(5) of this 1325
section. 1326

(7) The agency shall hold a public hearing to receive 1327
comments of residents of any political subdivision in which the 1328
multifamily rental housing is proposed to be constructed with the 1329
assistance of the agency's multifamily bond program. The applicant 1330
shall provide notice of the hearing to all persons listed in 1331
divisions (A)(3) and (4) of this section and ten days in advance 1332

of the hearing shall publish a notice of the hearing in a 1333
newspaper of general circulation in the county in which the 1334
project is proposed to be constructed. The agency shall hold the 1335
public hearing in the county in which the project is proposed to 1336
be constructed. 1337

(B) For purposes of this section, "constructed" means the 1338
creation of multifamily rental housing units through new 1339
construction or the conversion of an existing nonresidential 1340
building into multifamily rental housing units. 1341

Sec. 175.08. (A) The Ohio housing finance agency may use the 1342
proceeds of bonds to carry out the agency's lawful purposes. 1343

(B) The agency is the sole entity in the state that may issue 1344
bonds pursuant to Section 143(a) of the Internal Revenue Code or 1345
any similar provision of law. When the agency issues bonds to fund 1346
it's homeownership program, it shall take all diligent measures to 1347
maximize the distribution of mortgage loans statewide, especially 1348
in underserved areas of the state, including but not limited to 1349
attempting to involve qualified lending institutions throughout 1350
the state. 1351

(C) Bonds issued pursuant to this chapter need not comply 1352
with any provision of the Revised Code not in this chapter that 1353
applies to the issuance of bonds or notes. Notwithstanding any 1354
other provision of the Revised Code, the deposit, application, 1355
safeguarding, and investment of agency funds received or held 1356
under the agency's bond proceedings are not subject to Chapters 1357
131. and 135. of the Revised Code and at no time are those funds 1358
public moneys or public funds. 1359

(D)(1) Bonds issued pursuant to this chapter do not 1360
constitute a debt or the pledge of the faith and credit of this 1361
state or any political subdivision of this state. The holders or 1362

owners of the agency's bonds have no right to require the general 1363
assembly or the taxing authority of any political subdivision to 1364
levy taxes for the payment of the principal or interest on the 1365
agency's bonds. Money raised by taxation shall not be obligated or 1366
pledged for the payment of the principal or interest on bonds the 1367
agency issues pursuant to this chapter. 1368

(2) Bonds issued pursuant to this chapter are payable solely 1369
from the revenues and security interests pledged for their payment 1370
as authorized by this chapter, except for bonds the agency issues 1371
in anticipation of the issuance of bonds and bonds that are 1372
refunded by refunding bonds. Refunding bonds are payable solely 1373
from revenues and security interests pledged for their payment as 1374
authorized by this chapter. 1375

(E)(1) Any pledge on bonds is valid and binding from the time 1376
the pledge is made, and the revenues and security interests 1377
pledged and received are immediately subject to the lien of the 1378
pledge without any physical delivery or further act. The lien of 1379
the pledge is valid and binding as against all parties having 1380
claims of any kind in tort, contract, or otherwise against the 1381
agency, irrespective of whether the parties have notice of the 1382
lien of the pledge. 1383

(2) Any resolution or trust agreement by which a pledge is 1384
created need not be filed or recorded except in the records of the 1385
agency. Any bond shall contain on its face a statement to the 1386
effect that the bond, as to both principal and interest, is not a 1387
debt of this state or any political subdivision of this state, but 1388
is payable solely from the revenues and security interests pledged 1389
for its payment. 1390

(F) The agency may issue bonds for any term, at any interest 1391
rate, use any method of calculating interest including a variable 1392
interest rate, and include any provision or condition authorized 1393

pursuant to resolutions the agency adopts. The agency may 1394
authorize bonds of any denomination, form, registration privilege, 1395
medium of payment, place of payment, and term of redemption. 1396

(G) The agency may sell bonds at public or private sale, for 1397
an amount not less than the price that the agency establishes. The 1398
agency chairperson or vice chairperson and any other officer that 1399
the agency designates shall execute the bonds manually or by 1400
facsimile signature. The agency may affix or print the agency's 1401
official seal or a facsimile on the bonds. Any coupons attached to 1402
the bonds shall bear the signature or facsimile signature of the 1403
chairperson or vice chairperson and any other officer the agency 1404
designates. If an officer whose signature appears on bonds or 1405
coupons ceases to be an officer before the delivery of the bonds, 1406
that signature or facsimile is sufficient for all purposes as if 1407
the officer had remained in office. If the agency changes its seal 1408
after a facsimile is imprinted on the bonds, the imprinted 1409
facsimile seal is sufficient for all purposes. The agency may 1410
execute bonds in book entry form in any manner appropriate to that 1411
form. 1412

(H)(1) Any resolution that authorizes bonds or an issue of 1413
bonds may do any of the following: 1414

(a) Pledge any of the agency's revenues and security 1415
interests to secure the payment of bonds or any issue of bonds; 1416

(b) Specify the use, investment, and disposition of the 1417
agency's revenues; 1418

(c) Agree to establish, alter, and collect fees and other 1419
charges in an amount that pledged revenues are sufficient to pay 1420
the costs of operation and pay the principal and interest on bonds 1421
secured by the pledge of the revenues; 1422

(d) Provide reserves that the resolution or trust agreement 1423
requires; 1424

<u>(e) Set aside reserve funds or sinking funds and regulate and</u>	1425
<u>dispose of those funds;</u>	1426
<u>(f) Credit the proceeds of the sale of bonds to and among the</u>	1427
<u>funds referred to or provided for in the trust agreement or the</u>	1428
<u>resolution that authorized the issuance of bonds;</u>	1429
<u>(g) Establish limits on the purposes to which the proceeds of</u>	1430
<u>the sale of bonds may be applied and pledge those proceeds to</u>	1431
<u>secure the payment of the bonds or any issue of bonds;</u>	1432
<u>(h) Agree to do all things necessary for the authorization,</u>	1433
<u>issuance, and sale of bonds in amounts necessary for the timely</u>	1434
<u>retirement of notes issued in anticipation of the issuance of</u>	1435
<u>bonds;</u>	1436
<u>(i) Establish limits on the issuance of additional bonds;</u>	1437
<u>(j) Establish the terms upon which additional bonds may be</u>	1438
<u>issued and secured;</u>	1439
<u>(k) Provide for the refunding of outstanding bonds;</u>	1440
<u>(l) Establish procedures for amending or abrogating the terms</u>	1441
<u>of any contract with bondholders;</u>	1442
<u>(m) Establish limits on the amount of moneys the agency may</u>	1443
<u>expend for operating, administrative, or other expenses;</u>	1444
<u>(n) Secure bonds by a trust agreement in accordance with</u>	1445
<u>section 175.06 of the Revised Code;</u>	1446
<u>(o) Establish rules and procedures to address matters that</u>	1447
<u>affect the security or protection of the bonds.</u>	1448
<u>(2) Any resolution authorizing bonds or an issue of bonds is</u>	1449
<u>subject to any agreement with bondholders that exists at the time</u>	1450
<u>of the resolution. The provisions of any resolution authorizing</u>	1451
<u>bonds becomes part of the contract with the bondholders.</u>	1452
<u>(I) No agency member nor any person executing agency bonds is</u>	1453

liable personally on the bonds or is subject to any personal 1454
liability by reason of the issuance of the bonds. 1455

(J) Bonds issued pursuant to this chapter are deemed to be 1456
negotiable instruments, subject only to the provisions of the 1457
bonds for registration, and possessing the qualities and incidents 1458
of negotiable instruments, notwithstanding whether those bonds are 1459
of the form or character otherwise to be negotiable instruments. 1460

Sec. ~~175.08~~ 175.09. (A) ~~In (1)~~ At the discretion of the Ohio 1461
housing finance agency, ~~any~~ bonds issued ~~under~~ pursuant to this 1462
chapter may be secured by a trust agreement between the agency and 1463
a corporate trustee, which may be any trust company or financial 1464
institution ~~having that has~~ the powers of a trust company ~~within~~ 1465
~~or without the state but authorized and is qualified~~ to exercise 1466
~~those~~ trust powers within ~~the~~ this state. ~~Any such~~ A trust 1467
agreement may pledge or assign the agency's revenues and security 1468
interests ~~of the agency held or to be received~~ holds or is to 1469
receive. Any ~~such~~ trust agreement or ~~any~~ resolution ~~providing that~~ 1470
provides for the issuance of ~~such~~ bonds may contain ~~such~~ 1471
reasonable and proper provisions ~~for protecting and enforcing that~~ 1472
protect and enforce the rights and remedies of the bondholders ~~as~~ 1473
~~are reasonable and proper and not in violation of~~ do not violate 1474
any law, ~~including covenants setting or covenant that sets~~ forth 1475
the agency's duties ~~of the agency~~ in relation to the fees, 1476
interest ~~rates~~, or other charges ~~to be imposed for the loans made~~ 1477
~~or purchased or~~ the agency makes or purchases, services ~~rendered~~ 1478
~~by~~ the agency renders, and the custody, safekeeping, and 1479
application of all moneys. ~~Any~~ 1480

(2) Any financial institution or trust company ~~which may act~~ 1481
that acts as a depository of the proceeds of bonds ~~or of~~, 1482
revenues, or reserve funds may furnish ~~such~~ indemnifying bonds or 1483
~~may~~ pledge ~~such~~ securities ~~as are required by that~~ the agency 1484

~~requires. Any such~~ The trust agreement may set forth the rights 1485
and remedies of the bondholders and ~~of the trustee,~~ and may 1486
restrict the individual right of action by bondholders as is 1487
customary in trust agreements or trust indentures securing similar 1488
bonds. ~~Such~~ 1489

(3) A trust agreement may contain ~~such other~~ provisions as 1490
the agency considers reasonable and proper for the security of the 1491
bondholders, including any provision that may be contained in 1492
~~resolutions~~ a resolution under this section, with that provision 1493
having the same effect as if ~~contained it were~~ in ~~such a~~ 1494
resolution. 1495

(B) Any holder of ~~the bonds or any of the coupons~~ 1496
~~appertaining thereto~~ and the trustee under any trust agreement 1497
executed pursuant to division (A) of this section, except to the 1498
extent ~~the~~ to which the resolution or trust agreement restricts 1499
~~rights given are restricted by the applicable resolution or trust~~ 1500
~~agreement,~~ may by suit, action, mandamus, or other proceedings, 1501
protect and enforce any rights under the laws of ~~the~~ this state ~~or~~ 1502
granted under the trust agreement, ~~or~~ included in the resolution 1503
~~authorizing that authorizes~~ the issuance of ~~such the~~ bonds, and 1504
may enforce and compel the performance of all duties required by 1505
this chapter, the trust agreement, ~~or~~ and the resolution to be 1506
performed by the agency or any agency officer ~~thereof,~~ including 1507
~~the fixing~~ establishing, charging, and collecting ~~of~~ fees, 1508
interest ~~rates,~~ or other charges. 1509

(C) Moneys in the ~~funds of the agency~~ agency's trust estates 1510
may be invested as provided in any resolution ~~authorizing that~~ 1511
authorizes the issuance of its bonds or in any trust agreement 1512
~~securing the same that secures those bonds.~~ Income from ~~all such~~ 1513
investments ~~of moneys in any fund~~ shall be credited to ~~such~~ funds 1514
as the agency determines, subject to the provisions of any ~~such~~ 1515
resolution or trust agreement, and ~~such~~ investments may be sold at 1516

~~such times as~~ that the agency determines.

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Sec. ~~175.09~~ 175.10. (A) All bonds issued under this chapter
are lawful investments of banks, societies for savings, savings
and loan associations, deposit guarantee associations, trust
companies, trustees, fiduciaries, insurance companies, including
domestic for life and domestic not for life, trustees or other
officers having charge of sinking and bond retirement or other
special funds of political subdivisions and taxing districts of
this state, the commissioners of the sinking fund of the state,
the administrator of workers' compensation, the state teachers
retirement system, the public employees retirement system, the
school employees retirement system, and the Ohio police and fire
pension fund, notwithstanding any other provision of the Revised
Code or rules adopted ~~pursuant thereto~~ by any governmental agency
of ~~the~~ this state with respect to investments ~~by them~~, and are
acceptable as security for the deposit of public moneys.

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(B) The exercise of the powers ~~granted by~~ this chapter ~~will~~
~~be~~ grants is in all respects for the benefit of the people of the
state, for the improvement of their health, safety, convenience,
and economic welfare, and for the enhancement of the opportunities
for safe and sanitary housing and is a public purpose. ~~The~~

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(C) The programs undertaken by the Ohio housing finance
agency constitute the performance of essential public functions,
and the bonds issued under this chapter, their transfer, and ~~the~~
income ~~therefrom~~ from those bonds, including any profit made on
~~the~~ their sale ~~thereof~~, is at all times free from taxation within
~~the~~ this state.

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Sec. 175.11. (A) The housing development fund is hereby
created. The fund consists of all appropriations made to the fund,
all grants, gifts, loan repayments, and contributions of money

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made from any source to the Ohio housing finance agency for
deposit in the fund in addition to amounts loaned to the Ohio
housing finance agency pursuant to section 169.05 of the Revised
Code. The amounts may be deposited in the state treasury to the
credit of the housing development fund or placed with financial
organizations. The agency shall administer the fund. The agency
may request funds as needed pursuant to section 169.05 of the
Revised Code to fund loans, loan guarantees, and loan subsidies.
The agency may request funds for a loan guarantee only to satisfy
a mortgage guarantee that is in default.

(B) The agency shall use moneys in the housing development
fund solely for the purposes this chapter authorizes and at no
time shall the fund be considered a part of the public moneys or
subject to Chapters 131. and 135. of the Revised Code.

Sec. 175.12. (A) This chapter, being necessary for the
welfare of the state and its inhabitants, shall be liberally
construed to effect its purposes and the purposes of Section 14,
of Article VIII and Section 16, Article VIII, Ohio Constitution.

(B) The following are not public records subject to section
149.43 of the Revised Code:

(1) Financial statements and data submitted for any purpose
to the Ohio housing finance agency or the controlling board by any
person in connection with applying for, receiving, or accounting
for financial assistance the agency provides;

(2) Information that identifies any individual who benefits
directly or indirectly from financial assistance the agency
provides.

(C)(1) The agencies of this state shall cooperate fully with
the Ohio housing finance agency and shall provide information the
Ohio housing finance agency determines is necessary or helpful for

its operation. 1577

(2) The Ohio housing finance agency may arrange with and 1578
enter into contracts with other entities to perform functions this 1579
chapter authorizes the agency to perform and compensate those 1580
entities for performing those functions. 1581

(3) The agency may enter into contracts with state entities 1582
as described in this chapter. 1583

(D) Any state agency may enter into an agreement with the 1584
Ohio housing finance agency to furnish supplies, equipment, or 1585
services pursuant to terms both agencies agree upon for 1586
compensation to the state agency. 1587

(E) The Ohio housing finance agency is exempt from the 1588
requirements of Chapters 123., 125., and 153. and sections 127.16 1589
and 5147.07 of the Revised Code. 1590

Sec. 175.13. (A) Any agreement the Ohio housing finance 1591
agency enters into with bondholders is a contract that the agency 1592
shall enforce and no action of the general assembly or any state 1593
agency may limit or alter the terms of that agreement or the 1594
authority of the agency or its successors to fulfill the terms of 1595
that agreement. No state agency may impair any right or remedy of 1596
the holders of bonds until the agency has fully met and discharged 1597
its bond obligations, together with interest, interest on any 1598
unpaid installments of interest, and costs and expenses related to 1599
any bondholder action or proceeding. The agency may include in any 1600
bond agreement a statement that sets forth the agency's authority 1601
to enforce agreements pursuant to this section. 1602

(B) Bonds the agency issues are at all times bonds of the 1603
state, subject to this chapter. The agency and officers of the 1604
state may do all things necessary so that the interest on bonds 1605
the agency intends to be exempt from federal taxation remains 1606

exempt from federal income taxation. Any error or failure in
efforts to assure tax exemption does not affect the validity of
the bonds.

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Sec. 176.05. (A)(1) Notwithstanding any provision of law to
the contrary, the rate of wages payable for the various
occupations covered by sections 4115.03 to 4115.16 of the Revised
Code to persons employed on a project who are not any of the
following shall be determined according to this section:

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(a) Qualified volunteers;

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(b) Persons required to participate in a work activity,
developmental activity, or alternative work activity under
sections 5107.40 to 5107.69 of the Revised Code except those
engaged in paid employment or subsidized employment pursuant to
the activity;

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(c) Food stamp benefit recipients required to participate in
employment and training activities established by rules adopted
under section 5101.54 of the Revised Code.

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An association representing the general contractors or
subcontractors that engage in the business of residential
construction in a certain locality shall negotiate with the
applicable building and construction trades council in that
locality an agreement or understanding that sets forth the
residential prevailing rate of wages, payable on projects in that
locality, for each of the occupations employed on those projects.

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(2) Notwithstanding any residential prevailing rate of wages
established prior to July 1, 1995, if, by October 1, 1995, the
parties are unable to agree under division (A)(1) of this section
as to the rate of wages payable for each occupation covered by
sections 4115.03 to 4115.16 of the Revised Code, the director of
commerce shall establish the rate of wages payable for each

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occupation. 1637

(3) The residential prevailing rate of wages established 1638
under division (A)(1) or (2) of this section shall not be equal to 1639
or greater than the prevailing rate of wages determined by the 1640
director pursuant to sections 4115.03 to 4115.16 of the Revised 1641
Code for any of the occupations covered by those sections. 1642

(B) Except for the prevailing rate of wages determined by the 1643
director pursuant to sections 4115.03 to 4115.16 of the Revised 1644
Code, those sections and section 4115.99 of the Revised Code apply 1645
to projects. 1646

(C) The residential prevailing rate of wages established 1647
under division (A) of this section is not payable to any 1648
individual or member of that individual's family who provides 1649
labor in exchange for acquisition of the property for 1650
homeownership or who provides labor in place of or as a supplement 1651
to any rental payments for the property. 1652

(D) For the purposes of this section: 1653

(1) "Project" means any construction, rehabilitation, 1654
remodeling, or improvement of residential housing, whether on a 1655
single or multiple site for which a person, as defined in section 1656
1.59 of the Revised Code, or municipal corporation, county, or 1657
township receives financing, that is financed in whole or in part 1658
from state moneys or pursuant to this chapter, section 133.51 or 1659
307.698 of the Revised Code, Chapter 174., or Chapter 175. of the 1660
Revised Code, except for any of the following: 1661

(a) The single-family mortgage revenue bonds homeownership 1662
program under Chapter 175. of the Revised Code, including 1663
owner-occupied dwellings of one to four units; 1664

(b) Projects consisting of fewer than six units developed by 1665
any entity that is not a nonprofit organization exempt from 1666
federal income tax under section 501(c)(3) of the Internal Revenue 1667

Code; 1668

(c) Projects of fewer than twenty-five units developed by any 1669
nonprofit organization that is exempt from federal income tax 1670
under section 501(c)(3) of the Internal Revenue Code; 1671

(d) Programs undertaken by any municipal corporation, county, 1672
or township, including lease-purchase programs, using mortgage 1673
revenue bond financing; 1674

(e) Any individual project, that is sponsored or developed by 1675
a nonprofit organization that is exempt from federal income tax 1676
under section 501(c)(3) of the Internal Revenue Code, for which 1677
the federal government or any of its agencies furnishes by loan, 1678
grant, low-income housing tax credit, or insurance more than 1679
twelve per cent of the costs of the project. For purposes of 1680
division (D)(2)(e) of this section, the value of the low-income 1681
housing tax credits shall be calculated as the proceeds from the 1682
sale of the tax credits, less the costs of the sale. 1683

As used in division (D)(1)(e) of this section, "sponsored" 1684
means that the general partner of a limited partnership owning the 1685
project is either a nonprofit organization that is exempt from 1686
federal income tax under section 501(c)(3) of the Internal Revenue 1687
Code or a person, as defined in section 1.59 of the Revised Code, 1688
in which such a nonprofit organization maintains controlling 1689
interest. 1690

Nothing in division (D)(1)(e) of this section shall be 1691
construed as permitting unrelated projects to be combined for the 1692
sole purpose of determining the total percentage of project costs 1693
furnished by the federal government or any of its agencies. 1694

(2) A "project" is a "public improvement" and the state or a 1695
political subdivision that undertakes or participates in the 1696
financing of a project is a "public authority," as both of the 1697
last two terms are defined in section 4115.03 of the Revised Code. 1698

(3) "Qualified volunteers" are volunteers who are working
without compensation for a nonprofit organization that is exempt
from federal income tax under section 501(c)(3) of the Internal
Revenue Code, and that is providing housing or housing assistance
only to families and individuals in a county whose incomes are not
greater than one hundred forty per cent of the median income of
that county as determined under section ~~175.23~~ 174.04 of the
Revised Code.

Sec. 176.06. (A) Each municipal corporation, county, and
township shall compile and make available, in accordance with this
section, to the public for inspection and copying for a period of
five years, the number and total dollar amount of mortgage loans
that were originated, for which completed applications were
received and applicants were rejected, and that were purchased by
that municipal corporation, county, or township during each fiscal
year. Information regarding each ~~of the mortgage loan categories~~
~~listed above~~ category described in this section shall be itemized
to clearly and conspicuously disclose the following:

~~(A)~~ (1) The number and dollar amount of mortgage loans insured
under Title II of the "National Housing Act," 48 Stat. 1246
(1934), 12 U.S.C.A. 1707 et seq., or under Title V of the "Housing
Act of 1949," 63 Stat. 413, 432, 42 U.S.C.A. 1471 et seq., or
guaranteed under the "Veterans' Loan Act," 58 Stat. 284 (1944), 38
U.S.C.A. 1801 et seq.;

~~(B)~~ (2) The number and dollar amount of mortgage loans made to
mortgagors who did not, at the time of execution of the mortgage,
intend to reside in the property securing the mortgage loan;

~~(C)~~ (3) The number and dollar amount of home improvement
loans;

~~(D)~~ (4) The number and dollar amount of mortgage loans

involving mortgagors or mortgage applicants grouped according to 1729
census tract, income level, race, color, religion, sex, ancestry, 1730
disability as defined in section 4112.01 of the Revised Code, and 1731
national origin. 1732

(B) The information described in this section shall be made 1733
available to the public in raw data form and updated quarterly. 1734
Within four months after the end of each fiscal year, each 1735
municipal corporation, county, and township shall submit to the 1736
president of the senate and the speaker of the house of 1737
representatives a report containing the information described in 1738
this section for the immediately preceding fiscal year. 1739

(C) As used in this section, "mortgage loan" ~~has the same~~ 1740
~~meaning as in section 175.01 of the Revised Code~~ means a loan 1741
secured by a mortgage, deed of trust, or other security interest 1742
to finance the acquisition, construction, improvement, or 1743
rehabilitation of single-family residential housing. 1744

Sec. 176.07. The director of development, in consultation 1745
with the public and the housing trust fund advisory committee 1746
created under section ~~175.25~~ 174.06 of the Revised Code, shall 1747
develop regulations applicable to all existing and future state 1748
housing loan, loan guarantee, loan subsidy, and grant programs. 1749
The regulations shall require recipients of financing from state 1750
housing programs, that provide or assist in providing multi-family 1751
rental housing, to do both of the following: 1752

(A) Reasonably ensure that the multi-family rental housing 1753
will be affordable to those families and individuals targeted for 1754
the multi-family rental housing for the useful life of the 1755
multi-family rental housing or thirty years, whichever is longer; 1756

(B) Prepare and implement a plan to reasonably assist any 1757
families and individuals displaced by the multi-family housing in 1758
obtaining decent affordable housing. 1759

The department of development shall distribute a copy of 1760
these regulations to each local housing advisory board to serve as 1761
a guideline for carrying out the requirements of divisions (D)(2) 1762
and (3) of section 176.04 of the Revised Code. 1763

Sec. 319.63. (A) During the first thirty days of each 1764
calendar quarter, the county auditor shall pay to the treasurer of 1765
state all amounts that the county recorder collected as housing 1766
trust fund fees pursuant to section 317.36 of the Revised Code 1767
during the previous calendar quarter. If payment is made to the 1768
treasurer of state within the first thirty days of the quarter, 1769
the county auditor may retain an administrative fee of one per 1770
cent of the amount of the trust fund fees collected during the 1771
previous calendar quarter. 1772

(B) The treasurer of state shall deposit the first fifty 1773
million dollars of housing trust fund fees received each year 1774
pursuant to this section into the low- and moderate-income housing 1775
trust fund, created under section ~~175.21~~ 174.02 of the Revised 1776
Code, and shall deposit any amounts received each year in excess 1777
of fifty million dollars into the state general revenue fund. 1778

(C) The county auditor shall deposit the administrative fee 1779
that the auditor is permitted to retain pursuant to division (A) 1780
of this section into the county general fund for the county 1781
recorder to use in administering the trust fund fee. 1782

Sec. 1349.11. (A) No lending institution, as defined in 1783
~~division (E) of~~ section 175.01 of the Revised Code, that is 1784
affiliated with or authorized to be affiliated with a real estate 1785
broker and that provides real estate brokerage services to third 1786
parties shall fix or vary the terms and conditions on a mortgage 1787
loan, or the granting of ~~any such~~ a mortgage loan, on the 1788
condition or requirement that the customer of the lending 1789

institution use or employ the services of the affiliated real 1790
estate broker. 1791

(B) A lending institution, service corporation, or any person 1792
engaged in providing real estate brokerage services to third 1793
parties at all times shall be identified as separate and distinct 1794
from any lending institution with which it is affiliated or 1795
associated and shall hold itself out as ~~such~~ separate and distinct 1796
by doing both of the following: 1797

(1) Providing full and complete disclosure in writing of its 1798
relationship with the lending institution to persons who employ it 1799
to provide real estate brokerage services; 1800

(2) Separately identifying any office space it uses in any 1801
building also used by the lending institution. 1802

(C) No ~~such~~ service corporation, real estate broker, or 1803
person associated with a lending institution shall represent to 1804
the public or to any person employing the corporation, real estate 1805
broker, or person to provide real estate brokerage services that 1806
the lending institution offers ~~or will offer~~ different terms and 1807
conditions on mortgage loans to those who employ the corporation, 1808
real estate broker, or person for real estate brokerage services 1809
than to persons who do not so employ the corporation, real estate 1810
broker, or person. 1811

(D) This section does not apply to real estate owned by 1812
lending institutions. 1813

(E) Subject to division (F) of this section, the director of 1814
commerce and appropriate division superintendents within the 1815
department of commerce shall enforce this section. 1816

(F)(1)(a) The superintendent of real estate shall enforce and 1817
administer this section insofar as it relates to persons licensed 1818
as real estate brokers pursuant to Chapter 4735. of the Revised 1819

Code. In that enforcement and administration, the superintendent 1820
possesses and may use the authority conferred ~~upon him~~ by that 1821
chapter. 1822

(b) The director of commerce~~,~~ and the superintendent of ~~the~~ 1823
any division within the department of commerce that has 1824
jurisdiction over a particular lending institution~~,~~ shall enforce 1825
and administer this section insofar as it relates to that lending 1826
institution. ~~Correspondingly, the~~ The superintendent of real 1827
estate shall not enforce and administer this section insofar as it 1828
relates to any lending institution. 1829

(2) ~~If a~~ Any licensed real estate broker ~~who is~~ subject to 1830
~~the requirements of division (B) of this section or the~~ 1831
~~prohibition of division (C) of this section~~ who fails to comply 1832
~~with those requirements or that prohibition, the failure~~ 1833
~~constitutes~~ either division is guilty of misconduct for purposes 1834
of division (A)(6) of section 4735.18 of the Revised Code. 1835

Section 2. That existing sections 122.63, 149.43, 169.05, 1836
173.08, 175.08, 175.09, 175.21, 175.22, 175.23, 175.24, 175.25, 1837
175.26, 176.05, 176.06, 176.07, 319.63, and 1349.11 and sections 1838
175.01, 175.02, 175.03, 175.04, 175.05, 175.06, 175.07, 175.10, 1839
175.11, 175.12, 175.13, 175.14, and 175.15 of the Revised Code are 1840
hereby repealed. 1841

Section 3. On the effective date of this act, the Ohio 1842
Housing Finance Agency of the Ohio Department of Development is 1843
hereby transferred to the Ohio Housing Finance Agency. All of the 1844
Department of Development's functions, powers, duties, and 1845
obligations that pertain to the Ohio Housing Finance Agency are 1846
hereby transferred and assigned to the Ohio Housing Finance Agency 1847
as constituted by this act. All of the Department of Development's 1848
records, files, equipment, and contractual obligations that 1849
pertain to its functions, powers, duties, and obligations related 1850

to the Ohio Housing Finance Agency are transferred to the Ohio 1851
Housing Finance Agency on the effective date of this act. 1852

The Ohio Housing Finance Agency shall conduct and complete 1853
any business or matter of the Department of Development that 1854
pertains to the functions, powers, duties, and obligations this 1855
act transfers to the Agency or that is assigned and pending on the 1856
effective date of this act. The Agency shall conduct any business 1857
or matter transferred to it in the same manner, under the same 1858
terms and conditions, and with the same effect as if conducted by 1859
the Department of Development. 1860

All of the Department of Development's criteria, acts, 1861
determinations, certifications, and decisions pertaining to 1862
functions this act transfers and assigns to the Ohio Housing 1863
Finance Agency shall continue in force as the agency's criteria, 1864
acts, determinations, certifications, and decisions until the 1865
agency modifies or terminates them. 1866

Any reference in a law, contract, or other document to a 1867
function, power, duty, or obligation of the Department of 1868
Development that this act transfers to the Ohio Housing Finance 1869
Agency is deemed to be a reference to a function, power, duty, or 1870
obligation of the Ohio Housing Finance Agency. 1871

This act does not affect any existing right or remedy of any 1872
character except that the Ohio Housing Finance Agency shall 1873
administer those rights and remedies instead of the Department of 1874
Development. 1875

Effective the first pay period in which personal services 1876
expenses are charged against fiscal year 2004 appropriations, all 1877
employees of the Ohio Housing Finance Agency of the Department of 1878
Development are transferred to the Ohio Housing Finance Agency. 1879
All employees retain their respective civil service 1880
classifications and status, together with all rights, benefits, 1881

and privileges provided by collective bargaining agreements 1882
negotiated pursuant to Chapter 4117. of the Revised Code. 1883
Notwithstanding section 124.13 of the Revised Code, all vacation 1884
time and other benefits earned by those employees are deemed to 1885
have been earned by them as employees of the Ohio Housing Finance 1886
Agency. Any employee who, at the time of transfer, has a temporary 1887
or provisional appointment is transferred subject to the same 1888
right of removal, examination, or termination as though the 1889
transfer had not been made. 1890

Employees not governed by collective bargaining agreements 1891
negotiated pursuant to Chapter 4117. of the Revised Code retain 1892
their respective status, and are governed by Chapter 124. of the 1893
Revised Code. 1894

No action or proceeding brought by the Department of 1895
Development that is pending on the effective date of this act and 1896
that pertains to a function, power, duty, or obligation that this 1897
act transfers to the Ohio Housing Finance Agency is affected by 1898
this act but may be prosecuted or defended in the name of the Ohio 1899
Housing Finance Agency. In any action or proceeding, the Ohio 1900
Housing Finance Agency shall be substituted as a party upon 1901
application to the court. 1902

Not later than one hundred twenty days after the effective 1903
date of this act, the Auditor of State shall provide to the 1904
Executive Director of the Ohio Housing Finance Agency a 1905
comprehensive audit of all funds, assets, and liabilities of the 1906
Department of Development that are related to Ohio Housing Finance 1907
Agency programs. Upon receipt of the audit, the Executive Director 1908
shall submit a copy of the audit to the Office of Budget and 1909
Management which shall request the Controlling Board to transfer 1910
to the Ohio Housing Finance Agency any funds, assets, and 1911
liabilities that this act does not otherwise transfer to the 1912
agency. 1913