

As Introduced

**127th General Assembly
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2007-2008**

H. B. No. 386

Representative Harwood

**Cosponsors: Representatives Fende, Hagan, R., Healy, Gerberry, Celeste,
Strahorn, Brady, Hughes, Williams, B., Ujvagi, Skindell, Letson, Chandler,
Williams, S., Fessler, Yuko, DeBose, Lundy, Bolon, Otterman, Domenick,
Dyer, Stewart, D., DeGeeter, Evans, Goyal, Okey, Heard, Batchelder**

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A B I L L

To enact section 1349.38 of the Revised Code to 1
prohibit a creditor within eighteen months of the 2
person's release from active duty from initiating 3
a mortgage foreclosure against a person who is a 4
veteran who has made a claim for disability 5
benefits and to forgive Ohio court costs for 6
veterans seeking civil damages in an Ohio court 7
for denial of rights. 8

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

Section 1. That section 1349.38 of the Revised Code be 9
enacted to read as follows: 10

Sec. 1349.38. (A) As used in this section: 11

(1) "Veteran" means an individual who has served in the 12
active military or naval service of the United States and who was 13
discharged or released under circumstances other than 14
dishonorable; 15

(2) "Disability benefit" means a disability benefit in 16

connection with military service administered by the veterans' administration under title 38 of the United States Code. 17
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(3) "Uniformed services" has the same meaning as in 10 U.S.C. 101. 19
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(B) The property of a veteran who has made a good faith claim for disability benefits shall not be subject to sale pursuant to section 2329.01 of the Revised Code during a period of time commencing with the veteran's discharge from active duty and ending eighteen months after such discharge. 21
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(C) No creditor shall foreclose on a mortgage loan against a veteran, for a period of time commencing with the veteran's discharge from active duty and ending eighteen months after such discharge, when both of the following apply: 26
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(1) The veteran has made a good faith claim for disability benefits and the disability is a result of the person's active duty in the uniformed services; 30
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(2) The veteran has submitted to the creditor, prior to the creditor's filing a motion for foreclosure, notarized documentation verifying the veteran's discharge from active duty and the veteran's application for disability benefits. 33
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(D) No creditor shall deny a member of the uniformed services, whose application for an interest rate limitation is in compliance with and meets the requirements of the "Servicemembers Civil Relief Act," 117 Stat. 2835 (2003), 50 U.S.C. App. 527, the right to an interest rate reduction in compliance with that act. 37
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(E) Notwithstanding any other provision of the Revised Code, court costs may not be charged against any person claiming rights under this section. 42
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(F) In any action or proceeding to enforce a provision of this section, the court shall award to a plaintiff who prevails in 45
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such action or proceeding reasonable attorney's fees, expert 47
witness fees, and other litigation expenses. If the plaintiff does 48
not receive a favorable judgment from the court in that action the 49
court shall not require the plaintiff to reimburse the defendant 50
for attorney's fees. 51