

As Introduced

**127th General Assembly
Regular Session
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S. B. No. 283

Senator Roberts

Cosponsors: Senators Mumper, Kearney, Miller, R., Miller, D.

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A B I L L

To amend sections 317.13 and 715.261 and to enact 1
section 319.204 of the Revised Code to authorize 2
municipal corporations to collect their unpaid 3
costs for correcting hazardous conditions or 4
abating nuisances caused by unsafe structures by 5
attaching a lien against the property owner's 6
primary residence, and to require persons with 7
interests in real property to file identifying 8
information with county auditors. 9

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

Section 1. That sections 317.13 and 715.261 be amended and 10
section 319.204 of the Revised Code be enacted to read as follows: 11
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Sec. 317.13. (A) Except as otherwise provided in division (B) 13
of this section, the county recorder shall record in the proper 14
record, in legible handwriting, typewriting, or printing, or by 15
any authorized photographic or electronic process, all deeds, 16
mortgages, plats, or other instruments of writing that are 17
required or authorized by the Revised Code to be recorded and that 18
are presented to the recorder for that purpose. The recorder shall 19

record the instruments in regular succession, according to the 20
priority of presentation, and shall enter the file number at the 21
beginning of the record. On the record of each instrument, the 22
recorder shall record the date and precise time the instrument was 23
presented for record. All records made, prior to July 28, 1949, by 24
means authorized by this section or by section 9.01 of the Revised 25
Code shall be deemed properly made. 26

(B) The county recorder may refuse to record an instrument of 27
writing presented to the recorder for recording if the instrument 28
is not required or authorized by the Revised Code to be recorded 29
or the recorder has reasonable cause to believe the instrument is 30
materially false or fraudulent. This division does not create a 31
duty upon a recorder to inspect, evaluate, or investigate an 32
instrument of writing that is presented for recording. 33

(C) If a person presents an instrument of writing to the 34
county recorder for recording and the recorder, pursuant to 35
division (B) of this section, refuses to record the instrument, 36
the person may commence an action in or apply for an order from 37
the court of common pleas in the county that the recorder serves 38
to require the recorder to record the instrument. If the court 39
determines that the instrument is required or authorized by the 40
Revised Code to be recorded and is not materially false or 41
fraudulent, it shall order the recorder to record the instrument. 42

(D) The county recorder shall maintain a list of the name and 43
current address, with a cross-reference to the real property, of 44
each person that files the form required by section 319.204 of the 45
Revised Code. 46

Sec. 319.204. Any person with an interest in real property by 47
deed, mortgage, plat, or other instrument of writing recorded in 48
accordance with section 317.13 of the Revised Code shall file and 49
maintain with the county auditor, on a form provided by the county 50

auditor, the person's name and current address for receiving 51
notices related to the ownership, taxation, condition, or use of 52
the real property. 53

Sec. 715.261. (A) As used in this section, "total cost" means 54
any costs incurred due to the use of employees, materials, or 55
equipment of the municipal corporation, any costs arising out of 56
contracts for labor, materials, or equipment, and costs of service 57
of notice or publication required under this section. 58

(B) A municipal corporation may collect the total cost of 59
removing, repairing, or securing insecure, unsafe, structurally 60
defective, abandoned, deserted, or open and vacant buildings or 61
other structures, of making emergency corrections of hazardous 62
conditions, or of abating any nuisance by any of the following 63
methods: 64

(1) The ~~clerk of the~~ legislative authority of the municipal 65
corporation may certify the total costs, together with a proper 66
description of the ~~lands~~ parcel, to the county auditor, who shall 67
~~place~~ enter the costs ~~upon~~ as a charge against the parcel on the 68
tax ~~duplicate~~ list of real and public utility property. The costs 69
are a lien upon ~~such lands~~ the parcel from and after the date of 70
entry. The costs shall be collected as other taxes and returned to 71
the municipal corporation. 72

(2) The municipal corporation may commence a civil action to 73
recover the total costs from the owner. 74

(3) The legislative authority of the municipal corporation 75
may certify the amount of the total costs to the county auditor of 76
the county in which is located the primary residence of the owner 77
of record of property for which the total costs were incurred if 78
the location is known. If the owner of record is an association, 79
the amount may be certified to the county auditor of the county in 80
which is located the primary residence of the individual who owns 81

the majority or greatest share of the association's equity 82
interests if known. Before the costs may be certified to the 83
county auditor, the legislative authority shall send notice by 84
certified mail to the last known tax mailing address of the owner 85
of record indicating that failure to pay the total costs within 86
thirty days, or to show just cause why the total costs should not 87
be paid within thirty days, will result in the costs being charged 88
against the owner's primary residence and constituting a lien on 89
that residence enforceable as a lien for taxes. Delivery of the 90
notice to the owner of record's last known tax mailing address 91
constitutes constructive notice to the owner of record of the 92
total costs due. The absence of a valid tax mailing address for 93
the owner does not preclude the legislative authority from having 94
the total costs charged against the owner's primary residence in 95
accordance with this section. 96

If payment is not received or just cause for nonpayment is 97
not shown within thirty days after service of notice, the 98
legislative authority may certify the amount of the total costs, 99
together with a proper description of that parcel, to the county 100
auditor of the county in which the owner's primary residence is 101
located. The county auditor shall enter the amount on the current 102
tax list of real and public utility property. If the duplicate of 103
the current tax list has already been certified to the county 104
treasurer, the auditor shall enter the amount as a marginal entry 105
on the list and certify the amount to the county treasurer, who 106
shall likewise make a marginal entry on the duplicate. From the 107
date on which it is entered on the tax list, the certified amount 108
is a lien on the primary residence and shall be collected in the 109
same manner as other taxes, except that, notwithstanding section 110
323.15 of the Revised Code, the county treasurer shall accept a 111
payment in that amount when separately tendered as payment for the 112
full amount of those unpaid total costs. The lien shall be 113
released immediately upon payment in full of the certified amount. 114

Any amount collected by the county treasurer under this division 115
shall be returned to the municipal corporation. 116

(C) This section applies to any action taken by a municipal 117
corporation pursuant to section 715.26 of the Revised Code or 118
pursuant to Section 3 of Article XVIII, Ohio Constitution. 119

(D) A municipal corporation shall not certify to the county 120
auditor for placement upon the tax list and duplicate the cost of 121
any action that it takes under division (B) of this section if the 122
action is taken on land that has been forfeited to this state for 123
delinquent taxes, unless the owner of record redeems the land. 124

Section 2. That existing sections 317.13 and 715.261 of the 125
Revised Code are hereby repealed. 126