

As Reported by the House Ways and Means Committee

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Sub. S. B. No. 306

Senator Schuler

**Cosponsors: Senators Mumper, Seitz, Wagoner, Schaffer, Spada, Cates,
Amstutz, Austria, Buehrer, Grendell, Harris, Niehaus, Padgett, Schuring,
Stivers, Jacobson**

Representatives Gibbs, Schindel, Mecklenborg, Hagan, J., Slesnick

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A B I L L

To amend sections 135.804, 307.695, 322.07, 323.151, 1
323.152, 323.153, 323.154, 323.155, 323.156, 2
323.159, 3317.16, 4503.065, 4503.066, 4503.067, 3
4503.068, 4735.18, and 5739.09 and to enact 4
section 4735.24 of the Revised Code to change the 5
definition of "housing cooperative" for the 6
purposes of the county homestead tax exemptions 7
and property tax payment link deposit programs for 8
low-to-moderate income senior citizens and 9
permanently disabled citizens, to expand the 10
definition of a homestead owner to include 11
settlers of irrevocable inter vivos trusts, to 12
eliminate the necessity of issuing certificates of 13
reduction for homestead exemptions, to modify how 14
state funding for joint vocational school 15
districts is computed when a new school district 16
is added to the joint district, to establish 17
requirements for the disbursement of earnest money 18
deposited in a real estate broker's trust or 19
special account, and to allow certain counties to 20

increase the lodging tax by up to four per cent to 21
fund a new arena or convention center project. 22

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

Section 1. That sections 135.804, 307.695, 322.07, 323.151, 23
323.152, 323.153, 323.154, 323.155, 323.156, 323.159, 3317.16, 24
4503.065, 4503.066, 4503.067, 4503.068, 4735.18, and 5739.09 be 25
amended and section 4735.24 of the Revised Code be enacted to read 26
as follows: 27

Sec. 135.804. As used in sections 135.804 to 135.807 of the 28
Revised Code: 29

(A) "Taxes" has the same meaning as in section 323.01 of the 30
Revised Code. 31

(B) "Eligible borrower" means a person meeting all of the 32
following: 33

(1) The person is the owner of a homestead that is not 34
charged with more than two years' worth of certified delinquent 35
taxes. 36

(2) The person had total income in the year prior to 37
submitting an application for a reduced rate loan under a property 38
tax payment linked deposit program of the lesser of fifty thousand 39
dollars or the total income limit established pursuant to section 40
135.805 of the Revised Code by the board of county commissioners 41
as an eligibility requirement for participation in a property tax 42
payment linked deposit program. 43

(3) The person meets all other eligibility requirements 44
established pursuant to section 135.805 of the Revised Code by the 45
board of county commissioners for participation in a property tax 46
payment linked deposit program. 47

(C) "Eligible lending institution" means a financial 48
institution that meets all of the following: 49

(1) The financial institution is eligible to make loans to 50
individuals that are secured by mortgages, including mortgages 51
commonly known as reverse mortgages. 52

(2) The financial institution has an office located within 53
the territorial limits of the county. 54

(3) The financial institution is an eligible public 55
depository described in section 135.32 of the Revised Code into 56
which the county's investing authority may deposit the public 57
moneys of the county. 58

(4) The financial institution has entered into an agreement 59
described in division (B)(4) of section 135.805 of the Revised 60
Code with the investing authority of the county to participate in 61
the property tax payment linked deposit program. 62

(D)(1) "Homestead" means either of the following: 63

~~(1)~~(a) A dwelling, including a unit in a multiple-unit 64
dwelling and a manufactured home or mobile home taxed as real 65
property pursuant to division (B) of section 4503.06 of the 66
Revised Code, owned and occupied as a home by an individual whose 67
domicile is in this state and who has not acquired ownership from 68
a person, other than the individual's spouse, related by 69
consanguinity or affinity for the purpose of qualifying for a 70
property tax payment linked deposit program. 71

~~(2)~~(b) A unit in a housing cooperative that is occupied as a 72
home, but not owned, by an individual whose domicile is in this 73
state. 74

(2) The homestead shall include so much of the land 75
surrounding it, not exceeding one acre, as is reasonably necessary 76
for the use of the dwelling or unit as a home. An owner includes a 77

holder of one of the several estates in fee, a vendee in 78
possession under a purchase agreement or a land contract, a 79
mortgagor, a life tenant, one or more tenants with a right of 80
survivorship, tenants in common, and a settlor of a revocable or 81
irrevocable inter vivos trust holding the title to a homestead 82
occupied by the settlor as of right under the trust. 83

(E) "Housing cooperative" means a housing complex of at least 84
two ~~hundred fifty~~ units that is owned and operated by a nonprofit 85
corporation that issues a share of the corporation's stock to an 86
individual, entitling the individual to live in a unit of the 87
complex, and collects a monthly maintenance fee from the 88
individual to maintain, operate, and pay the taxes of the complex. 89

(F) "Investing authority" and "public moneys" have the same 90
meanings as in section 135.31 of the Revised Code. 91

(G) "Lien certificate" means the certificate described in 92
section 135.807 of the Revised Code. 93

(H) "Old age and survivors benefits received pursuant to the 94
'Social Security Act'" or "tier I railroad retirement benefits 95
received pursuant to the 'Railroad Retirement Act'" means: 96

(1) Old age benefits payable under the social security or 97
railroad retirement laws in effect on the last day of the calendar 98
year prior to the year for which a reduced rate loan under a 99
property tax payment linked deposit program is applied for, or, if 100
no such benefits are payable that year, old age benefits payable 101
the first succeeding year in which old age benefits under the 102
social security or railroad retirement laws are payable, except in 103
those cases where a change in social security or railroad 104
retirement benefits results in a reduction in income. 105

(2) The lesser of: 106

(a) Survivors benefits payable under the social security or 107
railroad retirement laws in effect on the last day of the calendar 108

year prior to the year for which a reduced rate loan under a 109
property tax payment linked deposit program is applied for, or, if 110
no such benefits are payable that year, survivors benefits payable 111
the first succeeding year in which survivors benefits are payable; 112
or 113

(b) Old age benefits of the deceased spouse, as determined 114
under division (H)(1) of this section, upon which the surviving 115
spouse's survivors benefits are based under the social security or 116
railroad retirement laws, except in those cases where a change in 117
benefits would cause a reduction in income. 118

Survivors benefits are those described in division (H)(2)(b) 119
of this section only if the deceased spouse received old age 120
benefits in the year in which the deceased spouse died. If the 121
deceased spouse did not receive old age benefits in the year in 122
which the deceased spouse died, then survivors benefits are those 123
described in division (H)(2)(a) of this section. 124

(I) "Permanently and totally disabled" means a person who, on 125
the first day of January of the year that a reduced rate loan 126
under a property tax payment linked deposit program is applied 127
for, has some impairment in body or mind that makes the person 128
unable to work at any substantially remunerative employment that 129
the person reasonably is able to perform and that will, with 130
reasonable probability, continue for an indefinite period of at 131
least twelve months without any present indication of recovery 132
therefrom or has been certified as permanently and totally 133
disabled by a state or federal agency having the function of so 134
classifying persons. 135

(J) "Property tax payment linked deposit program" means a 136
~~county-wide~~ countywide program authorized under section 135.805 of 137
the Revised Code and established by the board of county 138
commissioners of a county pursuant to that section. 139

(K) "Sixty-five years of age or older" means a person who has 140
attained age sixty-four prior to the first day of January of the 141
year of application for a reduced rate loan under a property tax 142
payment linked deposit program. 143

(L) "Total income" means the adjusted gross income of the 144
owner and the owner's spouse for the year preceding the year in 145
which application for a reduced rate loan under a property tax 146
payment linked deposit program is made, as determined under the 147
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as 148
amended, adjusted as follows: 149

(1) Subtract the amount of disability benefits included in 150
adjusted gross income, but not to exceed fifty-two hundred 151
dollars; 152

(2) Add old age and survivors benefits received pursuant to 153
the "Social Security Act" that are not included in adjusted gross 154
income; 155

(3) Add retirement, pension, annuity, or other retirement 156
payments or benefits not included in adjusted gross income; 157

(4) Add tier I and tier II railroad retirement benefits 158
received pursuant to the "Railroad Retirement Act," 50 Stat. 307, 159
45 U.S.C.A. 228; 160

(5) Add interest on federal, state, and local government 161
obligations; 162

(6) For a person who received a reduced rate loan under a 163
property tax payment linked deposit program for a prior year on 164
the basis of being permanently and totally disabled and whose 165
current application for a reduced rate loan is made on the basis 166
of age, subtract the following amount: 167

(a) If the person received disability benefits that were not 168
included in adjusted gross income in the year preceding the first 169

year in which the person applied for a reduced rate loan on the 170
basis of age, subtract an amount equal to the disability benefits 171
the person received in that preceding year, to the extent included 172
in total income in the current year and not subtracted under 173
division (L)(1) of this section in the current year; 174

(b) If the person received disability benefits that were 175
included in adjusted gross income in the year preceding the first 176
year in which the person applied for a reduced rate loan on the 177
basis of age, subtract an amount equal to the amount of disability 178
benefits that were subtracted pursuant to division (L)(1) of this 179
section in that preceding year, to the extent included in total 180
income in the current year and not subtracted under division 181
(L)(1) of this section in the current year. 182

Disability benefits that are paid by the department of 183
veterans affairs or a branch of the armed forces of the United 184
States on account of an injury or disability shall not be included 185
in total income. 186

Sec. 307.695. (A) As used in this section: 187

(1) "Arena" means any structure designed and constructed for 188
the purpose of providing a venue for public entertainment and 189
recreation by the presentation of concerts, sporting and athletic 190
events, and other events and exhibitions, including facilities 191
intended to house or provide a site for one or more athletic or 192
sports teams or activities, spectator facilities, parking 193
facilities, walkways, and auxiliary facilities, real and personal 194
property, property rights, easements, leasehold estates, and 195
interests that may be appropriate for, or used in connection with, 196
the operation of the arena. 197

(2) "Convention center" means any structure expressly 198
designed and constructed for the purposes of presenting 199
conventions, public meetings, and exhibitions and includes parking 200

facilities that serve the center and any personal property used in 201
connection with any such structure or facilities. 202

(3) "Eligible county" means a county having a population of 203
at least four hundred thousand but not more than eight hundred 204
thousand according to the 2000 federal decennial census and that 205
directly borders the geographic boundaries of another state. 206

(4) "Entity" means a nonprofit corporation, a municipal 207
corporation, a port authority created under Chapter 4582. of the 208
Revised Code, or a convention facilities authority created under 209
Chapter 351. of the Revised Code. 210

(5) "Lodging taxes" means excise taxes levied under division 211
(A)(1), (A)(2), (A)(8), or (C) of section 5739.09 of the Revised 212
Code and the revenues arising therefrom. 213

(6) "Nonprofit corporation" means a nonprofit corporation 214
that is organized under the laws of this state and that includes 215
within the purposes for which it is incorporated the authorization 216
to lease and operate facilities such as a convention center or an 217
arena or a combination of an arena and convention center. 218

(7) "Project" means acquiring, constructing, reconstructing, 219
renovating, rehabilitating, expanding, adding to, equipping, 220
furnishing or otherwise improving an arena, a convention center, 221
or a combination of an arena and convention center. For purposes 222
of this section, a project is a permanent improvement for one 223
purpose under Chapter 133. of the Revised Code. 224

(8) "Project revenues" means money received by a county with 225
a population greater than four hundred thousand wherein the 226
population of the largest city comprises more than ~~one-third~~ 227
one-fourth of that county's population, other than money from 228
taxes or from the proceeds of securities secured by taxes, in 229
connection with, derived from, related to, or resulting from a 230
project, including, but not limited to, rentals and other payments 231

received under a lease or agreement with respect to the project, 232
ticket charges or surcharges for admission to events at a project, 233
charges or surcharges for parking for events at a project, charges 234
for the use of a project or any portion of a project, including 235
suites and seating rights, the sale of naming rights for the 236
project or a portion of the project, unexpended proceeds of any 237
county revenue bonds issued for the project, and any income and 238
profit from the investment of the proceeds of any such revenue 239
bonds or any project revenues. 240

(9) "Chapter 133. securities," "debt charges," "general 241
obligation," "legislation," "one purpose," "outstanding," 242
"permanent improvement," "person," and "securities" have the 243
meanings given to those terms in section 133.01 of the Revised 244
Code. 245

(B) A board of county commissioners may enter into an 246
agreement with a convention and visitors' bureau operating in the 247
county under which: 248

(1) The bureau agrees to construct and equip a convention 249
center in the county and to pledge and contribute from the tax 250
revenues received by it under division (A) of section 5739.09 of 251
the Revised Code, not more than such portion thereof that it is 252
authorized to pledge and contribute for the purpose described in 253
division (C) of this section; and 254

(2) The board agrees to levy a tax under division (C) of 255
section 5739.09 of the Revised Code and pledge and contribute the 256
revenues therefrom for the purpose described in division (C) of 257
this section. 258

(C) The purpose of the pledges and contributions described in 259
divisions (B)(1) and (2) of this section is payment of principal, 260
interest, and premium, if any, on bonds and notes issued by or for 261
the benefit of the bureau to finance the construction and 262

equipping of a convention center. The pledges and contributions 263
provided for in the agreement shall be for the period stated in 264
the agreement. Revenues determined from time to time by the board 265
to be needed to cover the real and actual costs of administering 266
the tax imposed by division (C) of section 5739.09 of the Revised 267
Code may not be pledged or contributed. The agreement shall 268
provide that any such bonds and notes shall be secured by a trust 269
agreement between the bureau or other issuer acting for the 270
benefit of the bureau and a corporate trustee that is a trust 271
company or bank having the powers of a trust company within or 272
without the state, and the trust agreement shall pledge or assign 273
to the retirement of the bonds or notes, all moneys paid by the 274
county under this section. A tax the revenues from which are 275
pledged under an agreement entered into by a board of county 276
commissioners under this section shall not be subject to 277
diminution by initiative or referendum, or diminution by statute, 278
unless provision is made therein for an adequate substitute 279
therefor reasonably satisfactory to the trustee under the trust 280
agreement that secures the bonds and notes. 281

(D) A pledge of money by a county under division (B) of this 282
section shall not be indebtedness of the county for purposes of 283
Chapter 133. of the Revised Code. 284

(E) If the terms of the agreement so provide, the board of 285
county commissioners may acquire and lease real property to the 286
convention bureau as the site of the convention center. The lease 287
shall be on such terms as are set forth in the agreement. The 288
purchase and lease are not subject to the limitations of sections 289
307.02 and 307.09 of the Revised Code. 290

(F) In addition to the authority granted to a board of county 291
commissioners under divisions (B) to (E) of this section, a board 292
of county commissioners in a county with a population of one 293
million two hundred thousand or more, or a county with a 294

population greater than four hundred thousand wherein the 295
population of the largest city comprises more than ~~one-third~~ 296
one-fourth of that county's population, may purchase, for cash or 297
by installment payments, enter into lease-purchase agreements for, 298
lease with an option to purchase, lease, construct, enlarge, 299
improve, rebuild, equip, or furnish a convention center. 300

(G) The board of county commissioners of a county with a 301
population greater than four hundred thousand wherein the 302
population of the largest city comprises more than ~~one-third~~ 303
one-fourth of that county's population may undertake, finance, 304
lease, operate, and maintain a project. For the purposes of this 305
section, leasing includes but is not limited to entering a 306
lease-purchase agreement. The board may lease a project to or from 307
an entity on terms that the board determines to be in the best 308
interest of the county and in furtherance of the public purpose of 309
the project; the lease may be for a term of thirty-five years or 310
less and may provide for an option of the entity or the county to 311
renew the lease for a term of thirty-five years or less. The board 312
may enter into an agreement with an entity with respect to a 313
project on terms that the board determines to be in the best 314
interest of the county and in furtherance of the public purpose of 315
the project. To the extent provided for in an agreement or a lease 316
with an entity, the board may authorize the entity to administer 317
on behalf of the board any contracts for the project. The board 318
may enter into an agreement providing for the sale to a person of 319
naming rights to a project or portion of a project, for a period, 320
for consideration, and on other terms and conditions that the 321
board determines to be in the best interest of the county and in 322
furtherance of the public purpose of the project. The board may 323
enter into an agreement with a person owning or operating a 324
professional athletic or sports team providing for the use by that 325
person of a project or portion of a project for that team's 326
offices, training, practices, and home games for a period, for 327

consideration, and on other terms and conditions that the board 328
determines to be in the best interest of the county and in 329
furtherance of the public purpose of the project. The board may 330
establish ticket charges or surcharges for admission to events at 331
a project, charges or surcharges for parking for events at a 332
project, and charges for the use of a project or any portion of a 333
project, including suites and seating rights, and may, as 334
necessary, enter into agreements related thereto with persons for 335
a period, for consideration, and on other terms and conditions 336
that the board determines to be in the best interest of the county 337
and in furtherance of the public purpose of the project. A lease 338
or agreement authorized by this division is not subject to 339
sections 307.02, 307.09, and 307.12 of the Revised Code. 340

341
(H) Notwithstanding any contrary provision in Chapter 5739. 342
of the Revised Code, after adopting a resolution declaring it to 343
be in the best interest of the county to undertake a project as 344
described in division (G) of this section, the board of county 345
commissioners of an eligible county may adopt a resolution 346
enacting or increasing any lodging taxes within the limits 347
specified in Chapter 5739. of the Revised Code with respect to 348
those lodging taxes and amending any prior resolution under which 349
any of its lodging taxes have been imposed in order to provide 350
that those taxes, after deducting the real and actual costs of 351
administering the taxes and any portion of the taxes returned to 352
any municipal corporation or township as provided in division 353
(A)(1) of section 5739.09 of the Revised Code, shall be used by 354
the board for the purposes of undertaking, financing, operating, 355
and maintaining the project, including paying debt charges on any 356
securities issued by the board under division (I) of this section, 357
or to make contributions to the convention and visitors' bureau 358
operating within the county, or to promote, advertise, and market 359
the region in which the county is located, all as the board may 360

determine and make appropriations for from time to time, subject 361
to the terms of any pledge to the payment of debt charges on 362
outstanding general obligation securities or special obligation 363
securities authorized under division (I) of this section. A 364
resolution adopted under division (H) of this section shall be 365
adopted not earlier than January 15, 2007, and not later than 366
January 15, 2008. 367

A resolution adopted under division (H) of this section may 368
direct the board of elections to submit the question of enacting 369
or increasing lodging taxes, as the case may be, to the electors 370
of the county at a special election held on the date specified by 371
the board in the resolution, provided that the election occurs not 372
less than seventy-five days after a certified copy of the 373
resolution is transmitted to the board of elections and no later 374
than January 15, 2008. A resolution submitted to the electors 375
under this division shall not go into effect unless it is approved 376
by a majority of those voting upon it. A resolution adopted under 377
division (H) of this section that is not submitted to the electors 378
of the county for their approval or disapproval is subject to a 379
referendum as provided in sections 305.31 to 305.41 of the Revised 380
Code. 381

A resolution adopted under division (H) of this section takes 382
effect upon its adoption, unless the resolution is submitted to 383
the electors of the county for their approval or disapproval, in 384
which case the resolution takes effect on the date the board of 385
county commissioners receives notification from the board of 386
elections of the affirmative vote. Lodging taxes received after 387
the effective date of the resolution may be used for the purposes 388
described in division (H) of this section, except that lodging 389
taxes that have been pledged to the payment of debt charges on any 390
bonds or notes issued by or for the benefit of a convention and 391
visitors' bureau under division (C) of this section shall be used 392

exclusively for that purpose until such time as the bonds or notes 393
are no longer outstanding under the trust agreement securing those 394
bonds or notes. 395

(I)(1) The board of county commissioners of a county with a 396
population greater than four hundred thousand wherein the 397
population of the largest city comprises more than ~~one-third~~ 398
one-fourth of that county's population may issue the following 399
securities of the county for the purpose of paying costs of the 400
project, refunding any outstanding county securities issued for 401
that purpose, refunding any outstanding bonds or notes issued by 402
or for the benefit of the bureau under division (C) of this 403
section, or for any combination of those purposes: 404

(a) General obligation securities issued under Chapter 133. 405
of the Revised Code. The resolution authorizing these securities 406
may include covenants to appropriate annually from lawfully 407
available lodging taxes, and to continue to levy and collect those 408
lodging taxes in, amounts necessary to meet the debt charges on 409
those securities. 410

(b) Special obligation securities issued under Chapter 133. 411
of the Revised Code that are secured only by lawfully available 412
lodging taxes and any other taxes and revenues pledged to pay the 413
debt charges on those securities, except ad valorem property 414
taxes. The resolution authorizing those securities shall include a 415
pledge of and covenants to appropriate annually from lawfully 416
available lodging taxes and any other taxes and revenues pledged 417
for such purpose, and to continue to collect any of those revenues 418
pledged for such purpose and to levy and collect those lodging 419
taxes and any other taxes pledged for such purpose, in amounts 420
necessary to meet the debt charges on those securities. The pledge 421
is valid and binding from the time the pledge is made, and the 422
lodging taxes so pledged and thereafter received by the county are 423
immediately subject to the lien of the pledge without any physical 424

delivery of the lodging taxes or further act. The lien of any 425
pledge is valid and binding as against all parties having claims 426
of any kind in tort, contract, or otherwise against the county, 427
regardless of whether such parties have notice of the lien. 428
Neither the resolution nor any trust agreement by which a pledge 429
is created or further evidenced is required to be filed or 430
recorded except in the records of the board. The special 431
obligation securities shall contain a statement on their face to 432
the effect that they are not general obligation securities, and, 433
unless paid from other sources, are payable from the pledged 434
lodging taxes. 435

(c) Revenue securities authorized under section 133.08 of the 436
Revised Code and issued under Chapter 133. of the Revised Code 437
that are secured only by lawfully available project revenues 438
pledged to pay the debt charges on those securities. 439

(2) The securities described in division (I)(1) of this 440
section are subject to Chapter 133. of the Revised Code. 441

(3) Section 133.34 of the Revised Code, except for division 442
(A) of that section, applies to the issuance of any refunding 443
securities authorized under this division. In lieu of division (A) 444
of section 133.34 of the Revised Code, the board of county 445
commissioners shall establish the maturity date or dates, the 446
interest payable on, and other terms of refunding securities as it 447
considers necessary or appropriate for their issuance, provided 448
that the final maturity of refunding securities shall not exceed 449
by more than ten years the final maturity of any bonds refunded by 450
refunding securities. 451

(4) The board may not repeal, rescind, or reduce all or any 452
portion of any lodging taxes pledged to the payment of debt 453
charges on any outstanding special obligation securities 454
authorized under this division, and no portion of any lodging 455
taxes that is pledged, or that the board has covenanted to levy, 456

collect, and appropriate annually to pay debt charges on any 457
outstanding securities authorized under this division is subject 458
to repeal, rescission, or reduction by the electorate of the 459
county. 460

Sec. 322.07. (A) By resolution the board of county 461
commissioners may prescribe a lower rate for the real property 462
transfer tax levied under section 322.02 of the Revised Code than 463
the uniform rate that is otherwise levied. The lower rate shall 464
apply to any deed conveying a homestead ~~for which the grantor has~~ 465
~~obtained a certificate of reduction in taxes under section 323.154~~ 466
~~of the Revised Code for~~ receiving a reduction in taxes under 467
division (A) of section 323.152 of the Revised Code. 468

(B) A board of county commissioners that prescribes a lower 469
real property transfer tax rate under division (A) of this section 470
shall prescribe the same lower rate for the manufactured home 471
transfer tax if it levies a manufactured home transfer tax under 472
section 322.06 of the Revised Code. The lower manufactured home 473
transfer tax rate shall apply to any certificate of title 474
conveying a used manufactured or used mobile home ~~for which the~~ 475
~~grantor has obtained a certificate of~~ receiving a reduction in 476
assessable value under section ~~4503.067~~ 4503.065 of the Revised 477
Code. 478

Sec. 323.151. As used in sections 323.151 to 323.159 of the 479
Revised Code: 480

(A) (1) "Homestead" means either of the following: 481

~~(1)~~ (a) A dwelling, including a unit in a multiple-unit 482
dwelling and a manufactured home or mobile home taxed as real 483
property pursuant to division (B) of section 4503.06 of the 484
Revised Code, owned and occupied as a home by an individual whose 485
domicile is in this state and who has not acquired ownership from 486

a person, other than the individual's spouse, related by 487
consanguinity or affinity for the purpose of qualifying for the 488
real property tax reduction provided in section 323.152 of the 489
Revised Code. 490

~~(2)~~(b) A unit in a housing cooperative that is occupied as a 491
home, but not owned, by an individual whose domicile is in this 492
state. 493

(2) The homestead shall include so much of the land 494
surrounding it, not exceeding one acre, as is reasonably necessary 495
for the use of the dwelling or unit as a home. An owner includes a 496
holder of one of the several estates in fee, a vendee in 497
possession under a purchase agreement or a land contract, a 498
mortgagor, a life tenant, one or more tenants with a right of 499
survivorship, tenants in common, and a settlor of a revocable or 500
irrevocable inter vivos trust holding the title to a homestead 501
occupied by the settlor as of right under the trust. The tax 502
commissioner shall adopt rules for the uniform classification and 503
valuation of real property or portions of real property as 504
homesteads. 505

(B) "Sixty-five years of age or older" means a person who has 506
attained age sixty-four prior to the first day of January of the 507
year of application for reduction in real estate taxes. 508

(C) "Permanently and totally disabled" means a person who 509
has, on the first day of January of the year of application for 510
reduction in real estate taxes, some impairment in body or mind 511
that makes the person unable to work at any substantially 512
remunerative employment that the person is reasonably able to 513
perform and that will, with reasonable probability, continue for 514
an indefinite period of at least twelve months without any present 515
indication of recovery therefrom or has been certified as 516
permanently and totally disabled by a state or federal agency 517
having the function of so classifying persons. 518

(D) "Housing cooperative" means a housing complex of at least 519
two ~~hundred fifty~~ units that is owned and operated by a nonprofit 520
corporation that issues a share of the corporation's stock to an 521
individual, entitling the individual to live in a unit of the 522
complex, and collects a monthly maintenance fee from the 523
individual to maintain, operate, and pay the taxes of the complex. 524

Sec. 323.152. In addition to the reduction in taxes required 525
under section 319.302 of the Revised Code, taxes shall be reduced 526
as provided in divisions (A) and (B) of this section. 527

(A)(1) Division (A) of this section applies to any of the 528
following: 529

(a) A person who is permanently and totally disabled; 530

(b) A person who is sixty-five years of age or older; 531

(c) A person who is the surviving spouse of a deceased person 532
who was permanently and totally disabled or sixty-five years of 533
age or older and who applied and qualified for a reduction in 534
taxes under this division in the year of death, provided the 535
surviving spouse is at least fifty-nine but not sixty-five or more 536
years of age on the date the deceased spouse dies. 537

(2) Real property taxes on a homestead owned and occupied, or 538
a homestead in a housing cooperative occupied, by a person to whom 539
division (A) of this section applies shall be reduced for each 540
year for which ~~the owner obtains a certificate of reduction from~~ 541
~~the county auditor under section 323.154 of the Revised Code or~~ 542
~~for which the occupant obtains a certificate of reduction in~~ 543
~~accordance with section 323.159 of the Revised Code~~ an application 544
for the reduction has been approved. The reduction shall equal the 545
greater of the reduction granted for the tax year preceding the 546
first tax year to which this section applies pursuant to Section 547
803.06 of Am. Sub. H.B. 119 of the 127th general assembly, if the 548

taxpayer received a reduction for that preceding tax year, or the 549
product of the following: 550

(a) Twenty-five thousand dollars of the true value of the 551
property in money; 552

(b) The assessment percentage established by the tax 553
commissioner under division (B) of section 5715.01 of the Revised 554
Code, not to exceed thirty-five per cent; 555

(c) The effective tax rate used to calculate the taxes 556
charged against the property for the current year, where 557
"effective tax rate" is defined as in section 323.08 of the 558
Revised Code; 559

(d) The quantity equal to one minus the sum of the percentage 560
reductions in taxes received by the property for the current tax 561
year under section 319.302 of the Revised Code and division (B) of 562
section 323.152 of the Revised Code. 563

(B) To provide a partial exemption, real property taxes on 564
any homestead, and manufactured home taxes on any manufactured or 565
mobile home on which a manufactured home tax is assessed pursuant 566
to division (D)(2) of section 4503.06 of the Revised Code, shall 567
be reduced for each year for which ~~the owner obtains a certificate~~ 568
~~of reduction from the county auditor under section 323.154 of the~~ 569
~~Revised Code~~ an application for the reduction has been approved. 570
The amount of the reduction shall equal two and one-half per cent 571
of the amount of taxes to be levied on the homestead or the 572
manufactured or mobile home after applying section 319.301 of the 573
Revised Code. 574

(C) The reductions granted by this section do not apply to 575
special assessments or respread of assessments levied against the 576
homestead, and if there is a transfer of ownership subsequent to 577
the filing of an application for a reduction in taxes, such 578
reductions are not forfeited for such year by virtue of such 579

transfer. 580

(D) The reductions in taxable value referred to in this 581
section shall be applied solely as a factor for the purpose of 582
computing the reduction of taxes under this section and shall not 583
affect the total value of property in any subdivision or taxing 584
district as listed and assessed for taxation on the tax lists and 585
duplicates, or any direct or indirect limitations on indebtedness 586
of a subdivision or taxing district. If after application of 587
sections 5705.31 and 5705.32 of the Revised Code, including the 588
allocation of all levies within the ten-mill limitation to debt 589
charges to the extent therein provided, there would be 590
insufficient funds for payment of debt charges not provided for by 591
levies in excess of the ten-mill limitation, the reduction of 592
taxes provided for in sections 323.151 to 323.159 of the Revised 593
Code shall be proportionately adjusted to the extent necessary to 594
provide such funds from levies within the ten-mill limitation. 595

(E) No reduction shall be made on the taxes due on the 596
homestead of any person convicted of violating division ~~(C)~~ or (D) 597
or (E) of section 323.153 of the Revised Code for a period of 598
three years following the conviction. 599

Sec. 323.153. (A) To obtain a reduction in real property 600
taxes under division (A) or (B) of section 323.152 of the Revised 601
Code or in manufactured home taxes under division (B) of section 602
323.152 of the Revised Code, the owner shall file an application 603
with the county auditor of the county in which the owner's 604
homestead is located. 605

To obtain a reduction in real property taxes under division 606
(A) of section 323.152 of the Revised Code, the occupant of a 607
homestead in a housing cooperative shall file an application with 608
the nonprofit corporation that owns and operates the housing 609
cooperative, in accordance with this paragraph. Not later than the 610

first day of March each year, the corporation shall obtain 611
applications from the county auditor's office and provide one to 612
each new occupant. Not later than the first day of May, any 613
occupant who may be eligible for a reduction in taxes under 614
division (A) of section 323.152 of the Revised Code shall submit 615
the completed application to the corporation. Not later than the 616
fifteenth day of May, the corporation shall file all completed 617
applications, and the information required by division (B) of 618
section 323.159 of the Revised Code, with the county auditor of 619
the county in which the occupants' homesteads are located. 620
Continuing applications shall be furnished to an occupant in the 621
manner provided in division (C)(4) of this section. 622

(1) An application for reduction based upon a physical 623
disability shall be accompanied by a certificate signed by a 624
physician, and an application for reduction based upon a mental 625
disability shall be accompanied by a certificate signed by a 626
physician or psychologist licensed to practice in this state, 627
attesting to the fact that the applicant is permanently and 628
totally disabled. The certificate shall be in a form that the tax 629
commissioner requires and shall include the definition of 630
permanently and totally disabled as set forth in section 323.151 631
of the Revised Code. An application for reduction based upon a 632
disability certified as permanent and total by a state or federal 633
agency having the function of so classifying persons shall be 634
accompanied by a certificate from that agency. 635

An application for a reduction under division (A) of section 636
323.152 of the Revised Code constitutes a continuing application 637
for a reduction in taxes for each year in which the dwelling is 638
the applicant's homestead. 639

(2) An application for a reduction in taxes under division 640
(B) of section 323.152 of the Revised Code shall be filed only if 641
the homestead or manufactured or mobile home was transferred in 642

the preceding year or did not qualify for and receive the 643
reduction in taxes under that division for the preceding tax year. 644
The application for homesteads transferred in the preceding year 645
shall be incorporated into any form used by the county auditor to 646
administer the tax law in respect to the conveyance of real 647
property pursuant to section 319.20 of the Revised Code or of used 648
manufactured homes or used mobile homes as defined in section 649
5739.0210 of the Revised Code. The owner of a manufactured or 650
mobile home who has elected under division (D)(4) of section 651
4503.06 of the Revised Code to be taxed under division (D)(2) of 652
that section for the ensuing year may file the application at the 653
time of making that election. The application shall contain a 654
statement that failure by the applicant to affirm on the 655
application that the dwelling on the property conveyed is the 656
applicant's homestead prohibits the owner from receiving the 657
reduction in taxes until a proper application is filed within the 658
period prescribed by division (A)(3) of this section. Such an 659
application constitutes a continuing application for a reduction 660
in taxes for each year in which the dwelling is the applicant's 661
homestead. 662

(3) Failure to receive a new application filed under division 663
(A)(1) or (2) or notification under division (C) of this section 664
~~after a certificate of reduction has been issued under section~~ 665
~~323.154 of the Revised Code, or failure to receive a new~~ 666
~~application filed under division (A)(1) or notification under~~ 667
~~division (C) of this section after a certificate of reduction has~~ 668
~~been issued under section 323.159 of the Revised Code, an~~ 669
application for reduction has been approved is prima-facie 670
evidence that the original applicant is entitled to the reduction 671
in taxes calculated on the basis of the information contained in 672
the original application. The original application and any 673
subsequent application, including any late application, shall be 674
in the form of a signed statement and shall be filed after the 675

first Monday in January and not later than the first Monday in 676
June. The original application and any subsequent application for 677
a reduction in real property taxes shall be filed in the year for 678
which the reduction is sought. The original application and any 679
subsequent application for a reduction in manufactured home taxes 680
shall be filed in the year preceding the year for which the 681
reduction is sought. The statement shall be on a form, devised and 682
supplied by the tax commissioner, which shall require no more 683
information than is necessary to establish the applicant's 684
eligibility for the reduction in taxes and the amount of the 685
reduction, and, ~~for a certificate of reduction issued under~~ 686
section 323.154 of the Revised Code except for homesteads that are 687
units in a housing cooperative, shall include an affirmation by 688
the applicant that ownership of the homestead was not acquired 689
from a person, other than the applicant's spouse, related to the 690
owner by consanguinity or affinity for the purpose of qualifying 691
for the real property or manufactured home tax reduction provided 692
for in division (A) or (B) of section 323.152 of the Revised Code. 693
The form shall contain a statement that conviction of willfully 694
falsifying information to obtain a reduction in taxes or failing 695
to comply with division (C) of this section results in the 696
revocation of the right to the reduction for a period of three 697
years. 698

(B) A late application for a tax reduction for the year 699
preceding the year in which an original application is filed, or 700
for a reduction in manufactured home taxes for the year in which 701
an original application is filed, may be filed with the original 702
application. If the county auditor determines the information 703
contained in the late application is correct, the auditor shall 704
determine the amount of the reduction in taxes to which the 705
applicant would have been entitled for the preceding tax year had 706
the applicant's application been timely filed and approved in that 707
year. 708

The amount of such reduction shall be treated by the auditor 709
as an overpayment of taxes by the applicant and shall be refunded 710
in the manner prescribed in section 5715.22 of the Revised Code 711
for making refunds of overpayments. On the first day of July of 712
each year, the county auditor shall certify the total amount of 713
the reductions in taxes made in the current year under this 714
division to the tax commissioner, who shall treat the full amount 715
thereof as a reduction in taxes for the preceding tax year and 716
shall make reimbursement to the county therefor in the manner 717
prescribed by section 323.156 of the Revised Code, from money 718
appropriated for that purpose. 719

(C)(1) If, in any year after an application has been filed 720
under division (A)(1) or (2) of this section, the owner does not 721
qualify for a reduction in taxes on the homestead or on the 722
manufactured or mobile home set forth on such application, the 723
owner shall notify the county auditor that the owner is not 724
qualified for a reduction in taxes. 725

(2) If, in any year after an application has been filed under 726
division (A) of this section, the occupant of a homestead in a 727
housing cooperative does not qualify for a reduction in taxes on 728
the homestead, the occupant shall notify the county auditor that 729
the occupant is not qualified for a reduction in taxes or file a 730
new application under division (A) of this section. 731

(3) If the county auditor or county treasurer discovers that 732
the owner of property not entitled to the reduction in taxes under 733
division (B) of section 323.152 of the Revised Code failed to 734
notify the county auditor as required by division (C)(1) of this 735
section, a charge shall be imposed against the property in the 736
amount by which taxes were reduced under that division for each 737
tax year the county auditor ascertains that the property was not 738
entitled to the reduction and was owned by the current owner. 739
Interest shall accrue in the manner prescribed by division (B) of 740

section 323.121 or division (G)(2) of section 4503.06 of the Revised Code on the amount by which taxes were reduced for each such tax year as if the reduction became delinquent taxes at the close of the last day the second installment of taxes for that tax year could be paid without penalty. The county auditor shall notify the owner, by ordinary mail, of the charge, of the owner's right to appeal the charge, and of the manner in which the owner may appeal. The owner may appeal the imposition of the charge and interest by filing an appeal with the county board of revision not later than the last day prescribed for payment of real and public utility property taxes under section 323.12 of the Revised Code following receipt of the notice and occurring at least ninety days after receipt of the notice. The appeal shall be treated in the same manner as a complaint relating to the valuation or assessment of real property under Chapter 5715. of the Revised Code. The charge and any interest shall be collected as other delinquent taxes.

(4) Each year during January, the county auditor shall furnish by ordinary mail a continuing application to each person ~~issued a certificate of reduction under section 323.154 or 323.159 of the Revised Code with respect to a reduction in taxes~~ receiving a reduction under division (A) of section 323.152 of the Revised Code. The continuing application shall be used to report changes in ownership ~~or~~ occupancy of the homestead, ~~including changes in or revocation of a revocable inter vivos trust, changes in,~~ disability, and other ~~changes in the~~ information earlier furnished the auditor relative to the reduction in taxes on the property. The continuing application shall be returned to the auditor not later than the first Monday in June; provided, that if such changes do not affect the status of the homestead exemption or the amount of the reduction to which the owner is entitled under division (A) of section 323.152 of the Revised Code or to which the occupant is entitled under section 323.159 of the Revised

Code, the application does not need to be returned. 774

(5) Each year during February, the county auditor, except as 775
otherwise provided in this paragraph, shall furnish by ordinary 776
mail an original application to the owner, as of the first day of 777
January of that year, of a homestead or a manufactured or mobile 778
home that transferred during the preceding calendar year and that 779
qualified for and received a reduction in taxes under division (B) 780
of section 323.152 of the Revised Code for the preceding tax year. 781
In order to receive the reduction under that division, the owner 782
shall file the application with the county auditor not later than 783
the first Monday in June. If the application is not timely filed, 784
the auditor shall not grant a reduction in taxes for the homestead 785
for the current year, and shall notify the owner that the 786
reduction in taxes has not been granted, in the same manner 787
prescribed under section 323.154 of the Revised Code for 788
notification of denial of an application. Failure of an owner to 789
receive an application does not excuse the failure of the owner to 790
file an original application. The county auditor is not required 791
to furnish an application under this paragraph for any homestead 792
for which application has previously been made on a form 793
incorporated into any form used by the county auditor to 794
administer the tax law in respect to the conveyance of real 795
property or of used manufactured homes or used mobile homes, and 796
an owner who previously has applied on such a form is not required 797
to return an application furnished under this paragraph. 798

(D) No person shall knowingly make a false statement for the 799
purpose of obtaining a reduction in the person's real property or 800
manufactured home taxes under section 323.152 of the Revised Code. 801

(E) No person shall knowingly fail to notify the county 802
auditor of changes required by division (C) of this section that 803
have the effect of maintaining or securing a reduction in taxes 804
under section 323.152 of the Revised Code. 805

(F) No person shall knowingly make a false statement or certification attesting to any person's physical or mental condition for purposes of qualifying such person for tax relief pursuant to sections 323.151 to 323.159 of the Revised Code.

~~Sec. 323.154. On or before the day the county auditor has completed the duties imposed by sections 319.30 to 319.302 of the Revised Code, the auditor shall issue a certificate of reduction in taxes in triplicate for each person who has complied with section 323.153 of the Revised Code and whose homestead, as defined in division (A)(1) of section 323.151 of the Revised Code, or manufactured or mobile home the auditor finds is entitled to a reduction in real property or manufactured home taxes for that year under section 323.152 of the Revised Code. Except as provided in section 323.159 of the Revised Code, in the case of a homestead entitled to a reduction under division (A) of that section, the certificate shall state the taxable value of the homestead on the first day of January of that year, the total reduction in taxes for that year under that section, the tax rate that is applicable against such homestead for that year, and any other information the tax commissioner requires. In the case of a homestead or a manufactured or mobile home entitled to a reduction under division (B) of that section, the certificate shall state the total amount of the reduction in taxes for that year under that section and any other information the tax commissioner requires. The certificate for reduction in taxes shall be on a form approved by the commissioner. Upon issuance of such a certificate, the county auditor shall forward one copy and the original to the county treasurer and retain one copy. The county auditor also The county auditor shall approve or deny an application for reduction under section 323.152 of the Revised Code and shall so notify the applicant not later than the first Monday in October. Notification shall be provided on a form prescribed by the tax commissioner. If~~

the application is approved, upon issuance of the notification the 838
county auditor shall record the amount of reduction in taxes in 839
the appropriate column on the general tax list and duplicate of 840
real and public utility property and on the manufactured home tax 841
list. If the application is denied, the notification shall inform 842
the applicant of the reasons for the denial. 843

~~If an application, late application, or continuing~~ 844
~~application is not approved, or if the county auditor otherwise~~ 845
~~determines that a homestead or a manufactured or mobile home does~~ 846
~~not qualify for a reduction in taxes under division (A) or (B) of~~ 847
~~section 323.152 of the Revised Code, the auditor shall notify the~~ 848
~~applicant of the reasons for denial not later than the first~~ 849
~~Monday in October. If an applicant believes that the application~~ 850
~~for reduction has been improperly denied or that the reduction is~~ 851
~~for less than that to which the applicant is entitled, the~~ 852
~~applicant may file an appeal with the county board of revision not~~ 853
~~later than the date of closing of the collection for the first~~ 854
~~half of real and public utility property taxes or manufactured~~ 855
~~home taxes. The appeal shall be treated in the same manner as a~~ 856
~~complaint relating to the valuation or assessment of real property~~ 857
~~under Chapter 5715. of the Revised Code.~~ 858

Sec. 323.155. ~~The county treasurer shall retain the original~~ 859
~~certificate of reduction in taxes issued under section 323.154 of~~ 860
~~the Revised Code and forward the copy to the person to whom the~~ 861
~~certificate is issued, along with the tax bill submitted pursuant~~ 862
~~to section 323.13 of the Revised Code or the advance payment~~ 863
~~certificate submitted pursuant to section 4503.061 of the Revised~~ 864
~~Code.~~ 865

~~The county treasurer shall retain the original certificate of~~ 866
~~reduction issued under section 323.159 of the Revised Code and~~ 867
~~forward a copy to the person to whom the certificate is issued,~~ 868

~~and a copy to the nonprofit corporation that owns and operates the
housing cooperative in which the person is an occupant, along with
the corporation's tax bill submitted pursuant to section 323.13 of
the Revised Code.~~

The tax bill prescribed under section 323.131 of the Revised
Code shall indicate the net amount of taxes due following the
reductions in taxes under sections 319.301, 319.302, and 323.152
of the Revised Code.

Any reduction in taxes under ~~this~~ section 323.152 of the
Revised Code shall be disregarded as income or resources in
determining eligibility for any program or calculating any payment
under Title LI of the Revised Code.

Sec. 323.156. Within thirty days after a settlement of taxes
under divisions (A), (C), and (H) of section 321.24 of the Revised
Code, the county treasurer shall certify to the tax commissioner
one-half of the total amount of taxes on real property that were
reduced pursuant to section 323.152 of the Revised Code for the
preceding tax year, and one-half of the total amount of taxes on
manufactured and mobile homes that were reduced pursuant to
division (B) of section 323.152 of the Revised Code for the
current tax year, ~~as evidenced by the certificates of reduction
and the tax duplicate certified to the county treasurer by the
county auditor.~~ The commissioner, within thirty days of the
receipt of such certifications, shall provide for payment to the
county treasurer, from the general revenue fund, of the amount
certified, which shall be credited upon receipt to the county's
undivided income tax fund, and an amount equal to two per cent of
the amount by which taxes were reduced, which shall be credited
upon receipt to the county general fund as a payment, in addition
to the fees and charges authorized by sections 319.54 and 321.26
of the Revised Code, to the county auditor and treasurer for the

costs of administering the exemption provided under sections 900
323.151 to 323.159 of the Revised Code. 901

Immediately upon receipt of funds into the county undivided 902
income tax fund under this section, the auditor shall distribute 903
the full amount thereof among the taxing districts in the county 904
as though the total had been paid as taxes by each person for whom 905
taxes were reduced under sections 323.151 to 323.159 of the 906
Revised Code. 907

Sec. 323.159. (A) As used in this section: 908

(1) "Applicant" means the person who occupies a homestead in 909
a housing cooperative. 910

(2) "Homestead" has the same meaning as in division 911
(A)~~(2)~~(1)(b) of section 323.151 of the Revised Code. 912

(B) Not later than the first day of May each year, any 913
nonprofit corporation that owns and operates a housing cooperative 914
shall determine the amount of property taxes it paid for the 915
housing cooperative for the preceding tax year and shall attribute 916
to each homestead in the housing cooperative a portion of the 917
total property taxes as if the homestead's occupant paid the 918
taxes. The taxes attributed to each homestead shall be based on 919
the percentage that the square footage of the homestead is of the 920
total square footage of the housing cooperative and on other 921
reasonable factors that reflect the value of the homestead. Not 922
later than the fifteenth day of May each year, the corporation 923
shall file this information with the county auditor, along with 924
any applications submitted to it under division (A) of section 925
323.153 of the Revised Code. No nonprofit corporation that owns 926
and operates a housing cooperative shall fail to file with the 927
county auditor the information required by this division and 928
division (A) of section 323.153 of the Revised Code. 929

(C) ~~On or before the day the county auditor has completed the~~ 930
~~duties imposed by sections 319.30 to 319.302 of the Revised Code,~~ 931
~~the auditor shall issue a certificate of reduction in taxes for~~ 932
~~each applicant who has complied with section 323.153 of the~~ 933
~~Revised Code and whose homestead the auditor finds is entitled to~~ 934
~~a reduction in real property taxes for that year under division~~ 935
~~(A) of section 323.152 of the Revised Code. The county auditor~~ 936
~~shall calculate the taxable value of each applicant's homestead as~~ 937
~~if the homestead was owned by the applicant and shall use the~~ 938
~~information provided by the nonprofit corporation under division~~ 939
~~(B) of this section to determine the reduction in taxable value to~~ 940
~~be attributed to the homestead.~~ 941

~~The certificate shall state the taxable value, on the first~~ 942
~~day of January of that year, attributed to each homestead in the~~ 943
~~housing cooperative; the reduction in taxable value and reduction~~ 944
~~in taxes attributed to the homestead; the total amount of the~~ 945
~~reduction in taxable value for the housing cooperative based on~~ 946
~~all certificates issued under this section for homesteads in the~~ 947
~~housing cooperative; the nonprofit corporation's total reduction~~ 948
~~in taxes for that year under division (A) of section 323.152 of~~ 949
~~the Revised Code; the tax rate that is applicable against the~~ 950
~~housing cooperative for that year; and any other information the~~ 951
~~tax commissioner requires. The county auditor shall prepare three~~ 952
~~copies of the original certificate. Upon the issuance of such a~~ 953
~~certificate, the county auditor shall forward two copies and the~~ 954
~~original to the county treasurer and retain one copy. The county~~ 955
~~auditor also~~ The county auditor shall approve or deny an 956
application for reduction under division (A) of section 323.152 of 957
the Revised Code and, not later than the first Monday in October, 958
shall so notify the applicant and the nonprofit corporation that 959
owns and operates the housing cooperative. Notification shall be 960
provided on a form prescribed by the tax commissioner. If the 961
application is approved, upon issuance of the notification the 962

county auditor shall record the amount of reduction in taxes in 963
the appropriate column on the general tax list and duplicate of 964
real and public utility property. 965

(D) On receipt of the notice from the county auditor under 966
division (C) of this section, the nonprofit corporation that owns 967
and operates the housing cooperative shall reduce the monthly 968
maintenance fee for each homestead for which an ~~applicant received~~ 969
~~a certificate of reduction under this section~~ application for 970
reduction was approved for the year following the year for which 971
the ~~certificate was issued~~ application was approved. The reduction 972
in the monthly maintenance fee shall equal one-twelfth of the 973
reduction in taxes attributed to the homestead by the county 974
auditor under division (C) of this section. 975

(E) If an application, late application, or continuing 976
application is not approved, or if the county auditor otherwise 977
determines that a homestead does not qualify for a reduction in 978
taxes under division (A) of section 323.152 of the Revised Code, 979
the auditor shall notify the applicant, and the nonprofit 980
corporation that owns and operates the housing cooperative, of the 981
reasons for denial not later than the first Monday in October. If 982
the applicant believes that the application for reduction has been 983
improperly denied, or the nonprofit corporation that owns and 984
operates the housing cooperative believes that the reduction is 985
for less than that to which the housing cooperative is entitled, 986
the applicant or housing cooperative, respectively, may file an 987
appeal with the county board of revision not later than the date 988
of closing of the collection for the first half of real and public 989
utility property taxes. The appeal shall be treated in the same 990
manner as a complaint relating to the valuation or assessment of 991
real property under Chapter 5715. of the Revised Code. 992

Sec. 3317.16. (A) As used in this section: 993

(1) "State share percentage" means the percentage calculated	994
for a joint vocational school district as follows:	995
(a) Calculate the state base cost funding amount for the	996
district under division (B) of this section. If the district would	997
not receive any base cost funding for that year under that	998
division, the district's state share percentage is zero.	999
(b) If the district would receive base cost funding under	1000
that division, divide that base cost amount by an amount equal to	1001
the following:	1002
the formula amount X	1003
formula ADM	1004
The resultant number is the district's state share	1005
percentage.	1006
(2) The "total special education weight" for a joint	1007
vocational school district shall be calculated in the same manner	1008
as prescribed in division (B)(1) of section 3317.022 of the	1009
Revised Code.	1010
(3) The "total vocational education weight" for a joint	1011
vocational school district shall be calculated in the same manner	1012
as prescribed in division (B)(4) of section 3317.022 of the	1013
Revised Code.	1014
(4) The "total recognized valuation" of a joint vocational	1015
school district shall be determined by adding the recognized	1016
valuations of all its constituent school districts <u>that were</u>	1017
<u>subject to the joint vocational school district's tax levies</u> for	1018
<u>the applicable fiscal year both the current and preceding tax</u>	1019
<u>years.</u>	1020
(5) "Resident district" means the city, local, or exempted	1021
village school district in which a student is entitled to attend	1022
school under section 3313.64 or 3313.65 of the Revised Code.	1023

(6) "Community school" means a community school established 1024
under Chapter 3314. of the Revised Code. 1025

(B) The department of education shall compute and distribute 1026
state base cost funding to each joint vocational school district 1027
for the fiscal year in accordance with the following formula: 1028

(formula amount X 1029
formula ADM) - 1030
(.0005 X total recognized valuation) 1031

If the difference obtained under this division is a negative 1032
number, the district's computation shall be zero. 1033

(C)(1) The department shall compute and distribute state 1034
vocational education additional weighted costs funds to each joint 1035
vocational school district in accordance with the following 1036
formula: 1037

state share percentage X formula amount X 1038
total vocational education weight 1039

In each fiscal year, a joint vocational school district 1040
receiving funds under division (C)(1) of this section shall spend 1041
those funds only for the purposes the department designates as 1042
approved for vocational education expenses. Vocational educational 1043
expenses approved by the department shall include only expenses 1044
connected to the delivery of career-technical programming to 1045
career-technical students. The department shall require the joint 1046
vocational school district to report data annually so that the 1047
department may monitor the district's compliance with the 1048
requirements regarding the manner in which funding received under 1049
division (C)(1) of this section may be spent. 1050

(2) The department shall compute for each joint vocational 1051
school district state funds for vocational education associated 1052
services costs in accordance with the following formula: 1053

state share percentage X .05 X 1054

the formula amount X the sum of 1055
categories one and two vocational 1056
education ADM 1057

In any fiscal year, a joint vocational school district 1058
receiving funds under division (C)(2) of this section, or through 1059
a transfer of funds pursuant to division (L) of section 3317.023 1060
of the Revised Code, shall spend those funds only for the purposes 1061
that the department designates as approved for vocational 1062
education associated services expenses, which may include such 1063
purposes as apprenticeship coordinators, coordinators for other 1064
vocational education services, vocational evaluation, and other 1065
purposes designated by the department. The department may deny 1066
payment under division (C)(2) of this section to any district that 1067
the department determines is not operating those services or is 1068
using funds paid under division (C)(2) of this section, or through 1069
a transfer of funds pursuant to division (L) of section 3317.023 1070
of the Revised Code, for other purposes. 1071

(D)(1) The department shall compute and distribute state 1072
special education and related services additional weighted costs 1073
funds to each joint vocational school district in accordance with 1074
the following formula: 1075

state share percentage X formula amount X 1076
total special education weight 1077

(2)(a) As used in this division, the "personnel allowance" 1078
means thirty thousand dollars in fiscal years 2008 and 2009. 1079

(b) For the provision of speech language pathology services 1080
to students, including students who do not have individualized 1081
education programs prepared for them under Chapter 3323. of the 1082
Revised Code, and for no other purpose, the department shall pay 1083
each joint vocational school district an amount calculated under 1084
the following formula: 1085

(formula ADM divided by 2000) X the personnel 1086

allowance X state share percentage 1087

(3) In any fiscal year, a joint vocational school district 1088
shall spend for purposes that the department designates as 1089
approved for special education and related services expenses at 1090
least the amount calculated as follows: 1091

(formula amount 1092
X the sum of categories one through 1093
six special education ADM) + 1094
(total special education weight X 1095
formula amount) 1096

The purposes approved by the department for special education 1097
expenses shall include, but shall not be limited to, compliance 1098
with state rules governing the education of children with 1099
disabilities, providing services identified in a student's 1100
individualized education program as defined in section 3323.01 of 1101
the Revised Code, provision of speech language pathology services, 1102
and the portion of the district's overall administrative and 1103
overhead costs that are attributable to the district's special 1104
education student population. 1105

The department shall require joint vocational school 1106
districts to report data annually to allow for monitoring 1107
compliance with division (D)(3) of this section. The department 1108
shall annually report to the governor and the general assembly the 1109
amount of money spent by each joint vocational school district for 1110
special education and related services. 1111

(4) In any fiscal year, a joint vocational school district 1112
shall spend for the provision of speech language pathology 1113
services not less than the sum of the amount calculated under 1114
division (D)(1) of this section for the students in the district's 1115
category one special education ADM and the amount calculated under 1116
division (D)(2) of this section. 1117

(E)(1) If a joint vocational school district's costs for a 1118

fiscal year for a student in its categories two through six 1119
special education ADM exceed the threshold catastrophic cost for 1120
serving the student, as specified in division (C)(3)(b) of section 1121
3317.022 of the Revised Code, the district may submit to the 1122
superintendent of public instruction documentation, as prescribed 1123
by the superintendent, of all of its costs for that student. Upon 1124
submission of documentation for a student of the type and in the 1125
manner prescribed, the department shall pay to the district an 1126
amount equal to the sum of the following: 1127

(a) One-half of the district's costs for the student in 1128
excess of the threshold catastrophic cost; 1129

(b) The product of one-half of the district's costs for the 1130
student in excess of the threshold catastrophic cost multiplied by 1131
the district's state share percentage. 1132

(2) The district shall only report under division (E)(1) of 1133
this section, and the department shall only pay for, the costs of 1134
educational expenses and the related services provided to the 1135
student in accordance with the student's individualized education 1136
program. Any legal fees, court costs, or other costs associated 1137
with any cause of action relating to the student may not be 1138
included in the amount. 1139

(F) Each fiscal year, the department shall pay each joint 1140
vocational school district an amount for adult technical and 1141
vocational education and specialized consultants. 1142

(G)(1) A joint vocational school district's local share of 1143
special education and related services additional weighted costs 1144
equals: 1145

(1 - state share percentage) X 1146
Total special education weight X 1147
the formula amount 1148

(2) For each student with a disability receiving special 1149

education and related services under an individualized education 1150
program, as defined in section 3323.01 of the Revised Code, at a 1151
joint vocational district, the resident district or, if the 1152
student is enrolled in a community school, the community school 1153
shall be responsible for the amount of any costs of providing 1154
those special education and related services to that student that 1155
exceed the sum of the amount calculated for those services 1156
attributable to that student under divisions (B), (D), (E), and 1157
(G)(1) of this section. 1158

Those excess costs shall be calculated by subtracting the sum 1159
of the following from the actual cost to provide special education 1160
and related services to the student: 1161

(a) The formula amount; 1162

(b) The product of the formula amount times the applicable 1163
multiple specified in section 3317.013 of the Revised Code; 1164

(c) Any funds paid under division (E) of this section for the 1165
student; 1166

(d) Any other funds received by the joint vocational school 1167
district under this chapter to provide special education and 1168
related services to the student, not including the amount 1169
calculated under division (G)(2) of this section. 1170

(3) The board of education of the joint vocational school 1171
district may report the excess costs calculated under division 1172
(G)(2) of this section to the department of education. 1173

(4) If the board of education of the joint vocational school 1174
district reports excess costs under division (G)(3) of this 1175
section, the department shall pay the amount of excess cost 1176
calculated under division (G)(2) of this section to the joint 1177
vocational school district and shall deduct that amount as 1178
provided in division (G)(4)(a) or (b) of this section, as 1179
applicable: 1180

(a) If the student is not enrolled in a community school, the department shall deduct the amount from the account of the student's resident district pursuant to division (M) of section 3317.023 of the Revised Code.

(b) If the student is enrolled in a community school, the department shall deduct the amount from the account of the community school pursuant to section 3314.083 of the Revised Code.

Sec. 4503.065. (A) This section applies to any of the following:

(1) An individual who is permanently and totally disabled;

(2) An individual who is sixty-five years of age or older;

(3) An individual who is the surviving spouse of a deceased person who was permanently and totally disabled or sixty-five years of age or older and who applied and qualified for a reduction in assessable value under this section in the year of death, provided the surviving spouse is at least fifty-nine but not sixty-five or more years of age on the date the deceased spouse dies.

(B) The manufactured home tax on a manufactured or mobile home that is paid pursuant to division (C) of section 4503.06 of the Revised Code and that is owned and occupied as a home by an individual whose domicile is in this state and to whom this section applies, shall be reduced for any tax year for which ~~the owner obtains a certificate of reduction from the county auditor under section 4503.067 of the Revised Code~~ an application for such reduction has been approved, provided the individual did not acquire ownership from a person, other than the individual's spouse, related by consanguinity or affinity for the purpose of qualifying for the reduction. An owner includes a settlor of a

revocable or irrevocable inter vivos trust holding the title to a 1211
manufactured or mobile home occupied by the settlor as of right 1212
under the trust. 1213

(1) For manufactured and mobile homes for which the tax 1214
imposed by section 4503.06 of the Revised Code is computed under 1215
division (D)(2) of that section, the reduction shall equal the 1216
greater of the reduction granted for the tax year preceding the 1217
first tax year to which this section applies pursuant to Section 1218
803.06 of Am. Sub. H.B. 119 of the 127th general assembly, if the 1219
taxpayer received a reduction for that preceding tax year, or the 1220
product of the following: 1221

(a) Twenty-five thousand dollars of the true value of the 1222
property in money; 1223

(b) The assessment percentage established by the tax 1224
commissioner under division (B) of section 5715.01 of the Revised 1225
Code, not to exceed thirty-five per cent; 1226

(c) The effective tax rate used to calculate the taxes 1227
charged against the property for the current year, where 1228
"effective tax rate" is defined as in section 323.08 of the 1229
Revised Code; 1230

(d) The quantity equal to one minus the sum of the percentage 1231
reductions in taxes received by the property for the current tax 1232
year under section 319.302 of the Revised Code and division (B) of 1233
section 323.152 of the Revised Code. 1234

(2) For manufactured and mobile homes for which the tax 1235
imposed by section 4503.06 of the Revised Code is computed under 1236
division (D)(1) of that section, the reduction shall equal the 1237
greater of the reduction granted for the tax year preceding the 1238
first tax year to which this section applies pursuant to Section 1239
803.06 of Am. Sub. H.B. 119 of the 127th general assembly, if the 1240
taxpayer received a reduction for that preceding tax year, or the 1241

product of the following:	1242
(a) Twenty-five thousand dollars of the cost to the owner, or the market value at the time of purchase, whichever is greater, as those terms are used in division (D)(1) of section 4503.06 of the Revised Code;	1243 1244 1245 1246
(b) The percentage from the appropriate schedule in division (D)(1)(b) of section 4503.06 of the Revised Code;	1247 1248
(c) The assessment percentage of forty per cent used in division (D)(1)(b) of section 4503.06 of the Revised Code;	1249 1250
(d) The tax rate of the taxing district in which the home has its situs.	1251 1252
(C) If the owner or the spouse of the owner of a manufactured or mobile home is eligible for a homestead exemption on the land upon which the home is located, the reduction to which the owner or spouse is entitled under this section shall not exceed the difference between the reduction to which the owner or spouse is entitled under division (B) of this section and the amount of the reduction under the homestead exemption.	1253 1254 1255 1256 1257 1258 1259
(D) No reduction shall be made with respect to the home of any person convicted of violating division (C) or (D) of section 4503.066 of the Revised Code for a period of three years following the conviction.	1260 1261 1262 1263
Sec. 4503.066. (A)(1) To obtain a tax reduction under section 4503.065 of the Revised Code, the owner of the home shall file an application with the county auditor of the county in which the home is located. An application for reduction in taxes based upon a physical disability shall be accompanied by a certificate signed by a physician, and an application for reduction in taxes based upon a mental disability shall be accompanied by a certificate signed by a physician or psychologist licensed to practice in this	1264 1265 1266 1267 1268 1269 1270 1271

state. The certificate shall attest to the fact that the applicant 1272
is permanently and totally disabled, shall be in a form that the 1273
department of taxation requires, and shall include the definition 1274
of totally and permanently disabled as set forth in section 1275
4503.064 of the Revised Code. An application for reduction in 1276
taxes based upon a disability certified as permanent and total by 1277
a state or federal agency having the function of so classifying 1278
persons shall be accompanied by a certificate from that agency. 1279

(2) Each application shall constitute a continuing 1281
application for a reduction in taxes for each year in which the 1282
manufactured or mobile home is occupied by the applicant. Failure 1283
to receive a new application or notification under division (B) of 1284
this section after ~~a certificate of reduction has been issued~~ 1285
~~under section 4503.067 of the Revised Code~~ an application for 1286
reduction has been approved is prima-facie evidence that the 1287
original applicant is entitled to the reduction calculated on the 1288
basis of the information contained in the original application. 1289
The original application and any subsequent application shall be 1290
in the form of a signed statement and shall be filed not later 1291
than the first Monday in June. The statement shall be on a form, 1292
devised and supplied by the tax commissioner, that shall require 1293
no more information than is necessary to establish the applicant's 1294
eligibility for the reduction in taxes and the amount of the 1295
reduction to which the applicant is entitled. The form also shall 1296
contain a statement that conviction of willfully falsifying 1297
information to obtain a reduction in taxes or failing to comply 1298
with division (B) of this section shall result in the revocation 1299
of the right to the reduction for a period of three years. 1300

(3) A late application for a reduction in taxes for the year 1302
preceding the year for which an original application is filed may 1303

be filed with an original application. If the auditor determines 1304
that the information contained in the late application is correct, 1305
the auditor shall determine both the amount of the reduction in 1306
taxes to which the applicant would have been entitled for the 1307
current tax year had the application been timely filed and 1308
approved in the preceding year, and the amount the taxes levied 1309
under section 4503.06 of the Revised Code for the current year 1310
would have been reduced as a result of the reduction. When an 1311
applicant is permanently and totally disabled on the first day of 1312
January of the year in which the applicant files a late 1313
application, the auditor, in making the determination of the 1314
amounts of the reduction in taxes under division (A)(3) of this 1315
section, is not required to determine that the applicant was 1316
permanently and totally disabled on the first day of January of 1317
the preceding year. 1318

The amount of the reduction in taxes pursuant to a late 1319
application shall be treated as an overpayment of taxes by the 1320
applicant. The auditor shall credit the amount of the overpayment 1321
against the amount of the taxes or penalties then due from the 1322
applicant, and, at the next succeeding settlement, the amount of 1323
the credit shall be deducted from the amount of any taxes or 1324
penalties distributable to the county or any taxing unit in the 1325
county that has received the benefit of the taxes or penalties 1326
previously overpaid, in proportion to the benefits previously 1327
received. If, after the credit has been made, there remains a 1328
balance of the overpayment, or if there are no taxes or penalties 1329
due from the applicant, the auditor shall refund that balance to 1330
the applicant by a warrant drawn on the county treasurer in favor 1331
of the applicant. The treasurer shall pay the warrant from the 1332
general fund of the county. If there is insufficient money in the 1333
general fund to make the payment, the treasurer shall pay the 1334
warrant out of any undivided manufactured or mobile home taxes 1335
subsequently received by the treasurer for distribution to the 1336

county or taxing district in the county that received the benefit 1337
of the overpaid taxes, in proportion to the benefits previously 1338
received, and the amount paid from the undivided funds shall be 1339
deducted from the money otherwise distributable to the county or 1340
taxing district in the county at the next or any succeeding 1341
distribution. At the next or any succeeding distribution after 1342
making the refund, the treasurer shall reimburse the general fund 1343
for any payment made from that fund by deducting the amount of 1344
that payment from the money distributable to the county or other 1345
taxing unit in the county that has received the benefit of the 1346
taxes, in proportion to the benefits previously received. On the 1347
second Monday in September of each year, the county auditor shall 1348
certify the total amount of the reductions in taxes made in the 1349
current year under division (A)(3) of this section to the tax 1350
commissioner who shall treat that amount as a reduction in taxes 1351
for the current tax year and shall make reimbursement to the 1352
county of that amount in the manner prescribed in section 4503.068 1353
of the Revised Code, from moneys appropriated for that purpose. 1354

(B) If in any year ~~after~~ for which an application for 1355
reduction in taxes has been ~~filed under division (A) of this~~ 1356
~~section~~ approved the owner no longer qualifies for the reduction 1357
~~in taxes for which the owner was issued a certificate~~, the owner 1358
shall notify the county auditor that the owner is not qualified 1359
for a reduction in taxes. 1360

During January of each year, the county auditor shall furnish 1361
each person ~~issued a certificate of reduction~~ whose application 1362
for reduction has been approved, by ordinary mail, a form on which 1363
to report any changes in ownership ~~of the home, including changes~~ 1364
~~in or revocation of a revocable inter vivos trust, changes in,~~ 1365
occupancy, disability, and other ~~changes in the~~ information 1366
earlier furnished the auditor relative to the application. 1367

1368

(C) No person shall knowingly make a false statement for the purpose of obtaining a reduction in taxes under section 4503.065 of the Revised Code.

(D) No person shall knowingly fail to notify the county auditor of any change required by division (B) of this section that has the effect of maintaining or securing a reduction in taxes under section 4503.065 of the Revised Code.

(E) No person shall knowingly make a false statement or certification attesting to any person's physical or mental condition for purposes of qualifying such person for tax relief pursuant to sections 4503.064 to 4503.069 of the Revised Code.

(F) Whoever violates division (C), (D), or (E) of this section is guilty of a misdemeanor of the fourth degree.

~~Sec. 4503.067. (A) At the same time the tax bill for the first half of the tax year is issued, the county auditor shall issue a certificate of reduction in taxes for a manufactured or mobile home in triplicate for each person who has complied with section 4503.066 of the Revised Code and been found by the auditor to be entitled to a reduction in taxes for the succeeding tax year. The certificate shall set forth the amount of the reduction in taxes calculated under section 4503.065 of the Revised Code. Upon issuance of the certificate, the auditor shall reduce the manufactured home tax levied on the home for the succeeding tax year by the required amount and forward the original and one copy of the certificate to the county treasurer. The auditor shall retain one copy of the certificate. The treasurer shall retain the original certificate and forward the remaining copy to the recipient with the tax bill delivered pursuant to division (D)(6) of section 4503.06 of the Revised Code.~~

~~(B) If the application or a continuing application is not~~

~~approved, the auditor shall notify the applicant of the reasons~~ 1400
~~for denial no later than the first Monday in October. The county~~ 1401
~~auditor shall approve or deny an application for reduction under~~ 1402
~~section 4503.065 of the Revised Code and shall so notify the~~ 1403
~~applicant not later than the first Monday in October. Notification~~ 1404
~~shall be provided on a form prescribed by the tax commissioner. If~~ 1405
a person believes that the person's application for reduction in 1406
taxes has been improperly denied or is for less than that to which 1407
the person is entitled, the person may file an appeal with the 1408
county board of revision no later than the thirty-first day of 1409
January of the following calendar year. The appeal shall be 1410
treated in the same manner as a complaint relating to the 1411
valuation or assessment of real property under Chapter 5715. of 1412
the Revised Code. 1413

Sec. 4503.068. On or before the second Monday in September of 1414
each year, the county treasurer shall total the amount by which 1415
the taxes levied in that year were reduced pursuant to section 1416
~~4503.067~~ 4503.065 of the Revised Code, and certify that amount to 1417
the tax commissioner. Within ninety days of the receipt of the 1418
certification, the commissioner shall certify that amount to the 1419
director of budget and management and the director shall make two 1420
payments from the general revenue fund in favor of the county 1421
treasurer. One shall be in the full amount by which taxes were 1422
reduced. The other shall be in an amount equal to two per cent of 1423
such amount and shall be a payment to the county auditor and 1424
county treasurer for the costs of administering sections 4503.064 1425
to 4503.069 of the Revised Code. 1426

Immediately upon receipt of the payment in the full amount by 1427
which taxes were reduced, the full amount of the payment shall be 1428
distributed among the taxing districts in the county as though it 1429
had been received as taxes under section 4503.06 of the Revised 1430
Code from each person for whom taxes were reduced under ~~sections~~ 1431

~~4503.064 to 4503.069~~ section 4503.065 of the Revised Code. 1432

Sec. 4735.18. (A) Subject to section 4735.32 of the Revised 1433
Code, the superintendent of real estate, upon the superintendent's 1434
own motion, may investigate the conduct of any licensee. Subject 1435
to section 4735.32 of the Revised Code, the Ohio real estate 1436
commission shall, pursuant to section 4735.051 of the Revised 1437
Code, impose disciplinary sanctions upon any licensee who, whether 1438
or not acting in the licensee's capacity as a real estate broker 1439
or salesperson, or in handling the licensee's own property, is 1440
found to have been convicted of a felony or a crime of moral 1441
turpitude, and shall, pursuant to section 4735.051 of the Revised 1442
Code, impose disciplinary sanctions upon any licensee who, in the 1443
licensee's capacity as a real estate broker or salesperson, or in 1444
handling the licensee's own property, is found guilty of: 1445

(1) Knowingly making any misrepresentation; 1446

(2) Making any false promises with intent to influence, 1447
persuade, or induce; 1448

(3) A continued course of misrepresentation or the making of 1449
false promises through agents, salespersons, advertising, or 1450
otherwise; 1451

(4) Acting for more than one party in a transaction except as 1452
permitted by and in compliance with section 4735.71 of the Revised 1453
Code; 1454

(5) Failure within a reasonable time to account for or to 1455
remit any money coming into the licensee's possession which 1456
belongs to others; 1457

(6) Dishonest or illegal dealing, gross negligence, 1458
incompetency, or misconduct; 1459

(7)(a) By final adjudication by a court, a violation of any 1460
municipal or federal civil rights law relevant to the protection 1461

of purchasers or sellers of real estate or, by final adjudication 1462
by a court, any unlawful discriminatory practice pertaining to the 1463
purchase or sale of real estate prohibited by Chapter 4112. of the 1464
Revised Code, provided that such violation arose out of a 1465
situation wherein parties were engaged in bona fide efforts to 1466
purchase, sell, or lease real estate, in the licensee's practice 1467
as a licensed real estate broker or salesperson; 1468

(b) A second or subsequent violation of any unlawful 1469
discriminatory practice pertaining to the purchase or sale of real 1470
estate prohibited by Chapter 4112. of the Revised Code or any 1471
second or subsequent violation of municipal or federal civil 1472
rights laws relevant to purchasing or selling real estate whether 1473
or not there has been a final adjudication by a court, provided 1474
that such violation arose out of a situation wherein parties were 1475
engaged in bona fide efforts to purchase, sell, or lease real 1476
estate. For any second offense under this division, the commission 1477
shall suspend for a minimum of two months or revoke the license of 1478
the broker or salesperson. For any subsequent offense, the 1479
commission shall revoke the license of the broker or salesperson. 1480

(8) Procuring a license under this chapter, for the licensee 1481
or any salesperson by fraud, misrepresentation, or deceit; 1482

(9) Having violated or failed to comply with any provision of 1483
sections 4735.51 to 4735.74 of the Revised Code or having 1484
willfully disregarded or violated any other provisions of this 1485
chapter; 1486

(10) As a real estate broker, having demanded, without 1487
reasonable cause, other than from a broker licensed under this 1488
chapter, a commission to which the licensee is not entitled, or, 1489
as a real estate salesperson, having demanded, without reasonable 1490
cause, a commission to which the licensee is not entitled; 1491

(11) Except as permitted under section 4735.20 of the Revised 1492

Code, having paid commissions or fees to, or divided commissions	1493
or fees with, anyone not licensed as a real estate broker or	1494
salesperson under this chapter or anyone not operating as an	1495
out-of-state commercial real estate broker or salesperson under	1496
section 4735.022 of the Revised Code;	1497
(12) Having falsely represented membership in any real estate	1498
professional association of which the licensee is not a member;	1499
(13) Having accepted, given, or charged any undisclosed	1500
commission, rebate, or direct profit on expenditures made for a	1501
principal;	1502
(14) Having offered anything of value other than the	1503
consideration recited in the sales contract as an inducement to a	1504
person to enter into a contract for the purchase or sale of real	1505
estate or having offered real estate or the improvements on real	1506
estate as a prize in a lottery or scheme of chance;	1507
(15) Having acted in the dual capacity of real estate broker	1508
and undisclosed principal, or real estate salesperson and	1509
undisclosed principal, in any transaction;	1510
(16) Having guaranteed, authorized, or permitted any person	1511
to guarantee future profits which may result from the resale of	1512
real property;	1513
(17) Having placed a sign on any property offering it for	1514
sale or for rent without the consent of the owner or the owner's	1515
authorized agent;	1516
(18) Having induced any party to a contract of sale or lease	1517
to break such contract for the purpose of substituting in lieu of	1518
it a new contract with another principal;	1519
(19) Having negotiated the sale, exchange, or lease of any	1520
real property directly with a seller, purchaser, lessor, or tenant	1521
knowing that such seller, purchaser, lessor, or tenant is	1522

represented by another broker under a written exclusive agency 1523
agreement, exclusive right to sell or lease listing agreement, or 1524
exclusive purchaser agency agreement with respect to such property 1525
except as provided for in section 4735.75 of the Revised Code; 1526

(20) Having offered real property for sale or for lease 1527
without the knowledge and consent of the owner or the owner's 1528
authorized agent, or on any terms other than those authorized by 1529
the owner or the owner's authorized agent; 1530

(21) Having published advertising, whether printed, radio, 1531
display, or of any other nature, which was misleading or 1532
inaccurate in any material particular, or in any way having 1533
misrepresented any properties, terms, values, policies, or 1534
services of the business conducted; 1535

(22) Having knowingly withheld from or inserted in any 1536
statement of account or invoice any statement that made it 1537
inaccurate in any material particular; 1538

(23) Having published or circulated unjustified or 1539
unwarranted threats of legal proceedings which tended to or had 1540
the effect of harassing competitors or intimidating their 1541
customers; 1542

(24) Having failed to keep complete and accurate records of 1543
all transactions for a period of three years from the date of the 1544
transaction, such records to include copies of listing forms, 1545
earnest money receipts, offers to purchase and acceptances of 1546
them, records of receipts and disbursements of all funds received 1547
by the licensee as broker and incident to the licensee's 1548
transactions as such, and records required pursuant to divisions 1549
(C)(4) and (5) of section 4735.20 of the Revised Code, and any 1550
other instruments or papers related to the performance of any of 1551
the acts set forth in the definition of a real estate broker; 1552

(25) Failure of a real estate broker or salesperson to 1553

furnish all parties involved in a real estate transaction true 1554
copies of all listings and other agreements to which they are a 1555
party, at the time each party signs them; 1556

(26) Failure to maintain at all times a special or trust bank 1557
account in a depository located in this state. The account shall 1558
be noninterest-bearing, separate and distinct from any personal or 1559
other account of the broker, and, except as provided in division 1560
(A)(27) of this section, shall be used for the deposit and 1561
maintenance of all escrow funds, security deposits, and other 1562
moneys received by the broker in a fiduciary capacity. The name, 1563
account number, if any, and location of the depository wherein 1564
such special or trust account is maintained shall be submitted in 1565
writing to the superintendent. Checks drawn on such special or 1566
trust bank accounts are deemed to meet the conditions imposed by 1567
section 1349.21 of the Revised Code. Funds deposited in the trust 1568
or special account in connection with a purchase agreement shall 1569
be maintained in accordance with section 4735.24 of the Revised 1570
Code. 1571

(27) Failure to maintain at all times a special or trust bank 1572
account in a depository in this state, to be used exclusively for 1573
the deposit and maintenance of all rents, security deposits, 1574
escrow funds, and other moneys received by the broker in a 1575
fiduciary capacity in the course of managing real property. This 1576
account shall be separate and distinct from any other account 1577
maintained by the broker. The name, account number, and location 1578
of the depository shall be submitted in writing to the 1579
superintendent. This account may earn interest, which shall be 1580
paid to the property owners on a pro rata basis. 1581

Division (A)(27) of this section does not apply to brokers 1582
who are not engaged in the management of real property on behalf 1583
of real property owners. 1584

(28) Having failed to put definite expiration dates in all 1585

written agency agreements to which the broker is a party;	1586
(29) Having an unsatisfied final judgment in any court of record against the licensee arising out of the licensee's conduct as a licensed broker or salesperson;	1587 1588 1589
(30) Failing to render promptly upon demand a full and complete statement of the expenditures by the broker or salesperson of funds advanced by or on behalf of a party to a real estate transaction to the broker or salesperson for the purpose of performing duties as a licensee under this chapter in conjunction with the real estate transaction;	1590 1591 1592 1593 1594 1595
(31) Failure within a reasonable time, after the receipt of the commission by the broker, to render an accounting to and pay a real estate salesperson the salesperson's earned share of it;	1596 1597 1598
(32) Performing any service for another constituting the practice of law, as determined by any court of law;	1599 1600
(33) Having been adjudicated incompetent for the purpose of holding the license by a court, as provided in section 5122.301 of the Revised Code. A license revoked or suspended under this division shall be reactivated upon proof to the commission of the removal of the disability.	1601 1602 1603 1604 1605
(34) Having authorized or permitted a person to act as an agent in the capacity of a real estate broker, or a real estate salesperson, who was not then licensed as a real estate broker or real estate salesperson under this chapter or who was not then operating as an out-of-state commercial real estate broker or salesperson under section 4735.022 of the Revised Code;	1606 1607 1608 1609 1610 1611
(35) Having knowingly inserted or participated in inserting any materially inaccurate term in a document, including naming a false consideration;	1612 1613 1614
(36) Having failed to inform the licensee's client of the	1615

existence of an offer or counteroffer or having failed to present 1616
an offer or counteroffer in a timely manner, unless otherwise 1617
instructed by the client, provided the instruction of the client 1618
does not conflict with any state or federal law. 1619

(B) Whenever the commission, pursuant to section 4735.051 of 1620
the Revised Code, imposes disciplinary sanctions for any violation 1621
of this section, the commission also may impose such sanctions 1622
upon the broker with whom the salesperson is affiliated if the 1623
commission finds that the broker had knowledge of the 1624
salesperson's actions that violated this section. 1625

(C) The commission shall, pursuant to section 4735.051 of the 1626
Revised Code, impose disciplinary sanctions upon any foreign real 1627
estate dealer or salesperson who, in that capacity or in handling 1628
the dealer's or salesperson's own property, is found guilty of any 1629
of the acts or omissions specified or comprehended in division (A) 1630
of this section insofar as the acts or omissions pertain to 1631
foreign real estate. If the commission imposes such sanctions upon 1632
a foreign real estate salesperson for a violation of this section, 1633
the commission also may suspend or revoke the license of the 1634
foreign real estate dealer with whom the salesperson is affiliated 1635
if the commission finds that the dealer had knowledge of the 1636
salesperson's actions that violated this section. 1637

(D) The commission may suspend, in whole or in part, the 1638
imposition of the penalty of suspension of a license under this 1639
section. 1640

(E) The commission immediately shall notify the real estate 1641
appraiser board of any disciplinary action taken under this 1642
section against a licensee who also is a state-certified real 1643
estate appraiser under Chapter 4763. of the Revised Code. 1644

Sec. 4735.24. (A) Except as otherwise provided in this 1645
section, when earnest money connected to a real estate purchase 1646

agreement is deposited in a real estate broker's trust or special 1647
account, the broker shall maintain that money in the account in 1648
accordance with the terms of the purchase agreement until one of 1649
the following occurs: 1650

(1) The transaction closes and the broker disburses the 1651
earnest money to the closing or escrow agent or otherwise 1652
disburses the money pursuant to the terms of the purchase 1653
agreement. 1654

(2) The parties provide the broker with written instructions 1655
that both parties have signed that specify how the broker is to 1656
disburse the earnest money and the broker acts pursuant to those 1657
instructions. 1658

(3) The broker receives a copy of a final court order that 1659
specifies to whom the earnest money is to be awarded and the 1660
broker acts pursuant to the court order. 1661

(4) The earnest money becomes unclaimed funds as defined in 1662
division (M)(2) of section 169.02 of the Revised Code and, after 1663
providing the notice that division (D) of section 169.03 of the 1664
Revised Code requires, the broker has reported the unclaimed funds 1665
to the director of commerce pursuant to section 169.03 of the 1666
Revised Code and has remitted all of the earnest money to the 1667
director. 1668

(B) A purchase agreement may provide that in the event of a 1669
dispute regarding the disbursement of the earnest money, the 1670
broker will return the money to the purchaser without notice to 1671
the parties unless, within two years from the date the earnest 1672
money was deposited in the broker's trust or special account, the 1673
broker has received one of the following: 1674

(1) Written instructions signed by both parties specifying 1675
how the money is to be disbursed; 1676

(2) Written notice that a court action to resolve the dispute 1677

has been filed. 1678

(C)(1) If the parties dispute the disbursement of the earnest money and the purchase agreement contains the provision described in division (B) of this section, not later than the first day of September following the two year anniversary date of the deposit of the earnest money in the broker's account, the broker shall return the earnest money to the purchaser unless the parties provided the broker with written instructions or a notice of a court action as described in division (B) of this section. 1679
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(2) If the broker cannot locate the purchaser at the time the disbursement is due, after providing the notice that division (D) of section 169.03 of the Revised Code requires, the broker shall report the earnest money as unclaimed funds to the director of commerce pursuant to section 169.03 of the Revised Code and remit all of the earnest money to the director. 1687
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Sec. 5739.09. (A)(1) A board of county commissioners may, by resolution adopted by a majority of the members of the board, levy an excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The board shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code. Except as provided in divisions (A)(2), (3), (4), (5), (6), ~~and (7)~~, and (8) of this section, the regulations shall provide, after deducting the real and actual costs of administering the tax, for the return to each municipal corporation or township that does not levy an excise tax 1693
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on the transactions, a uniform percentage of the tax collected in 1709
the municipal corporation or in the unincorporated portion of the 1710
township from each transaction, not to exceed thirty-three and 1711
one-third per cent. The remainder of the revenue arising from the 1712
tax shall be deposited in a separate fund and shall be spent 1713
solely to make contributions to the convention and visitors' 1714
bureau operating within the county, including a pledge and 1715
contribution of any portion of the remainder pursuant to an 1716
agreement authorized by section 307.695 of the Revised Code, 1717
provided that if the board of county commissioners of an eligible 1718
county as defined in section 307.695 of the Revised Code adopts a 1719
resolution amending a resolution levying a tax under this division 1720
to provide that the revenue from the tax shall be used by the 1721
board as described in division (H) of section 307.695 of the 1722
Revised Code, the remainder of the revenue shall be used as 1723
described in the resolution making that amendment. Except as 1724
provided in division (A)(2), (3), (4), (5), (6), ~~or (7)~~, or (8) or 1725
(H) of this section, on and after May 10, 1994, a board of county 1726
commissioners may not levy an excise tax pursuant to this division 1727
in any municipal corporation or township located wholly or partly 1728
within the county that has in effect an ordinance or resolution 1729
levying an excise tax pursuant to division (B) of this section. 1730
The board of a county that has levied a tax under division (C) of 1731
this section may, by resolution adopted within ninety days after 1732
July 15, 1985, by a majority of the members of the board, amend 1733
the resolution levying a tax under this division to provide for a 1734
portion of that tax to be pledged and contributed in accordance 1735
with an agreement entered into under section 307.695 of the 1736
Revised Code. A tax, any revenue from which is pledged pursuant to 1737
such an agreement, shall remain in effect at the rate at which it 1738
is imposed for the duration of the period for which the revenue 1739
from the tax has been so pledged. 1740

The board of county commissioners of an eligible county as 1741

defined in section 307.695 of the Revised Code may, by resolution 1742
adopted by a majority of the members of the board, amend a 1743
resolution levying a tax under this division to provide that the 1744
revenue from the tax shall be used by the board as described in 1745
division (H) of section 307.695 of the Revised Code, in which case 1746
the tax shall remain in effect at the rate at which it was imposed 1747
for the duration of any agreement entered into by the board under 1748
section 307.695 of the Revised Code, the duration during which any 1749
securities issued by the board under that section are outstanding, 1750
or the duration of the period during which the board owns a 1751
project as defined in section 307.695 of the Revised Code, 1752
whichever duration is longest. 1753

(2) A board of county commissioners that levies an excise tax 1754
under division (A)(1) of this section on June 30, 1997, at a rate 1755
of three per cent, and that has pledged revenue from the tax to an 1756
agreement entered into under section 307.695 of the Revised Code 1757
or, in the case of the board of county commissioners of an 1758
eligible county as defined in section 307.695 of the Revised Code, 1759
has amended a resolution levying a tax under division (C) of this 1760
section to provide that proceeds from the tax shall be used by the 1761
board as described in division (H) of section 307.695 of the 1762
Revised Code, may, at any time by a resolution adopted by a 1763
majority of the members of the board, amend the resolution levying 1764
a tax under division (A)(1) of this section to provide for an 1765
increase in the rate of that tax up to seven per cent on each 1766
transaction; to provide that revenue from the increase in the rate 1767
shall be used as described in division (H) of section 307.695 of 1768
the Revised Code or be spent solely to make contributions to the 1769
convention and visitors' bureau operating within the county to be 1770
used specifically for promotion, advertising, and marketing of the 1771
region in which the county is located; and to provide that the 1772
rate in excess of the three per cent levied under division (A)(1) 1773
of this section shall remain in effect at the rate at which it is 1774

imposed for the duration of the period during which any agreement 1775
is in effect that was entered into under section 307.695 of the 1776
Revised Code by the board of county commissioners levying a tax 1777
under division (A)(1) of this section, the duration of the period 1778
during which any securities issued by the board under division (I) 1779
of section 307.695 of the Revised Code are outstanding, or the 1780
duration of the period during which the board owns a project as 1781
defined in section 307.695 of the Revised Code, whichever duration 1782
is longest. The amendment also shall provide that no portion of 1783
that revenue need be returned to townships or municipal 1784
corporations as would otherwise be required under division (A)(1) 1785
of this section. 1786

(3) A board of county commissioners that levies a tax under 1787
division (A)(1) of this section on March 18, 1999, at a rate of 1788
three per cent may, by resolution adopted not later than 1789
forty-five days after March 18, 1999, amend the resolution levying 1790
the tax to provide for all of the following: 1791

(a) That the rate of the tax shall be increased by not more 1792
than an additional four per cent on each transaction; 1793

(b) That all of the revenue from the increase in the rate 1794
shall be pledged and contributed to a convention facilities 1795
authority established by the board of county commissioners under 1796
Chapter 351. of the Revised Code on or before November 15, 1998, 1797
and used to pay costs of constructing, maintaining, operating, and 1798
promoting a facility in the county, including paying bonds, or 1799
notes issued in anticipation of bonds, as provided by that 1800
chapter; 1801

(c) That no portion of the revenue arising from the increase 1802
in rate need be returned to municipal corporations or townships as 1803
otherwise required under division (A)(1) of this section; 1804

(d) That the increase in rate shall not be subject to 1805

diminution by initiative or referendum or by law while any bonds, 1806
or notes in anticipation of bonds, issued by the authority under 1807
Chapter 351. of the Revised Code to which the revenue is pledged, 1808
remain outstanding in accordance with their terms, unless 1809
provision is made by law or by the board of county commissioners 1810
for an adequate substitute therefor that is satisfactory to the 1811
trustee if a trust agreement secures the bonds. 1812

Division (A)(3) of this section does not apply to the board 1813
of county commissioners of any county in which a convention center 1814
or facility exists or is being constructed on November 15, 1998, 1815
or of any county in which a convention facilities authority levies 1816
a tax pursuant to section 351.021 of the Revised Code on that 1817
date. 1818

As used in division (A)(3) of this section, "cost" and 1819
"facility" have the same meanings as in section 351.01 of the 1820
Revised Code, and "convention center" has the same meaning as in 1821
section 307.695 of the Revised Code. 1822

(4)(a) A board of county commissioners that levies a tax 1823
under division (A)(1) of this section on June 30, 2002, at a rate 1824
of three per cent may, by resolution adopted not later than 1825
September 30, 2002, amend the resolution levying the tax to 1826
provide for all of the following: 1827

(i) That the rate of the tax shall be increased by not more 1828
than an additional three and one-half per cent on each 1829
transaction; 1830

(ii) That all of the revenue from the increase in rate shall 1831
be pledged and contributed to a convention facilities authority 1832
established by the board of county commissioners under Chapter 1833
351. of the Revised Code on or before May 15, 2002, and be used to 1834
pay costs of constructing, expanding, maintaining, operating, or 1835
promoting a convention center in the county, including paying 1836

bonds, or notes issued in anticipation of bonds, as provided by 1837
that chapter; 1838

(iii) That no portion of the revenue arising from the 1839
increase in rate need be returned to municipal corporations or 1840
townships as otherwise required under division (A)(1) of this 1841
section; 1842

(iv) That the increase in rate shall not be subject to 1843
diminution by initiative or referendum or by law while any bonds, 1844
or notes in anticipation of bonds, issued by the authority under 1845
Chapter 351. of the Revised Code to which the revenue is pledged, 1846
remain outstanding in accordance with their terms, unless 1847
provision is made by law or by the board of county commissioners 1848
for an adequate substitute therefor that is satisfactory to the 1849
trustee if a trust agreement secures the bonds. 1850

(b) Any board of county commissioners that, pursuant to 1851
division (A)(4)(a) of this section, has amended a resolution 1852
levying the tax authorized by division (A)(1) of this section may 1853
further amend the resolution to provide that the revenue referred 1854
to in division (A)(4)(a)(ii) of this section shall be pledged and 1855
contributed both to a convention facilities authority to pay the 1856
costs of constructing, expanding, maintaining, or operating one or 1857
more convention centers in the county, including paying bonds, or 1858
notes issued in anticipation of bonds, as provided in Chapter 351. 1859
of the Revised Code, and to a convention and visitors' bureau to 1860
pay the costs of promoting one or more convention centers in the 1861
county. 1862

As used in division (A)(4) of this section, "cost" has the 1863
same meaning as in section 351.01 of the Revised Code, and 1864
"convention center" has the same meaning as in section 307.695 of 1865
the Revised Code. 1866

(5)(a) As used in division (A)(5) of this section: 1867

(i) "Port authority" means a port authority created under Chapter 4582. of the Revised Code.

(ii) "Port authority military-use facility" means port authority facilities on which or adjacent to which is located an installation of the armed forces of the United States, a reserve component thereof, or the national guard and at least part of which is made available for use, for consideration, by the armed forces of the United States, a reserve component thereof, or the national guard.

(b) For the purpose of contributing revenue to pay operating expenses of a port authority that operates a port authority military-use facility, the board of county commissioners of a county that created, participated in the creation of, or has joined such a port authority may do one or both of the following:

(i) Amend a resolution previously adopted under division (A)(1) of this section to designate some or all of the revenue from the tax levied under the resolution to be used for that purpose, notwithstanding that division;

(ii) Amend a resolution previously adopted under division (A)(1) of this section to increase the rate of the tax by not more than an additional two per cent and use the revenue from the increase exclusively for that purpose.

(c) If a board of county commissioners amends a resolution to increase the rate of a tax as authorized in division (A)(5)(b)(ii) of this section, the board also may amend the resolution to specify that the increase in rate of the tax does not apply to "hotels," as otherwise defined in section 5739.01 of the Revised Code, having fewer rooms used for the accommodation of guests than a number of rooms specified by the board.

(6) A board of county commissioners of a county organized under a county charter adopted pursuant to Article X, Section 3,

Ohio Constitution, and that levies an excise tax under division 1899
(A)(1) of this section at a rate of three per cent and levies an 1900
additional excise tax under division (E) of this section at a rate 1901
of one and one-half per cent may, by resolution adopted not later 1902
than January 1, 2008, by a majority of the members of the board, 1903
amend the resolution levying a tax under division (A)(1) of this 1904
section to provide for an increase in the rate of that tax by not 1905
more than an additional one per cent on transactions by which 1906
lodging by a hotel is or is to be furnished to transient guests. 1907
Notwithstanding divisions (A)(1) and (E) of this section, the 1908
resolution shall provide that all of the revenue from the increase 1909
in rate, after deducting the real and actual costs of 1910
administering the tax, shall be used to pay the costs of 1911
improving, expanding, equipping, financing, or operating a 1912
convention center by a convention and visitors' bureau in the 1913
county. The increase in rate shall remain in effect for the period 1914
specified in the resolution, not to exceed ten years. The increase 1915
in rate shall be subject to the regulations adopted under division 1916
(A)(1) of this section, except that the resolution may provide 1917
that no portion of the revenue from the increase in the rate shall 1918
be returned to townships or municipal corporations as would 1919
otherwise be required under that division. 1920

(7) Division (A)(7) of this section applies only to a county 1921
with a population greater than sixty-five thousand and less than 1922
seventy thousand according to the most recent federal decennial 1923
census and in which, on December 31, 2006, an excise tax is levied 1924
under division (A)(1) of this section at a rate not less than and 1925
not greater than three per cent, and in which the most recent 1926
increase in the rate of that tax was enacted or took effect in 1927
November 1984. 1928

The board of county commissioners of a county to which this 1929
division applies, by resolution adopted by a majority of the 1930

members of the board, may increase the rate of the tax by not more 1931
than one per cent on transactions by which lodging by a hotel is 1932
or is to be furnished to transient guests. The increase in rate 1933
shall be for the purpose of paying expenses deemed necessary by 1934
the convention and visitors' bureau operating in the county to 1935
promote travel and tourism. The increase in rate shall remain in 1936
effect for the period specified in the resolution, not to exceed 1937
twenty years, provided that the increase in rate may not continue 1938
beyond the time when the purpose for which the increase is levied 1939
ceases to exist. If revenue from the increase in rate is pledged 1940
to the payment of debt charges on securities, the increase in rate 1941
is not subject to diminution by initiative or referendum or by law 1942
for so long as the securities are outstanding, unless provision is 1943
made by law or by the board of county commissioners for an 1944
adequate substitute for that revenue that is satisfactory to the 1945
trustee if a trust agreement secures payment of the debt charges. 1946
The increase in rate shall be subject to the regulations adopted 1947
under division (A)(1) of this section, except that the resolution 1948
may provide that no portion of the revenue from the increase in 1949
the rate shall be returned to townships or municipal corporations 1950
as would otherwise be required under division (A)(1) of this 1951
section. A resolution adopted under division (A)(7) of this 1952
section is subject to referendum under sections 305.31 to 305.99 1953
of the Revised Code. 1954

(8) A board of county commissioners of a county with a 1955
population greater than four hundred thousand that levies an 1956
excise tax under division (A)(1) of this section at a rate of 1957
three per cent and that levies no other excise tax under this 1958
section may, by resolution adopted by a majority of the members of 1959
the board, amend the resolution levying the tax to provide for all 1960
of the following, notwithstanding anything in that division to the 1961
contrary: 1962

(a) That the rate of the tax shall be increased by not more than an additional four per cent on each transaction; 1963
1964

(b)(i) That a portion of the revenue from the first three per cent of the tax levied under division (A)(1) of this section may be used for the purposes described in division (A)(8)(c) of this section; 1965
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1967
1968

(ii) That all revenue exceeding the revenue from the first three per cent of the tax levied under division (A)(1) of this section shall be used for the purposes of division (A)(8)(c) of this section; 1969
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(c) That the revenue described in divisions (A)(8)(b)(i) and (ii) of this section may be used by the board for the purposes of undertaking, financing, or leasing a project, as defined in section 307.695 of the Revised Code, including paying debt charges on any securities issued by the board under division (I) of that section, except that the project financed with such revenue shall be limited to constructing, acquiring, equipping, furnishing, or leasing an arena or convention center, or combination thereof, that does not exist on the effective date of S.B. 306 of the 127th general assembly, subject to the terms of any pledge to the payment of debt charges on outstanding general obligation securities or special obligation securities under division (I) of section 307.695 of the Revised Code; 1973
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(d) That the additional rate of tax levied under division (A)(8)(a) of this section shall remain in effect at the rate at which it is imposed for the duration of a period ending on the last day of the thirty-fifth year following the adoption of a resolution under this division, the duration of the period during which any securities issued by the board under division (I) of section 307.695 of the Revised Code are outstanding, or the duration of the period during which the board owns as or leases the arena or convention center, whichever duration is longest. 1986
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(B)(1) The legislative authority of a municipal corporation 1995
or the board of trustees of a township that is not wholly or 1996
partly located in a county that has in effect a resolution levying 1997
an excise tax pursuant to division (A)(1) of this section may, by 1998
ordinance or resolution, levy an excise tax not to exceed three 1999
per cent on transactions by which lodging by a hotel is or is to 2000
be furnished to transient guests. The legislative authority of the 2001
municipal corporation or the board of trustees of the township 2002
shall deposit at least fifty per cent of the revenue from the tax 2003
levied pursuant to this division into a separate fund, which shall 2004
be spent solely to make contributions to convention and visitors' 2005
bureaus operating within the county in which the municipal 2006
corporation or township is wholly or partly located, and the 2007
balance of that revenue shall be deposited in the general fund. 2008
The municipal corporation or township shall establish all 2009
regulations necessary to provide for the administration and 2010
allocation of the tax. The regulations may prescribe the time for 2011
payment of the tax, and may provide for the imposition of a 2012
penalty or interest, or both, for late payments, provided that the 2013
penalty does not exceed ten per cent of the amount of tax due, and 2014
the rate at which interest accrues does not exceed the rate per 2015
annum prescribed pursuant to section 5703.47 of the Revised Code. 2016
The levy of a tax under this division is in addition to any tax 2017
imposed on the same transaction by a municipal corporation or a 2018
township as authorized by division (A) of section 5739.08 of the 2019
Revised Code. 2020

(2)(a) The legislative authority of the most populous 2021
municipal corporation located wholly or partly in a county in 2022
which the board of county commissioners has levied a tax under 2023
division (A)(4) of this section may amend, on or before September 2024
30, 2002, that municipal corporation's ordinance or resolution 2025
that levies an excise tax on transactions by which lodging by a 2026
hotel is or is to be furnished to transient guests, to provide for 2027

all of the following: 2028

(i) That the rate of the tax shall be increased by not more 2029
than an additional one per cent on each transaction; 2030

(ii) That all of the revenue from the increase in rate shall 2031
be pledged and contributed to a convention facilities authority 2032
established by the board of county commissioners under Chapter 2033
351. of the Revised Code on or before May 15, 2002, and be used to 2034
pay costs of constructing, expanding, maintaining, operating, or 2035
promoting a convention center in the county, including paying 2036
bonds, or notes issued in anticipation of bonds, as provided by 2037
that chapter; 2038

(iii) That the increase in rate shall not be subject to 2039
diminution by initiative or referendum or by law while any bonds, 2040
or notes in anticipation of bonds, issued by the authority under 2041
Chapter 351. of the Revised Code to which the revenue is pledged, 2042
remain outstanding in accordance with their terms, unless 2043
provision is made by law, by the board of county commissioners, or 2044
by the legislative authority, for an adequate substitute therefor 2045
that is satisfactory to the trustee if a trust agreement secures 2046
the bonds. 2047

(b) The legislative authority of a municipal corporation 2048
that, pursuant to division (B)(2)(a) of this section, has amended 2049
its ordinance or resolution to increase the rate of the tax 2050
authorized by division (B)(1) of this section may further amend 2051
the ordinance or resolution to provide that the revenue referred 2052
to in division (B)(2)(a)(ii) of this section shall be pledged and 2053
contributed both to a convention facilities authority to pay the 2054
costs of constructing, expanding, maintaining, or operating one or 2055
more convention centers in the county, including paying bonds, or 2056
notes issued in anticipation of bonds, as provided in Chapter 351. 2057
of the Revised Code, and to a convention and visitors' bureau to 2058
pay the costs of promoting one or more convention centers in the 2059

county. 2060

As used in division (B)(2) of this section, "cost" has the 2061
same meaning as in section 351.01 of the Revised Code, and 2062
"convention center" has the same meaning as in section 307.695 of 2063
the Revised Code. 2064

(C) For the purposes described in section 307.695 of the 2065
Revised Code and to cover the costs of administering the tax, a 2066
board of county commissioners of a county where a tax imposed 2067
under division (A)(1) of this section is in effect may, by 2068
resolution adopted within ninety days after July 15, 1985, by a 2069
majority of the members of the board, levy an additional excise 2070
tax not to exceed three per cent on transactions by which lodging 2071
by a hotel is or is to be furnished to transient guests. The tax 2072
authorized by this division shall be in addition to any tax that 2073
is levied pursuant to division (A) of this section, but it shall 2074
not apply to transactions subject to a tax levied by a municipal 2075
corporation or township pursuant to the authorization granted by 2076
division (A) of section 5739.08 of the Revised Code. The board 2077
shall establish all regulations necessary to provide for the 2078
administration and allocation of the tax. The regulations may 2079
prescribe the time for payment of the tax, and may provide for the 2080
imposition of a penalty or interest, or both, for late payments, 2081
provided that the penalty does not exceed ten per cent of the 2082
amount of tax due, and the rate at which interest accrues does not 2083
exceed the rate per annum prescribed pursuant to section 5703.47 2084
of the Revised Code. All revenues arising from the tax shall be 2085
expended in accordance with section 307.695 of the Revised Code. 2086
The board of county commissioners of an eligible county as defined 2087
in section 307.695 of the Revised Code may, by resolution adopted 2088
by a majority of the members of the board, amend the resolution 2089
levying a tax under this division to provide that the revenue from 2090
the tax shall be used by the board as described in division (H) of 2091

section 307.695 of the Revised Code. A tax imposed under this 2092
division shall remain in effect at the rate at which it is imposed 2093
for the duration of the period during which any agreement entered 2094
into by the board under section 307.695 of the Revised Code is in 2095
effect, the duration of the period during which any securities 2096
issued by the board under division (I) of section 307.695 of the 2097
Revised Code are outstanding, or the duration of the period during 2098
which the board owns a project as defined in section 307.695 of 2099
the Revised Code, whichever duration is longest. 2100

(D) For the purpose of providing contributions under division 2101
(B)(1) of section 307.671 of the Revised Code to enable the 2102
acquisition, construction, and equipping of a port authority 2103
educational and cultural facility in the county and, to the extent 2104
provided for in the cooperative agreement authorized by that 2105
section, for the purpose of paying debt service charges on bonds, 2106
or notes in anticipation of bonds, described in division (B)(1)(b) 2107
of that section, a board of county commissioners, by resolution 2108
adopted within ninety days after December 22, 1992, by a majority 2109
of the members of the board, may levy an additional excise tax not 2110
to exceed one and one-half per cent on transactions by which 2111
lodging by a hotel is or is to be furnished to transient guests. 2112
The excise tax authorized by this division shall be in addition to 2113
any tax that is levied pursuant to divisions (A), (B), and (C) of 2114
this section, to any excise tax levied pursuant to section 5739.08 2115
of the Revised Code, and to any excise tax levied pursuant to 2116
section 351.021 of the Revised Code. The board of county 2117
commissioners shall establish all regulations necessary to provide 2118
for the administration and allocation of the tax that are not 2119
inconsistent with this section or section 307.671 of the Revised 2120
Code. The regulations may prescribe the time for payment of the 2121
tax, and may provide for the imposition of a penalty or interest, 2122
or both, for late payments, provided that the penalty does not 2123
exceed ten per cent of the amount of tax due, and the rate at 2124

which interest accrues does not exceed the rate per annum 2125
prescribed pursuant to section 5703.47 of the Revised Code. All 2126
revenues arising from the tax shall be expended in accordance with 2127
section 307.671 of the Revised Code and division (D) of this 2128
section. The levy of a tax imposed under this division may not 2129
commence prior to the first day of the month next following the 2130
execution of the cooperative agreement authorized by section 2131
307.671 of the Revised Code by all parties to that agreement. The 2132
tax shall remain in effect at the rate at which it is imposed for 2133
the period of time described in division (C) of section 307.671 of 2134
the Revised Code for which the revenue from the tax has been 2135
pledged by the county to the corporation pursuant to that section, 2136
but, to any extent provided for in the cooperative agreement, for 2137
no lesser period than the period of time required for payment of 2138
the debt service charges on bonds, or notes in anticipation of 2139
bonds, described in division (B)(1)(b) of that section. 2140

(E) For the purpose of paying the costs of acquiring, 2141
constructing, equipping, and improving a municipal educational and 2142
cultural facility, including debt service charges on bonds 2143
provided for in division (B) of section 307.672 of the Revised 2144
Code, and for any additional purposes determined by the county in 2145
the resolution levying the tax or amendments to the resolution, 2146
including subsequent amendments providing for paying costs of 2147
acquiring, constructing, renovating, rehabilitating, equipping, 2148
and improving a port authority educational and cultural performing 2149
arts facility, as defined in section 307.674 of the Revised Code, 2150
and including debt service charges on bonds provided for in 2151
division (B) of section 307.674 of the Revised Code, the 2152
legislative authority of a county, by resolution adopted within 2153
ninety days after June 30, 1993, by a majority of the members of 2154
the legislative authority, may levy an additional excise tax not 2155
to exceed one and one-half per cent on transactions by which 2156
lodging by a hotel is or is to be furnished to transient guests. 2157

The excise tax authorized by this division shall be in addition to 2158
any tax that is levied pursuant to divisions (A), (B), (C), and 2159
(D) of this section, to any excise tax levied pursuant to section 2160
5739.08 of the Revised Code, and to any excise tax levied pursuant 2161
to section 351.021 of the Revised Code. The legislative authority 2162
of the county shall establish all regulations necessary to provide 2163
for the administration and allocation of the tax. The regulations 2164
may prescribe the time for payment of the tax, and may provide for 2165
the imposition of a penalty or interest, or both, for late 2166
payments, provided that the penalty does not exceed ten per cent 2167
of the amount of tax due, and the rate at which interest accrues 2168
does not exceed the rate per annum prescribed pursuant to section 2169
5703.47 of the Revised Code. All revenues arising from the tax 2170
shall be expended in accordance with section 307.672 of the 2171
Revised Code and this division. The levy of a tax imposed under 2172
this division shall not commence prior to the first day of the 2173
month next following the execution of the cooperative agreement 2174
authorized by section 307.672 of the Revised Code by all parties 2175
to that agreement. The tax shall remain in effect at the rate at 2176
which it is imposed for the period of time determined by the 2177
legislative authority of the county. That period of time shall not 2178
exceed fifteen years, except that the legislative authority of a 2179
county with a population of less than two hundred fifty thousand 2180
according to the most recent federal decennial census, by 2181
resolution adopted by a majority of its members before the 2182
original tax expires, may extend the duration of the tax for an 2183
additional period of time. The additional period of time by which 2184
a legislative authority extends a tax levied under this division 2185
shall not exceed fifteen years. 2186

(F) The legislative authority of a county that has levied a 2187
tax under division (E) of this section may, by resolution adopted 2188
within one hundred eighty days after January 4, 2001, by a 2189
majority of the members of the legislative authority, amend the 2190

resolution levying a tax under that division to provide for the 2191
use of the proceeds of that tax, to the extent that it is no 2192
longer needed for its original purpose as determined by the 2193
parties to a cooperative agreement amendment pursuant to division 2194
(D) of section 307.672 of the Revised Code, to pay costs of 2195
acquiring, constructing, renovating, rehabilitating, equipping, 2196
and improving a port authority educational and cultural performing 2197
arts facility, including debt service charges on bonds provided 2198
for in division (B) of section 307.674 of the Revised Code, and to 2199
pay all obligations under any guaranty agreements, reimbursement 2200
agreements, or other credit enhancement agreements described in 2201
division (C) of section 307.674 of the Revised Code. The 2202
resolution may also provide for the extension of the tax at the 2203
same rate for the longer of the period of time determined by the 2204
legislative authority of the county, but not to exceed an 2205
additional twenty-five years, or the period of time required to 2206
pay all debt service charges on bonds provided for in division (B) 2207
of section 307.672 of the Revised Code and on port authority 2208
revenue bonds provided for in division (B) of section 307.674 of 2209
the Revised Code. All revenues arising from the amendment and 2210
extension of the tax shall be expended in accordance with section 2211
307.674 of the Revised Code, this division, and division (E) of 2212
this section. 2213

(G) For purposes of a tax levied by a county, township, or 2214
municipal corporation under this section or section 5739.08 of the 2215
Revised Code, a board of county commissioners, board of township 2216
trustees, or the legislative authority of a municipal corporation 2217
may adopt a resolution or ordinance at any time specifying that 2218
"hotel," as otherwise defined in section 5739.01 of the Revised 2219
Code, includes establishments in which fewer than five rooms are 2220
used for the accommodation of guests. The resolution or ordinance 2221
may apply to a tax imposed pursuant to this section prior to the 2222
adoption of the resolution or ordinance if the resolution or 2223

ordinance so states, but the tax shall not apply to transactions 2224
by which lodging by such an establishment is provided to transient 2225
guests prior to the adoption of the resolution or ordinance. 2226

(H)(1) As used in this division: 2227

(a) "Convention facilities authority" has the same meaning as 2228
in section 351.01 of the Revised Code. 2229

(b) "Convention center" has the same meaning as in section 2230
307.695 of the Revised Code. 2231

(2) Notwithstanding any contrary provision of division (D) of 2232
this section, the legislative authority of a county with a 2233
population of one million or more according to the most recent 2234
federal decennial census that has levied a tax under division (D) 2235
of this section may, by resolution adopted by a majority of the 2236
members of the legislative authority, provide for the extension of 2237
such levy and may provide that the proceeds of that tax, to the 2238
extent that they are no longer needed for their original purpose 2239
as defined by a cooperative agreement entered into under section 2240
307.671 of the Revised Code, shall be deposited into the county 2241
general revenue fund. The resolution shall provide for the 2242
extension of the tax at a rate not to exceed the rate specified in 2243
division (D) of this section for a period of time determined by 2244
the legislative authority of the county, but not to exceed an 2245
additional forty years. 2246

(3) The legislative authority of a county with a population 2247
of one million or more that has levied a tax under division (A)(1) 2248
of this section may, by resolution adopted by a majority of the 2249
members of the legislative authority, increase the rate of the tax 2250
levied by such county under division (A)(1) of this section to a 2251
rate not to exceed five per cent on transactions by which lodging 2252
by a hotel is or is to be furnished to transient guests. 2253
Notwithstanding any contrary provision of division (A)(1) of this 2254

section, the resolution may provide that all collections resulting 2255
from the rate levied in excess of three per cent, after deducting 2256
the real and actual costs of administering the tax, shall be 2257
deposited in the county general fund. 2258

(4) The legislative authority of a county with a population 2259
of one million or more that has levied a tax under division (A)(1) 2260
of this section may, by resolution adopted on or before August 30, 2261
2004, by a majority of the members of the legislative authority, 2262
provide that all or a portion of the proceeds of the tax levied 2263
under division (A)(1) of this section, after deducting the real 2264
and actual costs of administering the tax and the amounts required 2265
to be returned to townships and municipal corporations with 2266
respect to the first three per cent levied under division (A)(1) 2267
of this section, shall be deposited in the county general fund, 2268
provided that such proceeds shall be used to satisfy any pledges 2269
made in connection with an agreement entered into under section 2270
307.695 of the Revised Code. 2271

(5) No amount collected from a tax levied, extended, or 2272
required to be deposited in the county general fund under division 2273
(H) of this section shall be contributed to a convention 2274
facilities authority, corporation, or other entity created after 2275
July 1, 2003, for the principal purpose of constructing, 2276
improving, expanding, equipping, financing, or operating a 2277
convention center unless the mayor of the municipal corporation in 2278
which the convention center is to be operated by that convention 2279
facilities authority, corporation, or other entity has consented 2280
to the creation of that convention facilities authority, 2281
corporation, or entity. Notwithstanding any contrary provision of 2282
section 351.04 of the Revised Code, if a tax is levied by a county 2283
under division (H) of this section, the board of county 2284
commissioners of that county may determine the manner of 2285
selection, the qualifications, the number, and terms of office of 2286

the members of the board of directors of any convention facilities 2287
authority, corporation, or other entity described in division 2288
(H)(5) of this section. 2289

(6)(a) No amount collected from a tax levied, extended, or 2290
required to be deposited in the county general fund under division 2291
(H) of this section may be used for any purpose other than paying 2292
the direct and indirect costs of constructing, improving, 2293
expanding, equipping, financing, or operating a convention center 2294
and for the real and actual costs of administering the tax, 2295
unless, prior to the adoption of the resolution of the legislative 2296
authority of the county authorizing the levy, extension, increase, 2297
or deposit, the county and the mayor of the most populous 2298
municipal corporation in that county have entered into an 2299
agreement as to the use of such amounts, provided that such 2300
agreement has been approved by a majority of the mayors of the 2301
other municipal corporations in that county. The agreement shall 2302
provide that the amounts to be used for purposes other than paying 2303
the convention center or administrative costs described in 2304
division (H)(6)(a) of this section be used only for the direct and 2305
indirect costs of capital improvements, including the financing of 2306
capital improvements. 2307

(b) If the county in which the tax is levied has an 2308
association of mayors and city managers, the approval of that 2309
association of an agreement described in division (H)(6)(a) of 2310
this section shall be considered to be the approval of the 2311
majority of the mayors of the other municipal corporations for 2312
purposes of that division. 2313

(7) Each year, the auditor of state shall conduct an audit of 2314
the uses of any amounts collected from taxes levied, extended, or 2315
deposited under division (H) of this section and shall prepare a 2316
report of the auditor of state's findings. The auditor of state 2317
shall submit the report to the legislative authority of the county 2318

that has levied, extended, or deposited the tax, the speaker of 2319
the house of representatives, the president of the senate, and the 2320
leaders of the minority parties of the house of representatives 2321
and the senate. 2322

(I)(1) As used in this division: 2323

(a) "Convention facilities authority" has the same meaning as 2324
in section 351.01 of the Revised Code. 2325

(b) "Convention center" has the same meaning as in section 2326
307.695 of the Revised Code. 2327

(2) Notwithstanding any contrary provision of division (D) of 2328
this section, the legislative authority of a county with a 2329
population of one million two hundred thousand or more according 2330
to the most recent federal decennial census or the most recent 2331
annual population estimate published or released by the United 2332
States census bureau at the time the resolution is adopted placing 2333
the levy on the ballot, that has levied a tax under division (D) 2334
of this section may, by resolution adopted by a majority of the 2335
members of the legislative authority, provide for the extension of 2336
such levy and may provide that the proceeds of that tax, to the 2337
extent that the proceeds are no longer needed for their original 2338
purpose as defined by a cooperative agreement entered into under 2339
section 307.671 of the Revised Code and after deducting the real 2340
and actual costs of administering the tax, shall be used for 2341
paying the direct and indirect costs of constructing, improving, 2342
expanding, equipping, financing, or operating a convention center. 2343
The resolution shall provide for the extension of the tax at a 2344
rate not to exceed the rate specified in division (D) of this 2345
section for a period of time determined by the legislative 2346
authority of the county, but not to exceed an additional forty 2347
years. 2348

(3) The legislative authority of a county with a population 2349

of one million two hundred thousand or more that has levied a tax 2350
under division (A)(1) of this section may, by resolution adopted 2351
by a majority of the members of the legislative authority, 2352
increase the rate of the tax levied by such county under division 2353
(A)(1) of this section to a rate not to exceed five per cent on 2354
transactions by which lodging by a hotel is or is to be furnished 2355
to transient guests. Notwithstanding any contrary provision of 2356
division (A)(1) of this section, the resolution shall provide that 2357
all collections resulting from the rate levied in excess of three 2358
per cent, after deducting the real and actual costs of 2359
administering the tax, shall be used for paying the direct and 2360
indirect costs of constructing, improving, expanding, equipping, 2361
financing, or operating a convention center. 2362

(4) The legislative authority of a county with a population 2363
of one million two hundred thousand or more that has levied a tax 2364
under division (A)(1) of this section may, by resolution adopted 2365
on or before July 1, 2008, by a majority of the members of the 2366
legislative authority, provide that all or a portion of the 2367
proceeds of the tax levied under division (A)(1) of this section, 2368
after deducting the real and actual costs of administering the tax 2369
and the amounts required to be returned to townships and municipal 2370
corporations with respect to the first three per cent levied under 2371
division (A)(1) of this section, shall be used to satisfy any 2372
pledges made in connection with an agreement entered into under 2373
section 307.695 of the Revised Code or shall otherwise be used for 2374
paying the direct and indirect costs of constructing, improving, 2375
expanding, equipping, financing, or operating a convention center. 2376

(5) Any amount collected from a tax levied or extended under 2377
division (I) of this section may be contributed to a convention 2378
facilities authority created before July 1, 2005, but no amount 2379
collected from a tax levied or extended under division (I) of this 2380
section may be contributed to a convention facilities authority, 2381

corporation, or other entity created after July 1, 2005, unless 2382
the mayor of the municipal corporation in which the convention 2383
center is to be operated by that convention facilities authority, 2384
corporation, or other entity has consented to the creation of that 2385
convention facilities authority, corporation, or entity. 2386

Section 2. That existing sections 135.804, 307.695, 322.07, 2387
323.151, 323.152, 323.153, 323.154, 323.155, 323.156, 323.159, 2388
3317.16, 4503.065, 4503.066, 4503.067, 4503.068, 4735.18, and 2389
5739.09 of the Revised Code are hereby repealed. 2390

Section 3. That the amendment by this act to section 3317.16 2391
of the Revised Code shall first apply to the fiscal year ending 2392
June 30, 2009, and that the total amount of payments under that 2393
section during that fiscal year to any joint vocational school 2394
district affected by the amendment shall be calculated as though 2395
the amendment had been in effect prior to July 1, 2008. 2396

Section 4. Section 323.156 of the Revised Code is presented 2397
in this act as a composite of the section as amended by both Am. 2398
H.B. 595 and Am. Sub. H.B. 672 of the 123rd General Assembly. The 2399
General Assembly, applying the principle stated in division (B) of 2400
section 1.52 of the Revised Code that amendments are to be 2401
harmonized if reasonably capable of simultaneous operation, finds 2402
that the composite is the resulting version of the section in 2403
effect prior to the effective date of the section as presented in 2404
this act. 2405