

As Introduced

**128th General Assembly
Regular Session
2009-2010**

H. B. No. 86

Representative Hagan

Cosponsors: Representatives Gerberry, Okey

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A B I L L

To amend sections 323.78 and 1724.04 of the Revised Code to authorize in certain counties the creation of a land reutilization corporation to facilitate the reclamation, rehabilitation, and reutilization of vacant, abandoned, tax-foreclosed, or other real property and to authorize in those counties the use of the expedited, nonjudicial foreclosure procedure for abandoned lands.

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

Section 1. That sections 323.78 and 1724.04 of the Revised Code be amended to read as follows:

Sec. 323.78. Notwithstanding anything in Chapters 323., 5721., and 5723. of the Revised Code, if the county treasurer of a county having a population of more than one million two hundred thousand or of a county having a population of more than two hundred fifty thousand, but less than two hundred seventy-five thousand as of the most recent decennial census, in any petition for foreclosure of abandoned lands, elects to invoke the alternative redemption period, then upon any adjudication of foreclosure by any court or the board of revision in any

proceeding under section 323.25, sections 323.65 to 323.79, or 20
section 5721.18 of the Revised Code, the following apply: 21

(A) Unless otherwise ordered by a motion of the court or 22
board of revision, the petition shall assert, and any notice of 23
final hearing shall include, that upon foreclosure of the parcel, 24
the equity of redemption in any parcel by its owner shall be 25
forever terminated after the expiration of the alternative 26
redemption period, that the parcel thereafter may be sold at 27
sheriff's sale either by itself or together with other parcels as 28
permitted by law; or that the parcel may, by order of the court or 29
board of revision, be transferred directly to a municipal 30
corporation, township, county, school district, or county land 31
reutilization corporation without appraisal and without a sale, 32
free and clear of all impositions and any other liens on the 33
property, which shall be deemed forever satisfied and discharged. 34

(B) After the expiration of the alternative redemption period 35
following an adjudication of foreclosure, by order of the court or 36
board of revision, any equity of redemption is forever 37
extinguished, and the parcel may be transferred individually or in 38
lots with other tax-foreclosed properties to a municipal 39
corporation, township, county, school district, or county land 40
reutilization corporation without appraisal and without a sale, 41
upon which all impositions and any other liens subordinate to 42
liens for impositions due at the time the deed to the property is 43
conveyed to a purchaser or transferred to a community development 44
organization, county land reutilization corporation, municipal 45
corporation, county, township, or school district, shall be deemed 46
satisfied and discharged. Other than the order of the court or 47
board of revision so ordering the transfer of the parcel, no 48
further act of confirmation or other order shall be required for 49
such a transfer, or for the extinguishment of any right of 50
redemption. No such parcel shall be transferred to a county land 51

reutilization corporation after two years following the filing of 52
its articles of incorporation by the secretary of state. 53

(C) Upon the expiration of the alternative redemption period 54
in cases to which the alternative redemption period has been 55
ordered, if no community development organization, county land 56
reutilization corporation, municipal corporation, county, 57
township, or school district has requested title to the parcel, 58
the court or board of revision may order the property sold as 59
otherwise provided in Chapters 323. and 5721. of the Revised Code, 60
and, failing any bid at any such sale, the parcel shall be 61
forfeited to the state and otherwise disposed of pursuant to 62
Chapter 5723. of the Revised Code. 63

Sec. 1724.04. A county having a population of more than one 64
million two hundred thousand or a county having a population of 65
more than two hundred fifty thousand, but less than two hundred 66
seventy-five thousand as of the most recent decennial census that 67
elects under section 5722.02 of the Revised Code to adopt and 68
implement the procedures set forth in sections 5722.02 to 5722.15 69
of the Revised Code may organize a county land reutilization 70
corporation under this chapter and Chapter 1702. of the Revised 71
Code for the purpose of exercising the powers granted to a county 72
under Chapter 5722. of the Revised Code. The county treasurer of 73
the county for the benefit of which the corporation is being 74
organized shall be the incorporator of the county land 75
reutilization corporation. The form of the articles of 76
incorporation of the corporation shall be approved by resolution 77
of the board of county commissioners of the county. A county land 78
reutilization corporation may not be organized under this chapter 79
after the day that is one year after ~~the effective date of the~~ 80
~~amendment of this section by S.B. 353 of the 127th General~~ 81
~~Assembly~~ April 7, 2009. 82

When the articles of incorporation of any community 83
improvement corporation, or any amendment, amended articles, 84
merger, or consolidation which provides for the creation of such a 85
corporation, are deposited for filing and recording in the office 86
of the secretary of state, the secretary of state shall submit 87
them to the attorney general for examination. If such articles, 88
amendment, amended articles, merger, or consolidation, are found 89
by the attorney general to be in accordance with Chapter 1724. of 90
the Revised Code, and not inconsistent with the constitution and 91
laws of the United States and of this state, the attorney general 92
shall endorse thereon the attorney general's approval and deliver 93
them to the secretary of state, who shall file and record them 94
pursuant to section 1702.07 of the Revised Code. 95

Section 2. That existing sections 323.78 and 1724.04 of the 96
Revised Code are hereby repealed. 97