

As Introduced

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Senator Stewart

Cosponsors: Senators Widener, Schaffer, Sawyer, Seitz

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A B I L L

To amend sections 717.25, 1710.01, 1710.06, and 1
1710.07 of the Revised Code to expand special 2
improvement district energy improvement projects 3
and to expand the municipal solar energy revolving 4
loan program law to include alternative energy. 5

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

Section 1. That sections 717.25, 1710.01, 1710.06, and 6
1710.07 of the Revised Code be amended to read as follows: 7

Sec. 717.25. The legislative authority of a municipal 8
corporation may establish a low-cost ~~solar panel~~ alternative 9
energy revolving loan program to assist ~~residents of~~ owners of 10
real property within the municipal corporation ~~to install solar~~ 11
~~panels at~~ with installing and implementing alternative energy 12
technologies, including solar photovoltaic, solar thermal energy, 13
wind energy, geothermal energy, or energy efficiency technologies, 14
products, and activities that reduce energy consumption or support 15
the production of clean, renewable energy on their ~~residences~~ real 16
property. If the legislative authority decides to establish such a 17
program, the legislative authority shall adopt an ordinance that 18
provides for the following: 19

(A) Creation in the municipal treasury of a ~~residential solar panel~~ an alternative energy revolving loan fund; 20
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(B) A source of money, such as gifts, bond issues, real 22
property assessments, or federal subsidies, to seed the 23
~~residential solar panel~~ alternative energy revolving loan fund; 24

(C) Facilities for making loans from the ~~residential solar panel~~ alternative energy revolving loan fund, including an 25
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explanation of how ~~residents of~~ owners of real property within the 27
municipal corporation may qualify for loans from the fund, a 28
description of the ~~solar panels~~ alternative energy technologies 29
and related equipment for which a loan can be made from the fund, 30
authorization of a municipal agency to process applications for 31
loans and otherwise to administer the low-cost ~~solar panel~~ 32
alternative energy revolving loan program, a procedure whereby 33
loans can be applied for, criteria for reviewing and accepting or 34
denying applications for loans, criteria for determining the 35
appropriate amount of a loan, the interest rate to be charged, the 36
repayment schedule, and other terms and conditions of a loan, and 37
procedures for collecting loans that are not repaid according to 38
the repayment schedule; 39

(D) A specification that repayments of loans from the 40
~~residential solar panel~~ alternative energy revolving loan fund may 41
be made in installments and, at the option of the ~~resident~~ real 42
property owner repaying the loan, the installments may be paid and 43
collected as if they were special assessments paid and collected 44
in the manner specified in Chapter 727. of the Revised Code and as 45
specified in the ordinance; 46

(E) A specification that repayments of loans from the 47
~~residential solar panel~~ alternative energy revolving loan fund are 48
to be credited to the fund, that the money in the fund is to be 49
invested pending its being lent out, and that investment earnings 50
on the money in the fund ~~is~~ are to be credited to the fund; and 51

(F) Other matters necessary and proper for efficient 52
operation of the low-cost ~~solar-panel~~ alternative energy revolving 53
loan program as a means of encouraging use of ~~renewable~~ 54
alternative energy technologies. 55

The interest rate charged on a loan from the ~~residential~~ 56
~~solar-panel~~ alternative energy revolving loan fund shall be below 57
prevailing market rates. The legislative authority may specify the 58
interest rate in the ordinance or may, after establishing a 59
standard in the ordinance whereby the interest rate can be 60
specified, delegate authority to specify the interest rate to the 61
administrator of loans from the ~~residential-solar-panel~~ 62
alternative energy revolving loan fund. 63

The ~~residential-solar-panel~~ alternative energy revolving loan 64
fund shall be seeded with sufficient money to enable loans to be 65
made until the fund accumulates sufficient reserves through 66
investment and repayment of loans for revolving operation. 67

Sec. 1710.01. As used in this chapter: 68

(A) "Special improvement district" means a special 69
improvement district organized under this chapter. 70

(B) "Church" means a fellowship of believers, congregation, 71
society, corporation, convention, or association that is formed 72
primarily or exclusively for religious purposes and that is not 73
formed for the private profit of any person. 74

(C) "Church property" means property that is described as 75
being exempt from taxation under division (A)(2) of section 76
5709.07 of the Revised Code and that the county auditor has 77
entered on the exempt list compiled under section 5713.07 of the 78
Revised Code. 79

(D) "Municipal executive" means the mayor, city manager, or 80
other chief executive officer of the municipal corporation in 81

which a special improvement district is located. 82

(E) "Participating political subdivision" means the municipal 83
corporation or township, or each of the municipal corporations or 84
townships, that has territory within the boundaries of a special 85
improvement district created under this chapter. 86

(F) "Legislative authority of a participating political 87
subdivision" means, with reference to a township, the board of 88
township trustees. 89

(G) "Public improvement" means the planning, design, 90
construction, reconstruction, enlargement, or alteration of any 91
facility or improvement, including the acquisition of land, for 92
which a special assessment may be levied under Chapter 727. of the 93
Revised Code, and includes any special energy improvement project. 94

(H) "Public service" means any service that can be provided 95
by a municipal corporation or any service for which a special 96
assessment may be levied under Chapter 727. of the Revised Code. 97

(I) "Special energy improvement project" means any property, 98
device, structure, or equipment necessary for the acquisition, 99
installation, equipping, and improvement of any real or personal 100
property used for the purpose of creating a solar photo voltaic 101
project ~~or~~, a solar thermal energy project, a wind energy project, 102
a geothermal energy project, a biomass energy or gasification 103
project, or an energy efficiency improvement, whether such real or 104
personal property is publicly or privately owned. 105

(J) "Existing qualified nonprofit corporation" means a 106
nonprofit corporation that existed before the creation of the 107
corresponding district under this chapter, that is composed of 108
members located within or adjacent to the district, that has 109
established a police department under section 1702.80 of the 110
Revised Code, and that is organized for purposes that include 111
acquisition of real property within an area specified by its 112

articles for the subsequent transfer of such property to its 113
members exclusively for charitable, scientific, literary, or 114
educational purposes, or holding and maintaining and leasing such 115
property; planning for and assisting in the development of its 116
members; providing for the relief of the poor and distressed or 117
underprivileged in the area and adjacent areas; combating 118
community deterioration and lessening the burdens of government; 119
providing or assisting others in providing housing for low- or 120
moderate-income persons; and assisting its members by the 121
provision of public safety and security services, parking 122
facilities, transit service, landscaping, and parks. 123

(K) "Energy efficiency improvement" means energy efficiency 124
technologies, products, and activities that reduce or support the 125
reduction of energy consumption or support the production of 126
clean, renewable energy and that are or will be permanently fixed 127
to real property. 128

Sec. 1710.06. (A) The board of directors of a special 129
improvement district may develop and adopt one or more written 130
plans for public improvements or public services that benefit all 131
or any part of the district. Each plan shall set forth the 132
specific public improvements or public services that are to be 133
provided, identify the area in which they will be provided, and 134
specify the method of assessment to be used. Each plan for public 135
improvements or public services shall indicate the period of time 136
the assessments are to be levied for the improvements and services 137
and, if public services are included in the plan, the period of 138
time the services are to remain in effect. Plans for public 139
improvements may include the planning, design, construction, 140
reconstruction, enlargement, or alteration of any public 141
improvements and the acquisition of land for the improvements. 142
Plans for public improvements or public services may also include, 143
but are not limited to, provisions for the following: 144

(1) Creating and operating the district and the nonprofit corporation under this chapter, including hiring employees and professional services, contracting for insurance, and purchasing or leasing office space and office equipment and other requirements of the district;	145 146 147 148 149
(2) Planning, designing, and implementing a public improvements or public services plan, including hiring architectural, engineering, legal, appraisal, insurance, <u>consulting, energy auditing,</u> and planning services, and, for public services, managing, protecting, and maintaining public and private facilities, including public improvements;	150 151 152 153 154 155
(3) Conducting court proceedings to carry out this chapter;	156
(4) Paying damages resulting from the provision of public improvements or public services and implementing the plans;	157 158
(5) Paying the costs of issuing, paying interest on, and redeeming notes and bonds issued for funding public improvements and public services plans; and	159 160 161
(6) Sale, lease, lease with an option to purchase, conveyance of other interests in, or other contracts for the acquisition, construction, maintenance, repair, furnishing, equipping, operation, or improvement of any special energy improvement project by the special improvement district, between a participating political subdivision and the special improvement district, and between the special improvement district and any owner of real property in the special improvement district on which a special energy improvement project has been acquired, installed, equipped, or improved.	162 163 164 165 166 167 168 169 170 171
(B) Once the board of directors of the special improvement district adopts a plan, it shall submit the plan to the legislative authority of each participating political subdivision and the municipal executive of each municipal corporation in which	172 173 174 175

the district is located, if any. The legislative authorities and 176
municipal executives shall review the plan and, within sixty days 177
after receiving it, may submit their comments and recommendations 178
about it to the district. After reviewing these comments and 179
recommendations, the board of directors may amend the plan. It may 180
then submit the plan, amended or otherwise, in the form of a 181
petition to members of the district whose property may be assessed 182
for the plan. Once the petition is signed by those members who own 183
at least sixty per cent of the front footage of property that is 184
to be assessed and that abuts upon a street, alley, public road, 185
place, boulevard, parkway, park entrance, easement, or other 186
public improvement, or those members who own at least seventy-five 187
per cent of the area to be assessed for the improvement or 188
service, the petition may be submitted to each legislative 189
authority for approval. If the special improvement district was 190
created for the purpose of developing and implementing plans for 191
special energy improvement projects, the petition required under 192
this division shall be signed by one hundred per cent of the 193
owners of the area of all real property located within the area to 194
be assessed for the special energy improvement project. 195

Each legislative authority shall, by resolution, approve or 196
reject the petition within sixty days after receiving it. If the 197
petition is approved by the legislative authority of each 198
participating political subdivision, the plan contained in the 199
petition shall be effective at the earliest date on which a 200
nonemergency resolution of the legislative authority with the 201
latest effective date may become effective. A plan may not be 202
resubmitted to the legislative authorities and municipal 203
executives more than three times in any twelve-month period. 204

(C) Each participating political subdivision shall levy, by 205
special assessment upon specially benefited property located 206
within the district, the costs of any public improvements or 207

public services plan contained in a petition approved by the 208
participating political subdivisions under this section or 209
division (F) of section 1710.02 of the Revised Code. The levy 210
shall be made in accordance with the procedures set forth in 211
Chapter 727. of the Revised Code, except that: 212

(1) The assessment for each improvements or services plan may 213
be levied by any one or any combination of the methods of 214
assessment listed in section 727.01 of the Revised Code, provided 215
that the assessment is uniformly applied. 216

(2) For the purpose of levying an assessment, the board of 217
directors may combine one or more improvements or services plans 218
or parts of plans and levy a single assessment against specially 219
benefited property. 220

(3) For purposes of special assessments levied by a township 221
pursuant to this chapter, references in Chapter 727. of the 222
Revised Code to the municipal corporation shall be deemed to refer 223
to the township, and references to the legislative authority of 224
the municipal corporation shall be deemed to refer to the board of 225
township trustees. 226

Church property or property owned by a political subdivision, 227
including any participating political subdivision in which a 228
special improvement district is located, shall be included in and 229
be subject to special assessments made pursuant to a plan adopted 230
under this section or division (F) of section 1710.02 of the 231
Revised Code, if the church or political subdivision has 232
specifically requested in writing that its property be included 233
within the special improvement district and the church or 234
political subdivision is a member of the district or, in the case 235
of a district created by an existing qualified nonprofit 236
corporation, if the church is a member of the corporation. 237

(D) All rights and privileges of property owners who are 238

assessed under Chapter 727. of the Revised Code shall be granted 239
to property owners assessed under this chapter, including those 240
rights and privileges specified in sections 727.15 to 727.17 and 241
727.18 to 727.22 of the Revised Code and the right to notice of 242
the resolution of necessity and the filing of the estimated 243
assessment under section 727.13 of the Revised Code. Property 244
owners assessed for public services under this chapter shall have 245
the same rights and privileges as property owners assessed for 246
public improvements under this chapter. 247

Sec. 1710.07. The cost of any public improvements or public 248
services plan of a special improvement district may include, but 249
is not limited to, the following: 250

(A) The cost of creating and operating the district under 251
this chapter, including creating and operating a nonprofit 252
organization organized under this chapter, hiring employees and 253
professional services, contracting for insurance, and purchasing 254
or leasing office space or office equipment; 255

(B) The cost of planning, designing, and implementing the 256
public improvements or public services plan, including payment of 257
architectural, engineering, legal, appraisal, insurance, 258
consulting, energy auditing, and planning fees and expenses, and, 259
for public services, the management, protection, and maintenance 260
costs of public or private facilities; 261

(C) Any court costs incurred by the district in implementing 262
the public improvements or public services plan; 263

(D) Any damages resulting from implementing the public 264
improvements or public services plan; 265

(E) The costs of issuing, paying interest on, and redeeming 266
notes and bonds issued for funding the public improvements or 267
public services plan; and 268

(F) The costs associated with the sale, lease, lease with an option to purchase, conveyance of other interests in, or other contracts for the acquisition, construction, maintenance, repair, furnishing, equipping, operation, or improvement of any special energy improvement project by the district, between a participating political subdivision and the special improvement district, or between the special improvement district and any owner of real property in the special improvement district on which a special energy improvement project has been acquired, installed, equipped, or improved.

Section 2. That existing sections 717.25, 1710.01, 1710.06, and 1710.07 of the Revised Code are hereby repealed.