

As Introduced

**129th General Assembly
Regular Session
2011-2012**

S. B. No. 172

Senator Schaffer

Cosponsor: Senator Gillmor

—

A B I L L

To amend section 2333.01 and to enact section 1
5747.124 of the Revised Code to enable a judgment 2
creditor landlord to obtain a court order 3
directing the Tax Commissioner to pay the judgment 4
debtor tenant's income tax refund to the landlord. 5

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

Section 1. That section 2333.01 be amended and section 6
5747.124 of the Revised Code be enacted to read as follows: 7

Sec. 2333.01. When a judgment debtor does not have sufficient 8
personal or real property subject to levy on execution to satisfy 9
the judgment, any equitable interest which ~~he~~ the judgment debtor 10
has in real estate as mortgagor, mortgagee, or otherwise, or any 11
interest ~~he~~ the judgment debtor has in a banking, turnpike, 12
bridge, or other joint-stock company, or in a money contract, 13
claim, or chose in action, due or to become due to ~~him~~ the 14
judgment debtor, or in a judgment or order, or money, goods, or 15
effects which ~~he~~ the judgment debtor has in the possession of any 16
person or body politic or corporate, or in money due or that might 17
become due to the judgment debtor under section 5747.11 of the 18
Revised Code, shall be subject to the payment of the judgment by 19

action. 20

Sec. 5747.124. A landlord who has obtained a judgment against a current or former tenant for breach of a residential rental agreement may bring an action against the state under section 2333.01 of the Revised Code to recover a refund due or that might become due to the tenant under section 5747.11 of the Revised Code. Such a suit shall be brought only in the court of common pleas of Franklin county, which shall have jurisdiction. The rights of the landlord to the refund are subordinate to the state's right to apply the refund against the claims listed in sections 5747.12, 5747.121, 5747.122, and 5747.123 of the Revised Code. 21
22
23
24
25
26
27
28
29
30
31

An order directing the tax commissioner to pay all or part of a tenant's refund to the landlord shall be a continuing order and remains effective until the earlier of four years after the date of the order or the date the judgment is satisfied. If an order has been issued and is effective, within three days after the judgment has been satisfied the landlord shall file a satisfaction of judgment with the clerk of courts and serve a time-stamped copy of the satisfaction of judgment upon the commissioner by certified mail. 32
33
34
35
36
37
38
39
40

As used in this section, "landlord" and "tenant" have the same meanings as in section 5321.01 of the Revised Code. 41
42

Section 2. That existing section 2333.01 of the Revised Code is hereby repealed. 43
44