

**As Introduced**

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**H. B. No. 482**

**Representatives Lipps, Miller**

**Cosponsors: Representatives O'Brien, Lepore-Hagan, West**

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**A BILL**

To amend sections 3767.41, 3767.50, 3767.99, 1  
5721.17, 5721.18, 5721.19, 5721.192, 5723.05, 2  
and 5723.18 of the Revised Code to expedite 3  
public nuisance and blight foreclosure actions 4  
and to declare an emergency. 5

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

**Section 1.** That sections 3767.41, 3767.50, 3767.99, 6  
5721.17, 5721.18, 5721.19, 5721.192, 5723.05, and 5723.18 of the 7  
Revised Code be amended to read as follows: 8

**Sec. 3767.41.** (A) As used in this section: 9

(1) "Building" means, except as otherwise provided in this 10  
division, any building or structure that is used or intended to 11  
be used for residential purposes. "Building" includes, but is 12  
not limited to, a building or structure in which any floor is 13  
used for retail stores, shops, salesrooms, markets, or similar 14  
commercial uses, or for offices, banks, civic administration 15  
activities, professional services, or similar business or civic 16  
uses, and in which the other floors are used, or designed and 17  
intended to be used, for residential purposes. "Building" does 18

not include any building or structure that is occupied by its owner and that contains three or fewer residential units.

(2) (a) "Public nuisance" means a building that is a menace to the public health, welfare, or safety; that is structurally unsafe, unsanitary, or not provided with adequate safe egress; that constitutes a fire hazard, is otherwise dangerous to human life, or is otherwise no longer fit and habitable; or that, in relation to its existing use, constitutes a hazard to the public health, welfare, or safety by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

(b) "Public nuisance" as it applies to subsidized housing means subsidized housing that fails to meet the following standards as specified in the federal rules governing each standard:

(i) Each building on the site is structurally sound, secure, habitable, and in good repair, as defined in 24 C.F.R. 5.703(b);

(ii) Each building's domestic water, electrical system, elevators, emergency power, fire protection, HVAC, and sanitary system is free of health and safety hazards, functionally adequate, operable, and in good repair, as defined in 24 C.F.R. 5.703(c);

(iii) Each dwelling unit within the building is structurally sound, habitable, and in good repair, and all areas and aspects of the dwelling unit are free of health and safety hazards, functionally adequate, operable, and in good repair, as defined in 24 C.F.R. 5.703(d)(1);

(iv) Where applicable, the dwelling unit has hot and cold running water, including an adequate source of potable water, as

defined in 24 C.F.R. 5.703(d) (2); 48

(v) If the dwelling unit includes its own sanitary 49  
facility, it is in proper operating condition, usable in 50  
privacy, and adequate for personal hygiene, and the disposal of 51  
human waste, as defined in 24 C.F.R. 5.703(d) (3); 52

(vi) The common areas are structurally sound, secure, and 53  
functionally adequate for the purposes intended. The basement, 54  
garage, carport, restrooms, closets, utility, mechanical, 55  
community rooms, daycare, halls, corridors, stairs, kitchens, 56  
laundry rooms, office, porch, patio, balcony, and trash 57  
collection areas are free of health and safety hazards, 58  
operable, and in good repair. All common area ceilings, doors, 59  
floors, HVAC, lighting, smoke detectors, stairs, walls, and 60  
windows, to the extent applicable, are free of health and safety 61  
hazards, operable, and in good repair, as defined in 24 C.F.R. 62  
5.703(e); 63

(vii) All areas and components of the housing are free of 64  
health and safety hazards. These areas include, but are not 65  
limited to, air quality, electrical hazards, elevators, 66  
emergency/fire exits, flammable materials, garbage and debris, 67  
handrail hazards, infestation, and lead-based paint, as defined 68  
in 24 C.F.R. 5.703(f). 69

(3) "Abate" or "abatement" in connection with any building 70  
means the removal or correction of any conditions that 71  
constitute a public nuisance and the making of any other 72  
improvements that are needed to effect a rehabilitation of the 73  
building that is consistent with maintaining safe and habitable 74  
conditions over its remaining useful life. "Abatement" does not 75  
include the closing or boarding up of any building that is found 76  
to be a public nuisance. 77

(4) "Interested party" means any owner, mortgagee, 78  
lienholder, tenant, or person that possesses an interest of 79  
record in any property that becomes subject to the jurisdiction 80  
of a court pursuant to this section, and any applicant for the 81  
appointment of a receiver pursuant to this section. 82

(5) "Neighbor" means any owner of property, including, but 83  
not limited to, any person who is purchasing property by land 84  
installment contract or under a duly executed purchase contract, 85  
that is located within five hundred feet of any property that 86  
becomes subject to the jurisdiction of a court pursuant to this 87  
section, and any occupant of a building that is so located. 88

(6) "Tenant" has the same meaning as in section 5321.01 of 89  
the Revised Code. 90

(7) "Subsidized housing" means a property consisting of 91  
more than four dwelling units that, in whole or in part, 92  
receives project-based assistance pursuant to a contract under 93  
any of the following federal housing programs: 94

(a) The new construction or substantial rehabilitation 95  
program under section 8(b)(2) of the "United States Housing Act 96  
of 1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f(b) 97  
(2) as that program was in effect immediately before the first 98  
day of October, 1983; 99

(b) The moderate rehabilitation program under section 8(e) 100  
(2) of the "United States Housing Act of 1937," Pub. L. No. 75- 101  
412, 50 Stat. 888, 42 U.S.C. 1437f(e)(2); 102

(c) The loan management assistance program under section 8 103  
of the "United States Housing Act of 1937," Pub. L. No. 75-412, 104  
50 Stat. 888, 42 U.S.C. 1437f; 105

(d) The rent supplement program under section 101 of the 106

"Housing and Urban Development Act of 1965," Pub. L. No. 89-174,	107
79 Stat. 667, 12 U.S.C. 1701s;	108
(e) Section 8 of the "United States Housing Act of 1937,"	109
Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f, following	110
conversion from assistance under section 101 of the "Housing and	111
Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat.	112
667, 12 U.S.C. 1701s;	113
(f) The program of supportive housing for the elderly	114
under section 202 of the "Housing Act of 1959," Pub. L. No. 86-	115
372, 73 Stat. 654, 12 U.S.C. 1701q;	116
(g) The program of supportive housing for persons with	117
disabilities under section 811 of the "National Affordable	118
Housing Act of 1990," Pub. L. No. 101-625, 104 Stat. 4313, 42	119
U.S.C. 8013;	120
(h) The rental assistance program under section 521 of the	121
"United States Housing Act of 1949," Pub. L. No. 90-448, 82	122
Stat. 551, as amended by Pub. L. No. 93-383, 88 Stat. 696, 42	123
U.S.C. 1490a.	124
(8) "Project-based assistance" means the assistance is	125
attached to the property and provides rental assistance only on	126
behalf of tenants who reside in that property.	127
(9) "Landlord" has the same meaning as in section 5321.01	128
of the Revised Code.	129
(B) (1) (a) In any civil action to enforce any local	130
building, housing, air pollution, sanitation, health, fire,	131
zoning, or safety code, ordinance, resolution, or regulation	132
applicable to buildings, that is commenced in a court of common	133
pleas, municipal court, housing or environmental division of a	134
municipal court, or county court, or in any civil action for	135

abatement commenced in a court of common pleas, municipal court, 136  
housing or environmental division of a municipal court, or 137  
county court, by a municipal corporation or township in which 138  
the building involved is located, by any neighbor, tenant, or by 139  
a nonprofit corporation that is duly organized and has as one of 140  
its goals the improvement of housing conditions in the county or 141  
municipal corporation in which the building involved is located, 142  
if a building is alleged to be a public nuisance, the municipal 143  
corporation, township, neighbor, tenant, or nonprofit 144  
corporation may apply in its complaint for an injunction or 145  
other order as described in division (C) (1) of this section, or 146  
for the relief described in division (C) (2) of this section, 147  
including, if necessary, the appointment of a receiver as 148  
described in divisions (C) (2) and (3) of this section, or for 149  
both such an injunction or other order and such relief. The 150  
municipal corporation, township, neighbor, tenant, or nonprofit 151  
corporation commencing the action is not liable for the costs, 152  
expenses, and fees of any receiver appointed pursuant to 153  
divisions (C) (2) and (3) of this section. 154

(b) Prior to commencing a civil action for abatement when 155  
the property alleged to be a public nuisance is subsidized 156  
housing, the municipal corporation, township, neighbor, tenant, 157  
or nonprofit corporation commencing the action shall provide the 158  
landlord of that property with written notice that specifies one 159  
or more defective conditions that constitute a public nuisance 160  
as that term applies to subsidized housing and states that if 161  
the landlord fails to remedy the condition within ~~sixty~~thirty 162  
days of the service of the notice, a claim pursuant to this 163  
section may be brought on the basis that the property 164  
constitutes a public nuisance in subsidized housing. Any party 165  
authorized to bring an action against the landlord shall make 166

reasonable attempts to serve the notice in the manner prescribed 167  
in the Rules of Civil Procedure to the landlord or the 168  
landlord's agent for the property at the property's management 169  
office, or at the place where the tenants normally pay or send 170  
rent. If the landlord is not the owner of record, the party 171  
bringing the action shall make a reasonable attempt to serve the 172  
owner. If the owner does not receive service the person bringing 173  
the action shall certify the attempts to serve the owner. 174

(2) (a) In a civil action described in division (B) (1) of 175  
this section, a copy of the complaint and a notice of the date 176  
and time of a hearing on the complaint shall be served upon the 177  
owner of the building and all other interested parties in 178  
accordance with the Rules of Civil Procedure. If certified mail 179  
service, personal service, or residence service of the complaint 180  
and notice is refused or certified mail service of the complaint 181  
and notice is not claimed, and if the municipal corporation, 182  
township, neighbor, tenant, or nonprofit corporation commencing 183  
the action makes a written request for ordinary mail service of 184  
the complaint and notice, or uses publication service, in 185  
accordance with the Rules of Civil Procedure, then a copy of the 186  
complaint and notice shall be posted in a conspicuous place on 187  
the building. 188

(b) The judge in a civil action described in division (B) 189  
(1) of this section shall conduct a hearing at least ~~twenty-~~ 190  
~~eight~~ fourteen days after the owner of the building and the 191  
other interested parties have been served with a copy of the 192  
complaint and the notice of the date and time of the hearing in 193  
accordance with division (B) (2) (a) of this section. 194

(c) In considering whether subsidized housing is a public 195  
nuisance, the judge shall construe the standards set forth in 196

division (A) (2) (b) of this section in a manner consistent with 197  
department of housing and urban development and judicial 198  
interpretations of those standards. The judge shall deem that 199  
the property is not a public nuisance if during the twelve 200  
months prior to the service of the notice that division (B) (1) 201  
(b) of this section requires, the department of housing and 202  
urban development's real estate assessment center issued a score 203  
of seventy-five or higher out of a possible one hundred points 204  
pursuant to its regulations governing the physical condition of 205  
multifamily properties pursuant to 24 C.F.R. part 200, subpart 206  
P, and since the most recent inspection, there has been no 207  
significant change in the property's conditions that would 208  
create a serious threat to the health, safety, or welfare of the 209  
property's tenants. 210

(C) (1) If the judge in a civil action described in 211  
division (B) (1) of this section finds at the hearing required by 212  
division (B) (2) of this section that the building involved is a 213  
public nuisance, if the judge additionally determines that the 214  
owner of the building previously has not been afforded a 215  
reasonable opportunity to abate the public nuisance or has been 216  
afforded such an opportunity and has not refused or failed to 217  
abate the public nuisance, and if the complaint of the municipal 218  
corporation, township, neighbor, tenant, or nonprofit 219  
corporation commencing the action requested the issuance of an 220  
injunction as described in this division, then the judge may 221  
issue an injunction requiring the owner of the building to abate 222  
the public nuisance or issue any other order that the judge 223  
considers necessary or appropriate to cause the abatement of the 224  
public nuisance. If an injunction is issued pursuant to this 225  
division, the owner of the building involved shall be given no 226  
more than ~~thirty~~ fourteen days from the date of the entry of the 227

judge's order to comply with the injunction, unless the judge, 228  
for good cause shown, extends the time for compliance. 229

(2) If the judge in a civil action described in division 230  
(B) (1) of this section finds at the hearing required by division 231  
(B) (2) of this section that the building involved is a public 232  
nuisance, if the judge additionally determines that the owner of 233  
the building previously has been afforded a reasonable 234  
opportunity to abate the public nuisance and has refused or 235  
failed to do so, and if the complaint of the municipal 236  
corporation, township, neighbor, tenant, or nonprofit 237  
corporation commencing the action requested relief as described 238  
in this division, then the judge shall offer any mortgagee, 239  
lienholder, or other interested party associated with the 240  
property on which the building is located, in the order of the 241  
priority of interest in title, the opportunity to undertake the 242  
work and to furnish the materials necessary to abate the public 243  
nuisance. Prior to selecting any interested party, the judge 244  
shall require the interested party to demonstrate the ability to 245  
promptly undertake the work and furnish the materials required, 246  
to provide the judge with a viable financial and construction 247  
plan for the rehabilitation of the building as described in 248  
division ~~(D)~~ (E) of this section, and to post security for the 249  
performance of the work and the furnishing of the materials. 250

If the judge determines, at the hearing, that no 251  
interested party is willing or able to undertake the work and to 252  
furnish the materials necessary to abate the public nuisance, or 253  
if the judge determines, at any time after the hearing, that any 254  
party who is undertaking corrective work pursuant to this 255  
division cannot or will not proceed, or has not proceeded with 256  
due diligence, the judge may appoint a receiver pursuant to 257  
division (C) (3) of this section to take possession and control 258

of the building. 259

(3) (a) The judge in a civil action described in division 260  
(B) (1) of this section shall not appoint any person as a 261  
receiver unless the person first has provided the judge with a 262  
viable financial and construction plan for the rehabilitation of 263  
the building involved as described in division ~~(D)~~ (E) of this 264  
section and has demonstrated the capacity and expertise to 265  
perform the required work and to furnish the required materials 266  
in a satisfactory manner. An appointed receiver may be a 267  
financial institution that possesses an interest of record in 268  
the building or the property on which it is located, a nonprofit 269  
corporation as described in divisions (B) (1) and (C) (3) (b) of 270  
this section, including, but not limited to, a nonprofit 271  
corporation that commenced the action described in division (B) 272  
(1) of this section, or any other qualified property manager. 273

(b) To be eligible for appointment as a receiver, no part 274  
of the net earnings of a nonprofit corporation shall inure to 275  
the benefit of any private shareholder or individual. Membership 276  
on the board of trustees of a nonprofit corporation appointed as 277  
a receiver does not constitute the holding of a public office or 278  
employment within the meaning of sections 731.02 and 731.12 or 279  
any other section of the Revised Code and does not constitute a 280  
direct or indirect interest in a contract or expenditure of 281  
money by any municipal corporation. A member of a board of 282  
trustees of a nonprofit corporation appointed as a receiver 283  
shall not be disqualified from holding any public office or 284  
employment, and shall not forfeit any public office or 285  
employment, by reason of membership on the board of trustees, 286  
notwithstanding any law to the contrary. 287

(4) In making any finding or determination required by 288

division (C) of this section, the judge shall use the 289  
preponderance of the evidence standard. 290

(D) (1) No person shall fail to comply with an injunction 291  
or order, regarding abatement of a public nuisance, issued 292  
pursuant to division (C) (1) of this section. 293

(2) The offense established under division (D) (1) of this 294  
section is a strict liability offense and strict liability is a 295  
culpable mental state for purposes of section 2901.20 of the 296  
Revised Code. The designation of this offense as a strict 297  
liability offense shall not be construed to imply that any other 298  
offense, for which there is no specified degree of culpability, 299  
is not a strict liability offense. 300

(E) Prior to ordering any work to be undertaken, or the 301  
furnishing of any materials, to abate a public nuisance under 302  
this section, the judge in a civil action described in division 303  
(B) (1) of this section shall review the submitted financial and 304  
construction plan for the rehabilitation of the building 305  
involved and, if it specifies all of the following, shall 306  
approve that plan: 307

(1) The estimated cost of the labor, materials, and any 308  
other development costs that are required to abate the public 309  
nuisance; 310

(2) The estimated income and expenses of the building and 311  
the property on which it is located after the furnishing of the 312  
materials and the completion of the repairs and improvements; 313

(3) The terms, conditions, and availability of any 314  
financing that is necessary to perform the work and to furnish 315  
the materials; 316

(4) If repair and rehabilitation of the building are found 317

not to be feasible, the cost of demolition of the building or of 318  
the portions of the building that constitute the public 319  
nuisance. 320

~~(E)~~ (F) Upon the written request of any of the interested 321  
parties to have a building, or portions of a building, that 322  
constitute a public nuisance demolished because repair and 323  
rehabilitation of the building are found not to be feasible, the 324  
judge may order the demolition. However, the demolition shall 325  
not be ordered unless the requesting interested parties have 326  
paid the costs of demolition and, if any, of the receivership, 327  
and, if any, all notes, certificates, mortgages, and fees of the 328  
receivership. 329

~~(F)~~ (G) Before proceeding with the duties of receiver, any 330  
receiver appointed by the judge in a civil action described in 331  
division (B) (1) of this section may be required by the judge to 332  
post a bond in an amount fixed by the judge, but not exceeding 333  
the value of the building involved as determined by the judge. 334

The judge may empower the receiver to do any or all of the 335  
following: 336

(1) Take possession and control of the building and the 337  
property on which it is located, operate and manage the building 338  
and the property, establish and collect rents and income, lease 339  
and rent the building and the property, and evict tenants; 340

(2) Pay all expenses of operating and conserving the 341  
building and the property, including, but not limited to, the 342  
cost of electricity, gas, water, sewerage, heating fuel, repairs 343  
and supplies, custodian services, taxes and assessments, and 344  
insurance premiums, and hire and pay reasonable compensation to 345  
a managing agent; 346

(3) Pay pre-receivership mortgages or installments of them	347
and other liens;	348
(4) Perform or enter into contracts for the performance of	349
all work and the furnishing of materials necessary to abate, and	350
obtain financing for the abatement of, the public nuisance;	351
(5) Pursuant to court order, remove and dispose of any	352
personal property abandoned, stored, or otherwise located in or	353
on the building and the property that creates a dangerous or	354
unsafe condition or that constitutes a violation of any local	355
building, housing, air pollution, sanitation, health, fire,	356
zoning, or safety code, ordinance, or regulation;	357
(6) Obtain mortgage insurance for any receiver's mortgage	358
from any agency of the federal government;	359
(7) Enter into any agreement and do those things necessary	360
to maintain and preserve the building and the property and	361
comply with all local building, housing, air pollution,	362
sanitation, health, fire, zoning, or safety codes, ordinances,	363
resolutions, and regulations;	364
(8) Give the custody of the building and the property, and	365
the opportunity to abate the nuisance and operate the property,	366
to its owner or any mortgagee or lienholder of record;	367
(9) Issue notes and secure them by a mortgage bearing	368
interest, and upon terms and conditions, that the judge	369
approves. When sold or transferred by the receiver in return for	370
valuable consideration in money, material, labor, or services,	371
the notes or certificates shall be freely transferable. Any	372
mortgages granted by the receiver shall be superior to any	373
claims of the receiver. Priority among the receiver's mortgages	374
shall be determined by the order in which they are recorded.	375

~~(G)~~-(H) A receiver appointed pursuant to this section is 376  
not personally liable except for misfeasance, malfeasance, or 377  
nonfeasance in the performance of the functions of the office of 378  
receiver. 379

~~(H)~~-(I) (1) The judge in a civil action described in 380  
division (B) (1) of this section may assess as court costs, the 381  
expenses described in division ~~(F)~~-(G) (2) of this section, and 382  
may approve receiver's fees to the extent that they are not 383  
covered by the income from the property. Subject to that 384  
limitation, a receiver appointed pursuant to divisions (C) (2) 385  
and (3) of this section is entitled to receive fees in the same 386  
manner and to the same extent as receivers appointed in actions 387  
to foreclose mortgages. 388

(2) (a) Pursuant to the police powers vested in the state, 389  
all expenditures of a mortgagee, lienholder, or other interested 390  
party that has been selected pursuant to division (C) (2) of this 391  
section to undertake the work and to furnish the materials 392  
necessary to abate a public nuisance, and any expenditures in 393  
connection with the foreclosure of the lien created by this 394  
division, is a first lien upon the building involved and the 395  
property on which it is located and is superior to all prior and 396  
subsequent liens or other encumbrances associated with the 397  
building or the property, including, but not limited to, those 398  
for taxes and assessments, upon the occurrence of both of the 399  
following: 400

(i) The prior approval of the expenditures by, and the 401  
entry of a judgment to that effect by, the judge in the civil 402  
action described in division (B) (1) of this section; 403

(ii) The recordation of a certified copy of the judgment 404  
entry and a sufficient description of the property on which the 405

building is located with the county recorder in the county in 406  
which the property is located within sixty days after the date 407  
of the entry of the judgment. 408

(b) Pursuant to the police powers vested in the state, all 409  
expenses and other amounts paid in accordance with division ~~(F)~~ 410  
(G) of this section by a receiver appointed pursuant to 411  
divisions (C) (2) and (3) of this section, the amounts of any 412  
notes issued by the receiver in accordance with division ~~(F)~~(G) 413  
of this section, all mortgages granted by the receiver in 414  
accordance with that division, the fees of the receiver approved 415  
pursuant to division ~~(H)~~(I) (1) of this section, and any amounts 416  
expended in connection with the foreclosure of a mortgage 417  
granted by the receiver in accordance with division ~~(F)~~(G) of 418  
this section or with the foreclosure of the lien created by this 419  
division, are a first lien upon the building involved and the 420  
property on which it is located and are superior to all prior 421  
and subsequent liens or other encumbrances associated with the 422  
building or the property, including, but not limited to, those 423  
for taxes and assessments, upon the occurrence of both of the 424  
following: 425

(i) The approval of the expenses, amounts, or fees by, and 426  
the entry of a judgment to that effect by, the judge in the 427  
civil action described in division (B) (1) of this section; or 428  
the approval of the mortgages in accordance with division ~~(F)~~(G) 429  
(9) of this section by, and the entry of a judgment to that 430  
effect by, that judge; 431

(ii) The recordation of a certified copy of the judgment 432  
entry and a sufficient description of the property on which the 433  
building is located, or, in the case of a mortgage, the 434  
recordation of the mortgage, a certified copy of the judgment 435

entry, and such a description, with the county recorder of the 436  
county in which the property is located within sixty days after 437  
the date of the entry of the judgment. 438

(c) Priority among the liens described in divisions ~~(H)~~(I) 439  
(2) (a) and (b) of this section shall be determined as described 440  
in division ~~(I)~~(J) of this section. Additionally, the creation 441  
pursuant to this section of a mortgage lien that is prior to or 442  
superior to any mortgage of record at the time the mortgage lien 443  
is so created, does not disqualify the mortgage of record as a 444  
legal investment under Chapter 1107. or any other chapter of the 445  
Revised Code. 446

~~(I)~~(J) (1) If a receiver appointed pursuant to divisions 447  
(C) (2) and (3) of this section files with the judge in the civil 448  
action described in division (B) (1) of this section a report 449  
indicating that the public nuisance has been abated, if the 450  
judge confirms that the receiver has abated the public nuisance, 451  
and if the receiver or any interested party requests the judge 452  
to enter an order directing the receiver to sell the building 453  
and the property on which it is located, the judge may enter 454  
that order after holding a hearing as described in division ~~(I)~~ 455  
(J) (2) of this section and otherwise complying with that 456  
division. 457

(2) (a) The receiver or interested party requesting an 458  
order as described in division ~~(I)~~(J) (1) of this section shall 459  
cause a notice of the date and time of a hearing on the request 460  
to be served on the owner of the building involved and all other 461  
interested parties in accordance with division (B) (2) (a) of this 462  
section. The judge in the civil action described in division (B) 463  
(1) of this section shall conduct the scheduled hearing. At the 464  
hearing, if the owner or any interested party objects to the 465

sale of the building and the property, the burden of proof shall 466  
be upon the objecting person to establish, by a preponderance of 467  
the evidence, that the benefits of not selling the building and 468  
the property outweigh the benefits of selling them. If the judge 469  
determines that there is no objecting person, or if the judge 470  
determines that there is one or more objecting persons but no 471  
objecting person has sustained the burden of proof specified in 472  
this division, the judge may enter an order directing the 473  
receiver to offer the building and the property for sale upon 474  
terms and conditions that the judge shall specify. 475

(b) In any sale of subsidized housing that is ordered 476  
pursuant to this section, the judge shall specify that the 477  
subsidized housing not be conveyed unless that conveyance 478  
complies with applicable federal law and applicable program 479  
contracts for that housing. Any such conveyance shall be subject 480  
to the condition that the purchaser enter into a contract with 481  
the department of housing and urban development or the rural 482  
housing service of the federal department of agriculture under 483  
which the property continues to be subsidized housing and the 484  
owner continues to operate that property as subsidized housing 485  
unless the secretary of housing and urban development or the 486  
administrator of the rural housing service terminates that 487  
property's contract prior to or upon the conveyance of the 488  
property. 489

(3) If a sale of a building and the property on which it 490  
is located is ordered pursuant to divisions ~~(I) (1)~~ (J) (1) and 491  
(2) of this section and if the sale occurs in accordance with 492  
the terms and conditions specified by the judge in the judge's 493  
order of sale, then the receiver shall distribute the proceeds 494  
of the sale and the balance of any funds that the receiver may 495  
possess, after the payment of the costs of the sale, in the 496

following order of priority and in the described manner: 497

(a) First, in satisfaction of any notes issued by the 498  
receiver pursuant to division ~~(F)~~(G) of this section, in their 499  
order of priority; 500

(b) Second, any unreimbursed expenses and other amounts 501  
paid in accordance with division ~~(F)~~(G) of this section by the 502  
receiver, and the fees of the receiver approved pursuant to 503  
division ~~(H)~~(I)(1) of this section; 504

(c) Third, all expenditures of a mortgagee, lienholder, or 505  
other interested party that has been selected pursuant to 506  
division (C)(2) of this section to undertake the work and to 507  
furnish the materials necessary to abate a public nuisance, 508  
provided that the expenditures were approved as described in 509  
division ~~(H)~~(I)(2)(a) of this section and provided that, if any 510  
such interested party subsequently became the receiver, its 511  
expenditures shall be paid prior to the expenditures of any of 512  
the other interested parties so selected; 513

(d) Fourth, the amount due for delinquent taxes, 514  
assessments, charges, penalties, and interest owed to this state 515  
or a political subdivision of this state, provided that, if the 516  
amount available for distribution pursuant to division ~~(I)~~(J)(3) 517  
(d) of this section is insufficient to pay the entire amount of 518  
those taxes, assessments, charges, penalties, and interest, the 519  
proceeds and remaining funds shall be paid to each claimant in 520  
proportion to the amount of those taxes, assessments, charges, 521  
penalties, and interest that each is due. 522

(e) The amount of any pre-receivership mortgages, liens, 523  
or other encumbrances, in their order of priority. 524

(4) Following a distribution in accordance with division 525

~~(I)~~(J)(3) of this section, the receiver shall request the judge 526  
in the civil action described in division (B)(1) of this section 527  
to enter an order terminating the receivership. If the judge 528  
determines that the sale of the building and the property on 529  
which it is located occurred in accordance with the terms and 530  
conditions specified by the judge in the judge's order of sale 531  
under division ~~(I)~~(J)(2) of this section and that the receiver 532  
distributed the proceeds of the sale and the balance of any 533  
funds that the receiver possessed, after the payment of the 534  
costs of the sale, in accordance with division ~~(I)~~(J)(3) of this 535  
section, and if the judge approves any final accounting required 536  
of the receiver, the judge may terminate the receivership. 537

~~(J)~~(K)(1) A receiver appointed pursuant to divisions (C) 538  
(2) and (3) of this section may be discharged at any time in the 539  
discretion of the judge in the civil action described in 540  
division (B)(1) of this section. The receiver shall be 541  
discharged by the judge as provided in division ~~(I)~~(J)(4) of 542  
this section, or when all of the following have occurred: 543

(a) The public nuisance has been abated; 544

(b) All costs, expenses, and approved fees of the 545  
receivership have been paid; 546

(c) Either all receiver's notes issued and mortgages 547  
granted pursuant to this section have been paid, or all the 548  
holders of the notes and mortgages request that the receiver be 549  
discharged. 550

(2) If a judge in a civil action described in division (B) 551  
(1) of this section determines that, and enters of record a 552  
declaration that, a public nuisance has been abated by a 553  
receiver, and if, within three days after the entry of the 554

declaration, all costs, expenses, and approved fees of the 555  
receivership have not been paid in full, then, in addition to 556  
the circumstances specified in division ~~(I)~~ (J) of this section 557  
for the entry of such an order, the judge may enter an order 558  
directing the receiver to sell the building involved and the 559  
property on which it is located. Any such order shall be 560  
entered, and the sale shall occur, only in compliance with 561  
division ~~(I)~~ (J) of this section. 562

~~(K)~~ (L) The title in any building, and in the property on 563  
which it is located, that is sold at a sale ordered under 564  
division ~~(I)~~ (J) or ~~(J)~~ (K) (2) of this section shall be 565  
incontestable in the purchaser and shall be free and clear of 566  
all liens for delinquent taxes, assessments, charges, penalties, 567  
and interest owed to this state or any political subdivision of 568  
this state, that could not be satisfied from the proceeds of the 569  
sale and the remaining funds in the receiver's possession 570  
pursuant to the distribution under division ~~(I)~~ (J) (3) of this 571  
section. All other liens and encumbrances with respect to the 572  
building and the property shall survive the sale, including, but 573  
not limited to, a federal tax lien notice properly filed in 574  
accordance with section 317.09 of the Revised Code prior to the 575  
time of the sale, and the easements and covenants of record 576  
running with the property that were created prior to the time of 577  
the sale. 578

~~(L)~~ (M) (1) Nothing in this section shall be construed as a 579  
limitation upon the powers granted to a court of common pleas, a 580  
municipal court or a housing or environmental division of a 581  
municipal court under Chapter 1901. of the Revised Code, or a 582  
county court under Chapter 1907. of the Revised Code. 583

(2) The monetary and other limitations specified in 584

Chapters 1901. and 1907. of the Revised Code upon the 585  
jurisdiction of municipal and county courts, and of housing or 586  
environmental divisions of municipal courts, in civil actions do 587  
not operate as limitations upon any of the following: 588

(a) Expenditures of a mortgagee, lienholder, or other 589  
interested party that has been selected pursuant to division (C) 590  
(2) of this section to undertake the work and to furnish the 591  
materials necessary to abate a public nuisance; 592

(b) Any notes issued by a receiver pursuant to division 593  
~~(F)~~(G) of this section; 594

(c) Any mortgage granted by a receiver in accordance with 595  
division ~~(F)~~(G) of this section; 596

(d) Expenditures in connection with the foreclosure of a 597  
mortgage granted by a receiver in accordance with division ~~(F)~~ 598  
(G) of this section; 599

(e) The enforcement of an order of a judge entered 600  
pursuant to this section; 601

(f) The actions that may be taken pursuant to this section 602  
by a receiver or a mortgagee, lienholder, or other interested 603  
party that has been selected pursuant to division (C) (2) of this 604  
section to undertake the work and to furnish the materials 605  
necessary to abate a public nuisance. 606

(3) A judge in a civil action described in division (B) (1) 607  
of this section, or the judge's successor in office, has 608  
continuing jurisdiction to review the condition of any building 609  
that was determined to be a public nuisance pursuant to this 610  
section. 611

(4) Nothing in this section shall be construed to limit or 612

prohibit a municipal corporation or township that has filed with 613  
the superintendent of insurance a certified copy of an adopted 614  
resolution, ordinance, or regulation authorizing the procedures 615  
described in divisions (C) and (D) of section 3929.86 of the 616  
Revised Code from receiving insurance proceeds under section 617  
3929.86 of the Revised Code. 618

**Sec. 3767.50.** (A) For purposes of this section: 619

(1) "Blighted parcel" has the same meaning as in section 620  
1.08 of the Revised Code. 621

(2) "Owner" means any of the following: 622

(a) The owner of record as shown on the current tax list 623  
of the county auditor; 624

(b) A person who has a freehold or lesser estate in the 625  
premises; 626

(c) A mortgagee in possession or vendee in possession who 627  
evidences charge, care, or control of the premises, including, 628  
but not limited to, a person to whom the sheriff has issued a 629  
deed for the premises after a judicial sale regardless of 630  
whether the deed has been recorded; 631

(d) A person who has charge, care, or control of the 632  
premises as executor, administrator, assignee, receiver, 633  
trustee, or legal guardian; 634

(e) A person who holds the person's self out to be in 635  
charge, care, or control of the premises as evidenced by the 636  
negotiation of written or oral lease agreements for the 637  
premises, the collection of rents for the premises, the 638  
performance of maintenance or repairs on the premises, or the 639  
authorization of others to perform maintenance or repairs on the 640

premises. 641

(B) (1) A municipal corporation, in addition to any other 642  
remedy authorized by law, has a cause of action in the 643  
environmental division of the municipal court to foreclose any 644  
existing liens upon a blighted parcel located in the municipal 645  
corporation provided that no other foreclosure action affecting 646  
the blighted parcel is being actively prosecuted in any court of 647  
record. It is an affirmative defense to an action under this 648  
division that the owner of the blighted parcel has not been in 649  
default on any mortgage on the property for twelve months or 650  
more or that there is a bankruptcy proceeding pending in which 651  
the blighted parcel has been listed as an asset. To maintain the 652  
action, it is not necessary for the municipal corporation to 653  
have a lien of its own upon the property. Rather, it is 654  
sufficient for the municipal corporation to allege that, because 655  
of the continuing existence of conditions causing the property 656  
to be a blighted parcel, the owner has defaulted on the terms of 657  
any agreement giving rise to a lien for failure to maintain the 658  
property, and then to marshal and plead for foreclosure of any 659  
or all outstanding liens upon the blighted parcel. Section 660  
3767.50 of the Revised Code does not create a cause of action 661  
regarding any property not subject to a lien. The municipal 662  
corporation shall not marshal a lien held by the United States, 663  
a lien held by this state other than a lien for real property 664  
taxes and assessments, a lien held by a political subdivision 665  
other than itself, or a lien vested by a tax certificate held 666  
under sections 5721.30 to 5721.43 of the Revised Code. The 667  
municipal corporation shall join as a party to the action a 668  
lienholder whose lien is being marshaled and shall notify the 669  
lienholder party that the municipal corporation is proceeding to 670  
foreclose the lien under this section and that the lienholder 671

party may remediate the conditions of the parcel constituting 672  
blight. If a lienholder party certifies to the court that the 673  
party will remediate the conditions of the parcel constituting 674  
blight within ~~sixty~~thirty days after the party is served with a 675  
copy of the complaint of the foreclosure action, the municipal 676  
corporation shall move to dismiss the action. 677

In a judicial sale of a blighted parcel that is ordered as 678  
a result of the foreclosure action, the priority of distribution 679  
of the proceeds from the sale shall not be altered because the 680  
municipal corporation marshaled and foreclosed on one or more 681  
liens. Rather, proceeds from the sale shall be distributed 682  
according to the priorities otherwise established by law. 683

(2) The environmental division of the municipal court has 684  
exclusive original jurisdiction of an action under this section. 685

(C) (1) With respect to any blighted parcel that is or may 686  
be subject to an action under this section, the municipal 687  
corporation may notify the taxing authority of each taxing unit 688  
in which the blighted parcel is located that the municipal 689  
corporation is proceeding to foreclose the lien under this 690  
section. The notice shall state that the taxing authority may 691  
preserve its claim on any distributions of delinquent or unpaid 692  
taxes and assessments charged against the blighted parcel and 693  
arising from the judicial sale proceeds by responding in writing 694  
to the municipal corporation within a period of time to be 695  
specified in the notice. The written response shall be certified 696  
by the taxing authority or by the fiscal officer or other person 697  
authorized by the taxing authority to respond. If such a 698  
response is received by the municipal corporation within the 699  
specified time, or if such a notice is not provided, the taxing 700  
authority's claim on distributions of delinquent or unpaid taxes 701

and assessments charged against the blighted parcel and payable 702  
from proceeds of the judicial sale shall be preserved and shall 703  
be disposed of in the priority and manner otherwise prescribed 704  
by law. If such a notice is provided and the response is not 705  
received within the specified time, the taxing authority's claim 706  
on the delinquent or unpaid taxes and assessments is 707  
extinguished, the lien for such taxes is satisfied and 708  
discharged to the extent of that claim, and the blighted parcel 709  
may be sold at judicial sale free and clear of such lien to that 710  
extent, unless the successful bidder at the judicial sale is a 711  
lienholder of the blighted parcel. If the successful bidder is a 712  
lienholder of the blighted parcel, the lien for all delinquent 713  
or unpaid taxes and assessments charged against the blighted 714  
parcel shall continue until discharged as otherwise provided by 715  
law. 716

(2) The taxing authority of a taxing unit and a municipal 717  
corporation may enter into an agreement whereby the taxing 718  
authority consents in advance to release the taxing authority's 719  
claim on distributions of delinquent or unpaid taxes and 720  
assessments charged against blighted parcels in the taxing 721  
unit's territory and waives its right to prior notice and 722  
response under division (C)(1) of this section. The agreement 723  
shall provide for any terms and conditions on the release of 724  
such claim as are mutually agreeable to the taxing authority and 725  
municipal corporation, including any option vesting in the 726  
taxing authority the right to revoke its release with respect to 727  
any blighted parcel before the release becomes effective, and 728  
the manner in which notice of such revocation shall be effected. 729

(D) In making any finding or determination in a 730  
foreclosure action conducted pursuant to this section, the judge 731  
shall use the preponderance of the evidence standard. 732

**Sec. 3767.99.** (A) Whoever is guilty of contempt under 733  
sections 3767.01 to 3767.11 or violates section 3767.14 of the 734  
Revised Code is guilty of a misdemeanor of the first degree. 735

(B) Whoever violates section 3767.12 or 3767.29, or, being 736  
an association, violates section 3767.30 of the Revised Code is 737  
guilty of a misdemeanor of the fourth degree. 738

(C) Whoever violates section 3767.13, 3767.19, or 3767.32 739  
or, being a natural person, violates section 3767.30 of the 740  
Revised Code is guilty of a misdemeanor of the third degree. The 741  
sentencing court may, in addition to or in lieu of the penalty 742  
provided in this division, require a person who violates section 743  
3767.32 of the Revised Code to remove litter from any public or 744  
private property, or in or on waters of the state. 745

(D) Whoever violates section 3767.16, 3767.17, 3767.18, 746  
3767.201, or 3767.34 of the Revised Code is guilty of a minor 747  
misdemeanor. 748

(E) Whoever violates division (D) of section 3767.41 of 749  
the Revised Code is guilty of a misdemeanor of the first degree. 750  
Notwithstanding section 2929.28 of the Revised Code, the 751  
sentencing court may impose a fine of up to five hundred dollars 752  
for each day the violation persists. 753

**Sec. 5721.17.** (A) Upon the delivery by the county auditor 754  
of a delinquent land tax certificate for, a delinquent vacant 755  
land tax certificate for, or a master list of delinquent vacant 756  
tracts or delinquent tracts that includes, any property on which 757  
is located a building subject to a receivership under section 758  
3767.41 of the Revised Code, the prosecuting attorney may 759  
institute a foreclosure proceeding under section 5721.18 of the 760  
Revised Code or a foreclosure and forfeiture proceeding under 761

section 5721.14 of the Revised Code. The proceeds resulting from 762  
the sale of that property pursuant to a foreclosure or 763  
forfeiture sale shall be distributed in the order set forth in 764  
division (B) (1) or (2) of this section. 765

(B) (1) In rendering its judgment in a foreclosure 766  
proceeding under section 5721.18 of the Revised Code that 767  
relates to property as described in division (A) of this section 768  
and in ordering the distribution of the proceeds of the 769  
resulting foreclosure sale, a court shall comply with sections 770  
5721.18 and 5721.19 of the Revised Code, except that the court 771  
shall order that the proceeds of the sale shall be distributed 772  
in the following order of priority: 773

(a) First, in satisfaction of any notes issued by the 774  
receiver pursuant to division ~~(F)~~(G) of section 3767.41 of the 775  
Revised Code, in their order of priority; 776

(b) Second, any unreimbursed expenses and other amounts 777  
paid in accordance with division ~~(F)~~(G) of section 3767.41 of 778  
the Revised Code by the receiver, and the fees of the receiver 779  
approved pursuant to division ~~(H)~~(I)(1) of that section; 780

(c) Third, any remaining proceeds in the order set forth 781  
in division (D) of section 5721.19 of the Revised Code. 782

(2) In rendering its judgment in a foreclosure and 783  
forfeiture proceeding under section 5721.14 of the Revised Code 784  
that relates to property as described in division (A) of this 785  
section and in ordering the distribution of the proceeds of the 786  
resulting forfeiture sale, a court shall comply with sections 787  
5721.14 and 5721.16 and Chapter 5723. of the Revised Code, 788  
except that the court shall order that the proceeds of the sale 789  
shall be distributed in the following order of priority: 790

(a) First, in satisfaction of any notes issued by the receiver pursuant to division ~~(F)~~(G) of section 3767.41 of the Revised Code, in their order of priority;

(b) Second, any unreimbursed expenses and other amounts paid in accordance with division ~~(F)~~(G) of section 3767.41 of the Revised Code by the receiver, and the fees of the receiver approved pursuant to division ~~(H)~~(I)(1) of that section;

(c) Third, any remaining proceeds in the order set forth in division (A) of section 5723.18 of the Revised Code.

(C) If, after the distribution of available proceeds pursuant to division (B) (1) or (2) of this section, the proceeds from the foreclosure or forfeiture sale are insufficient to pay in full the notes, unreimbursed expenses and other amounts, and fees described in divisions (B) (1) (a) and (b) or (B) (2) (a) and (b) of this section, and the amounts due under division (D) of section 5721.19 or division (A) of section 5723.18 of the Revised Code, the court shall enter a deficiency judgment for the unpaid amount pursuant to section 5721.192 of the Revised Code.

(D) When property as described in division (A) of this section is the subject of a foreclosure proceeding under section 5721.18 of the Revised Code or a foreclosure and forfeiture proceeding under section 5721.14 of the Revised Code, the notice of foreclosure set forth in division (B) of section 5721.181 of the Revised Code and the notice set forth in division (C) of that section, the notice of foreclosure and forfeiture set forth in division (B) of section 5721.15 of the Revised Code and the notice set forth in division (C) of that section, and the advertisements for sale set forth in sections 5721.191 and 5723.10 of the Revised Code shall be modified to reflect the

provisions of divisions (B) and (C) of this section. 821

**Sec. 5721.18.** The county prosecuting attorney, upon the 822  
delivery to the prosecuting attorney by the county auditor of a 823  
delinquent land or delinquent vacant land tax certificate, or of 824  
a master list of delinquent or delinquent vacant tracts, shall 825  
institute a foreclosure proceeding under this section in the 826  
name of the county treasurer to foreclose the lien of the state, 827  
in any court with jurisdiction or in the county board of 828  
revision with jurisdiction pursuant to section 323.66 of the 829  
Revised Code, unless the taxes, assessments, charges, penalties, 830  
and interest are paid prior to the time a complaint is filed, or 831  
unless a foreclosure or foreclosure and forfeiture action has 832  
been or will be instituted under section 323.25, sections 323.65 833  
to 323.79, or section 5721.14 of the Revised Code. If the 834  
delinquent land or delinquent vacant land tax certificate or the 835  
master list of delinquent or delinquent vacant tracts lists 836  
minerals or rights to minerals listed pursuant to sections 837  
5713.04, 5713.05, and 5713.06 of the Revised Code, the county 838  
prosecuting attorney may institute a foreclosure proceeding in 839  
the name of the county treasurer, in any court with 840  
jurisdiction, to foreclose the lien of the state against such 841  
minerals or rights to minerals, unless the taxes, assessments, 842  
charges, penalties, and interest are paid prior to the time the 843  
complaint is filed, or unless a foreclosure or foreclosure and 844  
forfeiture action has been or will be instituted under section 845  
323.25, sections 323.65 to 323.79, or section 5721.14 of the 846  
Revised Code. 847

Nothing in this section or section 5721.03 of the Revised 848  
Code prohibits the prosecuting attorney from instituting a 849  
proceeding under this section before the delinquent tax list or 850  
delinquent vacant land tax list that includes the parcel is 851

published pursuant to division (B) of section 5721.03 of the Revised Code if the list is not published within the time prescribed by that division. The prosecuting attorney shall prosecute the proceeding to final judgment and satisfaction. Within ten days after obtaining a judgment, the prosecuting attorney shall notify the treasurer in writing that judgment has been rendered. If there is a copy of a written delinquent tax contract attached to the certificate or an asterisk next to an entry on the master list, or if a copy of a delinquent tax contract is received from the auditor prior to the commencement of the proceeding under this section, the prosecuting attorney shall not institute the proceeding under this section, unless the prosecuting attorney receives a certification of the treasurer that the delinquent tax contract has become void.

(A) This division applies to all foreclosure proceedings not instituted and prosecuted under section 323.25 of the Revised Code or division (B) or (C) of this section. The foreclosure proceedings shall be instituted and prosecuted in the same manner as is provided by law for the foreclosure of mortgages on land, except that, if service by publication is necessary, such publication shall be made once a week for three consecutive weeks instead of as provided by the Rules of Civil Procedure, and the service shall be complete at the expiration of three weeks after the date of the first publication. In any proceeding prosecuted under this section, if the prosecuting attorney determines that service upon a defendant may be obtained ultimately only by publication, the prosecuting attorney may cause service to be made simultaneously by certified mail, return receipt requested, ordinary mail, and publication.

In any county that has adopted a permanent parcel number

system, the parcel may be described in the notice by parcel 883  
number only, instead of also with a complete legal description, 884  
if the prosecuting attorney determines that the publication of 885  
the complete legal description is not necessary to provide 886  
reasonable notice of the foreclosure proceeding to the 887  
interested parties. If the complete legal description is not 888  
published, the notice shall indicate where the complete legal 889  
description may be obtained. 890

It is sufficient, having been made a proper party to the 891  
foreclosure proceeding, for the treasurer to allege in the 892  
treasurer's complaint that the certificate or master list has 893  
been duly filed by the auditor, that the amount of money 894  
appearing to be due and unpaid is due and unpaid, and that there 895  
is a lien against the property described in the certificate or 896  
master list, without setting forth in the complaint any other or 897  
special matter relating to the foreclosure proceeding. The 898  
prayer of the complaint shall be that the court or the county 899  
board of revision with jurisdiction pursuant to section 323.66 900  
of the Revised Code issue an order that the property be sold or 901  
conveyed by the sheriff or otherwise be disposed of, and the 902  
equity of redemption be extinguished, according to the 903  
alternative redemption procedures prescribed in sections 323.65 904  
to 323.79 of the Revised Code, or if the action is in the 905  
municipal court by the bailiff, in the manner provided in 906  
section 5721.19 of the Revised Code. 907

In the foreclosure proceeding, the treasurer may join in 908  
one action any number of lots or lands, but the decree shall be 909  
rendered separately, and any proceedings may be severed, in the 910  
discretion of the court or board of revision, for the purpose of 911  
trial or appeal, and the court or board of revision shall make 912  
such order for the payment of costs as is considered proper. The 913

certificate or master list filed by the auditor with the 914  
prosecuting attorney is prima-facie evidence at the trial of the 915  
foreclosure action of the amount and validity of the taxes, 916  
assessments, charges, penalties, and interest appearing due and 917  
unpaid and of their nonpayment. 918

(B) Foreclosure proceedings constituting an action in rem 919  
may be commenced by the filing of a complaint after the end of 920  
the second year from the date on which the delinquency was first 921  
certified by the auditor. Prior to filing such an action in rem, 922  
the prosecuting attorney shall cause a title search to be 923  
conducted for the purpose of identifying any lienholders or 924  
other persons with interests in the property subject to 925  
foreclosure. Following the title search, the action in rem shall 926  
be instituted by filing in the office of the clerk of a court 927  
with jurisdiction a complaint bearing a caption substantially in 928  
the form set forth in division (A) of section 5721.181 of the 929  
Revised Code. 930

Any number of parcels may be joined in one action. Each 931  
separate parcel included in a complaint shall be given a serial 932  
number and shall be separately indexed and docketed by the clerk 933  
of the court in a book kept by the clerk for such purpose. A 934  
complaint shall contain the permanent parcel number of each 935  
parcel included in it, the full street address of the parcel 936  
when available, a description of the parcel as set forth in the 937  
certificate or master list, the name and address of the last 938  
known owner of the parcel if they appear on the general tax 939  
list, the name and address of each lienholder and other person 940  
with an interest in the parcel identified in the title search 941  
relating to the parcel that is required by this division, and 942  
the amount of taxes, assessments, charges, penalties, and 943  
interest due and unpaid with respect to the parcel. It is 944

sufficient for the treasurer to allege in the complaint that the certificate or master list has been duly filed by the auditor with respect to each parcel listed, that the amount of money with respect to each parcel appearing to be due and unpaid is due and unpaid, and that there is a lien against each parcel, without setting forth any other or special matters. The prayer of the complaint shall be that the court issue an order that the land described in the complaint be sold in the manner provided in section 5721.19 of the Revised Code.

(1) Within thirty days after the filing of a complaint, the clerk of the court in which the complaint was filed shall cause a notice of foreclosure substantially in the form of the notice set forth in division (B) of section 5721.181 of the Revised Code to be published once a week for three consecutive weeks in a newspaper of general circulation in the county. The newspaper shall meet the requirements of section 7.12 of the Revised Code. In any county that has adopted a permanent parcel number system, the parcel may be described in the notice by parcel number only, instead of also with a complete legal description, if the prosecuting attorney determines that the publication of the complete legal description is not necessary to provide reasonable notice of the foreclosure proceeding to the interested parties. If the complete legal description is not published, the notice shall indicate where the complete legal description may be obtained.

After the third publication, the publisher shall file with the clerk of the court an affidavit stating the fact of the publication and including a copy of the notice of foreclosure as published. Service of process for purposes of the action in rem shall be considered as complete on the date of the last publication.

Within thirty days after the filing of a complaint and 976  
before the final date of publication of the notice of 977  
foreclosure, the clerk of the court also shall cause a copy of a 978  
notice substantially in the form of the notice set forth in 979  
division (C) of section 5721.181 of the Revised Code to be 980  
mailed by certified mail, with postage prepaid, to each person 981  
named in the complaint as being the last known owner of a parcel 982  
included in it, or as being a lienholder or other person with an 983  
interest in a parcel included in it. The notice shall be sent to 984  
the address of each such person, as set forth in the complaint, 985  
and the clerk shall enter the fact of such mailing upon the 986  
appearance docket. If the name and address of the last known 987  
owner of a parcel included in a complaint is not set forth in 988  
it, the auditor shall file an affidavit with the clerk stating 989  
that the name and address of the last known owner does not 990  
appear on the general tax list. 991

(2) (a) An answer may be filed in an action in rem under 992  
this division by any person owning or claiming any right, title, 993  
or interest in, or lien upon, any parcel described in the 994  
complaint. The answer shall contain the caption and number of 995  
the action and the serial number of the parcel concerned. The 996  
answer shall set forth the nature and amount of interest claimed 997  
in the parcel and any defense or objection to the foreclosure of 998  
the lien of the state for delinquent taxes, assessments, 999  
charges, penalties, and interest as shown in the complaint. The 1000  
answer shall be filed in the office of the clerk of the court, 1001  
and a copy of the answer shall be served on the prosecuting 1002  
attorney, not later than twenty-eight days after the date of 1003  
final publication of the notice of foreclosure. If an answer is 1004  
not filed within such time, a default judgment may be taken as 1005  
to any parcel included in a complaint as to which no answer has 1006

been filed. A default judgment is valid and effective with 1007  
respect to all persons owning or claiming any right, title, or 1008  
interest in, or lien upon, any such parcel, notwithstanding that 1009  
one or more of such persons are minors, incompetents, absentees 1010  
or nonresidents of the state, or convicts in confinement. 1011

(b) (i) A receiver appointed pursuant to divisions (C) (2) 1012  
and (3) of section 3767.41 of the Revised Code may file an 1013  
answer pursuant to division (B) (2) (a) of this section, but is 1014  
not required to do so as a condition of receiving proceeds in a 1015  
distribution under division (B) (1) of section 5721.17 of the 1016  
Revised Code. 1017

(ii) When a receivership under section 3767.41 of the 1018  
Revised Code is associated with a parcel, the notice of 1019  
foreclosure set forth in division (B) of section 5721.181 of the 1020  
Revised Code and the notice set forth in division (C) of that 1021  
section shall be modified to reflect the provisions of division 1022  
(B) (2) (b) (i) of this section. 1023

(3) At the trial of an action in rem under this division, 1024  
the certificate or master list filed by the auditor with the 1025  
prosecuting attorney shall be prima-facie evidence of the amount 1026  
and validity of the taxes, assessments, charges, penalties, and 1027  
interest appearing due and unpaid on the parcel to which the 1028  
certificate or master list relates and their nonpayment. If an 1029  
answer is properly filed, the court may, in its discretion, and 1030  
shall, at the request of the person filing the answer, grant a 1031  
severance of the proceedings as to any parcel described in such 1032  
answer for purposes of trial or appeal. 1033

(C) In addition to the actions in rem authorized under 1034  
division (B) of this section and section 5721.14 of the Revised 1035  
Code, an action in rem may be commenced under this division. An 1036

action commenced under this division shall conform to all of the 1037  
requirements of division (B) of this section except as follows: 1038

(1) The prosecuting attorney shall not cause a title 1039  
search to be conducted for the purpose of identifying any 1040  
lienholders or other persons with interests in the property 1041  
subject to foreclosure, except that the prosecuting attorney 1042  
shall cause a title search to be conducted to identify any 1043  
receiver's lien. 1044

(2) The names and addresses of lienholders and persons 1045  
with an interest in the parcel shall not be contained in the 1046  
complaint, and notice shall not be mailed to lienholders and 1047  
persons with an interest as provided in division (B)(1) of this 1048  
section, except that the name and address of a receiver under 1049  
section 3767.41 of the Revised Code shall be contained in the 1050  
complaint and notice shall be mailed to the receiver. 1051

(3) With respect to the forms applicable to actions 1052  
commenced under division (B) of this section and contained in 1053  
section 5721.181 of the Revised Code: 1054

(a) The notice of foreclosure prescribed by division (B) 1055  
of section 5721.181 of the Revised Code shall be revised to 1056  
exclude any reference to the inclusion of the name and address 1057  
of each lienholder and other person with an interest in the 1058  
parcel identified in a statutorily required title search 1059  
relating to the parcel, and to exclude any such names and 1060  
addresses from the published notice, except that the revised 1061  
notice shall refer to the inclusion of the name and address of a 1062  
receiver under section 3767.41 of the Revised Code and the 1063  
published notice shall include the receiver's name and address. 1064  
The notice of foreclosure also shall include the following in 1065  
boldface type: 1066

"If pursuant to the action the parcel is sold, the sale shall not affect or extinguish any lien or encumbrance with respect to the parcel other than a receiver's lien and other than the lien for land taxes, assessments, charges, interest, and penalties for which the lien is foreclosed and in satisfaction of which the property is sold. All other liens and encumbrances with respect to the parcel shall survive the sale."

(b) The notice to the owner, lienholders, and other persons with an interest in a parcel shall be a notice only to the owner and to any receiver under section 3767.41 of the Revised Code, and the last two sentences of the notice shall be omitted.

(4) As used in this division, a "receiver's lien" means the lien of a receiver appointed pursuant to divisions (C) (2) and (3) of section 3767.41 of the Revised Code that is acquired pursuant to division ~~(H)~~(I) (2) (b) of that section for any unreimbursed expenses and other amounts paid in accordance with division ~~(F)~~(G) of that section by the receiver and for the fees of the receiver approved pursuant to division ~~(H)~~(I) (1) of that section.

(D) The conveyance by the owner of any parcel against which a complaint has been filed pursuant to this section at any time after the date of publication of the parcel on the delinquent tax list but before the date of a judgment of foreclosure pursuant to section 5721.19 of the Revised Code shall not nullify the right of the county to proceed with the foreclosure.

**Sec. 5721.19.** (A) In its judgment of foreclosure rendered with respect to actions filed pursuant to section 5721.18 of the Revised Code, the court or the county board of revision with

jurisdiction pursuant to section 323.66 of the Revised Code 1097  
shall enter a finding with respect to each parcel of the amount 1098  
of the taxes, assessments, charges, penalties, and interest, and 1099  
the costs incurred in the foreclosure proceeding instituted 1100  
against it, that are due and unpaid. The court or the county 1101  
board of revision shall order such premises to be transferred 1102  
pursuant to division (I) of this section or may order each 1103  
parcel to be sold, without appraisal, for not less than either 1104  
of the following: 1105

(1) The fair market value of the parcel, as determined by 1106  
the county auditor, plus the costs incurred in the foreclosure 1107  
proceeding; 1108

(2) The total amount of the finding entered by the court 1109  
or the county board of revision, including all taxes, 1110  
assessments, charges, penalties, and interest payable subsequent 1111  
to the delivery to the county prosecuting attorney of the 1112  
delinquent land tax certificate or master list of delinquent 1113  
tracts and prior to the transfer of the deed of the parcel to 1114  
the purchaser following confirmation of sale, plus the costs 1115  
incurred in the foreclosure proceeding. For purposes of 1116  
determining such amount, the county treasurer may estimate the 1117  
amount of taxes, assessments, interest, penalties, and costs 1118  
that will be payable at the time the deed of the property is 1119  
transferred to the purchaser. 1120

Notwithstanding the minimum sales price provisions of 1121  
divisions (A) (1) and (2) of this section to the contrary, a 1122  
parcel sold pursuant to this section shall not be sold for less 1123  
than the amount described in division (A) (2) of this section if 1124  
the highest bidder is the owner of record of the parcel 1125  
immediately prior to the judgment of foreclosure or a member of 1126

the following class of parties connected to that owner: a member 1127  
of that owner's immediate family, a person with a power of 1128  
attorney appointed by that owner who subsequently transfers the 1129  
parcel to the owner, a sole proprietorship owned by that owner 1130  
or a member of that owner's immediate family, or a partnership, 1131  
trust, business trust, corporation, or association in which the 1132  
owner or a member of the owner's immediate family owns or 1133  
controls directly or indirectly more than fifty per cent. If a 1134  
parcel sells for less than the amount described in division (A) 1135  
(2) of this section, the officer conducting the sale shall 1136  
require the buyer to complete an affidavit stating that the 1137  
buyer is not the owner of record immediately prior to the 1138  
judgment of foreclosure or a member of the specified class of 1139  
parties connected to that owner, and the affidavit shall become 1140  
part of the court records of the proceeding. If the county 1141  
auditor discovers within three years after the date of the sale 1142  
that a parcel was sold to that owner or a member of the 1143  
specified class of parties connected to that owner for a price 1144  
less than the amount so described, and if the parcel is still 1145  
owned by that owner or a member of the specified class of 1146  
parties connected to that owner, the auditor within thirty days 1147  
after such discovery shall add the difference between that 1148  
amount and the sale price to the amount of taxes that then stand 1149  
charged against the parcel and is payable at the next succeeding 1150  
date for payment of real property taxes. As used in this 1151  
paragraph, "immediate family" means a spouse who resides in the 1152  
same household and children. 1153

(B) Each parcel affected by the court's finding and order 1154  
of sale shall be separately sold, unless the court orders any of 1155  
such parcels to be sold together. 1156

Each parcel shall be advertised and sold by the officer to 1157

whom the order of sale is directed in the manner provided by law 1158  
for the sale of real property on execution. The advertisement 1159  
for sale of each parcel shall be published once a week for three 1160  
consecutive weeks and shall include the date on which a second 1161  
sale will be conducted if no bid is accepted at the first sale. 1162  
Any number of parcels may be included in one advertisement. 1163

The notice of the advertisement shall be substantially in 1164  
the form of the notice set forth in section 5721.191 of the 1165  
Revised Code. In any county that has adopted a permanent parcel 1166  
number system, the parcel may be described in the notice by 1167  
parcel number only, instead of also with a complete legal 1168  
description, if the prosecuting attorney determines that the 1169  
publication of the complete legal description is not necessary 1170  
to provide reasonable notice of the foreclosure sale to 1171  
potential bidders. If the complete legal description is not 1172  
published, the notice shall indicate where the complete legal 1173  
description may be obtained. 1174

(C) (1) Whenever the officer charged to conduct the sale 1175  
offers any parcel for sale the officer first shall read aloud a 1176  
complete legal description of the parcel, or in the alternative, 1177  
may read aloud only a summary description, including the 1178  
complete street address of the parcel, if any, and a parcel 1179  
number if the county has adopted a permanent parcel number 1180  
system and if the advertising notice prepared pursuant to this 1181  
section includes a complete legal description or indicates where 1182  
the complete legal description may be obtained. Whenever the 1183  
officer charged to conduct the sale offers any parcel for sale 1184  
and no bids are made equal to the lesser of the amounts 1185  
described in divisions (A) (1) and (2) of this section, the 1186  
officer shall adjourn the sale of the parcel to the second date 1187  
that was specified in the advertisement of sale. The second date 1188

shall be not less than two weeks or more than six weeks from the 1189  
day on which the parcel was first offered for sale. The second 1190  
sale shall be held at the same place and commence at the same 1191  
time as set forth in the advertisement of sale. The officer 1192  
shall offer any parcel not sold at the first sale. Upon the 1193  
conclusion of any sale, or if any parcel remains unsold after 1194  
being offered at two sales, the officer conducting the sale 1195  
shall report the results to the court. 1196

(2) (a) If a parcel remains unsold after being offered at 1197  
two sales, or one sale in the case of abandoned lands foreclosed 1198  
under sections 323.65 to 323.79 of the Revised Code, or if a 1199  
parcel sells at any sale but the amount of the price is less 1200  
than the costs incurred in the proceeding instituted against the 1201  
parcel under section 5721.18 of the Revised Code, then the clerk 1202  
of the court shall certify to the county auditor the amount of 1203  
those costs that remains unpaid. At the next semiannual 1204  
apportionment of real property taxes that occurs following any 1205  
such certification, the auditor shall reduce the real property 1206  
taxes that the auditor otherwise would distribute to each taxing 1207  
district. In making the reductions, the auditor shall subtract 1208  
from the otherwise distributable real property taxes to a taxing 1209  
district an amount that shall be determined by multiplying the 1210  
certified costs by a fraction the numerator of which shall be 1211  
the amount of the taxes, assessments, charges, penalties, and 1212  
interest on the parcel owed to that taxing district at the time 1213  
the parcel first was offered for sale pursuant to this section, 1214  
and the denominator of which shall be the total of the taxes, 1215  
assessments, charges, penalties, and interest on the parcel owed 1216  
to all the taxing districts at that time. The auditor promptly 1217  
shall pay to the clerk of the court the amounts of the 1218  
reductions. 1219

(b) If reductions occur pursuant to division (C) (2) (a) of 1220  
this section, and if at a subsequent time a parcel is sold at a 1221  
foreclosure sale or a forfeiture sale pursuant to Chapter 5723. 1222  
of the Revised Code, then, notwithstanding other provisions of 1223  
the Revised Code, except section 5721.17 of the Revised Code, 1224  
governing the distribution of the proceeds of a foreclosure or 1225  
forfeiture sale, the proceeds first shall be distributed to 1226  
reimburse the taxing districts subjected to reductions in their 1227  
otherwise distributable real property taxes. The distributions 1228  
shall be based on the same proportions used for purposes of 1229  
division (C) (2) (a) of this section. 1230

(3) The court, in its discretion, may order any parcel not 1231  
sold pursuant to the original order of sale to be advertised and 1232  
offered for sale at a subsequent foreclosure sale. For such 1233  
purpose, the court may direct the parcel to be appraised and fix 1234  
a minimum price for which it may be sold. 1235

(D) Except as otherwise provided in division (B) (1) of 1236  
section 5721.17 of the Revised Code, upon the confirmation of a 1237  
sale, the proceeds of the sale shall be applied as follows: 1238

(1) The costs incurred in any proceeding filed against the 1239  
parcel pursuant to section 5721.18 of the Revised Code shall be 1240  
paid first. 1241

(2) Following the payment required by division (D) (1) of 1242  
this section, the part of the proceeds that is equal to five per 1243  
cent of the taxes and assessments due shall be deposited in 1244  
equal shares into each of the delinquent tax and assessment 1245  
collection funds created pursuant to section 321.261 of the 1246  
Revised Code. If a county land reutilization corporation is 1247  
operating in the county, the board of county commissioners, by 1248  
resolution, may provide that an additional amount, not to exceed 1249

five per cent of such taxes and assessments, shall be credited 1250  
to the county land reutilization corporation fund created by 1251  
section 321.263 of the Revised Code to pay for the corporation's 1252  
expenses. If such a resolution is in effect, the percentage of 1253  
such taxes and assessments so provided shall be credited to that 1254  
fund. 1255

(3) Following the payment required by division (D) (2) of 1256  
this section, the amount found due for taxes, assessments, 1257  
charges, penalties, and interest shall be paid, including all 1258  
taxes, assessments, charges, penalties, and interest payable 1259  
subsequent to the delivery to the county prosecuting attorney of 1260  
the delinquent land tax certificate or master list of delinquent 1261  
tracts and prior to the transfer of the deed of the parcel to 1262  
the purchaser following confirmation of sale. If the proceeds 1263  
available for distribution pursuant to division (D) (3) of this 1264  
section are sufficient to pay the entire amount of those taxes, 1265  
assessments, charges, penalties, and interest, the portion of 1266  
the proceeds representing taxes, interest, and penalties shall 1267  
be paid to each claimant in proportion to the amount of taxes 1268  
levied by the claimant in the preceding tax year, and the amount 1269  
representing assessments and other charges shall be paid to each 1270  
claimant in the order in which they became due. If the proceeds 1271  
are not sufficient to pay that entire amount, the proportion of 1272  
the proceeds representing taxes, penalties, and interest shall 1273  
be paid to each claimant in the same proportion that the amount 1274  
of taxes levied by the claimant against the parcel in the 1275  
preceding tax year bears to the taxes levied by all such 1276  
claimants against the parcel in the preceding tax year, and the 1277  
proportion of the proceeds representing items of assessments and 1278  
other charges shall be credited to those items in the order in 1279  
which they became due. 1280

(E) If the proceeds from the sale of a parcel are 1281  
insufficient to pay in full the amount of the taxes, 1282  
assessments, charges, penalties, and interest which are due and 1283  
unpaid; the costs incurred in the foreclosure proceeding 1284  
instituted against it which are due and unpaid; and, if division 1285  
(B) (1) of section 5721.17 of the Revised Code is applicable, any 1286  
notes issued by a receiver pursuant to division ~~(F)~~ (G) of 1287  
section 3767.41 of the Revised Code and any receiver's lien as 1288  
defined in division (C) (4) of section 5721.18 of the Revised 1289  
Code, the court, pursuant to section 5721.192 of the Revised 1290  
Code, may enter a deficiency judgment against the owner of 1291  
record of the parcel for the unpaid amount. If that owner of 1292  
record is a corporation, the court may enter the deficiency 1293  
judgment against the stockholder holding a majority of that 1294  
corporation's stock. 1295

If after distribution of proceeds from the sale of the 1296  
parcel under division (D) of this section the amount of proceeds 1297  
to be applied to pay the taxes, assessments, charges, penalties, 1298  
interest, and costs is insufficient to pay them in full, and the 1299  
court does not enter a deficiency judgment against the owner of 1300  
record pursuant to this division, the taxes, assessments, 1301  
charges, penalties, interest, and costs shall be deemed 1302  
satisfied. 1303

(F) (1) Upon confirmation of a sale, a spouse of the party 1304  
charged with the delinquent taxes or assessments shall thereby 1305  
be barred of the right of dower in the property sold, though 1306  
such spouse was not a party to the action. No statute of 1307  
limitations shall apply to such action. When the land or lots 1308  
stand charged on the tax duplicate as certified delinquent, it 1309  
is not necessary to make the state a party to the foreclosure 1310  
proceeding, but the state shall be deemed a party to such action 1311

through and be represented by the county treasurer. 1312

(2) Except as otherwise provided in divisions (F) (3) and 1313  
(G) of this section, unless such land or lots were previously 1314  
redeemed pursuant to section 5721.25 of the Revised Code, upon 1315  
the filing of the entry of confirmation of any sale or the 1316  
expiration of the alternative redemption period as defined in 1317  
section 323.65 of the Revised Code, if applicable, the title to 1318  
such land or lots shall be incontestable in the purchaser and 1319  
shall be free and clear of all liens and encumbrances, except a 1320  
federal tax lien notice of which is properly filed in accordance 1321  
with section 317.09 of the Revised Code prior to the date that a 1322  
foreclosure proceeding is instituted pursuant to division (B) of 1323  
section 5721.18 of the Revised Code and the easements and 1324  
covenants of record running with the land or lots that were 1325  
created prior to the time the taxes or assessments, for the 1326  
nonpayment of which the land or lots are sold at foreclosure, 1327  
became due and payable. 1328

(3) When proceedings for foreclosure are instituted under 1329  
division (C) of section 5721.18 of the Revised Code, unless the 1330  
land or lots were previously redeemed pursuant to section 1331  
5721.25 of the Revised Code or before the expiration of the 1332  
alternative redemption period, upon the filing of the entry of 1333  
confirmation of sale or after the expiration of the alternative 1334  
redemption period, as may apply to the case, the title to such 1335  
land or lots shall be incontestable in the purchaser and shall 1336  
be free of any receiver's lien as defined in division (C) (4) of 1337  
section 5721.18 of the Revised Code and, except as otherwise 1338  
provided in division (G) of this section, the liens for land 1339  
taxes, assessments, charges, interest, and penalties for which 1340  
the lien was foreclosed and in satisfaction of which the 1341  
property was sold. All other liens and encumbrances with respect 1342

to the land or lots shall survive the sale. 1343

(4) The title shall not be invalid because of any 1344  
irregularity, informality, or omission of any proceedings under 1345  
this chapter, or in any processes of taxation, if such 1346  
irregularity, informality, or omission does not abrogate the 1347  
provision for notice to holders of title, lien, or mortgage to, 1348  
or other interests in, such foreclosed lands or lots, as 1349  
prescribed in this chapter. 1350

(G) If a parcel is sold under this section for the amount 1351  
described in division (A) (2) of this section, and the county 1352  
treasurer's estimate exceeds the amount of taxes, assessments, 1353  
interest, penalties, and costs actually payable when the deed is 1354  
transferred to the purchaser, the officer who conducted the sale 1355  
shall refund to the purchaser the difference between the 1356  
estimate and the amount actually payable. If the amount of 1357  
taxes, assessments, interest, penalties, and costs actually 1358  
payable when the deed is transferred to the purchaser exceeds 1359  
the county treasurer's estimate, the officer shall certify the 1360  
amount of the excess to the treasurer, who shall enter that 1361  
amount on the real and public utility property tax duplicate 1362  
opposite the property; the amount of the excess shall be payable 1363  
at the next succeeding date prescribed for payment of taxes in 1364  
section 323.12 of the Revised Code. 1365

(H) If a parcel is sold or transferred under this section 1366  
or sections 323.28 and 323.65 to 323.79 of the Revised Code, the 1367  
officer who conducted the sale or made the transfer of the 1368  
property shall collect the recording fee and any associated 1369  
costs to cover the recording from the purchaser or transferee at 1370  
the time of the sale or transfer and, following confirmation of 1371  
the sale or transfer, shall execute and record the deed 1372

conveying title to the parcel to the purchaser or transferee. 1373  
For purposes of recording such deed, by placement of a bid or 1374  
making a statement of interest by any party ultimately awarded 1375  
the parcel, that purchaser or transferee thereby appoints the 1376  
officer who makes the sale or is charged with executing and 1377  
delivering the deed as agent for the purchaser or transferee for 1378  
the sole purpose of accepting delivery of the deed. For such 1379  
purposes, the confirmation of any such sale or order to transfer 1380  
the parcel without appraisal or sale shall be deemed delivered 1381  
upon the confirmation of such sale or transfer. 1382

(I) Notwithstanding section 5722.03 of the Revised Code, 1383  
if the complaint alleges that the property is delinquent vacant 1384  
land as defined in section 5721.01 of the Revised Code, 1385  
abandoned lands as defined in section 323.65 of the Revised 1386  
Code, or lands described in division (F) of section 5722.01 of 1387  
the Revised Code, and the value of the taxes, assessments, 1388  
penalties, interest, and all other charges and costs of the 1389  
action exceed the auditor's fair market value of the parcel, 1390  
then the court or board of revision having jurisdiction over the 1391  
matter on motion of the plaintiff, or on the court's or board's 1392  
own motion, shall, upon any adjudication of foreclosure, order, 1393  
without appraisal and without sale, the fee simple title of the 1394  
property to be transferred to and vested in an electing 1395  
subdivision as defined in division (A) of section 5722.01 of the 1396  
Revised Code. For purposes of determining whether the taxes, 1397  
assessments, penalties, interest, and all other charges and 1398  
costs of the action exceed the actual fair market value of the 1399  
parcel, the auditor's most current valuation shall be rebuttably 1400  
presumed to be, and constitute prima-facie evidence of, the fair 1401  
market value of the parcel. In such case, the filing for 1402  
journalization of a decree of foreclosure ordering that direct 1403

transfer without appraisal or sale shall constitute confirmation 1404  
of the transfer and thereby terminate any further statutory or 1405  
common law right of redemption. 1406

**Sec. 5721.192.** (A) If the proceeds from a sale of a parcel 1407  
under section 5721.19 or 5723.06 of the Revised Code are 1408  
insufficient to pay in full the amount of the taxes, 1409  
assessments, charges, penalties, and interest which are due and 1410  
unpaid; the costs incurred in the foreclosure proceeding, the 1411  
foreclosure and forfeiture proceeding, or both foreclosure and 1412  
forfeiture proceedings which are due and unpaid; and, if 1413  
division (B) (1) or (2) of section 5721.17 of the Revised Code is 1414  
applicable, any notes issued by a receiver pursuant to division 1415  
~~(F)~~ (G) of section 3767.41 of the Revised Code and any 1416  
receiver's lien as defined in division (C) (4) of section 5721.18 1417  
of the Revised Code, the court may enter a deficiency judgment 1418  
for the unpaid amount as authorized by sections 5721.17, 1419  
5721.19, 5723.05, and 5723.18 of the Revised Code, in accordance 1420  
with this section. 1421

(B) Before entering the deficiency judgment, the court 1422  
shall notify the board of revision of the county in which the 1423  
parcel is located, of its intention to enter the judgment, and 1424  
request the board to make a recommendation with respect to 1425  
whether the judgment should be entered and to specify the 1426  
reasons why it should or should not be entered. The notification 1427  
shall list, and shall require the board to consider in making 1428  
its recommendation, the factors that the court is required to 1429  
consider under divisions (C) (1) to (3) of this section, but, in 1430  
making its recommendation, the board also may consider other 1431  
relevant factors. Additionally, if a corporate owner of record 1432  
of foreclosed lands or a corporate last owner of record of 1433  
forfeited lands is involved, the court shall specify in its 1434

notification whether the judgment is proposed to be made against 1435  
the corporation or the majority stockholder of the corporation. 1436  
To assist the board in making its recommendation, the board may 1437  
invite the person against whom the judgment would be entered to 1438  
appear before it. The board shall make a recommendation to the 1439  
court within thirty days from the date that the court notified 1440  
it under this division. 1441

(C) In determining whether to enter the deficiency 1442  
judgment, the court shall consider all relevant factors, 1443  
including, but not limited to, the following: 1444

(1) Whether the owner of record or, in the case of 1445  
forfeited lands, the last owner of record, appears to have owned 1446  
the parcel only for speculative purposes, and had the means to 1447  
pay, but purposely did not pay, the taxes, assessments, charges, 1448  
penalties, and interest due; 1449

(2) Whether the owner of record or, in the case of 1450  
forfeited lands, the last owner of record purposely failed to 1451  
pay the delinquent taxes, assessments, charges, penalties, and 1452  
interest, ~~although he~~ despite having had the means to do so; 1453

(3) Whether there are other circumstances that would make 1454  
it inequitable to enter the deficiency judgment. 1455

(D) At least thirty days from the date of any notification 1456  
to the board of revision under division (B) of this section, and 1457  
if the court proposes to enter a deficiency judgment, the clerk 1458  
of the court shall notify the person against whom the judgment 1459  
is proposed to be entered, by ordinary mail, of the proposed 1460  
entry of the judgment and its amount. The notification shall 1461  
state that the person against whom the judgment is proposed to 1462  
be entered may file, within ten days from the date the notice is 1463

mailed, a motion with the court protesting the proposed entry of 1464  
the judgment and requesting an opportunity to appear and show 1465  
cause why the judgment should not be entered. The notification 1466  
also shall state that, if such a motion is not filed within the 1467  
ten-day period, the judgment shall be entered and shall be 1468  
considered to be a final judgment. If the proposed judgment 1469  
would be entered against the majority stockholder of a 1470  
corporation, the notification shall be sent to ~~him~~ the majority  
stockholder at the address of the principal office of the 1471  
corporation. 1472  
1473

(E) Proceeds paid pursuant to the entry and satisfaction 1474  
of a deficiency judgment shall be distributed as if they had 1475  
been received as a part of the proceeds from the sale of the 1476  
parcel under section 5721.19 or 5723.06 of the Revised Code to 1477  
satisfy the amount of the taxes, assessments, charges, 1478  
penalties, and interest which are due and unpaid; the costs 1479  
incurred in the associated proceeding or proceedings which were 1480  
due and unpaid; and, if division (B)(1) or (2) of section 1481  
5721.17 of the Revised Code is applicable, any notes issued by a 1482  
receiver pursuant to division ~~(F)~~ (G) of section 3767.41 of the 1483  
Revised Code and any receiver's lien as defined in division (C) 1484  
(4) of section 5721.18 of the Revised Code. 1485

**Sec. 5723.05.** If the taxes, assessments, charges, 1486  
penalties, interest, and costs due on the forfeited lands have 1487  
not been paid when the county auditor fixes the date for the 1488  
sale of forfeited lands, the auditor shall give notice of them 1489  
once a week for two consecutive weeks prior to the date fixed by 1490  
the auditor for the sale, as provided in section 5721.03 of the 1491  
Revised Code. The notice shall state that if the taxes, 1492  
assessments, charges, penalties, interest, and costs charged 1493  
against the lands forfeited to the state for nonpayment of taxes 1494

are not paid into the county treasury, and the county 1495  
treasurer's receipt produced for the payment before the time 1496  
specified in the notice for the sale of the lands, which day 1497  
shall be named in the notice, each forfeited tract on which the 1498  
taxes, assessments, charges, penalties, interest, and costs 1499  
remain unpaid will be offered for sale beginning on the date set 1500  
by the auditor, at the courthouse in the county, in order to 1501  
satisfy the unpaid taxes, assessments, charges, penalties, 1502  
interest, and costs, and that the sale will continue from day to 1503  
day until each of the tracts is sold or offered for sale. 1504

The notice also shall state that, if the forfeited land is 1505  
sold for an amount that is less than the amount of the 1506  
delinquent taxes, assessments, charges, penalties, and interest 1507  
against it, and, if division (B) (2) of section 5721.17 of the 1508  
Revised Code is applicable, any notes issued by a receiver 1509  
pursuant to division ~~(F)~~ (G) of section 3767.41 of the Revised 1510  
Code and any receiver's lien as defined in division (C) (4) of 1511  
section 5721.18 of the Revised Code, the court, in a separate 1512  
order, may enter a deficiency judgment against the last owner of 1513  
record of the land before its forfeiture to the state, for the 1514  
amount of the difference; and that, if that owner of record is a 1515  
corporation, the court may enter the deficiency judgment against 1516  
the stockholder holding a majority of that corporation's stock. 1517

**Sec. 5723.18.** (A) Except as otherwise provided in division 1518  
(B) (2) of section 5721.17 and division (B) of section 319.43 of 1519  
the Revised Code, the proceeds from a forfeiture sale shall be 1520  
distributed as follows: 1521

(1) The county auditor shall deduct all costs pertaining 1522  
to the forfeiture and sale of forfeited lands, including costs 1523  
pertaining to a foreclosure and forfeiture proceeding instituted 1524

under section 5721.14 of the Revised Code, except those paid 1525  
under section 5721.04 of the Revised Code, from the moneys 1526  
received from the sale of land and town lots forfeited to the 1527  
state for the nonpayment of taxes, and shall pay such costs into 1528  
the proper fund. In the case of the forfeiture sale of a parcel 1529  
against which a foreclosure and forfeiture proceeding was 1530  
instituted under section 5721.14 of the Revised Code, if the 1531  
proceeds from the forfeiture sale are insufficient to pay the 1532  
costs pertaining to such proceeding, the county auditor, at the 1533  
next semiannual apportionment of real property taxes, shall 1534  
reduce the amount of real property taxes that the auditor 1535  
otherwise would distribute to each subdivision to which taxes, 1536  
assessments, charges, penalties, or interest charged against the 1537  
parcel are due. The reduction in each subdivision's real 1538  
property tax distribution shall equal the amount of the unpaid 1539  
costs multiplied by a fraction, the numerator of which is the 1540  
amount of taxes, assessments, charges, penalties, and interest 1541  
due the subdivision, and the denominator of which is the total 1542  
amount of taxes, assessments, charges, penalties, and interest 1543  
due all such subdivisions. 1544

(2) Following the payment required by division (A) (1) of 1545  
this section, the part of the proceeds that is equal to ten per 1546  
cent of the taxes and assessments due shall be deposited in 1547  
equal shares into each of the delinquent tax and assessment 1548  
collection funds created pursuant to section 321.261 of the 1549  
Revised Code. 1550

(3) Following the payment required by division (A) (2) of 1551  
this section, the remaining proceeds shall be distributed by the 1552  
auditor to the appropriate subdivisions to pay the taxes, 1553  
assessments, charges, penalties, and interest which are due and 1554  
unpaid. If the proceeds available for distribution under this 1555

division are insufficient to pay the entire amount of those 1556  
taxes, assessments, charges, penalties, and interest, the 1557  
auditor shall distribute the proceeds available for distribution 1558  
under this division to the appropriate subdivisions in 1559  
proportion to the amount of those taxes, assessments, charges, 1560  
penalties, and interest that each is due. 1561

(B) If the proceeds from the sale of forfeited land are 1562  
insufficient to pay in full the amount of the taxes, 1563  
assessments, charges, penalties, and interest; the costs 1564  
incurred in the proceedings instituted pursuant to this chapter 1565  
and section 5721.18 of the Revised Code, or the foreclosure and 1566  
forfeiture proceeding instituted pursuant to section 5721.14 of 1567  
the Revised Code; and, if division (B) (2) of section 5721.17 of 1568  
the Revised Code is applicable, any notes issued by a receiver 1569  
pursuant to division ~~(F)~~ (G) of section 3767.41 of the Revised 1570  
Code and any receiver's lien as defined in division (C) (4) of 1571  
section 5721.18 of the Revised Code, the court may enter a 1572  
deficiency judgment against the last owner of record of the land 1573  
before its forfeiture to the state, for the unpaid amount. The 1574  
court shall enter the judgment pursuant to section 5721.192 of 1575  
the Revised Code. Except as otherwise provided in division (B) 1576  
of section 319.43 of the Revised Code, the proceeds paid 1577  
pursuant to the entry and satisfaction of such a judgment shall 1578  
be distributed as if they had been received as a part of the 1579  
proceeds from the sale of the land to satisfy the amount of the 1580  
taxes, assessments, charges, penalties, and interest which are 1581  
due and unpaid; the costs incurred in the associated proceedings 1582  
which were due and unpaid; and, if division (B) (2) of section 1583  
5721.17 of the Revised Code is applicable, any notes issued by a 1584  
receiver pursuant to division ~~(F)~~ (G) of section 3767.41 of the 1585  
Revised Code and any receiver's lien as defined in division (C) 1586

(4) of section 5721.18 of the Revised Code. 1587

**Section 2.** That existing sections 3767.41, 3767.50, 1588  
3767.99, 5721.17, 5721.18, 5721.19, 5721.192, 5723.05, and 1589  
5723.18 of the Revised Code are hereby repealed. 1590

**Section 3.** This act is hereby declared to be an emergency 1591  
measure necessary for the immediate preservation of the public 1592  
peace, health, and safety. The reason for such necessity is the 1593  
dangerous conditions caused by nuisance and blighted properties. 1594  
Therefore, this act shall go into immediate effect. 1595