



**State Representatives
John Patterson & Steven Arndt**

House Bill 454
Sponsor Testimony
House State and Local Government Committee
January 24, 2018

Chair Anielski, Vice-Chair Hambley, Ranking Member Holmes, and distinguished members of the House State and Local Government Committee, thank you for the opportunity to offer sponsor testimony on House Bill 454, legislation that would address concerns brought to our attention related to Ohio's cemetery laws.

A constituent of mine recently attempted to purchase an unused cemetery lot from a township in my district. The constituent verified with the cemetery personnel that the lot had been purchased in the early 1900s, yet no family member could be reached to determine if the lot would ever be used. In essence, the lot been "vacated." While the township would like to sell the unused lot, because it was purchased prior to July 24, 1986, current law prohibits such a sale.

Recently, the legislature attempted to address the issue of vacated lots in the previous GA's budget legislation, House Bill 64, but unfortunately, the law only pertained to lots purchased after July 24, 1986—the effective date of the Ohio law that permitted the sale of cemetery lots.

Existing Ohio law allows townships to repurchase a cemetery lot or right from its owner at any time at a price mutually agreed upon. In addition, Ohio townships may also reenter or resell unused cemetery lots as long as the township notified or attempted to notify the current owner. Existing law also requires townships to compensate, at 80% of the purchase price, any owner who responds after the township reenters the owner's cemetery lot. The issue with existing law is that it only pertains to unused cemetery lots that were sold on or after the effective date of the current law: July 24, 1986. For all unused cemetery lots that were sold *before* July 24, 1986, existing law provides no recourse.

HB 454 would require a township to compensate the owner of unused cemetery lots purchased before July 24, 1986, which the township reenters after lack of response from the owner. Under our bill, a township would be required to compensate the owners by providing an available lot at no cost. If a lot is not available or if the owner declines the lot, the township must pay the owner 80% of the owner's original purchase price or a price that is mutually agreed upon between the rightful owner and the township.

As Ohio's population ages and the need for new cemetery lots increases, cemeteries will be under increasing pressure to address this issue with limited space. This law protects the lot's original owner, the townships, and allows more flexibility for potential owners to be buried in the lot of their choice.

Thank you for your attention. We would be glad to answer any questions or address any concerns the committee may have.