

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 454

Representatives Patterson, Arndt

Cosponsors: Representatives Ashford, Seitz, Becker, Reece

A BILL

To amend section 517.073 of the Revised Code to 1
require a township to compensate the owner of 2
certain unused cemetery lots and rights which 3
the township reenters after lack of response 4
from the owner. 5

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

Section 1. That section 517.073 of the Revised Code be 6
amended to read as follows: 7

Sec. 517.073. (A) The board of township trustees may 8
reenter a lot for which the terms of sale or deed was executed 9
~~prior to before~~ July 24, 1986, or an entombment, including a 10
mausoleum, columbarium, or other interment right for which the 11
terms of sale or deed was executed ~~prior to before~~ September 29, 12
2015, if the board determines the lot or right is unused and 13
adopts a resolution creating a procedure for right of reentry in 14
accordance with this section. The resolution shall state that 15
the board of township trustees has the right of reentry to the 16
cemetery lot or right purchased ~~prior to before~~ July 24, 1986, 17
or ~~prior to before~~ September 29, 2015. Before reentering a lot 18

or right, the board shall send a notice by certified mail to the 19
last known owner at the owner's last known address to inform the 20
owner that the owner's interest in the lot or right will cease 21
unless the owner or owner's heir responds by a specified date. 22
If the owner's address is unknown and cannot be obtained 23
reasonably, it is sufficient to publish the notice once in a 24
newspaper of general circulation in the county. To establish 25
reentry, the board shall pass a resolution stating that the 26
owner has not responded by the specified date, and that the 27
board reclaims its interest in the lot or right. The board shall 28
compensate owners of unused lots or rights who respond after the 29
specified date by providing the owner an available lot or right, 30
as applicable, at no cost. If a lot or right, as applicable, is 31
not available or if the owner declines the lot or right, the 32
board shall compensate the owner by paying the owner eighty per 33
cent of the owner's original purchase price. The board may 34
repurchase a cemetery lot or right from its owner at any time at 35
a price that is mutually agreed upon by the board and the owner. 36

(B) At least ninety days ~~prior to the~~ before a 37
termination date for use of ~~the~~ a cemetery lot for which the terms of sale 38
or deed was executed before July 24, 1986, and contained a 39
termination date, ~~tomb~~ or an entombment, including a mausoleum, 40
or columbarium, for which the terms of sale or deed was executed 41
before September 29, 2015, and contained a termination date, the 42
board shall send a notice to the owner of an unused lot or right 43
to inform the owner that the owner's interest in the lot or 44
right will cease on the termination date unless the owner or 45
owner's heir contracts for renewal by that date. The board shall 46
send the notice by certified mail to the owner if the owner is a 47
resident of the township or is a nonresident whose address is 48
known. If the owner's address is unknown and cannot reasonably 49

be obtained, it is sufficient to publish the notice once in a newspaper of general circulation in the county.

In order to establish reentry, the board shall pass a resolution stating that because of the lack of response to notice sent by certified mail that provided a termination date, the board reclaims its interest in the lot or right. The board shall compensate owners of unused lots or rights who respond after the termination date by providing the owner an available lot or right, as applicable, at no cost. If a lot or right, as applicable, is not available or if the owner declines the lot or right, the board shall compensate the owner by paying the owner eighty per cent of the owner's original purchase price. The board may repurchase a cemetery lot or right from its owner at any time at a price that is mutually agreed upon by the board and the owner.

Section 2. That existing section 517.073 of the Revised Code is hereby repealed.