

As Reported by the House State and Local Government Committee

132nd General Assembly

Regular Session

2017-2018

Sub. H. B. No. 454

Representatives Patterson, Arndt

**Cosponsors: Representatives Ashford, Seitz, Becker, Reece, Hambley, Holmes,
Boyd, Brown**

A BILL

To amend sections 517.07 and 517.073 of the Revised 1
Code to require a township to offer compensation 2
to responsive owners of certain unused cemetery 3
lots and rights. 4

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

Section 1. That sections 517.07 and 517.073 of the Revised 5
Code be amended to read as follows: 6

Sec. 517.07. Upon application, the board of township 7
trustees shall sell at a reasonable price the number of lots as 8
public wants demand for burial purposes. Purchasers of lots or 9
other interment rights, upon complying with the terms of sale, 10
may receive deeds for the lots or rights which the board shall 11
execute and which shall be recorded by the township fiscal 12
officer in a book for that purpose. The expense of recording 13
shall be paid by the person receiving the deed. Upon the 14
application of a head of a family living in the township, the 15
board shall, without charge, make and deliver to the applicant a 16
deed for a suitable lot or right for the interment of the 17
applicant's family, if, in the opinion of the board and by 18

reason of the circumstances of the family, the payment would be 19
oppressive. 20

The terms of sale and any deed for lots executed after 21
July 24, 1986, for an entombment, including a mausoleum, 22
columbarium, or other interment right executed on or after 23
September 29, 2015, may include the following requirements: 24

(A) The grantee shall provide to the board of township 25
trustees, in writing, a list of the names and addresses of the 26
persons to whom the grantee's property would pass by intestate 27
succession. 28

(B) The grantee shall notify the board in writing of any 29
subsequent changes in the name or address of any persons to whom 30
property would descend. 31

(C) Any person who receives a township cemetery lot or 32
right by gift, inheritance, or any other means other than the 33
original conveyance shall, within one year after receiving the 34
interest, give written notice of the person's name and address 35
to the board having control of the cemetery, and shall notify 36
the board of any subsequent changes in the person's name or 37
address. 38

The terms of sale and any deed for any lots or rights 39
executed in compliance with the notification requirements set 40
forth in divisions (A), (B), and (C) of this section shall state 41
that the board of township trustees shall have right of reentry 42
to the cemetery lot or right if the notification requirements 43
are not met. At least ninety days before establishing reentry, 44
the board shall publish a notice on the board's internet web 45
site, if applicable, and shall send a notice by certified mail 46
to the last known owner at the owner's last known address to 47

inform the owner that the owner's interest in the lot or right 48
will cease unless the notification requirements are met. If the 49
owner's address is unknown and cannot reasonably be obtained, it 50
is sufficient to publish the notice once in a newspaper of 51
general circulation in the county. In order to establish 52
reentry, the board shall pass a resolution stating that the 53
conditions of the sale or of the deed have not been fulfilled, 54
and that the board reclaims its interest in the lot or right. 55

The board may limit the terms of sale or the deed for a 56
cemetery lot or right by specifying that the owner, a member of 57
the owner's family, or an owner's descendant must use the lot, 58
tomb, including a mausoleum, or columbarium, or at least a 59
portion of the lot, tomb, including a mausoleum, or columbarium, 60
within a specified time period. The board may specify this time 61
period to be at least twenty but not more than fifty years, with 62
right of renewal provided at no cost. At least ninety days ~~prior~~ 63
~~to before~~ the termination date for use of the cemetery lot, 64
tomb, including a mausoleum, or columbarium, the board shall 65
publish a notice on the board's internet web site, if 66
applicable, and shall send a notice to the owner to inform the 67
owner that the owner's interest in the lot or right will cease 68
on the termination date unless the owner contracts for renewal 69
by that date. The board shall send the notice by certified mail 70
to the owner if the owner is a resident of the township or is a 71
nonresident whose address is known. If the owner's address is 72
unknown and cannot reasonably be obtained, it is sufficient to 73
publish the notice once in a newspaper of general circulation in 74
the county. 75

The terms of sale and any deed for lots or rights conveyed 76
with a termination date shall state that the board shall have 77
right of reentry to the lot or right at the end of the specified 78

time period if the lot, tomb, including a mausoleum, or 79
columbarium, is not used within this time period or renewed for 80
an extended period. In order to establish reentry, the board 81
shall pass a resolution stating that the conditions of the sale 82
or of the deed have not been fulfilled, and that the board 83
reclaims its interest in the lot or right. The board shall 84
compensate owners of unused lots or rights who do not renew the 85
terms of sale or the deed by ~~paying~~ offering to pay the owner 86
eighty per cent of the purchase price or to provide another 87
available lot or right, as applicable, at no additional cost. 88
The board may repurchase any cemetery lot or right from its 89
owner at any time at a price that is mutually agreed upon by the 90
board and the owner. 91

Sec. 517.073. (A) The board of township trustees may 92
reenter a lot for which the terms of sale or deed was executed 93
~~prior to~~ before July 24, 1986, or an entombment, including a 94
mausoleum, columbarium, or other interment right for which the 95
terms of sale or deed was executed ~~prior to~~ before September 29, 96
2015, if the board determines the lot or right is unused and 97
adopts a resolution creating a procedure for right of reentry in 98
accordance with this section. The resolution shall state that 99
the board of township trustees has the right of reentry to the 100
cemetery lot or right purchased ~~prior to~~ before July 24, 1986, 101
or ~~prior to~~ before September 29, 2015. ~~Before~~ At least one 102
hundred eighty days before reentering a lot or right, the board 103
shall publish a notice on the board's internet web site, if 104
applicable, and shall send a notice by certified mail to the 105
last known owner at the owner's last known address to inform the 106
owner that the owner's interest in the lot or right will cease 107
unless the owner or owner's heir responds by ~~a specified~~ that 108
date. If the owner's address is unknown and cannot be obtained 109

reasonably, it is sufficient to publish the notice once in a newspaper of general circulation in the county. ~~To~~

If the owner responds by the specified date, the township shall offer the owner all of the following:

(1) To continue the owner's interest in the lot or right;

(2) To compensate the owner by paying the owner eighty per cent of the owner's original purchase price; or

(3) To compensate the owner by providing the owner an available lot or right, as applicable.

To establish reentry, the board shall pass a resolution stating that the owner has not responded by the specified date or has opted to receive other compensation, and that the board reclaims its interest in the lot or right. 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.

(B) At least ~~ninety one~~ hundred eighty days prior to the before a termination date for use of the a cemetery lot for which the terms of sale or deed was executed before July 24, 1986, and contained a termination date, ~~tomb~~ or an entombment, including a mausoleum, or columbarium, for which the terms of sale or deed was executed before September 29, 2015, and contained a termination date, the board shall publish a notice on the board's internet web site, if applicable, and shall send a notice to the owner of an unused lot or right to inform the owner that the owner's interest in the lot or right will cease on the termination date unless the owner or owner's heir ~~contracts for renewal~~ responds by that date. The board shall send the notice by certified mail to the owner if the owner is a resident of the township or is a nonresident whose address is

known. If the owner's address is unknown and cannot reasonably
be obtained, it is sufficient to publish the notice once in a
newspaper of general circulation in the county.

If the owner responds by the termination date, the
township shall offer the owner all of the following:

(1) To contract for renewal;

(2) To compensate the owner by paying the owner eighty per
cent of the owner's original purchase price; or

(3) To compensate the owner by providing the owner an
available lot or right, as applicable.

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
or because the owner opted to receive other compensation, the
board reclaims its interest in the lot or right. The board may
repurchase a cemetery lot or right for which there is a
termination date from its owner at any time at a price that is
mutually agreed upon by the board and the owner.

Section 2. That existing sections 517.07 and 517.073 of
the Revised Code are hereby repealed.