

**As Pending in the Senate State and Local Government and
Veterans Affairs Committee**

127th General Assembly

Regular Session

2007-2008

Sub. S. B. No. 7

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A B I L L

To amend sections 163.01, 163.02, 163.03, 163.04, 1
163.05, 163.06, 163.08, 163.09, 163.12, 163.14, 2
163.15, 163.16, 163.17, 163.19, 163.20, 163.21, 3
163.22, 163.52, 163.53, 163.54, 163.55, 163.56, 4
163.57, 163.58, 163.59, 163.60, 163.61, 163.62, 5
303.26, 719.012, 725.01, 725.02, 725.05, 725.11, 6
1728.01, 3735.40, and 3735.59, and to enact 7
sections 1.08, 163.021, 163.211, and 163.63, and 8
to repeal section 163.51 of the Revised Code to 9
implement the recommendations of the Eminent 10
Domain Task Force and to create other procedures 11
to protect the rights of property owners. 12

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

Section 1. That sections 163.01, 163.02, 163.03, 163.04, 13
163.05, 163.06, 163.08, 163.09, 163.12, 163.14, 163.15, 163.16, 14
163.17, 163.19, 163.20, 163.21, 163.22, 163.52, 163.53, 163.54, 15
163.55, 163.56, 163.57, 163.58, 163.59, 163.60, 163.61, 163.62, 16
303.26, 719.012, 725.01, 725.02, 725.05, 725.11, 1728.01, 3735.40, 17
and 3735.59 be amended and sections 1.08, 163.021, 163.211, and 18
163.63 of the Revised Code be enacted to read as follows: 19

Sec. 1.08. As used in the Revised Code:

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As Pending in the Senate State and Local Government and Veterans Affairs Committee

<u>(A) "Blighted property" means a property that meets three or more of the following conditions:</u>	21
<u>(1) The property or a structure on the property constitutes a public nuisance because of its physical condition, use, or occupancy.</u>	23
<u>(2) The property contains a structure that is dilapidated, unsanitary, unsafe, or vermin infested, and because of its condition an agency that is responsible for the enforcement of housing, building, or fire codes has designated it unfit for human habitation or use.</u>	26
<u>(3) The property contains a structure that in its current condition is a fire hazard or otherwise is dangerous to the safety of persons or property.</u>	31
<u>(4) The property contains a structure from which the utilities, plumbing, heating, sewerage, or other necessary facilities have been disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.</u>	34
<u>(5) The property is a vacant or unimproved lot or parcel in a predominantly built-up-neighborhood that, by reason of neglect or lack of maintenance, has become a place for accumulation of trash and debris, or a haven for vermin.</u>	38
<u>(6) The property has tax delinquencies that exceed the value of the property.</u>	42
<u>(7) The property or a structure on the property has significant code violations that substantially affect health or safety, and at least one year has passed since an appropriate code enforcement agency provided notice to the owner of the need to rehabilitate the property or structure, and the property or structure has not been substantially rehabilitated.</u>	44
<u>(8) The property poses a direct threat to public health or</u>	50

safety in its present condition by reason of environmentally 51
hazardous conditions, solid waste pollution, or contamination. 52

(9) The property is an abandoned property, meaning that the 53
owner or estate in possession of the property has declared it to 54
be abandoned, or the property is occupied by a person who does not 55
have a legal or equitable right to occupy the property and the 56
entity taking the property is unable to identify and communicate 57
with the owner despite making reasonable efforts. 58

(B) "Blighted area" and "slum" mean a contiguous area in 59
which over ninety per cent of all properties are blighted 60
properties. 61

(C) When determining whether a property is a blighted 62
property or whether an area is a blighted area or slum for the 63
purposes of this section, no person shall consider whether the 64
property could generate more tax revenues if put to another use. 65

(D) Notwithstanding any other provision of this section, 66
absent any environmental or public health hazard that cannot be 67
corrected under its current use or ownership, a property is not a 68
blighted property because of any condition that is a blighting 69
condition under division (A) of this section if its condition is 70
consistent with conditions that are normally incident to generally 71
accepted agricultural practices and the land is used for 72
agricultural purposes as defined in section 303.01 or 519.01 of 73
the Revised Code, or the county auditor of the county in which the 74
land is located has determined under section 5713.31 of the 75
Revised Code that the land is "land devoted exclusively to 76
agricultural use" as defined in section 5713.30 of the Revised 77
Code. 78

Sec. 163.01. As used in sections 163.01 to 163.22 of the 79
Revised Code this chapter: 80

As Pending in the Senate State and Local Government and Veterans Affairs Committee

(A) "Public agency" means any governmental corporation, unit, organization, or officer authorized by law to appropriate property in the courts of this state. "Private	81
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(B) <u>"Private</u> agency" means any other corporation, firm, partnership, voluntary association, joint-stock association, or company <u>that is not a "public agency,"</u> authorized by law to appropriate property in the courts of this state. <u>"Agency"</u> <u>includes</u>	84
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(B)(C) <u>"Agency"</u> means any public agency or private agency.	89
(D) <u>"Business"</u> means any lawful activity, excepting a farm operation, conducted primarily for one or more of the following:	90
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(1) <u>The purchase, sale, lease, and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;</u>	92
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(2) <u>The sale of services to the public;</u>	95
(3) <u>By a nonprofit organization;</u>	96
(4) <u>Solely for the purposes of section 163.53 of the Revised Code, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.</u>	97
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(E) <u>"Comparable replacement dwelling"</u> means any dwelling that is decent, safe, and sanitary; adequate in size to accommodate the occupants; within the financial means of the displaced person; functionally equivalent to the displaced person's dwelling; in an area not subject to unreasonable adverse environmental conditions; and in a location generally not less desirable than the location of the displaced person's dwelling with respect to public	104
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As Pending in the Senate State and Local Government and Veterans Affairs Committee

utilities, facilities, services, and the displaced person's place of employment. 111
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(F) "Court" includes means the court of common pleas and or 113
the probate court of any county in which the property sought to be 114
appropriated is located in whole or in part. 115

(E)(G) "Displaced person" means any person who moves from 116
real property or moves personal property from real property on 117
which the person is a residential tenant or conducts a business or 118
farm operation, when that move is a direct result of a written 119
notice of intent to acquire or the acquisition of that real 120
property, in whole or in part, under a program or project a state 121
agency undertakes or as a direct result of rehabilitation, 122
demolition, or other displacing activity on real property by a 123
state agency, and the head of the displacing agency determines 124
that the displacement is permanent. 125

"Displaced person" does not include a person who has been 126
determined, according to criteria the head of the displacing 127
agency establishes, to be either in unlawful occupancy of the 128
displacement dwelling or to have occupied that dwelling for the 129
purpose of obtaining assistance under this chapter, or a person 130
who became an occupant of the dwelling after its acquisition and 131
whose occupancy is on a rental basis for a short term or a period 132
subject to termination when the property is needed for the program 133
or project. 134

(H) "Displacing agency" means any agency carrying out a 135
program or project that causes a person to be a displaced person. 136

(I) "Farm operation" means any activity conducted solely or 137
primarily for the production of one or more agricultural products 138
or commodities, including timber, for sale or home use, and 139
customarily producing such products or commodities in sufficient 140
quantity to be capable of contributing materially to the 141

<u>operator's support.</u>	142
(J) "Mortgage" means the classes of liens commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of Ohio, together with the credit instruments, if any, secured thereby.	143 144 145 146
(K) "Owner" includes means any individual, partnership, association, or corporation having any estate, title, or interest in any real property sought to be appropriated.	147 148 149
(D)(L) "Person" includes any individual, partnership, corporation, or association.	150 151
(M) "Real property," "land," or "property" includes means any estate, title, or interest in any real property which that is authorized to be appropriated by the agency in question, unless the context otherwise requires.	152 153 154 155
Sec. 163.02. (A) Except as provided in divisions (B), (C), (D), and (F) of this section, all All appropriations of real property shall be made pursuant to sections 163.01 to 163.22 of the Revised Code this chapter, except as otherwise provided in this section or as otherwise provided to abate a health nuisance or because of a public exigency as provided in division (B) of section 307.08, 6101.181, 6115.221, 6117.39, or 6119.11, or division (D) of section 514.19 of the Revised Code.	156 157 158 159 160 161 162 163
(B) Subject to division (E) of this section, the The director of transportation may appropriate real property pursuant to sections 163.01 to 163.22 of the Revised Code this chapter or as otherwise provided by law.	164 165 166 167
(C) Subject to division (E) of this section, a conservancy district may appropriate real property by procedures prescribed in Chapter 6101. of the Revised Code.	168 169 170
(D) Subject to division (E) of this section, a sanitary	171

As Pending in the Senate State and Local Government and Veterans Affairs Committee

district may appropriate real property by procedures prescribed in Chapter 6115. of the Revised Code.	172
Chapter 6115. of the Revised Code.	173
(E) When the director of transportation, a conservancy district, or a sanitary district proceeds <u>Notwithstanding any authority</u> to appropriate real property other than under <u>sections 163.01 to 163.22 of the Revised Code, the proceedings are this chapter, any proceeding to appropriate real property is subject to</u> division (B) of section 163.21 of the Revised Code.	174
(F) A county, township that has adopted a limited home rule government, conservancy district, sanitary district, county sewer district, or a regional water and sewer district also may appropriate real property in the manner prescribed in division (B) of section 307.08, 6101.181, 6115.221, 6117.39, or 6119.11 or division (D) of section 504.19 of the Revised Code, as applicable.	180
(G)(D) Any instrument by which the state or an agency of the state acquires real property pursuant to this <u>section chapter</u> shall <u>identify include all of the following:</u>	186
(1) The name of the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.;	189
(2) A statement of the purpose of the appropriation as provided with the appropriation petition;	192
(3) A statement that the prior owner possesses a right of repurchase if the agency decides not to use the property for the stated purpose.	194
<u>Sec. 163.021. (A) No agency shall appropriate real property except as necessary and for a public use. In any appropriation, the taking agency shall show by a preponderance of the evidence that the taking is necessary and for a public use. "Public use" does not include any taking that is for conveyance to a private</u>	197
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As Pending in the Senate State and Local Government and Veterans Affairs Committee

<u>commercial enterprise, economic development, or solely for the purpose of increasing public revenue, unless the taking agency shows by a preponderance of the evidence that the area is a blighted area and the taking is pursuant to a redevelopment plan with the purpose of eliminating blight that has been adopted by the legislative authority where the property is located.</u>	202
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<u>(B) No port authority, including any port authority created in accordance with section 4582.06 or 4582.22 of the Revised Code, may appropriate real property unless that appropriation is approved by the legislative authority of the municipal corporation, county, or township, or combination thereof, that established the port authority.</u>	208
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<u>(C) No park board, park district, board of directors of a conservancy district, incorporated association with a purpose of establishing or preserving public parks and memorial sites, or similar park authority shall exercise any power of eminent domain to appropriate real property unless that property is located within the entity's jurisdiction and the appropriation has the approval of the legislative authority of the municipal corporation, county, or township with jurisdiction where the property is located.</u>	214
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<u>Sec. 163.03. Any agency may, upon the notice prescribed in this section, prior to or subsequent to the filing of a petition pursuant to section 163.05 of the Revised Code, enter upon any lands, waters, and premises for the purpose of making such surveys, soundings, drillings, appraisals, and examinations as are necessary or proper for the purpose of the agency under sections 163.01 to 163.22, inclusive, of the Revised Code, this chapter and such that entry shall does not constitute a trespass. Notice of such a proposed entry shall be given to the owner or the person in possession by such means as are reasonably available not less than</u>	223
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As Pending in the Senate State and Local Government and Veterans Affairs Committee

forty-eight hours nor more than thirty days prior to the date of 233
such the proposed entry. 234

The agency shall make restitution or reimbursement for any 235
actual damage resulting to such lands, waters, and premises and to 236
improvements or personal property located in, on, along, over, or 237
under such those lands, waters, and premises, as a result of such 238
activities this section authorizes. If the parties are unable to 239
agree upon restitution or other settlement, damages are 240
recoverable by civil action to which the state or agency hereby 241
consents. 242

Sec. 163.04. (A)(1) Any agency that appropriates real 243
property shall adopt procedures under which the public may provide 244
input on a proposed appropriation. Any procedure shall include 245
notice and a reasonable public comment period. For at least two 246
consecutive weeks prior to any appropriation, the agency shall 247
provide notice of the proposed appropriation each week in a 248
newspaper of general circulation in the county in which the 249
appropriation is proposed. During that two week period, the agency 250
shall permit any person to submit a written statement addressing 251
the proposed appropriation. 252

(2) Any agency whose board of directors or governing body is 253
not elected by the public shall also hold at least one public 254
hearing following the two weeks' published notice that this 255
section requires. 256

(3) This division does not apply to any appropriation to 257
eliminate a health nuisance or pursuant to a public exigency as 258
described in division (A) of section 163.02 of the Revised Code. 259

(B) No agency shall make an appropriation unless the agency 260
obtains an appraisal of the property and provides a copy of the 261
appraisal or summary appraisal if the agency performed only a 262
summary appraisal, to any owner or the guardian or trustee of any 263

As Pending in the Senate State and Local Government and Veterans Affairs Committee

owner. The agency need not provide an owner with a copy of the appraisal when the owner is unknown, is not a resident of this state, or the residence cannot be ascertained with reasonable diligence. The agency shall provide a copy of any appraisal, or the summary as appropriate, to an owner, guardian, or trustee at or before the time the public agency makes its first offer to purchase the property. 264
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(C) Appropriations shall be made only after the agency is unable to agree on a conveyance or the terms of a conveyance, for any reason, with the any owner, or if more than one, any owner, or his the guardian or trustee, or when any of any owner unless no owner is incapable capable of contracting in person or by agent and has no guardian or trustee, or the owner is unknown, or is not a resident of this state, or his the residence is unknown to the agency and cannot with reasonable diligence be ascertained. 271
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Sec. 163.05. An agency ~~which that~~ has met the requirements of section 163.04 of the Revised Code, may commence proceedings in a proper court by filing a petition for appropriation of each parcel or contiguous parcels in a single common ownership, or interest or right therein. The petition of a private agency shall be verified as in a civil action ~~and all~~. All petitions shall contain: 279
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(A) A description of each parcel of land or interest or right therein sought to be appropriated, such as will permit ready identification of the land involved; 286
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(B) ~~In the case of a private agency, a~~ (1) A statement that ~~such the~~ appropriation is necessary, for a public use, and, in the case of a public agency, a copy of the resolution of the public agency to appropriate; 289
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(2) If the property being appropriated is a blighted property that is being appropriated pursuant to a redevelopment plan, a 293
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As Pending in the Senate State and Local Government and Veterans Affairs Committee

<u>statement that shows the basis for the finding of blight and that</u>	295
<u>supports that the parcel is a blighted area pursuant to the</u>	296
<u>definition in section 1.08 of the Revised Code.</u>	297
(C) A statement of the purpose of the appropriation;	298
(D) A statement of the estate or interest sought to be appropriated;	299
(E) The names and addresses of the owners, so far as they can be ascertained;	301
(F) A statement showing requirements of section 163.04 of the Revised Code have been met;	303
(G) A prayer for the appropriation.	305
(H) In the event of an appropriation where the agency would require less than the whole of any parcel containing a residence structure and the required portion would remove a garage and sufficient land that a replacement garage could not be lawfully or practically attached, the appropriation shall be for the whole parcel and all structures.	306
In the event of the appropriation of less than the fee of any parcel or of a fee in less than the whole of any parcel of property, the agency shall either make available to the owner or shall file in the office of the county engineer, a description of the nature of the improvement or use which requires the appropriation, including any specifications, elevations, and grade changes already determined at the time of the filing of the petition, in sufficient detail to permit a determination of the nature, extent, and effect of the taking and improvement. A set of highway construction plans shall be acceptable in providing such description for the purposes of the preceding sentence in the appropriation of land for highway purposes.	312
Sec. 163.06. (A) A public agency, other than an agency	324

As Pending in the Senate State and Local Government and Veterans Affairs Committee

appropriating property for the purposes described in division (B) 325
of this section, ~~which qualifies that is appropriating property in~~ 326
~~time of war or other public exigency that requires its immediate~~ 327
~~seizure or for the purpose of making or repairing roads open to~~ 328
~~the public without charge~~ pursuant to Section 19 of Article I, 329
Ohio Constitution, may deposit with the court at the time of 330
filing the petition the value of such property appropriated 331
together with the damages, if any, to the residue, as determined 332
by the public agency, and thereupon take possession of and enter 333
upon the property appropriated. The right of possession upon 334
deposit as provided in this division ~~shall does~~ not extend to 335
structures. 336

(B)(1) A public agency appropriating property for the purpose 337
of making or repairing roads ~~which shall that will~~ be open to the 338
public, without charge, or for the purpose of implementing rail 339
service under Chapter 4981. of the Revised Code, may deposit with 340
the court at the time of filing the petition the value of ~~such the~~ 341
property appropriated together with the damages, if any, to the 342
residue, as determined by the public agency, and stated in an 343
attached declaration of intention to obtain possession ~~and~~ 344
~~thereupon~~, take possession ~~of~~, and enter upon the property 345
appropriated, including structures situated upon the land 346
appropriated ~~for such purpose~~ or situated partly upon the land 347
appropriated ~~therefor~~ and partly upon adjoining land, so that ~~such~~ 348
~~the~~ structures cannot be divided upon the line between ~~such the~~ 349
lands without manifest injury ~~thereto~~. The 350

(2) The jury, in assessing compensation to any owner of land 351
appropriated under this division shall assess the value ~~thereof of~~ 352
~~the property~~ in accordance with section 163.14 of the Revised 353
Code. The owner or occupant of ~~such structures the structure~~ shall 354
vacate the ~~same structure~~ within sixty days after service of 355
summons as required under section 163.07 of the Revised Code, at 356

As Pending in the Senate State and Local Government and Veterans Affairs Committee

~~no cost to the appropriating agency~~, after which time the agency 357
may remove ~~said any~~ structures. ~~In~~ 358

(3) In the event ~~such the~~ structures are to be removed before 359
the jury has fixed ~~the their~~ value ~~of the same~~, the court, upon 360
motion of the agency, shall do all of the following: 361

(1)(a) Order appraisals to be made by three persons, one to 362
be named by the owner, one by the county auditor, and one by the 363
agency. Such appraisals may be used as evidence by the owner or 364
the agency in the trial of ~~said the~~ case but shall not be binding 365
on ~~said the~~ owner, agency, or ~~the~~ jury, and the expense of ~~said~~ 366
the appraisals shall be approved by the court and charged as costs 367
~~in said case~~. 368

(2)(b) Cause pictures to be taken of all sides of ~~said the~~ 369
structures; 370

(3)(c) Compile a complete description of ~~said the~~ structures, 371
which shall be preserved as evidence ~~in said case~~ to which the 372
owner or occupants shall have access. 373

(C) Any time after the deposit is made by the public agency 374
under division (A) or (B) of this section, the owner may apply to 375
the court to withdraw the deposit, and ~~such that~~ withdrawal shall 376
in no way interfere with the action except that the sum ~~so~~ 377
withdrawn shall be deducted from the sum of the final verdict or 378
award. Upon ~~such an~~ application being made, the court shall direct 379
that the sum be paid to ~~such the~~ owner subject to the rights of 380
other parties in interest provided ~~such those~~ parties make timely 381
application as provided in section 163.18 of the Revised Code. 382
Interest shall not accrue on any sums withdrawable as provided in 383
this division. 384

Sec. 163.08. (A) Any owner may file an answer to ~~such the~~ 385
petition described in section 163.05 of the Revised Code. ~~Such Any~~ 386

As Pending in the Senate State and Local Government and Veterans Affairs Committee

answer shall be verified as in a civil action and shall contain a 387
general denial or specific denial of each material allegation not 388
admitted. The agency's right to make the appropriation, whether 389
the appropriation is for a public use, the inability of the 390
parties to agree, and the necessity for the appropriation shall be 391
resolved by the court in favor of the agency ~~unless such matters~~ 392
~~are specifically denied in the answer and the facts relied upon in~~ 393
~~support of such denial are set forth therein, provided, when only~~ 394
~~if, after the owner has established in the answer a prima facie~~ 395
~~case that the appropriation is not necessary or is not for a~~ 396
~~public use, the agency shows by a preponderance of the evidence~~ 397
~~that the appropriation is necessary and for a public use, and if~~ 398
~~the appropriation is a blighted area being taken pursuant to a~~ 399
~~redevelopment plan that the plan has the approval of the~~ 400
~~legislative authority where the property is located and the area~~ 401
is blighted. 402

(B)(1) When property is taken in time of war or other public 403
exigency, imperatively requiring its immediate seizure or for the 404
purpose of making or repairing roads, which shall be open to the 405
public, without charge, an answer may not deny the right to make 406
the appropriation, the inability of the parties to agree, or the 407
necessity for the appropriation. A 408

(2) A petition for appropriation, filed by the director of 409
transportation, which contains a declaration and journalization of 410
~~his~~ the director's intent to construct a state highway or 411
interstate highway, shall constitute a presumption that such the 412
appropriation is for the purpose of making or repairing roads 413
which shall be open to the public without charge. At a hearing on 414
an issue whether a taking sought by the director of transportation 415
is for the purpose of making or repairing roads open to the public 416
without charge, a set of construction plans made by or for the 417
director and showing the proposed use of the property in 418

As Pending in the Senate State and Local Government and Veterans Affairs Committee

connection with the construction or repair of such a road is 419
presumptive evidence of such purpose, notwithstanding that no 420
money has been appropriated for such construction or repair. 421

(C) An answer shall be served in accordance with Civil Rule 422
12. If the agency involved in the action is a private agency, no 423
more than one extension of the time authorized by Civil Rule 12 424
for serving an answer shall be granted pursuant to Civil Rule 6, 425
and that extension shall not exceed thirty days. 426

Sec. 163.09. (A) If no answer is filed pursuant to section 427
163.08 of the Revised Code, and no approval ordered by the court 428
to a settlement of the rights of all necessary parties, the court, 429
on motion of a public agency, shall declare the value of the 430
property taken and the damages, if any, to the residue to be as 431
set forth in any document properly filed with the clerk of the 432
court of common pleas by the public agency. In all other cases, 433
the court shall fix a time, within twenty days from the last date 434
that the answer could have been filed, for the assessment of 435
compensation by a jury. 436

(B) (1) When an answer is filed pursuant to section 163.08 of 437
the Revised Code and any of the matters relating to the right to 438
make the appropriation, the inability of the parties to agree, 439
whether the appropriation is for a public use, whether a property 440
claimed to be blighted is blighted, or the necessity for the 441
appropriation are specifically denied in the manner provided in 442
that section, the court shall set a day, not less than five or 443
more than fifteen days from the date the answer was filed, to hear 444
those matters. Upon those matters, when the owner has established 445
a prima facie case as to any matter denied, the burden of proof 446
with respect to that matter is upon the owner agency by a 447
preponderance of the evidence. ~~A resolution or ordinance of the~~ 448
~~governing or controlling body, council, or board of the agency~~ 449

As Pending in the Senate State and Local Government and Veterans Affairs Committee

declaring the necessity for the appropriation shall be <u>prima facie</u> evidence of that necessity in the absence of proof showing an abuse of discretion by the agency in determining that necessity.	450
<u>If, Only the judge may determine the necessity of the taking.</u>	451
<u>If, as to any or all of the property or other interests sought to be appropriated, the court determines the matters in favor of the agency, the court shall set a time for the assessment of compensation by the jury within twenty days from the date of the journalization of that determination. An</u>	452
<u>(2) An order of the court in favor of the agency on any of the matters or on qualification under section 163.06 of the Revised Code shall not be is not a final order for purposes of appeal. An order of the court against the agency on any of the matters or on the question of qualification under section 163.06 of the Revised Code shall be is a final order for purposes of appeal. If</u>	453
<u>(3) An order of the court in favor of the agency on any of the matters or on qualification under section 163.06 of the Revised Code shall not be is not a final order for purposes of appeal. An order of the court against the agency on any of the matters or on the question of qualification under section 163.06 of the Revised Code shall be is a final order for purposes of appeal. If</u>	454
<u>(4) If a public agency has taken possession prior to such an order and such an order, after any appeal, that order is against the agency on any of the matters, the agency shall restore the property to the owner in its original condition or respond in damages, which may include the items set forth in division (A)(2) of section 163.21 of the Revised Code, recoverable by civil action, to which the state consents. If the order of the court is against the agency on a final ruling of the necessity of the appropriation, the court shall award the owner reasonable attorney's fees and costs as described in division (B) of section 163.21 of the Revised Code.</u>	455
(C) When an answer is filed pursuant to section 163.08 of the Revised Code, and none of the matters set forth in division (B) of this section is specifically denied, the court shall fix a time within twenty days from the date the answer was filed for the assessment of compensation by a jury.	456
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As Pending in the Senate State and Local Government and Veterans Affairs Committee

(D) If answers are filed pursuant to divisions (B) and (C) of this section, or an answer is filed on behalf of fewer than all the named owners, the court shall set the hearing or hearings at <u>such times as that</u> are reasonable under all the circumstances, but in no event later than twenty days after the issues are joined as to all necessary parties or twenty days after rule therefor, whichever is earlier.	482 483 484 485 486 487 488
(E) The court, with the consent of the parties, may order two or more cases to be consolidated and tried together, but the rights of each owner to compensation, damages, or both shall be separately determined by the jury in its verdict.	489 490 491 492
(F) If an answer is filed under section 163.08 of the Revised Code with respect to the value of property appropriated under section 307.08, 504.19, 6101.181, 6115.221, 6117.39, or 6119.11 of the Revised Code as the result of a public exigency, the burden of proof with respect to that value is on the party or parties to the appropriation other than the property owners.	493 494 495 496 497 498
<u>(G) If the court determines the matter in the favor of the owner as to the necessity of the appropriation, in a final, unappealable order, the owner shall be awarded reasonable attorney's fees and costs.</u>	499 500 501 502
Sec. 163.12. (A) A view of the premises to be appropriated or of premises appropriated shall be ordered by the court when demanded by a party to the proceedings.	503 504 505
(B) The property owners shall open and close the case except that, if the premises are appropriated under section 307.08, 504.19, 6101.181, 6115.221, 6117.39, or 6119.11 of the Revised Code as the result of a public exigency, the party or parties other than the owners shall open and close the case.	506 507 508 509 510
(C) The court may amend any defect or informality in	511

As Pending in the Senate State and Local Government and Veterans Affairs Committee

proceedings under ~~sections 163.01 to 163.22 of the Revised Code~~ 512
this chapter. The court may cause new parties to be added and 513
direct further notice to be given to a party in interest as the 514
court considers proper. 515

(D) No part of the pleadings, other than the petition, shall 516
be read or exhibited to the jury. 517

Sec. 163.14. (A)(1) In appropriation proceedings the jury 518
shall be sworn to impartially assess the compensation and damages, 519
if any, without deductions for general benefits as to the property 520
of the owner. 521

(2) The jury, in its verdict, shall assess the compensation 522
for the property appropriated and damages, if any, to the residue, 523
to be paid to the owners. When a building or other structure is on 524
the property appropriated or when a building or other structure is 525
situated partly upon the land appropriated and partly upon 526
adjoining land so that the structure cannot be divided upon the 527
line between ~~such~~ those lands without manifest injury ~~thereto~~, the 528
jury, in assessing compensation to any owner of the land, shall 529
assess the value ~~thereof~~, of such a building as part of the 530
compensation. The title to ~~said~~ the structure shall vest in the 531
agency which shall have the right to enter upon ~~the~~ any adjoining 532
land upon which any part of the structure is located for the 533
purpose of removing ~~said~~ the structure ~~therefrom~~, after deposit in 534
accordance with the verdict. ~~Such~~ The removal shall be made within 535
ninety days after taking title to the property appropriated, 536
provided, that the court may extend removal time upon ~~such~~ 537
conditions as the court requires. 538

(B) If the amount of compensation the jury awards to an owner 539
is greater than one hundred twenty-five per cent of the amount the 540
agency initially offered the owner as compensation for the 541
property, the court shall award reasonable attorney's fees and 542

As Pending in the Senate State and Local Government and Veterans Affairs Committee

costs, to include appraisal costs. 543

(C) The verdict shall be signed by at least three-fourths of the members of the jury. 544
545

(D) If a jury is discharged without rendering a verdict, another shall be impaneled at the earliest convenient time and shall make the inquiry and assessment. 546
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Sec. 163.15. (A) As soon as the agency pays to the owner or 549
party entitled ~~thereto or deposits with the court~~ the amount of 550
the award and the costs assessed against the agency, ~~if the agency~~ 551
may take possession, provided, that this right of possession 552
shall not be construed to limit the right of a public agency to 553
enter and take possession, as provided in section 163.06 of the 554
Revised Code. When the owner has accepted the award or all appeals 555
have been exhausted, the agency is entitled to possession the 556
court shall enter an order to such effect upon the record and, if 557
necessary, process shall be issued to place the agency in 558
possession. Whenever 559

(B) Whenever a final journal entry in an appropriation 560
proceeding, granting to this state a fee title or any lesser 561
estate or interest in real property is filed and journalized by 562
the clerk of courts, the clerk of courts shall forthwith transmit 563
to the county auditor a certified copy of said the final journal 564
entry ~~who and the auditor~~ shall transfer the property on ~~his the~~ 565
books and transmit said the entry with proper endorsement to the 566
county recorder for recording. The costs of filing ~~such the~~ final 567
journal entry with the county auditor and the county recorder 568
shall be taxed as costs in the appropriation proceedings the same 569
as other costs are taxed under section 163.16 of the Revised Code. 570

Sec. 163.16. (A) The court costs, including jury fees, of any 571
proceeding shall be paid as the court directs, except as otherwise 572

As Pending in the Senate State and Local Government and Veterans Affairs Committee

provided in this section or as may be provided for in cases 573
subject to division (A)(2) or (B)(1) of section 163.21 of the 574
Revised Code. The 575

(B) The agency may offer to confess judgment for the amount 576
to be stated and the court costs then made in favor of any owner 577
who in any manner enters an appearance or upon whom service has 578
been made. If such the owner refuses to accept such offer and as a 579
result of the trial does not receive more, he the owner shall pay 580
all court costs accruing after the offer. If the amount of the 581
award is greater than one hundred twenty-five per cent of the 582
initial amount the agency offered the owner for the property, the 583
agency shall pay all court costs, including jury fees, and the 584
court shall award to the owner the amounts the court considers 585
just for all costs and expenses the owner incurred because of the 586
proceedings, including reasonable attorney's fees, appraisal 587
costs, engineering fees, witness fees, and expert witness fees. 588

Sec. 163.17. (A) Where the agency has the right to take 589
possession of the property before the verdict upon payment into 590
court of a deposit pursuant to section 163.06 of the Revised Code, 591
and a portion of said that deposit may be withdrawn immediately by 592
the owner, the amount of the verdict which that exceeds the 593
portion of the deposit withdrawable shall be is subject to 594
interest from the date of taking to the date of actual payment of 595
the award. 596

(B) Where the agency has no right to take possession of the 597
property before the verdict, if the award is not paid to the owner 598
or deposited in court within twenty-one days after journalization 599
of the verdict, interest thereafter shall accrue, except that 600
where the owner appeals, interest shall not accrue until the 601
agency takes possession. 602

(C) If the owner appeals and is granted a larger award, 603

As Pending in the Senate State and Local Government and Veterans Affairs Committee

interest shall be paid on the additional amount awarded from the 604
date of taking possession to the date of actual payment or date of 605
deposit with immediate right of withdrawal. 606

(D) If the agency wishes to appeal, it may require the 607
deposit to remain with the court pending final disposition of the 608
case, provided it pays interest on the final award from date of 609
taking possession to the date the money is actually paid or made 610
available to the owner, provided, the owner may withdraw the 611
entire award upon posting an appropriate refund bond set by the 612
court, and provided, that where a building or other structure is 613
taken, the court may, on application of the owner, permit the 614
owner to withdraw a reasonable portion of the award allocable to 615
the building without giving bond. 616

(E) If the amount of any deposit actually withdrawn by the 617
owner exceeds the final award from which no appeal is or can be 618
taken, then the owner at the time of entry of judgment on such 619
that award shall refund at once to the court for the account of 620
the agency the amount of such excess plus interest on such that 621
excess from the date of withdrawal of such the excess until the 622
date of such the refund, and upon the failure of the owner to make 623
such a refund, the agency shall be entitled to a money judgment 624
against the owner. 625

(F) Except for cases involving the department of 626
transportation, interest as provided for in this section shall be 627
at the rate of interest for judgments as set forth in section 628
1343.03 of the Revised Code. In a case involving the appropriation 629
of property by the department of transportation, and the 630
department is the sole public agency seeking to appropriate 631
property in the case, interest as provided for in this section 632
shall be at the per annum rate of either the interest rate as 633
defined and established in division (B) of section 5703.47 of the 634
Revised Code, or ten per cent, whichever is less. 635

Sec. 163.19. Subject to sections 163.07 and 163.09 of the Revised Code, any party may prosecute appeals as in other civil actions from the judgment of the court. The trial court upon proper terms may suspend the execution of any order; but in all cases where the agency pays or deposits the amount of the award assessed and gives adequate security for any further compensation and costs, as required by the court, the right to take and use the property appropriated shall not be affected by such review by the appellate courts.	636 637 638 639 640 641 642 643 644
Sec. 163.20. An agency may appropriate in accordance with sections 163.01 to 163.22, inclusive, of the Revised Code, this chapter any property in which an interest has been appropriated, in order to perfect title in itself.	645 646 647 648
Sec. 163.21. (A)(1) If it <u>An agency</u> that has not taken possession of property that is appropriated, an agency may abandon appropriation proceedings under sections 163.01 to 163.22 of the Revised Code <u>this chapter</u> at any time after the proceedings are commenced but not later than ninety days after the final determination of the cause.	649 650 651 652 653 654
(2) In all cases of abandonment as described in division (A)(1) of this section, the court shall enter a judgment against the agency for costs, including jury fees, and shall enter a judgment in favor of each affected owner, in amounts that the court considers to be just, for each of the following that the owner incurred:	655 656 657 658 659 660
(a) Witness fees, including expert witness fees, <u>appraisal fees, and engineering fees</u> ;	661 662
(b) Attorney's fees;	663
(c) Other actual <u>and reasonable costs, expenses, and</u>	664

As Pending in the Senate State and Local Government and Veterans Affairs Committee

<u>disbursements.</u>	665
(B)(1) Except as provided in division (B)(2) of this section, if in In appropriation proceedings under sections 163.01 to 163.22 of the Revised Code this chapter or, as authorized by divisions (A) and (B), (C), and (D) of section 163.02 of the Revised Code, in for appropriation proceedings in time of a public exigency under other sections of the Revised Code, if the court determines that an agency is not entitled to appropriate particular property, the court shall enter both of the following:	666 667 668 669 670 671 672 673
(a) A judgment against the agency for costs, including jury fees;	674 675
(b) A judgment in favor of each affected owner, in amounts that the court considers to be just, for <u>the owner's reasonable costs, disbursements, and expenses, to include</u> witness fees, <u>including</u> expert witness fees, for attorney's fees, <u>appraisal and engineering fees,</u> and for other actual expenses that the owner incurred in connection with the proceedings.	676 677 678 679 680 681
(2) This division does not apply to a state agency that is subject to section 163.62 of the Revised Code in connection with condemnation proceedings. Any award to an owner pursuant to this section shall be paid by the head of the agency for whose benefit the appropriation proceedings were initiated.	682 683 684 685 686
<u>Sec. 163.211. (A) If an agency abandons a project or decides not to use appropriated property for the purpose stated in the appropriation petition, the prior owner from whom the property was appropriated may repurchase the property if the agency has not conveyed or transferred title to the property to another person or agency.</u>	687 688 689 690 691 692
(B) <u>The right of repurchase is extinguished if either of the following occur:</u>	693 694

As Pending in the Senate State and Local Government and Veterans Affairs Committee

<u>(1) The prior owner declines to repurchase the property;</u>	695
<u>(2) The prior owner fails to repurchase the property within sixty days after the public agency offers the property for repurchase.</u>	696
<u>Sec. 163.22. All proceedings brought under sections 163.01 to 163.22 of the Revised Code this chapter</u>	699
shall be governed by the law applicable in civil actions and the Rules of Civil Procedure, including, but not limited to, the rules governing discovery, except as otherwise provided in those sections. The proceedings shall be advanced as a matter of immediate public interest and concern and shall be heard by the court at the earliest practicable moment.	700
<u>Sec. 163.52. (A) The failure of an acquiring agency to satisfy a requirement of section 163.59 of the Revised Code does not affect the validity of any property acquisition by purchase or condemnation appropriation.</u>	701
<u>(B) Nothing in sections 163.51 163.52 to 163.62 of the Revised Code shall be construed as creating, in any condemnation appropriation proceeding brought under the power of eminent domain, any element of value or damage not in existence immediately prior to June 11, 1971.</u>	702
<u>Sec. 163.53. (A) Whenever the acquisition of real property for a program or project undertaken by a displacing an agency will result in the displacement of any person, the head of the agency shall make a payment to any displaced person, upon proper application as approved by such the agency head, for all of the following:</u>	703
<u>(1) Actual reasonable expenses in moving himself the person, his and the person's family, business, farm operation, or other</u>	704

As Pending in the Senate State and Local Government and Veterans Affairs Committee

personal property;	724
(2) Actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such the property, as determined by the head of the displacing agency;	725 726 727 728 729
(3) Actual reasonable expenses in searching for a replacement business or farm, <u>not to exceed twenty-five hundred dollars</u> ;	730 731
(4) Actual and reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site, but not to exceed ten thousand dollars.	732 733 734
(B) Any displaced person eligible for payments under division (A) of this section who is displaced from a dwelling and who elects to accept the payments authorized by this division may elect , in lieu of the payments authorized by division (A) of this section may, to receive an expense and dislocation allowance, determined according to a schedule established by the head of the displacing agency.	735 736 737 738 739 740 741
(C) Any displaced person eligible for payments under division (A) of this section who is displaced from his the person's place of business or from his the person's farm operation may qualify for the payment authorized by this division in lieu of the payment authorized by division (A) of this section. The payment authorized by this division shall consist of a fixed payment in an amount to be determined according to criteria established by the head of the lead agency based on the average annual net income of the business or farm operation for the two years prior to the displacement , except that such payment shall be not less than one thousand dollars nor more than twenty thousand dollars. A person whose sole business at the displacement dwelling is the rental of such the property to others does not qualify for a payment under this	742 743 744 745 746 747 748 749 750 751 752 753 754

As Pending in the Senate State and Local Government and Veterans Affairs Committee

division. 755

(D)(1) Except as provided in section 5501.51 of the Revised Code, if a program or project undertaken by ~~a displacing an~~ agency ~~that is carrying out the program or project with federal assistance or is carrying out a state highway project~~ results in the relocation of a utility facility, and the purpose of the program or project was not to relocate or reconstruct any utility facility~~s~~, and if the owner of the utility facility ~~which that~~ is being relocated under ~~such the~~ program or project has entered into a franchise or similar agreement with the state or local government on whose property, easement, or right-of-way ~~such the~~ facility is located with respect to the use of ~~such the~~ property, easement, or right-of-way~~s~~, and if the relocation of ~~such the~~ facility results in ~~such the~~ owner incurring an extraordinary cost in connection with ~~such the~~ relocation; then, the ~~displacing~~ agency may, in accordance with ~~such~~ rules as the head of the lead agency ~~may adopt adopts~~, provide to ~~such the~~ owner a relocation payment ~~which that~~ may not exceed the amount of ~~such any~~ extraordinary cost, less any increase in the value of the new utility facility above the value of the old utility facility, and less any salvage value derived from the old utility facility. 756
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(2) As used in division (D) of this section: 776

(a) "Extraordinary cost in connection with a relocation" means any cost incurred by the owner of a utility facility in connection with relocation of ~~such the~~ facility that is determined by the head of the displacing agency, under ~~such~~ rules as the head of the lead agency ~~shall adopt adopts~~, to be a nonroutine relocation expense, to be a cost that owner ordinarily does not include in its annual budget as an expense of operation, and to meet such other requirements as the lead agency may prescribe ~~in such rules by rule~~. 777
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(b) "Utility facility" means any electric, gas, water, steam 786

As Pending in the Senate State and Local Government and Veterans Affairs Committee

power, or materials transmission or distribution system; any 787
transportation system; any communications system, including cable 788
television; and any fixture, equipment, or other property 789
associated with the operation, maintenance, or repair of any such 790
system; which is located on property owned by a state or local 791
government or over which a state or local government has an 792
easement or right-of-way. A utility facility may be publicly, 793
privately, or cooperatively owned. 794

Sec. 163.54. (A) In addition to payments this chapter 795
~~otherwise authorized by sections 163.51 to 163.62 of the Revised~~ 796
~~Code authorizes~~, the head of the ~~displacing~~ agency displacing the 797
owner shall make an additional payment ~~not to exceed twenty-two~~ 798
~~thousand five hundred dollars~~ to any displaced person who is 799
displaced from a dwelling actually owned and occupied by ~~him~~ the 800
person for not less than one hundred eighty days prior to the 801
initiation of negotiations for the acquisition of the property. 802
Such additional payment shall include the following elements: 803

(1) The amount, if any, which when added to the acquisition 804
cost of the dwelling acquired by the ~~displacing~~ agency, equals the 805
reasonable cost of a comparable replacement dwelling. 806

(2) The amount, if any, which will compensate the ~~displaced~~ 807
person for any increased interest costs and other debt service 808
costs which the person is required to pay for financing the 809
acquisition of a comparable replacement dwelling. This amount 810
shall be paid only if the dwelling acquired by the displacing 811
agency was encumbered by a bona fide mortgage ~~which that~~ was a 812
valid lien on the dwelling for not less than one hundred eighty 813
days prior to the initiation of negotiations for the acquisition 814
of the dwelling. 815

(3) Reasonable expenses ~~the person~~ incurred by the ~~displaced~~ 816
~~person~~ for evidence of title, recording fees, and other closing 817

As Pending in the Senate State and Local Government and Veterans Affairs Committee

costs incident to the purchase of the replacement dwelling, but 818
not including prepaid expenses. 819

(B) The additional payment ~~authorized by this section shall~~ 820
this section authorizes may be made only to a displaced person who 821
purchases and occupies a replacement dwelling ~~which that~~ is 822
decent, safe, and sanitary not later than the end of the one-year 823
period beginning on the date on which ~~he the person~~ receives from 824
the ~~displacing~~ agency final payment of all costs of the acquired 825
dwelling, or on the date on which the ~~displacing~~ agency's 826
obligation under division (B)(3) of section 163.56 of the Revised 827
Code is met, whichever is later, except that the ~~displacing~~ agency 828
may extend the period for good cause. If the period is extended, 829
the payment under this section shall be based on the costs of 830
relocating the person to a comparable replacement dwelling within 831
one year after the displaced person receives from the ~~displacing~~ 832
agency final payment of all costs of the acquired dwelling. 833

Sec. 163.55. (A) In addition to amounts this chapter 834
~~otherwise authorized by sections 163.51 to 163.62 of the Revised~~ 835
~~Code authorizes~~, the head of a displacing agency shall make a rent 836
supplement payment to or for any displaced person displaced from 837
any dwelling not eligible to receive a payment under section 838
163.54 of the Revised Code ~~which if the~~ dwelling was actually and 839
lawfully occupied by ~~such the~~ displaced person for not less than 840
ninety days prior to the initiation of negotiations for 841
acquisition of ~~such the~~ dwelling, or in any case in which 842
displacement is not a direct result of acquisition, not less than 843
ninety days prior to such other event as the head of the lead 844
agency ~~shall prescribe prescribes~~. The payment shall consist of 845
the amount necessary to enable the displaced person to lease or 846
rent for a period not to exceed forty-two months, a comparable 847
replacement dwelling, ~~but not to exceed five thousand two hundred~~ 848
~~fifty dollars~~. At the discretion of the head of the displacing 849

As Pending in the Senate State and Local Government and Veterans Affairs Committee

agency, a payment under this division may be made in periodic 850
installments. Computation of a payment under this division to a 851
low-income displaced person shall take into account the person's 852
income. 853

(B) Any person eligible for a payment under division (A) of 854
this section may elect to apply the payment to a down payment on, 855
and other incidental expenses pursuant to, the purchase of a 856
decent, safe, and sanitary replacement dwelling. The person ~~may,~~ 857
~~under criteria established by the head of the displacing agency,~~ 858
~~be is eligible under this division for the maximum payment allowed~~ 859
~~greater of five thousand two hundred fifty dollars or the amount~~ 860
~~the person would have received~~ under division (A) of this section, 861
except that, in the case of a displaced home owner who has owned 862
and occupied the displacement dwelling for at least ninety days 863
but not more than one hundred eighty days immediately prior to the 864
initiation of negotiations for the acquisition of ~~such the~~ 865
dwelling, the payment shall not exceed the payment the person 866
would otherwise have received under section 163.54 of the Revised 867
Code had the person owned and occupied the displacement dwelling 868
one hundred eighty days immediately prior to the initiation of the 869
negotiations. 870

Sec. 163.56. (A)(1) Projects or programs that cause persons 871
to be displaced persons shall be planned in a manner that 872
recognizes, at an early stage in the planning of ~~such those~~ 873
programs or projects and before the commencement of any ~~actions~~ 874
~~action~~ that will cause displacements, the problems associated with 875
the displacement of individuals, families, businesses, and farm 876
operations, and in a manner that provides for the resolution of 877
~~such those~~ problems in order to minimize adverse impacts on 878
displaced persons and to expedite program or project advancement 879
and completion. 880

As Pending in the Senate State and Local Government and Veterans Affairs Committee

(2) Whenever a program or project ~~undertaken by a displacing~~
~~an agency undertakes~~ will result in the displacement of any 881
person, the head of ~~the displacing that~~ agency shall provide a 882
relocation assistance advisory program for displaced persons which 883
shall offer the services described in division (B) of this 884
section. If the head of the ~~displacing~~ agency determines that any 885
person occupying property immediately adjacent to the real 886
property acquired is caused substantial economic injury because of 887
the acquisition, ~~he~~ the head of the agency may offer that person 888
relocation advisory services under the program. 889

(B) Each relocation assistance advisory program required by 891
division (A) of this section shall include ~~such any~~ measures, 892
facilities, or services as may be necessary or appropriate in 893
order to do all of the following: 894

(1) Determine the need, if any, of displaced persons for 895
relocation assistance; 896

(2) Provide current and continuing information on the 897
availability, prices, and rentals, of comparable decent, safe, and 898
sanitary sales and rental housing, and of suitable commercial 899
properties and locations for displaced businesses and farm 900
operations; 901

(3) Assure that, within a reasonable period of time, prior to 902
any displacement there will be available comparable replacement 903
dwellings, as ~~defined by~~ the head of the displacing agency 904
defines, equal in number to the number of and available to the 905
displaced persons who require such dwellings, except that the head 906
of the ~~displacing~~ agency may prescribe by regulation rule 907
situations when such assurances may be waived; 908

(4) Assist a displaced person displaced from ~~his the~~ 909
displaced person's business or farm operation in obtaining and 910
becoming established in a suitable replacement location; 911

As Pending in the Senate State and Local Government and Veterans Affairs Committee

(5) Supply information concerning federal and state housing programs, disaster loan programs, and other federal or state programs offering assistance to displaced persons;	912 913 914
(6) Provide other advisory services to displaced persons in order to minimize hardships to them in adjusting to relocation.	915 916
Sec. 163.57. (A) If a project cannot proceed to actual construction because comparable replacement sale or rental housing is not available, and the head of the displacing agency determines that such comparable housing cannot otherwise be made available, he the head may take such any action as is necessary or appropriate to provide such that housing by use of funds authorized for such the project. The head of the displacing agency may use this section to exceed the maximum amounts which that may be paid under sections 163.54 and 163.55 of the Revised Code on a case-by-case basis for good cause as determined in accordance with rules adopted the head adopts under Chapter 119. of the Revised Code by the head of the lead agency.	917 918 919 920 921 922 923 924 925 926 927 928
(B) No person shall be required to move from his a dwelling on account of any project, unless the displacing agency head is satisfied that replacement housing, in accordance with section 163.56 of the Revised Code, is available to such the person.	929 930 931 932
(C) The acquisition of replacement housing sites and the acquisition, rehabilitation, relocation, and construction of replacement housing shall be considered to be for a public purpose, and displacing agencies may properly expend their respective funds to carry out the purposes of sections 163.51 <u>163.52</u> to 163.62 of the Revised Code.	933 934 935 936 937 938
(D) In order to prevent unnecessary expenses and duplications of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons under sections 163.51 <u>163.52</u> to 163.62 of the Revised Code, a displacing	939 940 941 942

As Pending in the Senate State and Local Government and Veterans Affairs Committee

agency may enter into contracts with any individual, firm, 943
association, or corporation for services in connection with such 944
programs, or may carry out its functions under sections ~~163.51~~ 945
163.52 to 163.62 of the Revised Code through any federal or state 946
governmental agency or instrumentality having an established 947
organization for conducting relocation assistance programs. The 948
~~displacing~~ agency shall, in carrying out the relocation assistance 949
activities described in this section, whenever practicable, 950
utilize the services of state or local housing agencies, or other 951
agencies having experience in the administration or conduct of 952
similar housing assistance activities. 953

Sec. 163.58. (A) Except as otherwise provided in rules 954
adopted under division (B) of this section, the head of ~~each~~ 955
~~displacing any agency is authorized to displacing persons pursuant~~ 956
~~to this chapter may~~ establish such regulations and procedures as 957
~~he may determine to be the head of the agency determines~~ necessary 958
to assure: 959

(1) That the payments and assistance authorized by sections 960
~~163.51~~ 163.52 to 163.62 of the Revised Code ~~shall be are~~ 961
administered in a manner ~~which that~~ is fair and reasonable, and as 962
uniform as practicable; 963

(2) That a displaced person who makes proper application for 964
a payment authorized ~~for such person~~ by sections ~~163.51~~ 163.52 to 965
163.62 of the Revised Code shall be paid promptly after a move or, 966
in hardship cases, be paid in advance; 967

(3) That any person aggrieved by a determination as to 968
eligibility for ~~a an authorized~~ payment ~~authorized by such~~ 969
~~sections,~~ or the amount of a payment, may have ~~his the~~ application 970
reviewed by the head of the displacing agency having authority 971
over the ~~applicable~~ program or project. 972

(B) Notwithstanding any provision of the Revised Code to the 973

As Pending in the Senate State and Local Government and Veterans Affairs Committee

contrary, the ~~lead~~ agency shall adopt ~~such~~ rules as may be 974
necessary to implement sections ~~163.51~~ 163.52 to 163.62 of the 975
Revised Code in a manner ~~which~~ that is as fair, reasonable, and 976
uniform as practicable. ~~As used in this section, "lead agency"~~ 977
~~means the state agency that the governor shall designate to carry~~ 978
~~out the duties prescribed by this division.~~ 979

Sec. 163.59. In order to encourage and expedite the 980
acquisition of real property by agreements with owners, to avoid 981
litigation and relieve congestion in the courts, to assure 982
consistent treatment for owners in the many state and federally 983
assisted programs, and to promote public confidence in public land 984
acquisition practices, heads of ~~acquiring~~ agencies acquiring real 985
property pursuant to this chapter shall do or ensure the 986
acquisition satisfies all of the following: 987

(A) The head of ~~an acquiring the~~ agency ~~shall make makes~~ 988
every reasonable effort to acquire expeditiously real property by 989
negotiation. 990

(B) In order for an acquiring agency to acquire real 991
property, the acquisition shall be for a defined public purpose 992
that is to be achieved in a defined and reasonable period of time. 993
An acquisition of real property that complies with section 5501.31 994
of the Revised Code satisfies the defined public purpose 995
requirement of this division. 996

(C) Real property to be acquired shall be appraised before 997
the initiation of negotiations, and the owner or the owner's 998
designated representative shall be given a reasonable opportunity 999
to accompany the appraiser during the appraiser's inspection of 1000
the property, except that the head of the ~~lead~~ agency may 1001
prescribe a procedure to waive the appraisal in cases involving 1002
the acquisition by sale or donation of property with a low fair 1003
market value. If the appraisal values the property to be acquired 1004

As Pending in the Senate State and Local Government and Veterans Affairs Committee

at more than ten thousand dollars, the head of the acquiring agency ~~concerned~~ shall make ~~every reasonable effort to provide a~~ copy of the appraisal to the owner pursuant to section 163.04 of the Revised Code. As used in this section, "appraisal" means a written statement independently and impartially prepared by a qualified appraiser, or a written statement prepared by an employee of the acquiring agency who is a qualified appraiser, setting forth an opinion of defined value of an adequately described property as of a specified date, supported by the presentation and analysis of relevant market information. 1005
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(D) Before the initiation of negotiations for real property, the head of the ~~acquiring~~ agency ~~concerned~~ shall establish an amount that the head ~~of the acquiring agency~~ believes to be just compensation for the property and shall make a prompt offer to acquire the property for no less than the full amount so established. In no event shall that amount be less than the agency's approved appraisal of the fair market value of the property. Any decrease or increase in the fair market value of real property prior to the date of valuation caused by the public improvement for which the property is acquired, or by the likelihood that the property would be acquired for that improvement, other than that due to physical deterioration within the reasonable control of the owner, will be disregarded in determining the compensation for the property. 1015
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The head of the ~~acquiring~~ agency ~~concerned~~ shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount that the head ~~of the acquiring agency~~ established as just compensation. Where appropriate, the just compensation for real property acquired and for damages to remaining real property shall be separately stated. 1029
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The owner shall be given a reasonable opportunity to consider the ~~agency's offer of the acquiring agency for the real property~~, 1035
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As Pending in the Senate State and Local Government and Veterans Affairs Committee

to present material that the owner believes is relevant to 1037
determining the fair market value of the property, and to suggest 1038
modification in the proposed terms and conditions of the 1039
acquisition. The acquiring agency shall consider the owner's 1040
presentation and suggestions. 1041

(E) If information presented by the owner or a material 1042
change in the character or condition of the real property 1043
indicates the need for new appraisal information, or if ~~a period~~ 1044
~~of~~ more than two years has elapsed since the time of the appraisal 1045
~~of the property~~, the head of the ~~acquiring~~ agency ~~concerned~~ shall 1046
have the appraisal updated or obtain a new appraisal. If updated 1047
appraisal information or a new appraisal indicates that a change 1048
in the acquisition offer is warranted, the head ~~of the acquiring~~ 1049
~~agency~~ shall promptly reestablish the amount of the just 1050
compensation for the property and offer that amount to the owner 1051
in writing. 1052

(F) No owner shall be required to surrender possession of 1053
real property before the ~~acquiring~~ agency ~~concerned~~ pays the 1054
agreed purchase price, or deposits with the court for the benefit 1055
of the owner an amount not less than the agency's approved 1056
appraisal of the fair market value of the property, or the amount 1057
of the award of compensation in the condemnation proceeding for 1058
the property. 1059

(G) The construction or development of a public improvement 1060
shall be ~~so~~ scheduled so that no person lawfully occupying real 1061
property shall be required to move from a dwelling, or to move the 1062
person's business or farm operation, without at least ninety days' 1063
written notice from the head of the ~~acquiring~~ agency ~~concerned~~ of 1064
the date by which the move is required. 1065

(H) If the head of an ~~acquiring~~ agency permits an owner or 1066
tenant to occupy the real property acquired on a rental basis for 1067
a short term or for a period subject to termination on short 1068

As Pending in the Senate State and Local Government and Veterans Affairs Committee

notice, the amount of rent required shall not exceed the fair 1069
rental value of the property to a short-term occupier. 1070

(I) In no event shall the head of an ~~acquiring~~ agency either 1071
advance the time of condemnation, or defer negotiations or 1072
condemnation and the deposit of funds in court for the use of the 1073
owner, or take any other action coercive in nature, in order to 1074
compel an agreement on the price to be paid for the real property. 1075

(J) When any interest in real property is acquired by an 1076
appropriation pursuant to this chapter or otherwise by exercise of 1077
the power of eminent domain, the head of the ~~acquiring~~ agency 1078
~~concerned~~ shall institute the formal condemnation appropriation 1079
proceedings pursuant to this chapter. No head of an ~~acquiring~~ 1080
agency shall intentionally make it necessary for an owner to 1081
institute legal proceedings to prove the fact of the taking of the 1082
owner's real property. 1083

(K) If the acquisition of only part of a property would leave 1084
its owner with an uneconomic remnant, the head of the ~~acquiring~~ 1085
~~concerned~~ shall offer to acquire that remnant. For the 1086
purposes of this division, an uneconomic remnant is a parcel of 1087
real property in which the owner is left with an interest after 1088
the partial acquisition of the owner's property and which the head 1089
of the agency concerned has determined has little or no value or 1090
utility to the owner. 1091

An acquisition of real property may continue while an 1092
acquiring agency carries out the requirements of divisions (A) to 1093
(K) of this section. 1094

This section applies only when the acquisition of real 1095
property may result in an exercise of the power of eminent domain. 1096

Sec. 163.60. (A) If the head of ~~a state~~ an agency acquires 1097
any interest in real property pursuant to this chapter or 1098

As Pending in the Senate State and Local Government and Veterans Affairs Committee

otherwise, ~~he~~ the head shall acquire at least an equal interest in 1099
all buildings, structures, or other improvements located upon the 1100
real property ~~so acquired~~ and ~~which he~~ that the head requires to 1101
be removed from ~~such real~~ the property or ~~which he~~ that the head 1102
determines will be adversely affected by the use to which ~~such~~ 1103
~~real~~ the property will be put. 1104

(B) For the purpose of determining the just compensation to 1105
be paid for any building, structure, or other improvement required 1106
to be acquired by division (A) of this section, ~~such~~ the building, 1107
structure, or other improvement shall be deemed to be a part of 1108
the real property to be acquired notwithstanding the right or 1109
obligation of a tenant, as against the owner of any other interest 1110
in the real property, to remove ~~such~~ the building, structure, or 1111
improvement at the expiration of ~~his~~ the tenant's term, and the 1112
fair market value ~~which such~~ that the building, structure, or 1113
improvement contributes to the fair market value of the real 1114
property to be acquired, or the fair market value of ~~such~~ the 1115
building, structure, or improvement for removal from the real 1116
property, whichever is the greater, shall be paid to the tenant 1117
therefor. 1118

(C) Payment under this section shall not result in 1119
duplication of any payments otherwise authorized by law. No ~~such~~ 1120
payment under this section shall be made unless the owner of the 1121
land involved disclaims all interest in the improvements of the 1122
tenant. In consideration for any such payment, the tenant shall 1123
assign, transfer, and release all ~~his~~ the tenant's right, title, 1124
and interest in and to such improvements. 1125

Sec. 163.61. The head of ~~a state~~ an agency, as soon as 1126
practicable after the date of payment of the purchase price or the 1127
date of deposit in court of funds to satisfy the award of 1128
compensation in ~~a~~ condemnation an appropriation proceeding to 1129

As Pending in the Senate State and Local Government and Veterans Affairs Committee

acquire real property, whichever is the earlier, shall reimburse	1130
the owner, to the extent the head of such agency considers fair	1131
and reasonable, for expenses he <u>the owner</u> necessarily incurred	1132
for:	1133
(A) Transfer taxes, and similar expenses incidental to	1134
conveying such real property to the state agency;	1135
(B) Penalty costs for prepayment of any pre-existing recorded	1136
mortgage entered into in good faith encumbering such <u>the</u> real	1137
property;	1138
(C) The pro rata portion of any real property taxes paid	1139
which are allocable to a period subsequent to the date of vesting	1140
title in the state or state agency, or the effective date of	1141
possession of such <u>the</u> real property by the agency, whichever is	1142
the earlier.	1143
 Sec. 163.62. (A) The court having jurisdiction of a	1144
proceeding instituted by a <u>state</u> <u>an</u> agency to acquire real	1145
property by condemnation pursuant to sections 163.52 to 163.62 of	1146
<u>the Revised Code</u> shall award the owner of any right, or title to,	1147
or interest in, such <u>that</u> real property such sum as will in the	1148
opinion of the court reimburse such owner for his reasonable	1149
costs, disbursements, and expenses, including reasonable attorney,	1150
appraisal, and engineering fees, actually incurred because of the	1151
condemnation proceeding, if either:	1152
 (1) The final judgment is that the agency cannot acquire the	1153
real property by condemnation; or	1154
 (2) The proceeding is abandoned by the state agency.	1155
 (B) Any award made pursuant to division (A) of this section	1156
shall be paid by the head of the agency for whose benefit the	1157
condemnation proceeding was instituted pursuant to section 163.21	1158
of the Revised Code.	1159

<u>Sec. 163.63. Any reference in the Revised Code to any authority to acquire real property by "condemnation" or to take real property pursuant to a power of eminent domain is deemed to be an appropriation of real property pursuant to this chapter and any such taking or acquisition shall be made pursuant to this chapter. Any section of the Revised Code that authorizes the appropriation of real property pursuant to sections 163.01 to 163.22 of the Revised Code is an authority to appropriate real property pursuant to this chapter and that appropriation shall be made pursuant to this chapter.</u>	1160 1161 1162 1163 1164 1165 1166 1167 1168 1169
<u>Sec. 303.26. As used in sections 303.26 to 303.56, inclusive, of the Revised Code, unless a different meaning is clearly indicated by the context:</u>	1170 1171 1172
(A) "Municipality" means any incorporated city or village of the state.	1173 1174
(B) "Public body" means the state, any county, municipality, township, board, commission, authority, district, or other subdivision.	1175 1176 1177
(C) "Federal government" means the United States or any agency or instrumentality, corporate or otherwise thereof.	1178 1179
(D) "Slum area" means an area within a county but outside the corporate limits of any municipality, in which area there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property, by fire and other causes, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is	1180 1181 1182 1183 1184 1185 1186 1187 1188 1189

As Pending in the Senate State and Local Government and Veterans Affairs Committee

~~detrimental to the public health, safety, morals, or welfare.~~ 1190

~~(E) "Blighted area" means an area within a county but outside the corporate limits of any municipality, which area by reason of the presence of a substantial number of slum, deteriorated, or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions to title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a county, retards the provision of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use has the meaning defined in section 1.08 of the Revised Code.~~ 1206

If ~~such any~~ blighted area consists of open land, the provisions of section 303.34 of the Revised Code ~~shall~~ apply. 1207
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Any disaster area referred to in section 303.36 of the Revised Code ~~shall constitute~~ constitutes a "blighted area". 1209
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~~(F)(E) "County renewal project" may include undertakings and activities of a county in a county renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in a county renewal area, or rehabilitation or conservation in a county renewal area, or any combination or part thereof, in accordance with a county renewal plan, and such aforesaid undertakings and activities may include acquisition of a slum area or a blighted area, or portion thereof; demolition and removal of buildings and improvements; installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and~~ 1221

As Pending in the Senate State and Local Government and Veterans Affairs Committee

other improvements necessary for carrying out in the county renewal area the county renewal objectives of sections 303.26 to 303.56, inclusive, of the Revised Code in accordance with the county renewal plan; disposition of any property acquired in the county renewal area, including sale, initial leasing, or retention by the county itself, at its fair value for uses in accordance with the county renewal plan; carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the county renewal plan; and acquisition of any other real property in the county renewal area where necessary to eliminate unhealthful, insanitary, or unsafe conditions; lessen density, eliminate obsolete, or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities.	1222 1223 1224 1225 1226 1227 1228 1229 1230 1231 1232 1233 1234 1235 1236
<u>(G)</u> "County renewal area" means a slum area or a blighted area or a combination thereof which the board of county commissioners designates as appropriate for a county renewal project.	1237 1238 1239 1240
<u>(H)</u> "County renewal plan" means a plan, as it exists from time to time, for a county renewal project, which plan shall conform to the general plan for the county, except as provided in section 303.36 of the Revised Code, and shall be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the county renewal area, zoning, and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.	1241 1242 1243 1244 1245 1246 1247 1248 1249 1250 1251 1252 1253

As Pending in the Senate State and Local Government and Veterans Affairs Committee

<u>(I)(H)</u> "Redevelopment" and derivatives thereof, when used with respect to a county renewal area, mean development as well as redevelopment.	1254 1255 1256
<u>(J)(I)</u> "Real property" includes all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, right, and use, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage, or otherwise.	1257 1258 1259 1260 1261 1262
<u>(K)(J)</u> "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes any trustee, receiver, assignee, or other person acting in a similar representative capacity.	1263 1264 1265 1266
<u>(I)(K)</u> "Obligee" includes any bondholder, agents, or trustees for any bondholders, or lessor demising to the county property used in connection with a county renewal project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the county.	1267 1268 1269 1270 1271 1272
<u>(M)(L)</u> "Bond," as used in section 303.46 of the Revised Code, means bonds, including refunding bonds, notes, interim certificates of special indebtedness, debentures, or other obligations of a county, payable and secured as authorized by section 303.46 of the Revised Code.	1273 1274 1275 1276 1277
Sec. 719.012. In order to rehabilitate a building or structure that a municipal corporation determines to be a threat to the public health, safety, or welfare; that has been declared to be a public nuisance under Chapter 3707., 3709., or 3781. of the Revised Code; and that either has been found to be insecure, unsafe, structurally defective, unhealthful, or unsanitary under sections 715.26 to 715.30 of the Revised Code or violates a	1278 1279 1280 1281 1282 1283 1284

As Pending in the Senate State and Local Government and Veterans Affairs Committee

~~building code or ordinance adopted under section 731.231 blighted property of the Revised Code, a municipal corporation may appropriate, in the manner provided in sections 163.01 to 163.22 Chapter 163.~~ of the Revised Code, any such building or structure and the real property of which it is a part. The municipal corporation shall rehabilitate the building or structure or cause it to be rehabilitated within two years after the appropriation, so that the building or structure is no longer a public nuisance, insecure, unsafe, structurally defective, unhealthful, or unsanitary, or a threat to the public health, safety, or welfare, or in violation of a building code or ordinance adopted under section 731.231 of the Revised Code. Any building or structure appropriated pursuant to this section which is not rehabilitated within two years shall be demolished.

If during the rehabilitation process the municipal corporation retains title to the building or structure and the real property of which it is a part, ~~then~~ within one hundred eighty days after the rehabilitation is complete, the municipal corporation shall appraise the rehabilitated building or structure and the real property of which it is a part, and ~~shall~~ sell the building or structure and property at public auction. The municipal corporation shall advertise the public auction in a newspaper of general circulation in the municipal corporation once a week for three consecutive weeks prior to the date of sale. The municipal corporation shall sell the building or structure and real property to the highest and best bidder. No property that a municipal corporation acquires pursuant to this section shall be leased.

Sec. 725.01. As used in sections 725.01 to 725.11 of the Revised Code:

~~(A) "Slum area" means an area within a municipal corporation,~~ 1315

As Pending in the Senate State and Local Government and Veterans Affairs Committee

~~in which area there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property, by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to public health, safety, morals, or welfare.~~ 1316
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~~(B) "Blighted area" means an area within a municipal corporation, which area by reason of the presence of a substantial number of slums, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions to title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a municipal corporation, retards the provision of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use.~~ 1326
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~~(C)(A)(1) "Development agreement" means an agreement that includes as a minimum all of the following agreements between a municipal corporation as obligee and the following parties as obligors:~~ 1341
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~~(a) An agreement to construct or rehabilitate the structures and facilities described in the development agreement on real property described in the agreement situated in an urban renewal~~ 1345
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As Pending in the Senate State and Local Government and Veterans Affairs Committee

area, the obligor of such agreement to be a party determined by	1348
the legislative authority of the municipal corporation to have the	1349
ability to perform or cause the performance of the agreement;	1350
(b) The agreement required by section 725.04 of the Revised	1351
Code, the obligor of the agreement to be the owner or owners of	1352
the improvements to be constructed or rehabilitated;	1353
(c) An agreement of the owner or owners of the fee simple of	1354
the real property to which the development agreement pertains, as	1355
obligor, that the owner or owners and their successors and assigns	1356
shall use, develop, and redevelop the real property in accordance	1357
with, and for the period of, the urban renewal plan and shall so	1358
bind their successors and assigns by appropriate agreements and	1359
covenants running with the land enforceable by the municipal	1360
corporation.	1361
(2) A municipal corporation on behalf of the holders of urban	1362
renewal bonds may be the obligor of any of the agreements	1363
described in division (C) (A)(1) of this section.	1364
(D) (B) "Revenues" means all rentals received under leases	1365
made by the municipal corporation in any part or all of one or	1366
more urban renewal areas; all proceeds of the sale or other	1367
disposition of property of the municipal corporation in any part	1368
or all of one or more urban renewal areas; and all urban renewal	1369
service payments collected from any part or all of one or more	1370
urban renewal areas.	1371
(E) (C) "Urban renewal area" means a slum area or a blighted	1372
area or a combination thereof which the legislative authority of	1373
the municipal corporation designates as appropriate for an urban	1374
renewal project.	1375
(F) (D) "Urban renewal bonds" means, unless the context	1376
indicates a different meaning, definitive bonds, interim receipts,	1377
temporary bonds, and urban renewal refunding bonds issued pursuant	1378

As Pending in the Senate State and Local Government and Veterans Affairs Committee

to sections 725.01 to 725.11 of the Revised Code, and bonds issued	1379
pursuant to Article XVIII, Section 3, Ohio Constitution, for the	1380
uses specified in section 725.07 of the Revised Code.	1381
<u>(G)(E)</u> "Urban renewal refunding bonds" means the refunding	1382
bonds authorized by section 725.07 of the Revised Code.	1383
<u>(H)(F)</u> "Urban renewal plan" means a plan, as it exists from	1384
time to time, for an urban renewal project, which plan shall	1385
conform to the general plan for the municipal corporation, if any,	1386
and shall be sufficiently complete to indicate such land	1387
acquisition, demolition, and removal of structures, redevelopment,	1388
improvements, and rehabilitation as may be proposed to be carried	1389
out in the urban renewal area, zoning, and planning changes, if	1390
any, land uses, maximum densities, and building requirements.	1391
<u>(I)(G)</u> "Urban renewal project" may include undertakings and	1392
activities of a municipal corporation in an urban renewal area for	1393
the elimination and for the prevention of the development or	1394
spread of slums and blight, and may involve slum clearance and	1395
redevelopment in an urban renewal area, or rehabilitation or	1396
conservation in an urban renewal area, or any combination or part	1397
thereof, in accordance with an urban renewal plan, and such	1398
aforesaid undertakings and activities may include acquisition of a	1399
slum area or a blighted area, or portion thereof, demolition and	1400
removal of buildings and improvements; installation, construction,	1401
or reconstruction of streets, utilities, parks, playgrounds,	1402
public buildings and facilities, and other improvements necessary	1403
for carrying out in the urban renewal area the urban renewal	1404
objectives in accordance with the urban renewal plan, disposition	1405
of any property acquired in the urban renewal area, including	1406
sale, leasing, or retention by the municipal corporation itself,	1407
at its fair value for uses in accordance with the urban renewal	1408
plan; carrying out plans for a program of voluntary or compulsory	1409
repair and rehabilitation of buildings or other improvements in	1410

As Pending in the Senate State and Local Government and Veterans Affairs Committee

accordance with the urban renewal plan; the acquisition, construction, enlargement, improvement, or equipment of property, structures, equipment, or facilities for industry, commerce, distribution, or research from the proceeds of urban renewal bonds issued pursuant to division (C) of section 725.05 of the Revised Code; and acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary, or unsafe conditions, lessen density, eliminate obsolete, or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities.	1411 1412 1413 1414 1415 1416 1417 1418 1419 1420 1421
<u>(J)(H)</u> "Urban renewal debt retirement fund" means a fund, created pursuant to section 725.03 of the Revised Code by the legislative authority of a municipal corporation when authorizing a single issue or a series of urban renewal bonds, to be used for payment of the principal of and interest and redemption premium on such urban renewal bonds, trustee's fees, and costs and expenses of providing credit facilities, put arrangements, and interest rate hedges, and for fees and expenses of agents, and other fees, costs, and expenses, in connection with arrangements under sections 9.98 to 9.983 of the Revised Code; or when authorizing the repayment of loans from the state issued pursuant to Chapter 164. of the Revised Code and used for urban renewal projects, to be used to repay the principal and interest on such loans. When so authorized by the legislative authority of a municipal corporation, such a fund may be used for both purposes permitted under this division.	1422 1423 1424 1425 1426 1427 1428 1429 1430 1431 1432 1433 1434 1435 1436 1437
<u>(K)(I)</u> "Urban renewal service payments" means the urban renewal service payments, in lieu of taxes, provided for in section 725.04 of the Revised Code.	1438 1439 1440
<u>(L)(J)</u> "Improvements" means the structures and facilities constructed or rehabilitated pursuant to a development agreement.	1441 1442

As Pending in the Senate State and Local Government and Veterans Affairs Committee

(M)(K) "Exemption period" means that period during which all	1443
or a portion of the assessed valuation of the improvements has	1444
been exempted from real property taxation pursuant to section	1445
725.02 of the Revised Code.	1446
Sec. 725.02. (A) The portion of the assessed valuation of	1447
improvements constructed pursuant to a development agreement, and	1448
the portion of the increase in the assessed valuation after the	1449
commencement of rehabilitation of improvements rehabilitated	1450
pursuant to a development agreement declared to be a public	1451
purpose in the development agreement shall be exempt from real	1452
property taxation by all political subdivisions and taxing	1453
districts. Except as otherwise provided in division (B) of this	1454
section, the portion of the assessed valuation of improvements	1455
declared to be a public purpose and exempted from taxation shall	1456
not exceed seventy-five per cent of the assessed valuation of the	1457
improvements for each year of the exemption period.	1458
(B) With the approval under this division of the board of	1459
education of the city, local, or exempted village school district	1460
within the territory of which the improvements are or will be	1461
located, the portion of the assessed valuation of improvements	1462
exempted from taxation may exceed seventy-five per cent, but shall	1463
not exceed one hundred per cent. The legislative authority of the	1464
municipal corporation shall deliver to the board of education a	1465
notice stating its intent to declare improvements to be a public	1466
purpose under the agreement. The notice shall be delivered not	1467
later than forty-five days prior to execution of the agreement by	1468
the legislative authority, excluding Saturdays, Sundays, and legal	1469
holidays as defined in section 1.14 of the Revised Code. The	1470
notice shall describe the parcel and the improvements, provide an	1471
estimate of the true value in money of the improvements, specify	1472
the period for which the improvements would be exempted from	1473
taxation and the percentage of the assessed valuation of the	1474

As Pending in the Senate State and Local Government and Veterans Affairs Committee

improvements that would be exempted, and indicate the date on 1475
which the legislative authority intends to execute the agreement. 1476
The board of education, by resolution adopted by a majority of the 1477
board, may approve the exemption for the exemption percentage 1478
specified in the notice, may disapprove the exemption for the 1479
percentage of the improvements to be exempted in excess of 1480
seventy-five per cent, or may approve the exemption on the 1481
condition that the legislative authority and the board negotiate 1482
an agreement providing for compensation to the school district 1483
equal in value to a percentage of the taxes that would be payable 1484
on the portion of the assessed valuation of the improvements in 1485
excess of seventy-five per cent were that portion to be subject to 1486
taxation. The board of education shall certify its resolution to 1487
the legislative authority not later than fourteen days prior to 1488
the date the legislative authority intends to execute the 1489
agreement as indicated in the notice. If the board of education 1490
approves the exemption on the condition that a compensation 1491
agreement be negotiated, the board in its resolution shall propose 1492
a compensation percentage. If the board of education and the 1493
legislative authority negotiate a mutually acceptable compensation 1494
agreement, the legislative authority may declare up to one hundred 1495
per cent of the assessed valuation of the improvements to be a 1496
public purpose and exempted from taxation. If the board and the 1497
legislative authority fail to negotiate a mutually acceptable 1498
compensation agreement, the legislative authority may declare not 1499
more than seventy-five per cent of the assessed valuation of the 1500
improvements to be a public purpose and exempted from taxation. If 1501
the board fails to certify a resolution to the legislative 1502
authority within the time prescribed by this division, the 1503
legislative authority thereupon may declare up to one hundred per 1504
cent of the assessed valuation of the improvements to be a public 1505
purpose and exempted from taxation. The legislative authority may 1506
execute a development agreement at any time after the board of 1507

As Pending in the Senate State and Local Government and Veterans Affairs Committee

education certifies its resolution approving the exemption to the legislative authority, or, if the board approves the exemption on the condition that a mutually acceptable compensation agreement be negotiated, at any time after the compensation agreement is agreed to by the board and the legislative authority. 1508
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If a board of education has adopted a resolution waiving its right to approve exemptions from taxation granted pursuant to development agreements and the resolution remains in effect, approval of such exemptions by the board is not required under this division. If a board of education has adopted a resolution allowing a legislative authority to deliver the notice required under this division fewer than forty-five business days prior to the legislative authority's execution of the agreement, the legislative authority shall deliver the notice to the board not later than the number of days prior to such execution as prescribed by the board in its resolution. If a board of education adopts a resolution waiving its right to approve exemptions or shortening the notification period, the board shall certify a copy of the resolution to the legislative authority. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the legislative authority. 1513
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If the legislative authority is not required by this division to notify the board of education of the legislative authority's intent to declare improvements to be a public purpose, the legislative authority shall comply with the notice requirements imposed under section 5709.83 of the Revised Code, unless the board has adopted a resolution under that section waiving its right to receive such a notice. 1529
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(C) The exemption shall commence on the date of the execution of the development agreement therefor and extend for the number of years designated in the development agreement and thereafter for so long as there are outstanding any urban renewal bonds payable 1536
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As Pending in the Senate State and Local Government and Veterans Affairs Committee

from the urban renewal service payments provided for in the 1540
development agreement. Any such exemption shall be claimed and 1541
allowed in the same or a similar manner as in the case of other 1542
real property exemptions and no such claim shall be allowed unless 1543
the municipal corporation wherein said property is located 1544
certifies that an exemption period has been specified and that a 1545
development agreement has been entered into and is in effect. If 1546
an exemption status changes during a tax year, the procedure for 1547
the apportionment of the taxes for said year shall be the same as 1548
in the case of other changes in tax exemption status during the 1549
year. 1550

(D) An agreement that satisfies the requirements of either 1551
division ~~(C)~~(A)(1)(a) or ~~(C)~~(A)(1)(c) of section 725.01 of the 1552
Revised Code may be amended to satisfy all of the remaining 1553
~~the other two of~~ division ~~(C)~~(1)(a), ~~(b)~~, or ~~(c)~~ 1554
(A) of section 725.01 of the Revised Code and to establish the 1555
period of exemption pursuant to this section at any time prior to 1556
the completion of the construction or rehabilitation of the 1557
improvements of which all or a portion of the assessed valuation 1558
is to be exempt from real property taxation pursuant to this 1559
section. The execution of the amendment of such agreement shall be 1560
the execution of the development agreement for the purpose of this 1561
section. 1562

Sec. 725.05. A municipal corporation creating an urban 1563
renewal debt retirement fund pursuant to section 725.03 of the 1564
Revised Code, may: 1565

(A) Issue unvoted urban renewal bonds, which pledge and are 1566
payable solely from all or any portion of the revenues ~~as defined~~ 1567
~~in division (D) of section 725.01 of the Revised Code.~~ The 1568
revenues pledged shall be placed in the urban renewal debt 1569
retirement fund established for such urban renewal bonds and 1570

As Pending in the Senate State and Local Government and Veterans Affairs Committee

applied to the payment of interest on, principal of and redemption premium for such urban renewal bonds, trustee's fees, and costs and expenses of providing credit facilities, put arrangements, and interest rate hedges, and for fees and expenses of agents, and other fees, costs, and expenses, in connection with arrangements under sections 9.98 to 9.983 of the Revised Code.	1571 1572 1573 1574 1575 1576
(B) Issue unvoted urban renewal bonds, which pledge the full faith and credit of the municipal corporation and that may also pledge and be payable from all or any portion of the revenues as defined in division (D) of section 725.01 of the Revised Code.	1577 1578 1579 1580
For bonds issued pursuant to this division, the ordinance provided for in section 725.06 of the Revised Code shall provide for the levying of a tax on real and tangible personal property, within the ten-mill limitation, sufficient in amount to pay the interest on and to provide a sinking fund for all of the principal of the urban renewal bonds authorized by that ordinance for their final redemption at maturity; but the amount of the tax to be levied in any year may be reduced by the amount available for such purposes from revenues, and any available moneys in the applicable urban renewal debt retirement fund. The ordinance providing for the levy of a tax pursuant to this division shall provide both of the following:	1581 1582 1583 1584 1585 1586 1587 1588 1589 1590 1591 1592
(1) That the first principal maturity of the urban renewal bonds or the first mandatory sinking fund deposit therefor shall not be later than seven years following the issuance of the bonds;	1593 1594 1595
(2) That no principal maturity, mandatory sinking fund requirement, or combination thereof, shall be more than one and one-half times the amount of the next preceding principal maturity, mandatory sinking fund requirement, or combination thereof.	1596 1597 1598 1599 1600
A copy of such ordinance levying such tax shall be certified	1601

As Pending in the Senate State and Local Government and Veterans Affairs Committee

by the fiscal officer of the municipal corporation to the county 1602
auditor of the county in which the municipal corporation is 1603
located. The revenues pledged and the moneys derived from the levy 1604
of such tax shall be placed in the urban renewal debt retirement 1605
fund established for such urban renewal bonds and applied to the 1606
payment of interest on, principal of, and redemption premium for 1607
such urban renewal bonds, trustee's fees, and costs and expenses 1608
of providing credit facilities, put arrangements, and interest 1609
rate hedges, and for fees and expenses of agents, and other fees, 1610
costs, and expenses, in connection with arrangements under 1611
sections 9.98 to 9.983 of the Revised Code. 1612

(C) Issue unvoted urban renewal bonds pursuant to Article 1613
VIII, Section 13, Ohio Constitution, to create and preserve jobs 1614
and employment opportunities and to improve the economic welfare 1615
of the people of the municipal corporation, which pledge and are 1616
payable from revenues ~~as defined in division (D) of section 725.01~~ 1617
~~of the Revised Code~~ and from any moneys selected by the municipal 1618
corporation that are not moneys raised by taxation. 1619

For bonds issued pursuant to this division, the urban renewal 1620
project and the ordinance provided for in section 725.06 of the 1621
Revised Code shall provide for the acquisition, construction, 1622
enlargement, improvement, or equipment of property, structures, 1623
equipment or facilities for industry, commerce, distribution, or 1624
research and for the obligating and pledging of moneys not raised 1625
by taxation as selected by the legislative authority of the 1626
municipal corporation sufficient in amount to pay all or any 1627
portion of the interest on and to provide a sinking fund for all 1628
or any portion of the principal of the urban renewal bonds 1629
authorized by the ordinance for their final redemption at 1630
maturity. The revenues pledged and the moneys so obligated and 1631
pledged shall be deposited in the urban renewal debt retirement 1632
fund established for such urban renewal bonds and applied to the 1633

As Pending in the Senate State and Local Government and Veterans Affairs Committee

payment of interest on, principal of, and redemption premium for 1634
such urban renewal bonds, trustee's fees, and costs and expenses 1635
of providing credit facilities, put arrangements, and interest 1636
rate hedges, and for fees and expenses of agents, and other fees, 1637
costs, and expenses, in connection with arrangements under 1638
sections 9.98 to 9.983 of the Revised Code. The amount of the 1639
moneys so deposited in any year may be reduced by the amount 1640
available for such purposes from revenues ~~as defined in division~~ 1641
~~(D) of section 725.01 of the Revised Code~~, and any available 1642
moneys in the applicable urban renewal debt retirement fund. 1643

(D) Make and enter into all contracts and agreements 1644
necessary or incidental to the exercise of its powers under 1645
sections 725.01 to 725.11 of the Revised Code. 1646

Sec. 725.11. Urban renewal bonds issued under sections 725.01 1647
to 725.11 of the Revised Code may be secured by a trust agreement 1648
between the municipal corporation and a corporate trustee, which 1649
trustee may be any trust company or bank having the powers of a 1650
trust company within or without the state. 1651

Any such trust agreement and the ordinance providing for the 1652
issuance of such bonds may pledge or assign all revenues ~~as~~ 1653
~~defined in division (D) of section 725.01 of the Revised Code~~, or 1654
any part thereof, and all moneys deposited into the urban renewal 1655
debt retirement fund established for such bonds pursuant to 1656
section 725.03 of the Revised Code and may provide for the holding 1657
in trust by the trustee to the extent provided for in the 1658
ordinance authorizing such bonds, of all such revenues and moneys. 1659

Any such trust agreement, or any ordinance providing for the 1660
issuance of such bonds, may contain such provisions for protecting 1661
and enforcing the rights and remedies of the bondholders as are 1662
reasonable and proper and not in violation of law, including 1663
covenants setting forth the duties of the municipal corporation. 1664

As Pending in the Senate State and Local Government and Veterans Affairs Committee

Any bank or trust company incorporated under the laws of this state which may act as trustee or as depository of the proceeds of bonds or revenues may furnish such indemnifying bonds or may pledge such securities as are required by the municipal corporation. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action by bondholders as is customary in trust agreements or trust indentures securing bonds or debentures of corporations. Such trust agreements may contain such other provisions as the municipal corporation deems reasonable and proper for the security of the bondholders.	1665 1666 1667 1668 1669 1670 1671 1672 1673 1674 1675
Sec. 1728.01. As used in sections 1728.01 to 1728.13 of the Revised Code:	1676 1677
(A) "Governing body" means, in the case of a municipal corporation, the city council or legislative authority.	1678 1679
(B) "Community urban redevelopment corporation" means a corporation qualified under Chapter 1728. of the Revised Code, to acquire, construct, operate, and maintain a project hereunder, or to acquire, operate, and maintain a project constructed by a corporation so qualified under Chapter 1728. of the Revised Code, and the term "corporation" when used within Chapter 1728. of the Revised Code, shall be understood to be a contraction of the term "community urban redevelopment corporation" except when the context indicates otherwise.	1680 1681 1682 1683 1684 1685 1686 1687 1688
(C) "Impacted city" means a municipal corporation that meets the requirements of either division (C) (1) or (2) of this section:	1689 1690 1691
(1) In attempting to cope with the problems of urbanization, to create or preserve jobs and employment opportunities, and to improve the economic welfare of the people of the municipal corporation, the municipal corporation has at some time:	1692 1693 1694 1695

As Pending in the Senate State and Local Government and Veterans Affairs Committee

(a) Taken affirmative action by its legislative body to permit the construction of housing by a metropolitan housing authority organized pursuant to sections 3735.27 to 3735.39 of the Revised Code within its corporate boundaries or to permit such a metropolitan housing authority to lease dwelling units within its corporate boundaries; and	1696 1697 1698 1699 1700 1701
(b) Been certified by the director of the department of development that a workable program for community improvement (which shall include an official plan of action for effectively dealing with the problem of urban slums and blight within the community and for the establishment and preservation of a well-planned community with well-organized residential neighborhoods of decent homes and suitable living environment for adequate family life) for utilizing appropriate private and public resources to eliminate, and to prevent the development or spread of, slums and urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of blighted, deteriorated, or slum areas, to undertake such activities or other feasible community activities as may be suitably employed to achieve the objectives of such a program has been adopted. A determination by the United States that the impacted city's workable program meets the federal workable program requirements shall be sufficient for the director's certification.	1702 1703 1704 1705 1706 1707 1708 1709 1710 1711 1712 1713 1714 1715 1716 1717 1718
(2) Been declared a major disaster area, or part of a major disaster area, pursuant to the "Disaster Relief Act of 1970," 84 Stat. 1744, 42 U.S.C.A. 4401, as now or hereafter amended, and has been extensively damaged or destroyed by a major disaster, provided that impacted city status obtained pursuant to division (C) (2) of this section lasts for only a limited period from the date of the declaration, as determined by the rules promulgated pursuant to division (G) of section 122.06 of the Revised Code, but in the event that an impacted city, while qualified under such	1719 1720 1721 1722 1723 1724 1725 1726 1727

As Pending in the Senate State and Local Government and Veterans Affairs Committee

division, enters into a financial agreement with a community urban redevelopment corporation pursuant to section 1728.07 of the Revised Code, a loss of certification under such rules shall not affect that agreement or the project to which it relates. 1728
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(D) "Community development plan" means a plan, as it exists from time to time, for the redevelopment and renewal of a blighted area, which plan shall conform to the general plan for the municipality, and shall be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in such blighted area, zoning, and any planning changes, land uses, maximum densities, and building requirements. 1732
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(E) ~~"Blighted area" means an area within a municipality containing a majority of structures that have been extensively damaged or destroyed by a major disaster, or that, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, unsafe and unsanitary conditions or the existence of conditions which endanger lives or properties by fire or other hazards and causes, or that, by reason of location in an area with inadequate street layout, incompatible land uses or land use relationships, overcrowding of buildings on the land, excessive dwelling unit density, or other identified hazards to health and safety, are conducive to ill health, transmission of disease, juvenile delinquency and crime and are detrimental to the public health, safety, morals and general welfare.~~ 1740
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(F) "Project" means: 1754

(1) As to blighted areas within all municipal corporations, the undertaking and execution of the redevelopment of a blighted area by a community urban redevelopment corporation, in whole or in part, pursuant to a community development plan approved by the governing body of the municipal corporation in which such blighted 1755
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As Pending in the Senate State and Local Government and Veterans Affairs Committee

area is situated and in accordance with an agreement for the sale 1760
or lease of all or a portion of the land concerned in such 1761
redevelopment to the corporation by a municipal corporation, or 1762
agency, or authority including the work to be done in reference 1763
thereto, the designation of the particular proposed buildings to 1764
be constructed and their uses and purposes, the landscaping of the 1765
premises, the streets and access roads, recreational facilities, 1766
if any, the furnishing of the public utilities, the financial 1767
arrangements, and the terms and conditions of the proposed 1768
municipal corporation and approval; and 1769

(2) In addition as to blighted areas within impacted cities, 1770
the undertaking and activities of a community urban redevelopment 1771
corporation in a blighted area for the elimination and for the 1772
prevention of the development or spread of blight pursuant to a 1773
community development plan approved by the governing body of the 1774
impacted city and to the extent agreed to by the governing body of 1775
the impacted city in the financial agreement provided for in 1776
section 1728.07 of the Revised Code and may involve clearance and 1777
redevelopment, or rehabilitation or conservation or any 1778
combination or part thereof, in accordance with such community 1779
development plan, and such aforesaid undertakings and activities 1780
may include acquisition of a blighted area or portion by purchase 1781
or otherwise, and demolition and removal of buildings and 1782
improvements. 1783

(G)(F) "Total project unit cost" or "total project cost" 1784
means the aggregate of the following items as related to any unit 1785
of a project if the project is to be undertaken in units or to the 1786
total project if the project is not to be undertaken in units: 1787

(1) Cost of the land to the community urban redevelopment 1788
corporation; 1789

(2) Architects', engineers', and attorneys' fees paid or 1790
payable by the corporation in connection with the planning, 1791

As Pending in the Senate State and Local Government and Veterans Affairs Committee

construction, and financing of the project;	1792	
(3) Surveying and testing charges in connection therewith;	1793	
(4) Actual construction cost as certified by the architect, including the cost of any preparation of the site undertaken at the corporation's expense;	1794	
(5) Insurance, interest, and finance costs during construction;	1795	
(6) Cost of obtaining initial permanent financing;	1796	
(7) Commissions and other expenses paid or payable in connection with initial leasing;	1800	
(8) Real estate taxes and assessments during the construction period;	1801	
(9) Developer's overhead based on a percentage of division (G) (4) of this section, to be computed in accordance with the following schedule:	1802	
\$500,000 or less	- 10 per cent	1803
500,001 through \$ 1,000,000	- \$50,000 plus 8 per cent on excess above \$500,000	1804
1,000,001 through 2,000,000	- 90,000 plus 7 per cent on excess above 1,000,000	1805
2,000,001 through 3,500,000	- 160,000 plus 5.6667 per cent on excess above 2,000,000	1806
3,500,001 through 5,500,000	- 245,000 plus 4.25 per cent on excess above 3,500,000	1807
5,500,001 through 10,000,000	- 330,000 plus 3.7778 per cent on excess above 5,500,000	1808
Over 10,000,000	- 5 per cent	1809
(H)(G) "Annual gross revenue" means the total annual gross rental and other income of a community urban redevelopment corporation from the project. If in any leasing, any real estate	1810	
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As Pending in the Senate State and Local Government and Veterans Affairs Committee

taxes or assessments on property included in the project, any premiums for fire or other insurance on or concerning property included in the project, or any operating or maintenance expenses ordinarily paid by a landlord are to be paid by the tenant, such payments shall be computed and deemed to be part of the rent and shall be included in the annual gross revenue. The financial agreement provided for in section 1728.07 of the Revised Code shall establish the method of computing such additional revenue, and may establish a method of arbitration where either the landlord or the tenant disputes the amount of such payments so included in the annual gross revenue.	1822 1823 1824 1825 1826 1827 1828 1829 1830 1831 1832
(I)(H) "Major disaster" means any tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, fire, or other catastrophe.	1833 1834 1835
Sec. 3735.40. As used in sections 3735.27, 3735.31, and 3735.40 to 3735.50 of the Revised Code:	1836 1837
(A) "Federal government" includes the United States, the federal works administrator, or any other agency or instrumentality, corporate or otherwise, of the United States.	1838 1839 1840
(B) "Slum area" means any area where dwellings predominate which, by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light, or sanitary facilities, or any combination of these factors, are detrimental to safety, health, or morals.	1841 1842 1843 1844 1845
(C) "Housing project" or "project" means any of the following works or undertakings:	1846 1847
(1) Demolish, clear, or remove buildings from any slum area. Such work or undertaking may embrace the adaptation of such area to public purposes, including parks or other recreational or community purposes.	1848 1849 1850 1851

As Pending in the Senate State and Local Government and Veterans Affairs Committee

(2) Provide decent, safe, and sanitary urban or rural dwellings, apartments, or other living accommodations for persons of low income. Such work or undertaking may include buildings, land, equipment, facilities, and other real or personal property for necessary, convenient, or desirable appurtenances, streets, sewers, water service, parks, site preparation, gardening, administrative, community, health, recreational, educational, welfare, or other purposes.	1852 1853 1854 1855 1856 1857 1858 1859
(3) Accomplish a combination of the foregoing. "Housing project" also may be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration, and repair of the improvements, and all other work in connection therewith.	1860 1861 1862 1863 1864 1865
<u>(D)(C)</u> "Families of low income" means persons or families who lack the amount of income which is necessary, as determined by the metropolitan housing authority undertaking the housing project, to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings, without overcrowding.	1866 1867 1868 1869 1870
<u>(E)(D)</u> "Families" means families consisting of two or more persons, a single person who has attained the age at which an individual may elect to receive an old age benefit under Title II of the "Social Security Act" or is under disability as defined in section 223 of that act, 49 Stat. 622 (1935), 42 U. S. C. A. 401, as amended, or the remaining member of a tenant family.	1871 1872 1873 1874 1875 1876
<u>(F)(E)</u> "Families" also means a single person discharged by the head of a hospital pursuant to section 5122.21 of the Revised Code after March 10, 1964.	1877 1878 1879
Sec. 3735.59. A metropolitan housing authority may contract with persons, associations, or corporations, or with the state, a state department or agency, or a state public body as defined in	1880 1881 1882

As Pending in the Senate State and Local Government and Veterans Affairs Committee

section 3735.51 of the Revised Code for furnishing to the authority food services, health clinics, medical services, or other services for tenants of the authority who are not able to provide for themselves.	1883
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The director of any state department may enter into agreements with a metropolitan housing authority for furnishing such services to the authority for tenants described in division (F)(E) of section 3735.40 of the Revised Code pursuant to terms agreed upon between the director and the authority and for such compensation as will reimburse the department for the services rendered.	1887
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Section 2. That existing sections 163.01, 163.02, 163.03, 163.04, 163.05, 163.06, 163.08, 163.09, 163.12, 163.14, 163.15, 163.16, 163.17, 163.19, 163.20, 163.21, 163.22, 163.52, 163.53, 163.54, 163.55, 163.56, 163.57, 163.58, 163.59, 163.60, 163.61, 163.62, 303.26, 719.012, 725.01, 725.02, 725.05, 725.11, 1728.01, 3735.40, and 3735.59 and section 163.51 of the Revised Code are hereby repealed.	1894
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