

**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

—

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

<u>Sec. 1.08. As used in the Revised Code:</u>	20
---	----

(A) "Blighted property" means a property that meets three or 21
more of the following conditions: 22

(1) The property or a structure on the property constitutes a 23
public nuisance because of its physical condition, use, or 24
occupancy. 25

(2) The property contains a structure that is dilapidated, 26
unsanitary, unsafe, or vermin infested, and because of its 27
condition an agency that is responsible for the enforcement of 28
housing, building, or fire codes has designated it unfit for human 29
habitation or use. 30

(3) The property contains a structure that in its current 31
condition is a fire hazard or otherwise is dangerous to the safety 32
of persons or property. 33

(4) The property contains a structure from which the 34
utilities, plumbing, heating, sewerage, or other necessary 35
facilities have been disconnected, destroyed, removed, or rendered 36
ineffective so that the property is unfit for its intended use. 37

(5) The property is a vacant or unimproved lot or parcel in a 38
predominantly built-up-neighborhood that, by reason of neglect or 39
lack of maintenance, has become a place for accumulation of trash 40
and debris, or a haven for vermin. 41

(6) The property has tax delinquencies that exceed the value 42
of the property. 43

(7) The property or a structure on the property has 44
significant code violations that substantially affect health or 45
safety, and at least one year has passed since an appropriate code 46
enforcement agency provided notice to the owner of the need to 47
rehabilitate the property or structure, and the property or 48
structure has not been substantially rehabilitated. 49

(8) The property poses a direct threat to public health or 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

(A) "Public agency" means any governmental corporation, unit,
organization, or officer authorized by law to appropriate property
in the courts of this state. ~~"Private"~~

(B) "Private agency" means any ~~other~~ corporation, firm,
partnership, voluntary association, joint-stock association, or
company that is not a "public agency," authorized by law to
appropriate property in the courts of this state. ~~"Agency"~~
includes

~~(B)~~(C) "Agency" means any public agency or private agency.

(D) "Business" means any lawful activity, excepting a farm
operation, conducted primarily for one or more of the following:

(1) 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;

(2) The sale of services to the public;

(3) By a nonprofit organization;

(4) 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.

(E) "Comparable replacement dwelling" 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

utilities, facilities, services, and the displaced person's place 111
of employment. 112

(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

~~(C)~~(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

operator's support. 142

(J) "Mortgage" means the classes of liens commonly given to 143
secure advances on, or the unpaid purchase price of, real 144
property, under the laws of Ohio, together with the credit 145
instruments, if any, secured thereby. 146

(K) "Owner" includes means any individual, partnership, 147
association, or corporation having any estate, title, or interest 148
in any real property sought to be appropriated. 149

~~(D)~~(L) "Person" includes any individual, partnership, 150
corporation, or association. 151

(M) "Real property," "land," or "property" includes means any 152
estate, title, or interest in any real property ~~which~~ that is 153
authorized to be appropriated by the agency in question, unless 154
the context otherwise requires. 155

Sec. 163.02. ~~(A) Except as provided in divisions (B), (C),~~ 156
~~(D), and (F) of this section, all~~ All appropriations of real 157
property shall be made pursuant to ~~sections 163.01 to 163.22 of~~ 158
~~the Revised Code~~ this chapter, except as otherwise provided in 159
this section or as otherwise provided to abate a health nuisance 160
or because of a public exigency as provided in division (B) of 161
section 307.08, 6101.181, 6115.221, 6117.39, or 6119.11, or 162
division (D) of section 514.19 of the Revised Code. 163

~~(B) Subject to division (E) of this section, the~~ The director 164
of transportation may appropriate real property pursuant to 165
~~sections 163.01 to 163.22 of the Revised Code~~ this chapter or as 166
otherwise provided by law. 167

~~(C) Subject to division (E) of this section, a conservancy~~ 168
~~district may appropriate real property by procedures prescribed in~~ 169
~~Chapter 6101. of the Revised Code.~~ 170

~~(D) Subject to division (E) of this section, a sanitary~~ 171

~~district may appropriate real property by procedures prescribed in~~ 172
~~Chapter 6115. of the Revised Code.~~ 173

~~(E) When the director of transportation, a conservancy~~ 174
~~district, or a sanitary district proceeds~~ Notwithstanding any 175
authority to appropriate real property other than under ~~sections~~ 176
~~163.01 to 163.22 of the Revised Code, the proceedings are~~ this 177
chapter, any proceeding to appropriate real property is subject to 178
division (B) of section 163.21 of the Revised Code. 179

~~(F) A county, township that has adopted a limited home rule~~ 180
~~government, conservancy district, sanitary district, county sewer~~ 181
~~district, or a regional water and sewer district also may~~ 182
~~appropriate real property in the manner prescribed in division (B)~~ 183
~~of section 307.08, 6101.181, 6115.221, 6117.39, or 6119.11 or~~ 184
~~division (D) of section 504.19 of the Revised Code, as applicable.~~ 185

~~(G)~~(D) Any instrument by which the state or an agency ~~of the~~ 186
state acquires real property pursuant to this ~~section~~ chapter 187
shall ~~identify~~ include all of the following: 188

(1) The name of the agency ~~of the state~~ that has the use and 189
benefit of the real property as specified in section 5301.012 of 190
the Revised Code.; 191

(2) A statement of the purpose of the appropriation as 192
provided with the appropriation petition; 193

(3) A statement that the prior owner possesses a right of 194
repurchase if the agency decides not to use the property for the 195
stated purpose. 196

Sec. 163.021. (A) No agency shall appropriate real property 197
except as necessary and for a public use. In any appropriation, 198
the taking agency shall show by a preponderance of the evidence 199
that the taking is necessary and for a public use. "Public use" 200
does not include any taking that is for conveyance to a private 201

commercial enterprise, economic development, or solely for the 202
purpose of increasing public revenue, unless the taking agency 203
shows by a preponderance of the evidence that the area is a 204
blighted area and the taking is pursuant to a redevelopment plan 205
with the purpose of eliminating blight that has been adopted by 206
the legislative authority where the property is located. 207

(B) No port authority, including any port authority created 208
in accordance with section 4582.06 or 4582.22 of the Revised Code, 209
may appropriate real property unless that appropriation is 210
approved by the legislative authority of the municipal 211
corporation, county, or township, or combination thereof, that 212
established the port authority. 213

(C) No park board, park district, board of directors of a 214
conservancy district, incorporated association with a purpose of 215
establishing or preserving public parks and memorial sites, or 216
similar park authority shall exercise any power of eminent domain 217
to appropriate real property unless that property is located 218
within the entity's jurisdiction and the appropriation has the 219
approval of the legislative authority of the municipal 220
corporation, county, or township with jurisdiction where the 221
property is located. 222

Sec. 163.03. Any agency may, upon the notice prescribed in 223
this section, prior to or subsequent to the filing of a petition 224
pursuant to section 163.05 of the Revised Code, enter upon any 225
lands, waters, and premises for the purpose of making such 226
surveys, soundings, drillings, appraisals, and examinations as are 227
necessary or proper for the purpose of the agency under ~~sections~~ 228
~~163.01 to 163.22, inclusive, of the Revised Code, this chapter and~~ 229
~~such that~~ entry ~~shall~~ does not constitute a trespass. Notice of 230
~~such~~ a proposed entry shall be given to the owner or the person in 231
possession by such means as are reasonably available not less than 232

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

owner. The agency need not provide an owner with a copy of the 264
appraisal when the owner is unknown, is not a resident of this 265
state, or the residence cannot be ascertained with reasonable 266
diligence. The agency shall provide a copy of any appraisal, or 267
the summary as appropriate, to an owner, guardian, or trustee at 268
or before the time the public agency makes its first offer to 269
purchase the property. 270

(C) Appropriations shall be made only after the agency is 271
unable to agree on a conveyance or the terms of a conveyance, for 272
any reason, with the any owner, or if more than one, any owner, or 273
his the guardian or trustee, or when any of any owner unless no 274
owner is incapable capable of contracting in person or by agent 275
and has no guardian or trustee, or the owner is unknown, or is not 276
a resident of this state, or his the residence is unknown to the 277
agency and cannot with reasonable diligence be ascertained. 278

Sec. 163.05. An agency which that has met the requirements of 279
section 163.04 of the Revised Code, may commence proceedings in a 280
proper court by filing a petition for appropriation of each parcel 281
or contiguous parcels in a single common ownership, or interest or 282
right therein. The petition of a private agency shall be verified 283
as in a civil action ~~and all~~. All petitions shall contain: 284

(A) A description of each parcel of land or interest or right 286
therein sought to be appropriated, such as will permit ready 287
identification of the land involved; 288

(B) ~~In the case of a private agency, a~~ (1) A statement that 289
~~such the~~ appropriation is necessary, for a public use, and, in the 290
case of a public agency, a copy of the resolution of the public 291
agency to appropriate; 292

(2) If the property being appropriated is a blighted property 293
that is being appropriated pursuant to a redevelopment plan, a 294

statement that shows the basis for the finding of blight and that 295
supports that the parcel is a blighted area pursuant to the 296
definition in section 1.08 of the Revised Code. 297

(C) A statement of the purpose of the appropriation; 298

(D) A statement of the estate or interest sought to be 299
appropriated; 300

(E) The names and addresses of the owners, so far as they can 301
be ascertained; 302

(F) A statement showing requirements of section 163.04 of the 303
Revised Code have been met; 304

(G) A prayer for the appropriation; 305

~~(H)~~ In the event of an appropriation where the agency would 306
require less than the whole of any parcel containing a residence 307
structure and the required portion would remove a garage and 308
sufficient land that a replacement garage could not be lawfully or 309
practically attached, the appropriation shall be for the whole 310
parcel and all structures. 311

In the event of the appropriation of less than the fee of any 312
parcel or of a fee in less than the whole of any parcel of 313
property, the agency shall either make available to the owner or 314
shall file in the office of the county engineer, a description of 315
the nature of the improvement or use which requires the 316
appropriation, including any specifications, elevations, and grade 317
changes already determined at the time of the filing of the 318
petition, in sufficient detail to permit a determination of the 319
nature, extent, and effect of the taking and improvement. A set of 320
highway construction plans shall be acceptable in providing such 321
description for the purposes of the preceding sentence in the 322
appropriation of land for highway purposes. 323

Sec. 163.06. (A) A public agency, other than an agency 324

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

~~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

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

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

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

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

~~declaring the necessity for the appropriation shall be prima facie~~ 450
~~evidence of that necessity in the absence of proof showing an~~ 451
~~abuse of discretion by the agency in determining that necessity.~~ 452
~~If,~~ Only the judge may determine the necessity of the taking. 453

(2) If, as to any or all of the property or other interests 454
sought to be appropriated, the court determines the matters in 455
favor of the agency, the court shall set a time for the assessment 456
of compensation by the jury within twenty days from the date of 457
the journalization of that determination. ~~An~~ 458

(3) An order of the court in favor of the agency on any of 459
the matters or on qualification under section 163.06 of the 460
Revised Code ~~shall not be~~ is not a final order for purposes of 461
appeal. An order of the court against the agency on any of the 462
matters or on the question of qualification under section 163.06 463
of the Revised Code ~~shall be~~ is a final order for purposes of 464
appeal. ~~If~~ 465

(4) If a public agency has taken possession prior to ~~such~~ an 466
order and ~~such an order~~, after any appeal, that order is against 467
the agency on any of the matters, the agency shall restore the 468
property to the owner in its original condition or respond in 469
damages, which may include the items set forth in division (A)(2) 470
of section 163.21 of the Revised Code, recoverable by civil 471
action, to which the state consents. If the order of the court is 472
against the agency on a final ruling of the necessity of the 473
appropriation, the court shall award the owner reasonable 474
attorney's fees and costs as described in division (B) of section 475
163.21 of the Revised Code. 476

(C) When an answer is filed pursuant to section 163.08 of the 477
Revised Code, and none of the matters set forth in division (B) of 478
this section is specifically denied, the court shall fix a time 479
within twenty days from the date the answer was filed for the 480
assessment of compensation by a jury. 481

(D) If answers are filed pursuant to divisions (B) and (C) of 482
this section, or an answer is filed on behalf of fewer than all 483
the named owners, the court shall set the hearing or hearings at 484
~~such~~ times ~~as~~ that are reasonable under all the circumstances, but 485
in no event later than twenty days after the issues are joined as 486
to all necessary parties or twenty days after rule therefor, 487
whichever is earlier. 488

(E) The court, with the consent of the parties, may order two 489
or more cases to be consolidated and tried together, but the 490
rights of each owner to compensation, damages, or both shall be 491
separately determined by the jury in its verdict. 492

(F) If an answer is filed under section 163.08 of the Revised 493
Code with respect to the value of property appropriated under 494
section 307.08, 504.19, 6101.181, 6115.221, 6117.39, or 6119.11 of 495
the Revised Code as the result of a public exigency, the burden of 496
proof with respect to that value is on the party or parties to the 497
appropriation other than the property owners. 498

(G) If the court determines the matter in the favor of the 499
owner as to the necessity of the appropriation, in a final, 500
unappealable order, the owner shall be awarded reasonable 501
attorney's fees and costs. 502

Sec. 163.12. (A) A view of the premises to be appropriated or 503
of premises appropriated shall be ordered by the court when 504
demanded by a party to the proceedings. 505

(B) The property owners shall open and close the case except 506
that, if the premises are appropriated under section 307.08, 507
504.19, 6101.181, 6115.221, 6117.39, or 6119.11 of the Revised 508
Code as the result of a public exigency, the party or parties 509
other than the owners shall open and close the case. 510

(C) The court may amend any defect or informality in 511

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; and 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

costs, to include appraisal costs. 543

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

(D) If a jury is discharged without rendering a verdict, 546
another shall be impaneled at the earliest convenient time and 547
shall make the inquiry and assessment. 548

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, ~~it~~ the agency 551
may take possession~~7~~, provided~~7~~ that this right of possession 552
shall not be construed to limit the right of a public agency to 553
enter and take possession~~7~~ 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

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

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.~~

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.

Sec. 163.21. (A)(1) ~~If it~~ An agency 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~~ this chapter at any time after the proceedings are
commenced but not later than ninety days after the final
determination of the cause.

(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:

(a) Witness fees, including expert witness fees, appraisal
fees, and engineering fees;

(b) Attorney's fees;

(c) Other actual and reasonable costs, expenses, and

disbursements. 665

(B)(1) ~~Except as provided in division (B)(2) of this section,~~ 666
~~if in~~ In appropriation proceedings under ~~sections 163.01 to 163.22~~ 667
~~of the Revised Code this chapter or,~~ as authorized by divisions 668
~~(A) and (B), (C), and (D) of section 163.02 of the Revised Code,~~ 669
~~in for~~ appropriation proceedings in time of a public exigency 670
under other sections of the Revised Code, if the court determines 671
that an agency is not entitled to appropriate particular property, 672
the court shall enter both of the following: 673

(a) A judgment against the agency for costs, including jury 674
fees; 675

(b) A judgment in favor of each affected owner, in amounts 676
that the court considers to be just, for the owner's reasonable 677
costs, disbursements, and expenses, to include witness fees, 678
~~including~~ expert witness fees, ~~for~~ attorney's fees, appraisal and 679
engineering fees, and for other actual expenses that the owner 680
incurred in connection with the proceedings. 681

(2) ~~This division does not apply to a state agency that is~~ 682
~~subject to section 163.62 of the Revised Code in connection with~~ 683
~~condemnation proceedings~~ Any award to an owner pursuant to this 684
section shall be paid by the head of the agency for whose benefit 685
the appropriation proceedings were initiated. 686

Sec. 163.211. (A) If an agency abandons a project or decides 687
not to use appropriated property for the purpose stated in the 688
appropriation petition, the prior owner from whom the property was 689
appropriated may repurchase the property if the agency has not 690
conveyed or transferred title to the property to another person or 691
agency. 692

(B) The right of repurchase is extinguished if either of the 693
following occur: 694

(1) The prior owner declines to repurchase the property; 695

(2) The prior owner fails to repurchase the property within 696
sixty days after the public agency offers the property for 697
repurchase. 698

Sec. 163.22. All proceedings brought under ~~sections 163.01 to~~ 699
~~163.22 of the Revised Code~~ this chapter shall be governed by the 700
law applicable in civil actions and the Rules of Civil Procedure, 701
including, but not limited to, the rules governing discovery, 702
except as otherwise provided in those sections. The proceedings 703
shall be advanced as a matter of immediate public interest and 704
concern and shall be heard by the court at the earliest 705
practicable moment. 706

Sec. 163.52. (A) The failure of an acquiring agency to 707
satisfy a requirement of section 163.59 of the Revised Code does 708
not affect the validity of any property acquisition by purchase or 709
~~condemnation~~ appropriation. 710

(B) Nothing in sections ~~163.51~~ 163.52 to 163.62 of the 711
Revised Code shall be construed as creating, in any ~~condemnation~~ 712
appropriation proceeding brought under the power of eminent 713
domain, any element of value or damage not in existence 714
immediately prior to June 11, 1971. 715

Sec. 163.53. (A) Whenever the acquisition of real property 716
for a program or project undertaken by ~~a displacing an~~ an agency will 717
result in the displacement of any person, the head of the agency 718
shall make a payment to any displaced person, upon proper 719
application as approved by ~~such~~ the agency head, for all of the 720
following: 721

(1) Actual reasonable expenses in moving ~~himself~~ the person, 722
~~his~~ and the person's family, business, farm operation, or other 723

personal property; 724

(2) Actual direct losses of tangible personal property as a 725
result of moving or discontinuing a business or farm operation, 726
but not to exceed an amount equal to the reasonable expenses that 727
would have been required to relocate ~~such~~ the property, as 728
determined by the head of the displacing agency; 729

(3) Actual reasonable expenses in searching for a replacement 730
business or farm, not to exceed twenty-five hundred dollars; 731

(4) Actual and reasonable expenses necessary to reestablish a 732
displaced farm, nonprofit organization, or small business at its 733
new site, but not to exceed ten thousand dollars. 734

(B) Any displaced person eligible for payments under division 735
(A) of this section who is displaced from a dwelling ~~and who~~ 736
~~elects to accept the payments authorized by this division may~~ 737
elect, in lieu of the payments authorized by division (A) of this 738
section ~~may~~, to receive an expense and dislocation allowance, 739
determined according to a schedule established by the head of the 740
displacing agency. 741

(C) Any displaced person eligible for payments under division 742
(A) of this section who is displaced from ~~his~~ the person's place 743
of business or from ~~his~~ the person's farm operation may qualify 744
for the payment authorized by this division in lieu of the payment 745
authorized by division (A) of this section. The payment authorized 746
by this division shall consist of a fixed payment in an amount ~~to~~ 747
~~be determined according to criteria established by the head of the~~ 748
~~lead agency~~ based on the average annual net income of the business 749
or farm operation for the two years prior to the displacement, 750
except that such payment shall be not less than one thousand 751
dollars nor more than twenty thousand dollars. A person whose sole 752
business at the displacement dwelling is the rental of ~~such~~ the 753
property to others does not qualify for a payment under this 754

division. 755

(D)(1) Except as provided in section 5501.51 of the Revised 756
Code, if a program or project undertaken by a ~~displacing~~ an agency 757
that is carrying out the program or project with federal 758
assistance or is carrying out a state highway project results in 759
the relocation of a utility facility, and the purpose of the 760
program or project was not to relocate or reconstruct any utility 761
facility~~;~~ and if the owner of the utility facility ~~which~~ that is 762
being relocated under ~~such~~ the program or project has entered into 763
a franchise or similar agreement with the state or local 764
government on whose property, easement, or right-of-way ~~such~~ the 765
facility is located with respect to the use of ~~such~~ the property, 766
easement, or right-of-way~~;~~ and if the relocation of ~~such~~ the 767
facility results in ~~such~~ the owner incurring an extraordinary cost 768
in connection with ~~such~~ the relocation~~;~~ then, the ~~displacing~~ 769
agency may, in accordance with ~~such~~ rules as the head of the lead 770
agency ~~may adopt~~ adopts, provide to ~~such~~ the owner a relocation 771
payment ~~which~~ that may not exceed the amount of ~~such~~ any 772
extraordinary cost, less any increase in the value of the new 773
utility facility above the value of the old utility facility, and 774
less any salvage value derived from the old utility facility. 775

(2) As used in division (D) of this section: 776

(a) "Extraordinary cost in connection with a relocation" 777
means any cost incurred by the owner of a utility facility in 778
connection with relocation of ~~such~~ the facility that is determined 779
by the head of the displacing agency, under ~~such~~ rules as the head 780
of the lead agency ~~shall adopt~~ adopts, to be a nonroutine 781
relocation expense, to be a cost that owner ordinarily does not 782
include in its annual budget as an expense of operation, and to 783
meet such other requirements as the lead agency may prescribe ~~in~~ 784
~~such rules~~ by rule. 785

(b) "Utility facility" means any electric, gas, water, steam 786

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

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

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

(2) Whenever a program or project ~~undertaken by a displacing~~ 881
an agency undertakes will result in the displacement of any 882
person, the head of ~~the displacing that~~ agency shall provide a 883
relocation assistance advisory program for displaced persons which 884
shall offer the services described in division (B) of this 885
section. If the head of the ~~displacing~~ agency determines that any 886
person occupying property immediately adjacent to the real 887
property acquired is caused substantial economic injury because of 888
the acquisition, ~~he~~ the head of the agency may offer that person 889
relocation advisory services under the program. 890

(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

(5) Supply information concerning federal and state housing 912
programs, disaster loan programs, and other federal or state 913
programs offering assistance to displaced persons; 914

(6) Provide other advisory services to displaced persons in 915
order to minimize hardships to them in adjusting to relocation. 916

Sec. 163.57. (A) If a project cannot proceed to ~~actual~~ 917
construction because comparable replacement sale or rental housing 918
is not available, and the head of the displacing agency determines 919
that ~~such~~ comparable housing cannot otherwise be made available, 920
~~he the head~~ may take ~~such~~ any action as ~~is~~ necessary or 921
appropriate to provide ~~such~~ that housing by use of funds 922
authorized for ~~such~~ the project. The head of the ~~displacing~~ agency 923
may use this section to exceed the maximum amounts ~~which~~ that may 924
be paid under sections 163.54 and 163.55 of the Revised Code on a 925
case-by-case basis for good cause as determined in accordance with 926
rules ~~adopted~~ the head adopts under Chapter 119. of the Revised 927
Code ~~by the head of the lead agency.~~ 928

(B) No person shall be required to move from ~~his~~ a dwelling 929
on account of any project, unless the ~~displacing~~ agency head is 930
satisfied that replacement housing, in accordance with section 931
163.56 of the Revised Code, is available to ~~such~~ the person. 932

(C) The acquisition of replacement housing sites and the 933
acquisition, rehabilitation, relocation, and construction of 934
replacement housing shall be considered to be for a public 935
purpose, and displacing agencies may properly expend their 936
~~respective~~ funds to carry out the purposes of sections ~~163.51~~ 937
163.52 to 163.62 of the Revised Code. 938

(D) In order to prevent unnecessary expenses and duplications 939
of functions, and to promote uniform and effective administration 940
of relocation assistance programs for displaced persons under 941
sections ~~163.51~~ 163.52 to 163.62 of the Revised Code, a displacing 942

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

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

at more than ten thousand dollars, the head of the acquiring 1005
agency ~~concerned~~ shall make ~~every reasonable effort to provide~~ a 1006
copy of the appraisal to the owner pursuant to section 163.04 of 1007
the Revised Code. As used in this section, "appraisal" means a 1008
written statement independently and impartially prepared by a 1009
qualified appraiser, or a written statement prepared by an 1010
employee of the acquiring agency who is a qualified appraiser, 1011
setting forth an opinion of defined value of an adequately 1012
described property as of a specified date, supported by the 1013
presentation and analysis of relevant market information. 1014

(D) Before the initiation of negotiations for real property, 1015
the head of the ~~acquiring~~ agency ~~concerned~~ shall establish an 1016
amount that the head ~~of the acquiring agency~~ believes to be just 1017
compensation for the property and shall make a prompt offer to 1018
acquire the property for no less than the full amount so 1019
established. In no event shall that amount be less than the 1020
agency's approved appraisal of the fair market value of the 1021
property. Any decrease or increase in the fair market value of 1022
real property prior to the date of valuation caused by the public 1023
improvement for which the property is acquired, or by the 1024
likelihood that the property would be acquired for that 1025
improvement, other than that due to physical deterioration within 1026
the reasonable control of the owner, will be disregarded in 1027
determining the compensation for the property. 1028

The head of the ~~acquiring~~ agency ~~concerned~~ shall provide the 1029
owner of real property to be acquired with a written statement of, 1030
and summary of the basis for, the amount that the head ~~of the~~ 1031
~~acquiring agency~~ established as just compensation. Where 1032
appropriate, the just compensation for real property acquired and 1033
for damages to remaining real property shall be separately stated. 1034

The owner shall be given a reasonable opportunity to consider 1035
the agency's offer ~~of the acquiring agency for the real property,~~ 1036

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

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
agency ~~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

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

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~~ the owner 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~~ the 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~~ the 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 state~~ an agency to acquire real 1145
property ~~by condemnation pursuant to sections 163.52 to 163.62 of~~ 1146
the Revised Code shall award the owner of any right, or title to, 1147
or interest in, ~~such that~~ 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

Sec. 163.63. Any reference in the Revised Code to any 1160
authority to acquire real property by "condemnation" or to take 1161
real property pursuant to a power of eminent domain is deemed to 1162
be an appropriation of real property pursuant to this chapter and 1163
any such taking or acquisition shall be made pursuant to this 1164
chapter. Any section of the Revised Code that authorizes the 1165
appropriation of real property pursuant to sections 163.01 to 1166
163.22 of the Revised Code is an authority to appropriate real 1167
property pursuant to this chapter and that appropriation shall be 1168
made pursuant to this chapter. 1169

Sec. 303.26. As used in sections 303.26 to 303.56, inclusive, 1170
of the Revised Code, unless a different meaning is clearly 1171
indicated by the context: 1172

(A) "Municipality" means any incorporated city or village of 1173
the state. 1174

(B) "Public body" means the state, any county, municipality, 1175
township, board, commission, authority, district, or other 1176
subdivision. 1177

(C) "Federal government" means the United States or any 1178
agency or instrumentality, corporate or otherwise thereof. 1179

~~(D) "Slum area" means an area within a county but outside the~~ 1180
~~corporate limits of any municipality, in which area there is a~~ 1181
~~predominance of buildings or improvements, whether residential or~~ 1182
~~nonresidential, which by reason of dilapidation, deterioration,~~ 1183
~~age or obsolescence, inadequate provision for ventilation, light,~~ 1184
~~air, sanitation, or open spaces, high density of population and~~ 1185
~~overcrowding, or the existence of conditions which endanger life~~ 1186
~~or property, by fire and other causes, or any combination of such~~ 1187
~~factors is conducive to ill health, transmission of disease,~~ 1188
~~infant mortality, juvenile delinquency, or crime, and is~~ 1189

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

~~(E) "Blighted area" means an area within a county but outside 1191
the corporate limits of any municipality, which area by reason of 1192
the presence of a substantial number of slum, deteriorated, or 1193
deteriorating structures, predominance of defective or inadequate 1194
street layout, faulty lot layout in relation to size, adequacy, 1195
accessibility, or usefulness, insanitary or unsafe conditions, 1196
deterioration of site or other improvements, diversity of 1197
ownership, tax or special assessment delinquency exceeding the 1198
fair value of the land, defective or unusual conditions to title, 1199
or the existence of conditions which endanger life or property by 1200
fire and other causes, or any combination of such factors, 1201
substantially impairs or arrests the sound growth of a county, 1202
retards the provision of housing accommodations, or constitutes an 1203
economic or social liability and is a menace to the public health, 1204
safety, morals, or welfare in its present condition and use has 1205
the meaning defined in section 1.08 of the Revised Code. 1206~~

~~If such any blighted area consists of open land, the 1207
provisions of section 303.34 of the Revised Code shall apply. 1208~~

~~Any disaster area referred to in section 303.36 of the 1209
Revised Code shall constitute constitutes a "blighted area". 1210~~

~~(F)(E) "County renewal project" may include undertakings and 1211
activities of a county in a county renewal area for the 1212
elimination and for the prevention of the development or spread of 1213
slums and blight, and may involve slum clearance and redevelopment 1214
in a county renewal area, or rehabilitation or conservation in a 1215
county renewal area, or any combination or part thereof, in 1216
accordance with a county renewal plan, and such aforesaid 1217
undertakings and activities may include acquisition of a slum area 1218
or a blighted area, or portion thereof; demolition and removal of 1219
buildings and improvements; installation, construction, or 1220
reconstruction of streets, utilities, parks, playgrounds, and 1221~~

other improvements necessary for carrying out in the county 1222
renewal area the county renewal objectives of sections 303.26 to 1223
303.56, inclusive, of the Revised Code in accordance with the 1224
county renewal plan; disposition of any property acquired in the 1225
county renewal area, including sale, initial leasing, or retention 1226
by the county itself, at its fair value for uses in accordance 1227
with the county renewal plan; carrying out plans for a program of 1228
voluntary or compulsory repair and rehabilitation of buildings or 1229
other improvements in accordance with the county renewal plan; and 1230
acquisition of any other real property in the county renewal area 1231
where necessary to eliminate unhealthful, insanitary, or unsafe 1232
conditions; lessen density, eliminate obsolete, or other uses 1233
detrimental to the public welfare, or otherwise to remove or 1234
prevent the spread of blight or deterioration, or to provide land 1235
for needed public facilities. 1236

~~(G)~~(F) "County renewal area" means a slum area or a blighted 1237
area or a combination thereof which the board of county 1238
commissioners designates as appropriate for a county renewal 1239
project. 1240

~~(H)~~(G) "County renewal plan" means a plan, as it exists from 1241
time to time, for a county renewal project, which plan shall 1242
conform to the general plan for the county, except as provided in 1243
section 303.36 of the Revised Code, and shall be sufficiently 1244
complete to indicate such land acquisition, demolition, and 1245
removal of structures, redevelopment, improvements, and 1246
rehabilitation as may be proposed to be carried out in the county 1247
renewal area, zoning, and planning changes, if any, land uses, 1248
maximum densities, building requirements, and the plan's 1249
relationship to definite local objectives respecting appropriate 1250
land uses, improved traffic, public transportation, public 1251
utilities, recreational and community facilities, and other public 1252
improvements. 1253

~~(I)~~(H) "Redevelopment" and derivatives thereof, when used 1254
with respect to a county renewal area, mean development as well as 1255
redevelopment. 1256

~~(J)~~(I) "Real property" includes all lands, including 1257
improvements and fixtures thereon, and property of any nature 1258
appurtenant thereto, or used in connection therewith, and every 1259
estate, interest, right, and use, legal or equitable, therein, 1260
including terms for years and liens by way of judgment, mortgage, 1261
or otherwise. 1262

~~(K)~~(J) "Person" means any individual, firm, partnership, 1263
corporation, company, association, joint stock association, or 1264
body politic, and includes any trustee, receiver, assignee, or 1265
other person acting in a similar representative capacity. 1266

~~(L)~~(K) "Obligee" includes any bondholder, agents, or trustees 1267
for any bondholders, or lessor demising to the county property 1268
used in connection with a county renewal project, or any assignee 1269
or assignees of such lessor's interest or any part thereof, and 1270
the federal government when it is a party to any contract with the 1271
county. 1272

~~(M)~~(L) "Bond," as used in section 303.46 of the Revised Code, 1273
means bonds, including refunding bonds, notes, interim 1274
certificates of special indebtedness, debentures, or other 1275
obligations of a county, payable and secured as authorized by 1276
section 303.46 of the Revised Code. 1277

Sec. 719.012. In order to rehabilitate a building or 1278
structure that a municipal corporation determines to be a ~~threat~~ 1279
~~to the public health, safety, or welfare; that has been declared~~ 1280
~~to be a public nuisance under Chapter 3707., 3709., or 3781. of~~ 1281
~~the Revised Code; and that either has been found to be insecure,~~ 1282
~~unsafe, structurally defective, unhealthful, or unsanitary under~~ 1283
~~sections 715.26 to 715.30 of the Revised Code or violates a~~ 1284

~~building code or ordinance adopted under section 731.231~~ blighted 1285
property of the Revised Code, a municipal corporation may 1286
appropriate, in the manner provided in ~~sections 163.01 to 163.22~~ 1287
Chapter 163. of the Revised Code, any such building or structure 1288
and the real property of which it is a part. The municipal 1289
corporation shall rehabilitate the building or structure or cause 1290
it to be rehabilitated within two years after the appropriation, 1291
so that the building or structure is no longer a public nuisance, 1292
insecure, unsafe, structurally defective, unhealthful, or 1293
unsanitary, or a threat to the public health, safety, or welfare, 1294
or in violation of a building code or ordinance adopted under 1295
section 731.231 of the Revised Code. Any building or structure 1296
appropriated pursuant to this section which is not rehabilitated 1297
within two years shall be demolished. 1298

If during the rehabilitation process the municipal 1299
corporation retains title to the building or structure and the 1300
real property of which it is a part, ~~then~~ within one hundred 1301
eighty days after the rehabilitation is complete, the municipal 1302
corporation shall appraise the rehabilitated building or structure 1303
and the real property of which it is a part, and ~~shall~~ sell the 1304
building or structure and property at public auction. The 1305
municipal corporation shall advertise the public auction in a 1306
newspaper of general circulation in the municipal corporation once 1307
a week for three consecutive weeks prior to the date of sale. The 1308
municipal corporation shall sell the building or structure and 1309
real property to the highest and best bidder. No property that a 1310
municipal corporation acquires pursuant to this section shall be 1311
leased. 1312

Sec. 725.01. As used in sections 725.01 to 725.11 of the 1313
Revised Code: 1314

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

~~in which area there is a predominance of buildings or~~ 1316
~~improvements, whether residential or nonresidential, which by~~ 1317
~~reason of dilapidation, deterioration, age or obsolescence,~~ 1318
~~inadequate provision for ventilation, light, air, sanitation, or~~ 1319
~~open spaces, high density of population and overcrowding, or the~~ 1320
~~existence of conditions which endanger life or property, by fire~~ 1321
~~and other causes, or any combination of such factors, is conducive~~ 1322
~~to ill health, transmission of disease, infant mortality, juvenile~~ 1323
~~delinquency, or crime, and is detrimental to public health,~~ 1324
~~safety, morals, or welfare.~~ 1325

~~(B) "Blighted area" means an area within a municipal~~ 1326
~~corporation, which area by reason of the presence of a substantial~~ 1327
~~number of slums, deteriorated or deteriorating structures,~~ 1328
~~predominance of defective or inadequate street layout, faulty lot~~ 1329
~~layout in relation to size, adequacy, accessibility, or~~ 1330
~~usefulness, unsanitary or unsafe conditions, deterioration of site~~ 1331
~~or other improvements, diversity of ownership, tax or special~~ 1332
~~assessment delinquency exceeding the fair value of the land,~~ 1333
~~defective or unusual conditions to title, or the existence of~~ 1334
~~conditions which endanger life or property by fire and other~~ 1335
~~causes, or any combination of such factors, substantially impairs~~ 1336
~~or arrests the sound growth of a municipal corporation, retards~~ 1337
~~the provision of housing accommodations, or constitutes an~~ 1338
~~economic or social liability and is a menace to the public health,~~ 1339
~~safety, morals, or welfare in its present condition and use.~~ 1340

~~(C)~~(A)(1) "Development agreement" means an agreement that 1341
includes as a minimum all of the following agreements between a 1342
municipal corporation as obligee and the following parties as 1343
obligors: 1344

(a) An agreement to construct or rehabilitate the structures 1345
and facilities described in the development agreement on real 1346
property described in the agreement situated in an urban renewal 1347

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

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

~~(G)~~(E) "Urban renewal refunding bonds" means the refunding 1382
bonds authorized by section 725.07 of the Revised Code. 1383

~~(H)~~(F) "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

~~(I)~~(G) "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

accordance with the urban renewal plan; the acquisition, 1411
construction, enlargement, improvement, or equipment of property, 1412
structures, equipment, or facilities for industry, commerce, 1413
distribution, or research from the proceeds of urban renewal bonds 1414
issued pursuant to division (C) of section 725.05 of the Revised 1415
Code; and acquisition of any other real property in the urban 1416
renewal area where necessary to eliminate unhealthful, unsanitary, 1417
or unsafe conditions, lessen density, eliminate obsolete, or other 1418
uses detrimental to the public welfare, or otherwise to remove or 1419
prevent the spread of blight or deterioration, or to provide land 1420
for needed public facilities. 1421

~~(J)~~(H) "Urban renewal debt retirement fund" means a fund, 1422
created pursuant to section 725.03 of the Revised Code by the 1423
legislative authority of a municipal corporation when authorizing 1424
a single issue or a series of urban renewal bonds, to be used for 1425
payment of the principal of and interest and redemption premium on 1426
such urban renewal bonds, trustee's fees, and costs and expenses 1427
of providing credit facilities, put arrangements, and interest 1428
rate hedges, and for fees and expenses of agents, and other fees, 1429
costs, and expenses, in connection with arrangements under 1430
sections 9.98 to 9.983 of the Revised Code; or when authorizing 1431
the repayment of loans from the state issued pursuant to Chapter 1432
164. of the Revised Code and used for urban renewal projects, to 1433
be used to repay the principal and interest on such loans. When so 1434
authorized by the legislative authority of a municipal 1435
corporation, such a fund may be used for both purposes permitted 1436
under this division. 1437

~~(K)~~(I) "Urban renewal service payments" means the urban 1438
renewal service payments, in lieu of taxes, provided for in 1439
section 725.04 of the Revised Code. 1440

~~(L)~~(J) "Improvements" means the structures and facilities 1441
constructed or rehabilitated pursuant to a development agreement. 1442

~~(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

education certifies its resolution approving the exemption to the 1508
legislative authority, or, if the board approves the exemption on 1509
the condition that a mutually acceptable compensation agreement be 1510
negotiated, at any time after the compensation agreement is agreed 1511
to by the board and the legislative authority. 1512

If a board of education has adopted a resolution waiving its 1513
right to approve exemptions from taxation granted pursuant to 1514
development agreements and the resolution remains in effect, 1515
approval of such exemptions by the board is not required under 1516
this division. If a board of education has adopted a resolution 1517
allowing a legislative authority to deliver the notice required 1518
under this division fewer than forty-five business days prior to 1519
the legislative authority's execution of the agreement, the 1520
legislative authority shall deliver the notice to the board not 1521
later than the number of days prior to such execution as 1522
prescribed by the board in its resolution. If a board of education 1523
adopts a resolution waiving its right to approve exemptions or 1524
shortening the notification period, the board shall certify a copy 1525
of the resolution to the legislative authority. If the board of 1526
education rescinds such a resolution, it shall certify notice of 1527
the rescission to the legislative authority. 1528

If the legislative authority is not required by this division 1529
to notify the board of education of the legislative authority's 1530
intent to declare improvements to be a public purpose, the 1531
legislative authority shall comply with the notice requirements 1532
imposed under section 5709.83 of the Revised Code, unless the 1533
board has adopted a resolution under that section waiving its 1534
right to receive such a notice. 1535

(C) The exemption shall commence on the date of the execution 1536
of the development agreement therefor and extend for the number of 1537
years designated in the development agreement and thereafter for 1538
so long as there are outstanding any urban renewal bonds payable 1539

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
requirements of ~~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

applied to the payment of interest on, principal of and redemption 1571
premium for such urban renewal bonds, trustee's fees, and costs 1572
and expenses of providing credit facilities, put arrangements, and 1573
interest rate hedges, and for fees and expenses of agents, and 1574
other fees, costs, and expenses, in connection with arrangements 1575
under sections 9.98 to 9.983 of the Revised Code. 1576

(B) Issue unvoted urban renewal bonds, which pledge the full 1577
faith and credit of the municipal corporation and that may also 1578
pledge and be payable from all or any portion of the revenues ~~as~~ 1579
~~defined in division (D) of section 725.01 of the Revised Code.~~ 1580

For bonds issued pursuant to this division, the ordinance 1581
provided for in section 725.06 of the Revised Code shall provide 1582
for the levying of a tax on real and tangible personal property, 1583
within the ten-mill limitation, sufficient in amount to pay the 1584
interest on and to provide a sinking fund for all of the principal 1585
of the urban renewal bonds authorized by that ordinance for their 1586
final redemption at maturity; but the amount of the tax to be 1587
levied in any year may be reduced by the amount available for such 1588
purposes from revenues, and any available moneys in the applicable 1589
urban renewal debt retirement fund. The ordinance providing for 1590
the levy of a tax pursuant to this division shall provide both of 1591
the following: 1592

(1) That the first principal maturity of the urban renewal 1593
bonds or the first mandatory sinking fund deposit therefor shall 1594
not be later than seven years following the issuance of the bonds; 1595

(2) That no principal maturity, mandatory sinking fund 1596
requirement, or combination thereof, shall be more than one and 1597
one-half times the amount of the next preceding principal 1598
maturity, mandatory sinking fund requirement, or combination 1599
thereof. 1600

A copy of such ordinance levying such tax shall be certified 1601

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

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

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.

Sec. 1728.01. As used in sections 1728.01 to 1728.13 of the
Revised Code:

(A) "Governing body" means, in the case of a municipal
corporation, the city council or legislative authority.

(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.

(C) "Impacted city" means a municipal corporation that meets
the requirements of either division (C) (1) or (2) of this
section:

(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:

(a) Taken affirmative action by its legislative body to 1696
permit the construction of housing by a metropolitan housing 1697
authority organized pursuant to sections 3735.27 to 3735.39 of the 1698
Revised Code within its corporate boundaries or to permit such a 1699
metropolitan housing authority to lease dwelling units within its 1700
corporate boundaries; and 1701

(b) Been certified by the director of the department of 1702
development that a workable program for community improvement 1703
(which shall include an official plan of action for effectively 1704
dealing with the problem of urban slums and blight within the 1705
community and for the establishment and preservation of a 1706
well-planned community with well-organized residential 1707
neighborhoods of decent homes and suitable living environment for 1708
adequate family life) for utilizing appropriate private and public 1709
resources to eliminate, and to prevent the development or spread 1710
of, slums and urban blight, to encourage needed urban 1711
rehabilitation, to provide for the redevelopment of blighted, 1712
deteriorated, or slum areas, to undertake such activities or other 1713
feasible community activities as may be suitably employed to 1714
achieve the objectives of such a program has been adopted. A 1715
determination by the United States that the impacted city's 1716
workable program meets the federal workable program requirements 1717
shall be sufficient for the director's certification. 1718

(2) Been declared a major disaster area, or part of a major 1719
disaster area, pursuant to the "Disaster Relief Act of 1970," 84 1720
Stat. 1744, 42 U.S.C.A. 4401, as now or hereafter amended, and has 1721
been extensively damaged or destroyed by a major disaster, 1722
provided that impacted city status obtained pursuant to division 1723
(C) (2) of this section lasts for only a limited period from the 1724
date of the declaration, as determined by the rules promulgated 1725
pursuant to division (G) of section 122.06 of the Revised Code, 1726
but in the event that an impacted city, while qualified under such 1727

division, enters into a financial agreement with a community urban 1728
redevelopment corporation pursuant to section 1728.07 of the 1729
Revised Code, a loss of certification under such rules shall not 1730
affect that agreement or the project to which it relates. 1731

(D) "Community development plan" means a plan, as it exists 1732
from time to time, for the redevelopment and renewal of a blighted 1733
area, which plan shall conform to the general plan for the 1734
municipality, and shall be sufficiently complete to indicate such 1735
land acquisition, demolition, and removal of structures, 1736
redevelopment, improvements, and rehabilitation as may be proposed 1737
to be carried out in such blighted area, zoning, and any planning 1738
changes, land uses, maximum densities, and building requirements. 1739

~~(E) "Blighted area" means an area within a municipality 1740
containing a majority of structures that have been extensively 1741
damaged or destroyed by a major disaster, or that, by reason of 1742
dilapidation, deterioration, age or obsolescence, inadequate 1743
provision for ventilation, light, air, sanitation, or open spaces, 1744
unsafe and unsanitary conditions or the existence of conditions 1745
which endanger lives or properties by fire or other hazards and 1746
causes, or that, by reason of location in an area with inadequate 1747
street layout, incompatible land uses or land use relationships, 1748
overcrowding of buildings on the land, excessive dwelling unit 1749
density, or other identified hazards to health and safety, are 1750
conducive to ill health, transmission of disease, juvenile 1751
delinquency and crime and are detrimental to the public health, 1752
safety, morals and general welfare. 1753~~

~~(F)~~ "Project" means: 1754

(1) As to blighted areas within all municipal corporations, 1755
the undertaking and execution of the redevelopment of a blighted 1756
area by a community urban redevelopment corporation, in whole or 1757
in part, pursuant to a community development plan approved by the 1758
governing body of the municipal corporation in which such blighted 1759

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

taxes or assessments on property included in the project, any 1822
premiums for fire or other insurance on or concerning property 1823
included in the project, or any operating or maintenance expenses 1824
ordinarily paid by a landlord are to be paid by the tenant, such 1825
payments shall be computed and deemed to be part of the rent and 1826
shall be included in the annual gross revenue. The financial 1827
agreement provided for in section 1728.07 of the Revised Code 1828
shall establish the method of computing such additional revenue, 1829
and may establish a method of arbitration where either the 1830
landlord or the tenant disputes the amount of such payments so 1831
included in the annual gross revenue. 1832

~~(I)~~(H) "Major disaster" means any tornado, storm, flood, high 1833
water, wind-driven water, tidal wave, earthquake, fire, or other 1834
catastrophe. 1835

Sec. 3735.40. As used in sections 3735.27, 3735.31, and 1836
3735.40 to 3735.50 of the Revised Code: 1837

(A) "Federal government" includes the United States, the 1838
federal works administrator, or any other agency or 1839
instrumentality, corporate or otherwise, of the United States. 1840

~~(B) "Slum area" means any area where dwellings predominate 1841
which, by reason of dilapidation, overcrowding, faulty arrangement 1842
or design, lack of ventilation, light, or sanitary facilities, or 1843
any combination of these factors, are detrimental to safety, 1844
health, or morals. 1845~~

~~(C)~~ "Housing project" or "project" means any of the following 1846
works or undertakings: 1847

(1) Demolish, clear, or remove buildings from any slum area. 1848
Such work or undertaking may embrace the adaptation of such area 1849
to public purposes, including parks or other recreational or 1850
community purposes. 1851

(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.

(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.

~~(D)~~(C) "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.

~~(E)~~(D) "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.

~~(F)~~(E) "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.

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

section 3735.51 of the Revised Code for furnishing to the 1883
authority food services, health clinics, medical services, or 1884
other services for tenants of the authority who are not able to 1885
provide for themselves. 1886

The director of any state department may enter into 1887
agreements with a metropolitan housing authority for furnishing 1888
such services to the authority for tenants described in division 1889
(~~F~~)(E) of section 3735.40 of the Revised Code pursuant to terms 1890
agreed upon between the director and the authority and for such 1891
compensation as will reimburse the department for the services 1892
rendered. 1893

Section 2. That existing sections 163.01, 163.02, 163.03, 1894
163.04, 163.05, 163.06, 163.08, 163.09, 163.12, 163.14, 163.15, 1895
163.16, 163.17, 163.19, 163.20, 163.21, 163.22, 163.52, 163.53, 1896
163.54, 163.55, 163.56, 163.57, 163.58, 163.59, 163.60, 163.61, 1897
163.62, 303.26, 719.012, 725.01, 725.02, 725.05, 725.11, 1728.01, 1898
3735.40, and 3735.59 and section 163.51 of the Revised Code are 1899
hereby repealed. 1900