

AN ACT

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

Be it enacted by the General Assembly of the State of Ohio:

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

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

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

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

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

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

The terms of sale and any deed for any lots or rights executed in compliance with the notification requirements set forth in divisions (A), (B), and (C) of this section shall state that the board of township trustees shall have right of reentry to the cemetery lot or right if the notification requirements are not met. At least ninety days before establishing reentry, the board shall publish a notice on the board's internet web site, if applicable, and shall send a notice by certified mail to the last known owner at the owner's last known address to inform the owner that the owner's interest in the lot or right will cease unless the notification requirements are met. If the owner's address is unknown and cannot reasonably be obtained, it is sufficient to publish the notice once in a newspaper

of general circulation in the county. In order to establish reentry, the board shall pass a resolution stating that the conditions of the sale or of the deed have not been fulfilled, and that the board reclaims its interest in the lot or right.

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

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

Sec. 517.073. (A) The board of township trustees may reenter a lot for which the terms of sale or deed was executed ~~prior to~~ before July 24, 1986, or an entombment, including a mausoleum, columbarium, or other interment right for which the terms of sale or deed was executed ~~prior to~~ before September 29, 2015, if the board determines the lot or right is unused and adopts a resolution creating a procedure for right of reentry in accordance with this section. The resolution shall state that the board of township trustees has the right of reentry to the cemetery lot or right purchased ~~prior to~~ before July 24, 1986, or ~~prior to~~ before September 29, 2015. ~~Before~~ At least one hundred eighty days before reentering a lot or right, the board shall publish a notice on the board's internet web site, if applicable, and shall send a notice by certified mail to the last known owner at the owner's last known address to inform the owner that the owner's interest in the lot or right will cease unless the owner or owner's heir responds by ~~a specified~~ that date. If the owner's address is unknown and cannot be obtained reasonably, it is sufficient to publish the notice once in a newspaper of general circulation in the county. ~~To~~

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

- (1) To continue the owner's interest in the lot or right;
- (2) To compensate the owner by paying the owner eighty per cent of the owner's original

purchase price; or

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

To establish reentry, the board shall pass a resolution stating that the owner has not responded by the specified date or has opted to receive other compensation, and that the board reclaims its interest in the lot or right. The board may repurchase a cemetery lot or right from its owner at any time at a price that is mutually agreed upon by the board and the owner.

(B) At least ~~ninety-one~~ hundred eighty days prior to the before a termination date for use of the a cemetery lot for which the terms of sale or deed was executed before July 24, 1986, and contained a termination date, tomb or an entombment, including a mausoleum, or columbarium, for which the terms of sale or deed was executed before September 29, 2015, and contained a termination date, the board shall publish a notice on the board's internet web site, if applicable, and shall send a notice to the owner of an unused lot or right to inform the owner that the owner's interest in the lot or right will cease on the termination date unless the owner or owner's heir ~~contracts for renewal~~ responds by that date. The board shall send the notice by certified mail to the owner if the owner is a resident of the township or is a nonresident whose address is known. If the owner's address is unknown and cannot reasonably be obtained, it is sufficient to publish the notice once in a newspaper of general circulation in the county.

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

(1) To contract for renewal;

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

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

In order to establish reentry, the board shall pass a resolution stating that because of the lack of response to notice sent by certified mail that provided a termination date or because the owner opted to receive other compensation, the board reclaims its interest in the lot or right. The board may repurchase a cemetery lot or right for which there is a termination date from its owner at any time at a price that is mutually agreed upon by the board and the owner.

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

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20 ____.

Secretary of State.

File No. _____ Effective Date _____