

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 598

Representatives West, Green

Cosponsors: Representatives Thompson, Smith, K., Seitz, Ashford, Scherer

A BILL

To amend sections 5722.14 and 5723.04, to enact 1
section 5723.20, and to repeal section 5722.13 2
of the Revised Code to give county auditors more 3
discretion with respect to how often tax- 4
forfeited land shall be offered for sale, to 5
expressly immunize counties from civil liability 6
in connection with such land, and to remove a 7
requirement that property held by a land bank 8
for more than fifteen years must be offered for 9
sale at a public auction. 10

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

Section 1. That sections 5722.14 and 5723.04 be amended 11
and section 5723.20 of the Revised Code be enacted to read as 12
follows: 13

Sec. 5722.14. If nonproductive land is subsequently 14
included within an impacted cities project, as defined in 15
section 1728.01 of the Revised Code, taxes on the land in the 16
base period of the year immediately preceding the initial 17
acquisition, as provided in section 1728.111 of the Revised 18

Code, shall be determined by applying the land valuation as it 19
existed in either the year preceding such initial acquisition, 20
or in the next succeeding year after such nonproductive land is 21
sold pursuant to section 5722.07 ~~or 5722.13~~ of the Revised Code, 22
whichever valuation is greater. 23

This section does not apply to nonproductive land acquired 24
and held by a county land reutilization corporation. 25

Sec. 5723.04. (A) The county auditor shall maintain a list 26
of forfeited lands and ~~shall~~ may offer such lands for sale 27
~~annually, or more frequently if when~~ the auditor determines that 28
~~more frequent sales are a sale is~~ necessary. 29

(B) Notwithstanding division (A) of this section, upon the 30
request of a county land reutilization corporation organized 31
under Chapter 1724. of the Revised Code, the county auditor 32
shall promptly transfer to such corporation, by auditor's deed, 33
the fee simple title to a parcel on the list of forfeited lands, 34
which shall pass to such corporation free and clear of all 35
taxes, assessments, charges, penalties, interest, and costs. 36
Subject to division (C) of this section, any subordinate liens 37
shall be deemed fully and forever satisfied and discharged. Upon 38
such request, the land is deemed sold by the state for no 39
consideration. The county land reutilization corporation shall 40
file the deed for recording. 41

(C) When title to a parcel of land upon which a lien has 42
been placed under section 715.261, 743.04, or 6119.06 of the 43
Revised Code is transferred to a county land reutilization 44
corporation under this section, the lien on the parcel shall be 45
extinguished if the lien is for costs or charges that were 46
incurred before the date of the transfer to the corporation and 47
if the corporation did not incur the costs or charges, 48

regardless of whether the lien was attached or the costs or 49
charges were certified before the date of transfer. In such a 50
case, the corporation and its successors in title shall take 51
title to the property free and clear of any such lien and shall 52
be immune from liability in any action to collect such costs or 53
charges. 54

If a county land reutilization corporation takes title to 55
property before any costs or charges have been certified or any 56
lien has been placed with respect to the property under section 57
715.261, 743.04, or 6119.06 of the Revised Code, the corporation 58
shall be deemed a bona fide purchaser for value without 59
knowledge of such costs or lien, regardless of whether the 60
corporation had actual or constructive knowledge of the costs or 61
lien, and any such lien shall be void and unenforceable against 62
the corporation and its successors in title. 63

Sec. 5723.20. No county or its officers or employees shall 64
be liable for damages, or subject to equitable remedies, for 65
violation of sections 3737.87 to 3737.891 of the Revised Code or 66
Chapter 3704., 3734., 3745., 3746., 3750., 3751., 3752., 6101., 67
or 6111. of the Revised Code or any rule adopted or order, 68
permit, license, variance, or plan approval issued under any of 69
those chapters in connection with property forfeited to the 70
state under this chapter. 71

Section 2. That existing sections 5722.14 and 5723.04 and 72
section 5722.13 of the Revised Code are hereby repealed. 73