

As Introduced

**132nd General Assembly
Regular Session
2017-2018**

S. B. No. 209

**Senator Coley
Cosponsor: Senator Eklund**

A BILL

To amend section 5709.911 of the Revised Code to 1
modify the conditions that determine the 2
relative priority of property tax exemptions 3
when a parcel subject to a tax increment 4
financing arrangement concurrently qualifies for 5
another exemption. 6

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

Section 1. That section 5709.911 of the Revised Code be 7
amended to read as follows: 8

Sec. 5709.911. (A) (1) A municipal corporation, township, 9
or county that has enacted an ordinance or resolution under 10
section 5709.40, 5709.41, 5709.45, 5709.73, or 5709.78 of the 11
Revised Code or that has entered into an agreement referred to 12
in section 725.02 or 1728.07 of the Revised Code may file an 13
application for exemption under those sections in the same 14
manner as other real property tax exemptions, notwithstanding 15
the indication in division (A) of section 5715.27 of the Revised 16
Code that the owner of the property may file the application. An 17
application for exemption may not be filed by a municipal 18

corporation, township, or county for an exemption of a parcel 19
under section 5709.40, 5709.73, or 5709.78 of the Revised Code 20
if the property owner excludes the property from such exemption 21
as provided in that section. 22

~~(2) Except as provided in division (B) of this section, if 23
the application for exemption under section 725.02, 1728.10, 24
5709.40, 5709.41, 5709.45, 5709.73, or 5709.78 of the Revised 25
Code is filed by a municipal corporation, township, or county 26
and more than one real property tax exemption applies by law to 27
the property or a portion of the property, both of the following 28
apply: 29~~

~~(a) An exemption granted under section 725.02, 1728.10, 30
5709.40, 5709.41, 5709.45, 5709.73, or 5709.78 of the Revised 31
Code shall be is subordinate to an exemption ~~with respect~~ 32
previously granted under any other section of the Revised Code 33
that applies concurrently to the property or portion of the 34
property granted under any other provision of the Revised Code. 35~~

~~(b) Neither service. Service payments in lieu of taxes 36
under section 725.04, 5709.42, 5709.46, 5709.74, or 5709.79 of 37
the Revised Code, ~~nor or~~ service charges in lieu of taxes under 38
section 1728.11 or 1728.111 of the Revised Code, shall not be 39
required with respect to the property or portion of the property 40
that is exempt from real property taxes under that other 41
provision for which an exemption granted under section 725.02, 42
1728.10, 5709.40, 5709.41, 5709.45, 5709.73, or 5709.78 of the 43
Revised Code is subordinate to a concurrent exemption under 44
another section of the Revised Code during the effective period 45
of the exemption. 46~~

~~(B) (1) If the After an application for exemption under 47
section 725.02, 1728.10, 5709.40, 5709.41, 5709.45, 5709.73, or 48~~

5709.78 of the Revised Code is filed ~~by the owner of the~~ 49
~~property or by a municipal corporation, township, or county with~~ 50
~~the owner's written consent attached to the application, and if~~ 51
~~more than one real property tax exemption applies by law to the~~ 52
~~property or a portion of the property, no other exemption shall~~ 53
be granted for the portion of the property already exempt under 54
~~section 725.02, 1728.10, 5709.40, 5709.41, 5709.45, 5709.73, or~~ 55
~~5709.78 of the Revised Code unless the municipal corporation,~~ 56
~~township, or county that enacted the authorizing ordinance or~~ 57
~~resolution for the earlier exemption provides its duly~~ 58
~~authorized written consent to the subsequent exemption by means~~ 59
~~of a duly enacted ordinance or resolution.~~ 60

~~(2) If the application for exemption under section 725.02,~~ 61
~~1728.10, 5709.40, 5709.41, 5709.45, 5709.73, or 5709.78 of the~~ 62
~~Revised Code is filed by a municipal corporation, township, or~~ 63
~~county and approved that is the subject of the application until~~ 64
~~the application is denied by the tax commissioner or, if the~~ 65
~~owner of the property subsequently provides written consent to~~ 66
~~the exemption and the consent is filed with the tax~~ 67
~~commissioner, and if more than one real property tax exemption~~ 68
~~applies by law to the property or a portion of the property, no~~ 69
~~other exemption shall be granted for the portion of the property~~ 70
~~already exempt application is approved or partially approved,~~ 71
~~until the exemption under section 725.02, 1728.10, 5709.40,~~ 72
~~5709.41, 5709.45, 5709.73, or 5709.78 of the Revised Code ~~unless~~~~ 73
~~the municipal corporation, township, or county that enacted the~~ 74
~~authorizing ordinance or resolution for the earlier exemption~~ 75
~~provides its duly authorized written consent to the subsequent~~ 76
~~exemption by means of a duly enacted ordinance or resolution~~ 77
~~expires.~~ 78

(C) ~~(1)~~ After the tax commissioner has approved or 79

partially approved an application for exemption filed by or with 80
the consent of a property owner ~~under the circumstances as~~ 81
described in division (B) ~~(1)~~ of this section, the municipal 82
corporation, township, county, or property owner shall file a 83
notice with the county recorder for the county in which the 84
property is located that clearly identifies the property and the 85
owner of the property and states that the property, regardless 86
of future use or ownership, remains liable for any service 87
payments or service charges required by the exemption until the 88
terms of the exemption have been satisfied, ~~unless the municipal-~~ 89
~~corporation, township, or county consents to the subsequent~~ 90
~~exemption and relinquishes its right to collect the service~~ 91
~~payments or service charges as provided in division (B) (1) of~~ 92
~~this section.~~ The county recorder's office shall charge a fee of 93
fourteen dollars to record the notice, the proceeds of which 94
shall be retained by the county. 95

~~(2) If a property owner subsequently provides written~~ 96
~~consent to an exemption under the circumstances described in~~ 97
~~division (B) (2) of this section, the municipal corporation,~~ 98
~~township, county, or property owner shall file notice with the~~ 99
~~county recorder for the county in which the property is located~~ 100
~~that clearly identifies the property and the owner of the~~ 101
~~property and states that the property, regardless of future use~~ 102
~~or ownership, remains liable for any service payments or service~~ 103
~~charges required by the exemption until the terms of the~~ 104
~~exemption have been satisfied, unless the municipal corporation,~~ 105
~~township, or county consents to the subsequent exemption and~~ 106
~~relinquishes its right to collect the service payments or~~ 107
~~service charges as provided in division (B) (2) of this section.~~ 108
~~The county recorder's office shall charge a fee of fourteen~~ 109
~~dollars to record the notice, the proceeds of which shall be~~ 110

retained by the county.	111
(D) Upon filing of the notice with the county recorder,	112
the provisions of division (B) of this section are binding on	113
all future owners of the property or portion of the property,	114
regardless of how the property is used. Failure to file the	115
notice with the county recorder relieves future owners of the	116
property from the obligation to make service payments in lieu of	117
taxes under section 725.04, 5709.42, 5709.46, 5709.74, or	118
5709.79 of the Revised Code or service charges in lieu of taxes	119
under section 1728.11 or 1728.111 of the Revised Code, if the	120
property or a portion of the property later qualifies for	121
exemption under any other provision of the Revised Code. Failure	122
to file the notice does not, however, relieve the owner of the	123
property, at the time the application for exemption is filed,	124
from making those payments or charges.	125
Section 2. That existing section 5709.911 of the Revised	126
Code is hereby repealed.	127