

As Introduced

**133rd General Assembly
Regular Session
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S. B. No. 297

Senators Antonio, Craig

A BILL

To prohibit foreclosure activity and the eviction 1
of residential and commercial tenants during the 2
state of emergency declared regarding COVID-19, 3
to refer such proceedings caused by the state of 4
emergency to mediation, and to declare an 5
emergency. 6

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

Section 1. (A) As used in this section, "state of 7
emergency" means the state of emergency declared under Executive 8
Order 2020-01D, issued on March 9, 2020, to protect the well- 9
being of Ohio citizens from the dangerous effects of COVID-19. 10

(B) Except as provided in division (E) of this section, a 11
court shall not issue a writ of execution for the restitution of 12
possession of residential or commercial rental premises, to the 13
plaintiff, and removal of a tenant or other occupant from those 14
residential or commercial rental premises, under Chapter 1923. 15
of the Revised Code until the state of emergency terminates. 16

(C) Except as provided in division (E) of this section, a 17
constable, police officer, sheriff, or bailiff shall not execute 18
a writ of execution issued for the restitution of residential or 19

commercial premises under section 1923.14 of the Revised Code or 20
related provisions, until the state of emergency terminates. 21

(D) A plaintiff that files a complaint for the restitution 22
to the plaintiff of possession of residential or commercial 23
rental premises prior to or during the state of emergency and 24
receives a writ of execution to that effect after the state of 25
emergency terminates shall not be entitled to rental amounts 26
that went unpaid during the state of emergency. 27

(E) During the state of emergency, a court may issue, and 28
a constable, police officer, sheriff, or bailiff shall enforce, 29
a writ of execution for the restitution of possession of 30
residential or commercial rental premises, to the plaintiff, and 31
removal of a tenant or other occupant from those residential or 32
commercial rental premises, if the tenant or other occupant to 33
be removed is a person to whom any of the following apply: 34

(1) The person is subject to the terms of a protection 35
order issued, or consent agreement approved, pursuant to section 36
2919.26 or 3113.31 of the Revised Code for the protection of the 37
plaintiff or a member of the plaintiff's household; 38

(2) The person was convicted of or pleaded guilty to a 39
violation of section 2919.27 of the Revised Code involving a 40
protection order issued, or consent agreement approved, pursuant 41
to section 2919.26 or 3113.31 of the Revised Code for the 42
protection of the plaintiff or a member of the plaintiff's 43
household; 44

(3) The person was convicted of or pleaded guilty to a 45
violation of section 2919.25 of the Revised Code and the victim 46
of that violation was the plaintiff or a member of the 47
plaintiff's household. 48

Section 2. (A) As used in this section, "state of emergency" means the state of emergency declared under Executive Order 2020-01D, issued on March 9, 2020, to protect the well-being of Ohio citizens from the dangerous effects of COVID-19.

(B) A court shall not conduct any business pertaining to foreclosure on a residential or commercial property during the state of emergency. During the state of emergency, courts shall:

(1) Refuse to accept complaints and other pleadings seeking to commence foreclosure actions;

(2) Stay all pending foreclosure actions;

(3) Refuse to accept all motions or other pleadings seeking writs of execution on judgments in foreclosure actions;

(4) Stay all judicial sales and sales by private selling officers;

(5) Defer confirming any pending judicial sales.

(C) Notwithstanding any contrary provision of law, any period of limitation relating to a foreclosure action shall be tolled for the duration of the state of emergency.

Notwithstanding any contrary provision of law, any deadline relating to the seeking of a writ of execution on a foreclosure judgment, holding of a judicial sale, sale by a private selling officer, exercising a right of redemption, confirming a sale, or a similar deadline is tolled for the duration of the state of emergency.

Section 3. (A) As used in this section, "state of emergency" means the state of emergency declared under Executive Order 2020-01D, issued on March 9, 2020, to protect the well-being of Ohio citizens from the dangerous effects of COVID-19.

(B) After a declared end to the state of emergency, any 77
forcible entry and detainer or foreclosure proceedings initiated 78
due to default on a mortgage or non-payment of rent for a 79
residential or commercial property during the state of emergency 80
and sixty days thereafter shall be stayed and referred to 81
mediation. 82

(C) The costs of mediation shall be borne by the courts. 83

(D) Mediation shall conclude at the discretion of the 84
courts. 85

Section 4. This act is an emergency measure necessary for 86
the immediate preservation of the public peace, health, and 87
safety. The reason for such necessity is to prevent homelessness 88
and economic instability due to evictions and foreclosures 89
attributable to unemployment, underemployment, or commercial 90
decline caused by the restrictions and other precautions imposed 91
as part of the state of emergency regarding COVID-19. Therefore, 92
this act shall go into immediate effect. 93