

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 155

Representatives Upchurch, Smith, M.

A BILL

To amend sections 122.011 and 1724.02 and to enact 1
section 1724.13 of the Revised Code to create 2
the Land Reutilization Nuisance Abatement 3
Program and to make an appropriation. 4

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

Section 1. That sections 122.011 and 1724.02 be amended 5
and section 1724.13 of the Revised Code be enacted to read as 6
follows: 7

Sec. 122.011. (A) The development services agency shall 8
develop and promote plans and programs designed to assure that 9
state resources are efficiently used, economic growth is 10
properly balanced, community growth is developed in an orderly 11
manner, and local governments are coordinated with each other 12
and the state, and for such purposes may do all of the 13
following: 14

(1) Serve as a clearinghouse for information, data, and 15
other materials that may be helpful or necessary to persons or 16
local governments, as provided in section 122.073 of the Revised 17
Code; 18

(2) Prepare and activate plans for the retention, 19

development, expansion, and use of the resources and commerce of	20
the state, as provided in section 122.04 of the Revised Code;	21
(3) Assist and cooperate with federal, state, and local	22
governments and agencies of federal, state, and local	23
governments in the coordination of programs to carry out the	24
functions and duties of the agency;	25
(4) Encourage and foster research and development	26
activities, conduct studies related to the solution of community	27
problems, and develop recommendations for administrative or	28
legislative actions, as provided in section 122.03 of the	29
Revised Code;	30
(5) Serve as the economic and community development	31
planning agency, which shall prepare and recommend plans and	32
programs for the orderly growth and development of this state	33
and which shall provide planning assistance, as provided in	34
section 122.06 of the Revised Code;	35
(6) Cooperate with and provide technical assistance to	36
state departments, political subdivisions, regional and local	37
planning commissions, tourist associations, councils of	38
government, community development groups, community action	39
agencies, and other appropriate organizations for carrying out	40
the functions and duties of the development services agency or	41
for the solution of community problems;	42
(7) Coordinate the activities of state agencies that have	43
an impact on carrying out the functions and duties of the	44
development services agency;	45
(8) Encourage and assist the efforts of and cooperate with	46
local governments to develop mutual and cooperative solutions to	47
their common problems that relate to carrying out the purposes	48

of this section;	49
(9) Study existing structure, operations, and financing of regional or local government and those state activities that involve significant relations with regional or local governmental units, recommend to the governor and to the general assembly such changes in these provisions and activities as will improve the operations of regional or local government, and conduct other studies of legal provisions that affect problems related to carrying out the purposes of this section;	50 51 52 53 54 55 56 57
(10) Create and operate a division of community development to develop and administer programs and activities that are authorized by federal statute or the Revised Code;	58 59 60
(11) Until October 15, 2007, establish fees and charges, in consultation with the director of agriculture, for purchasing loans from financial institutions and providing loan guarantees under the family farm loan program created under sections 901.80 to 901.83 of the Revised Code;	61 62 63 64 65
(12) Provide loan servicing for the loans purchased and loan guarantees provided under section 901.80 of the Revised Code as that section existed prior to October 15, 2007;	66 67 68
(13) Until October 15, 2007, and upon approval by the controlling board under division (A) (3) of section 901.82 of the Revised Code of the release of money to be used for purchasing a loan or providing a loan guarantee, request the release of that money in accordance with division (B) of section 166.03 of the Revised Code for use for the purposes of the fund created by section 166.031 of the Revised Code.	69 70 71 72 73 74 75
(14) Allocate that portion of the national recovery zone economic development bond limitation and that portion of the	76 77

national recovery zone facility bond limitation that has been 78
allocated to the state under section 1400U-1 of the Internal 79
Revenue Code, 26 U.S.C. 1400U-1. If any county or municipal 80
corporation waives any portion of an allocation it receives 81
under division (A) (14) of this section, the agency may 82
reallocate that amount. Any allocation or reallocation shall be 83
made in accordance with this section and section 1400U-1 of the 84
Internal Revenue Code. 85

(B) The director of development services may request the 86
attorney general to, and the attorney general, in accordance 87
with section 109.02 of the Revised Code, shall bring a civil 88
action in any court of competent jurisdiction. The director may 89
be sued in the director's official capacity, in connection with 90
this chapter, in accordance with Chapter 2743. of the Revised 91
Code. 92

(C) The director shall execute a contract pursuant to 93
section 187.04 of the Revised Code with the nonprofit 94
corporation formed under section 187.01 of the Revised Code, and 95
may execute any additional contracts with the corporation 96
providing for the corporation to assist the director or agency 97
in carrying out any duties of the director or agency under this 98
chapter, under any other provision of the Revised Code dealing 99
with economic development, or under a contract with the 100
director, subject to section 187.04 of the Revised Code. 101

(D) The director shall administer the land reutilization 102
nuisance abatement program under section 1724.13 of the Revised 103
Code. 104

Sec. 1724.02. (A) In furtherance of the purposes set forth 105
in section 1724.01 of the Revised Code, a community improvement 106
corporation shall have the following powers: 107

(1) (a) To borrow money for any of the purposes of the 108
community improvement corporation by means of loans, lines of 109
credit, or any other financial instruments or securities, 110
including the issuance of its bonds, debentures, notes, or other 111
evidences of indebtedness, whether secured or unsecured, and to 112
secure the same by mortgage, pledge, deed of trust, or other 113
lien on its property, franchises, rights, and privileges of 114
every kind and nature or any part thereof or interest therein; 115
and 116

(b) If the community improvement corporation is a county 117
land reutilization corporation, the corporation may request, by 118
resolution: 119

(i) That the board of county commissioners of the county 120
served by the corporation pledge a specifically identified 121
source or sources of revenue pursuant to division (C) of section 122
307.78 of the Revised Code as security for such borrowing by the 123
corporation; and 124

(ii) (I) If the land subject to reutilization is located 125
within an unincorporated area of the county, that the board of 126
county commissioners issue notes under section 307.082 of the 127
Revised Code for the purpose of constructing public 128
infrastructure improvements and take other actions as the board 129
determines are in the interest of the county and are authorized 130
under sections 5709.78 to 5709.81 of the Revised Code or bonds 131
or notes under section 5709.81 of the Revised Code for the 132
refunding purposes set forth in that section; or 133

(II) If the land subject to reutilization is located 134
within the corporate boundaries of a municipal corporation, that 135
the municipal corporation issue bonds for the purpose of 136
constructing public infrastructure improvements and take such 137

other actions as the municipal corporation determines are in its 138
interest and are authorized under sections 5709.40 to 5709.43 of 139
the Revised Code. 140

(2) To make loans to any person, firm, partnership, 141
corporation, joint stock company, association, or trust, and to 142
establish and regulate the terms and conditions with respect to 143
any such loans; provided that an economic development 144
corporation shall not approve any application for a loan unless 145
and until the person applying for said loan shows that the 146
person has applied for the loan through ordinary banking or 147
commercial channels and that the loan has been refused by at 148
least one bank or other financial institution. Nothing in this 149
division shall preclude a county land reutilization corporation 150
from making revolving loans to community development 151
corporations, private entities, or any person for the purposes 152
contained in the corporation's plan under section 1724.10 of the 153
Revised Code. 154

(3) To purchase, receive, hold, manage, lease, lease- 155
purchase, or otherwise acquire and to sell, convey, transfer, 156
lease, sublease, or otherwise dispose of real and personal 157
property, together with such rights and privileges as may be 158
incidental and appurtenant thereto and the use thereof, 159
including but not restricted to, any real or personal property 160
acquired by the community improvement corporation from time to 161
time in the satisfaction of debts or enforcement of obligations, 162
and to enter into contracts with third parties, including the 163
federal government, the state, any political subdivision, or any 164
other entity. A county land reutilization corporation shall not 165
acquire an interest in real property if such acquisition causes 166
the number of occupied real properties held by the corporation 167
to exceed the greater of either fifty properties or twenty-five 168

per cent of all real property held by the corporation for 169
reutilization, reclamation, or rehabilitation. For the purposes 170
of this division, "occupied real properties" includes all real 171
properties that are not unoccupied as that term is defined in 172
section 323.65 of the Revised Code. 173

(4) To acquire the good will, business, rights, real and 174
personal property, and other assets, or any part thereof, or 175
interest therein, of any persons, firms, partnerships, 176
corporations, joint stock companies, associations, or trusts, 177
and to assume, undertake, or pay the obligations, debts, and 178
liabilities of any such person, firm, partnership, corporation, 179
joint stock company, association, or trust; to acquire, reclaim, 180
manage, or contract for the management of improved or unimproved 181
and underutilized real estate for the purpose of constructing 182
industrial plants, other business establishments, or housing 183
thereon, or causing the same to occur, for the purpose of 184
assembling and enhancing utilization of the real estate, or for 185
the purpose of disposing of such real estate to others in whole 186
or in part for the construction of industrial plants, other 187
business establishments, or housing; and to acquire, reclaim, 188
manage, contract for the management of, construct or 189
reconstruct, alter, repair, maintain, operate, sell, convey, 190
transfer, lease, sublease, or otherwise dispose of industrial 191
plants, business establishments, or housing. 192

(5) To acquire, subscribe for, own, hold, sell, assign, 193
transfer, mortgage, pledge, or otherwise dispose of the stock, 194
shares, bonds, debentures, notes, or other securities and 195
evidences of interest in, or indebtedness of, any person, firm, 196
corporation, joint stock company, association, or trust, and 197
while the owner or holder thereof, to exercise all the rights, 198
powers, and privileges of ownership, including the right to vote 199

therein, provided that no tax revenue, if any, received by a 200
community improvement corporation shall be used for such 201
acquisition or subscription. 202

(6) To mortgage, pledge, or otherwise encumber any 203
property acquired pursuant to the powers contained in division 204
(A) (3), (4), or (5) of this section. 205

(7) Nothing in this section shall limit the right of a 206
community improvement corporation to become a member of or a 207
stockholder in a corporation formed under Chapter 1726. of the 208
Revised Code. 209

(8) To serve as an agent for grant applications and for 210
the administration of grants, or to make applications as 211
principal for grants for county land reutilization corporations. 212

(9) To abate, and fund the abatement of, nuisance 213
structures by demolition, renovation, or remediation through the 214
land reutilization nuisance abatement program established under 215
section 1724.13 of the Revised Code. 216

(10) To exercise the powers enumerated under Chapter 5722. 217
of the Revised Code on behalf of a county that organizes or 218
contracts with a county land reutilization corporation. 219

~~(10)~~ (11) To engage in code enforcement and nuisance 220
abatement, including, but not limited to, cutting grass and 221
weeds, boarding up vacant or abandoned structures, and 222
demolishing condemned structures on properties that are subject 223
to a delinquent tax or assessment lien, or property for which a 224
municipal corporation or township has contracted with a county 225
land reutilization corporation to provide code enforcement or 226
nuisance abatement assistance. 227

~~(11)~~ (12) To charge fees or exchange in-kind goods or 228

services for services rendered to political subdivisions and	229
other persons or entities for whom services are rendered.	230
(12) <u>(13)</u> To employ and provide compensation for an	231
executive director who shall manage the operations of a county	232
land reutilization corporation and employ others for the benefit	233
of the corporation as approved and funded by the board of	234
directors. No employee of the corporation is or shall be deemed	235
to be an employee of the political subdivision for whose benefit	236
the corporation is organized solely because the employee is	237
employed by the corporation.	238
(13) <u>(14)</u> To purchase tax certificates at auction,	239
negotiated sale, or from a third party who purchased and is a	240
holder of one or more tax certificates issued pursuant to	241
sections 5721.30 to 5721.43 of the Revised Code.	242
(14) <u>(15)</u> To be assigned a mortgage on real property from	243
a mortgagee in lieu of acquiring such real property subject to a	244
mortgage.	245
(15) <u>(16)</u> To act as a portal operator for purposes of an	246
OhioInvests offering under sections 1707.05 to 1707.058 of the	247
Revised Code.	248
(16) <u>(17)</u> To do all acts and things necessary or	249
convenient to carry out the purposes of section 1724.01 of the	250
Revised Code and the powers especially created for a community	251
improvement corporation in Chapter 1724. of the Revised Code,	252
including, but not limited to, contracting with the federal	253
government, the state or any political subdivision, a board of	254
county commissioners pursuant to section 307.07 of the Revised	255
Code, a county auditor pursuant to section 319.10 of the Revised	256
Code, a county treasurer pursuant to section 321.49 of the	257

Revised Code, and any other party, whether nonprofit or for- 258
profit. An employee of a board of county commissioners, county 259
auditor, or county treasurer who, pursuant to a contract entered 260
into in accordance with section 307.07, 319.10, or 321.49 of the 261
Revised Code, provides services to a county land reutilization 262
corporation shall remain an employee of the county during the 263
provision of those services. 264

(B) The powers enumerated in this chapter shall not be 265
construed to limit the general powers of a community improvement 266
corporation. The powers granted under this chapter are in 267
addition to those powers granted by any other chapter of the 268
Revised Code, but, as to a county land reutilization 269
corporation, shall be used only for the purposes enumerated 270
under division (B) (2) of section 1724.01 of the Revised Code. 271

(C) Ownership of real property by an economic development 272
corporation does not constitute public ownership unless the 273
economic development corporation has applied for and been 274
granted a tax exemption for the property under section 5709.08 275
of the Revised Code. 276

Sec. 1724.13. (A) As used in this section, "blighted 277
parcel" has the same meaning as in section 1.08 of the Revised 278
Code. 279

(B) The land reutilization nuisance abatement program is 280
hereby created to fund the abatement of nuisance structures on 281
blighted parcels. 282

(C) The director of development services shall administer 283
the land reutilization nuisance abatement program by awarding 284
grants to county land reutilization corporations for the purpose 285
of funding the abatement of nuisance structures on blighted 286

parcels. The director may award grants for that purpose subject 287
to both of the following conditions: 288

(1) A county land reutilization corporation that receives 289
a grant from the land reutilization nuisance abatement program 290
commits additional funds, in an amount that is equal to or 291
greater than the amount of the grant, to the abatement of 292
nuisance structures on blighted parcels. 293

(2) Any other condition on the use of funds the director 294
finds appropriate. 295

(D) The director shall not, during any fiscal year, award 296
any county land reutilization corporation more than twenty per 297
cent of the funds appropriated to the land reutilization 298
nuisance abatement program by the general assembly in that 299
fiscal year. 300

Section 2. That existing sections 122.011 and 1724.02 of 301
the Revised Code are hereby repealed. 302

Section 3. All items in this act are hereby appropriated 303
as designated out of any moneys in the state treasury to the 304
credit of the designated fund. For all operating appropriations 305
made in this act, those in the first column are for fiscal year 306
2022 and those in the second column are for fiscal year 2023. 307
The operating appropriations made in this act are in addition to 308
any other operating appropriations made for the FY 2022-FY 2023 309
biennium. 310

Section 4. 311

312

A	DEV DEVELOPMENT SERVICES AGENCY				
B	General Revenue Fund				
C	GRF	195400	Land	\$50,000,000	\$50,000,000
			Reutilization		
			Nuisance		
			Abatement		
			Program		
D	TOTAL GRF General Revenue Fund			\$50,000,000	\$50,000,000
E	TOTAL ALL BUDGET FUND GROUPS			\$50,000,000	\$50,000,000

LAND REUTILIZATION NUISANCE ABATEMENT PROGRAM 313

The foregoing appropriation item 195400, Land 314
 Reutilization Nuisance Abatement Program, shall be used for the 315
 Land Reutilization Nuisance Abatement Program as described under 316
 section 1724.13 of the Revised Code. 317

Section 5. Within the limits set forth in this act, the 318
 Director of Budget and Management shall establish accounts 319
 indicating the source and amount of funds for each appropriation 320
 made in this act, and shall determine the form and manner in 321
 which appropriation accounts shall be maintained. Expenditures 322
 from operating appropriations contained in this act shall be 323
 accounted for as though made in the main operating 324
 appropriations act of the 134th General Assembly. The operating 325
 appropriations made in this act are subject to all provisions of 326
 the main operating appropriations act of the 134th General 327
 Assembly that are generally applicable to such appropriations. 328