

As Reported by the House Rules and Reference Committee

134th General Assembly

Regular Session

2021-2022

Am. Sub. H. B. No. 422

Representatives Fraizer, West

**Cosponsors: Representatives Click, Creech, Ferguson, Hall, Lipps, Seitz,
Stoltzfus, Ingram, Sobecki, Wiggam**

A BILL

To amend sections 701.10, 729.49, 735.29, and 1
743.04 and to enact sections 319.65, 701.101, 2
701.102, 701.20, 701.21, 701.22, 701.23, 701.24, 3
701.25, 701.26, 729.491, 729.492, 735.291, 4
743.041, 3745.15, 3745.151, 3745.152, 3745.153, 5
3745.154, 3745.155, 3745.156, 3745.157, 6
3745.158, 3745.159, 3745.1510, and 3745.1511 of 7
the Revised Code regarding limitations on 8
recovery and lien imposition by municipalities 9
against property owners of non-owner-occupied 10
properties for unpaid water, sewer, and disposal 11
services rates and charges. 12

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

Section 1. That sections 701.10, 729.49, 735.29, and 13
743.04 be amended and sections 319.65, 701.101, 701.102, 701.20, 14
701.21, 701.22, 701.23, 701.24, 701.25, 701.26, 729.491, 15
729.492, 735.291, 743.041, 3745.15, 3745.151, 3745.152, 16
3745.153, 3745.154, 3745.155, 3745.156, 3745.157, 3745.158, 17
3745.159, 3745.1510, and 3745.1511 of the Revised Code be 18

enacted to read as follows: 19

Sec. 319.65. (A) As used in this section, "municipal lien" 20
means a lien certified under sections 701.10, 729.49, 735.29, 21
and 743.04 of the Revised Code. 22

(B) Additional certification required to be submitted to 23
the county auditor for a municipal lien shall consist of the 24
parcel number of the property on which the lien is requested, 25
the name of the property owner, the name of the person who 26
contracted for the service for which the lien is sought, and 27
confirmation from the person, board, or entity that certified 28
the lien and submitted the additional certification that all of 29
the information submitted to the auditor has been verified. 30

Sec. 701.10. (A) (1) The legislative authority of a 31
municipal corporation that has established a rate or charge, 32
payable to the municipal corporation, for the provision of 33
collection or disposal services for garbage, ashes, animal and 34
vegetable refuse, dead animals, or animal offal may certify to 35
the county auditor, by ordinance, the amount of the rate or 36
charge that has not been paid in accordance with applicable 37
requirements by a person using the collection or disposal 38
services, when either of the following applies: 39

(a) The unpaid amount is equal to or greater than two 40
hundred fifty dollars; or 41

(b) The unpaid amount is equal to or greater than the 42
applicable annual rate or charge imposed by the municipal 43
corporation upon the person using the collection or disposal 44
services, regardless of the actual cost incurred by the 45
municipal corporation in providing the collection or disposal 46
services. 47

~~(2)(2)(a)~~ The county auditor shall place the amount 48
certified shall be a lien on the person's real property to which 49
services are provided, tax list and duplicate against the 50
property served by the connection if both of the following 51
occur: 52

(i) The auditor also receives from the legislative 53
authority of a municipal corporation additional certification 54
that the unpaid rents or charges have arisen pursuant to a 55
service contract made directly with an owner who occupies the 56
property served, as described in section 319.65 of the Revised 57
Code. 58

(ii) The auditor receives verification from the 59
legislative authority of a municipal corporation that the notice 60
required under section 701.102 of the Revised Code was provided 61
to the owner. 62

(b) The amount placed on the tax list in a separate 63
column, and duplicate shall be a lien on the property served from 64
the date placed on the list and duplicate and shall be collected 65
in the same manner as other taxes, and except that, 66
notwithstanding section 323.15 of the Revised Code, a county 67
treasurer shall accept a payment in such amount when separately 68
tendered as payment for the full amount of such unpaid 69
collection or disposal services. The lien shall be released 70
immediately upon payment in full of the certified amount. Any 71
amounts collected by the county treasurer under this division 72
shall be immediately paid into the general fund of the municipal 73
corporation. 74

(B) A municipal corporation that, on or before October 17, 75
2019, collected all rates or charges for such services in a 76
manner consistent with the collection of other taxes, rather 77

than making that rate or charge payable to the municipal 78
corporation, may continue to collect amounts in such manner 79
without being subject to the limitation in division (A) (1) of 80
this section. 81

Sec. 701.101. The legislative authority of a municipal 82
corporation that has established a rate or charge for the 83
collection or disposal services described in section 701.10 of 84
the Revised Code, which has gone unpaid, may collect it by 85
actions at law in the name of the municipal corporation from an 86
owner, tenant, or other person who is liable to pay the rents or 87
charges. 88

Sec. 701.102. (A) The legislative authority of a municipal 89
corporation shall provide notice to the property owner about the 90
placement of a lien on the owner's property before the county 91
auditor places a lien pursuant to section 701.10 of the Revised 92
Code. The notice shall include a statement informing the owner 93
that the owner may file a lien appeal with the environmental 94
review appeals commission pursuant to section 3745.155 of the 95
Revised Code. 96

(B) The legislative authority shall submit verification to 97
the county auditor that the notice required by this section was 98
provided to the owner. 99

Sec. 701.20. For purposes of sections 701.20 to 701.26 of 100
the Revised Code: 101

(A) "Bring an action" means to bring a civil action under 102
sections 701.101, 729.491, 735.29, and 743.04 of the Revised 103
Code. 104

(B) "Certify a lien" means to certify a lien under 105
sections 701.10, 729.49, 735.29, and 743.04 of the Revised Code. 106

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| <u>(C) " Dwelling unit " and " tenant " have the same meanings as</u> | 107 |
| <u>in section 5321.01 of the Revised Code.</u> | 108 |
| <u>(D) " Municipal authority " means any of the following as</u> | 109 |
| <u>context requires:</u> | 110 |
| <u>(1) Board of trustees of public affairs under section</u> | 111 |
| <u>735.29 of the Revised Code;</u> | 112 |
| <u>(2) Director of public service or any other official or</u> | 113 |
| <u>body under section 743.04 of the Revised Code;</u> | 114 |
| <u>(3) Legislative authority of a municipal corporation under</u> | 115 |
| <u>sections 701.10, 701.101, 729.49, and 729.491 of the Revised</u> | 116 |
| <u>Code.</u> | 117 |
| <u>(E) " Municipal services " means any of the following:</u> | 118 |
| <u>(1) Collection or disposal services described in section</u> | 119 |
| <u>701.10 of the Revised Code;</u> | 120 |
| <u>(2) Sewerage services under section 729.49 of the Revised</u> | 121 |
| <u>Code;</u> | 122 |
| <u>(3) Water services described in Chapter 743. of the</u> | 123 |
| <u>Revised Code;</u> | 124 |
| <u>(4) Services from waterworks under section 735.29 of the</u> | 125 |
| <u>Revised Code.</u> | 126 |
| <u>(F) " Municipal services provider " means the entity created</u> | 127 |
| <u>or designated by the municipal authority to provide municipal</u> | 128 |
| <u>services.</u> | 129 |
| <u>(G) " Property owner " means the person who owns the</u> | 130 |
| <u>residential property to which municipal services are provided</u> | 131 |
| <u>and to whom all of the following apply:</u> | 132 |
| <u>(1) The person does not occupy the property.</u> | 133 |

(2) The tenant or other occupant is contractually responsible to pay the charges and fees imposed for the municipal services. 134
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(3) If the residential property consists of two or more dwelling units, both of the following must be true: 137
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(a) Each dwelling unit has a separate meter; 139

(b) The tenant or other occupant of each dwelling unit is contractually responsible to pay the charges and fees imposed for the municipal services provided to the unit in which the tenant or occupant resides. 140
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(H) "Termination amount" means the amount of rates or charges for municipal services that when unpaid results in the termination of those services under the municipal authority regulations. 144
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Sec. 701.21. Any person who contracts to receive municipal services shall be financially responsible for paying all rates, fees, charges, and costs associated with the delivery of that service. 148
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Sec. 701.22. (A) If a municipal authority attempts to certify a lien against a property or brings an action due to unpaid municipal services rates or charges, there is a rebuttable presumption that amounts exceeding the termination amount cannot be certified as a lien, or recovered by the action, against the property owner. 152
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(B) The presumption may be rebutted by any of the following based on a preponderance of the evidence: 158
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(1) The property owner agreed to pay all the unpaid rates and charges, after having been given notice of the delinquent 160
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|---|--------------------------|
| <u>amount.</u> | 162 |
| <u>(2) The property owner occupies the residence.</u> | 163 |
| <u>(3) The municipal authority attempted to mitigate any</u> <u>unpaid rates or charges by strictly adhering to its established</u> <u>protocol for terminating service for delinquent customers.</u> | 164 165 166 |
| <u>(4) Any other evidence demonstrating that the municipal</u> <u>authority mitigated the amount of unpaid rates and charges</u> <u>before proceeding against the property owner.</u> | 167 168 169 |
| <u>(C) This section does not abridge or eliminate any cause</u> <u>of action that the municipal authority may have against the</u> <u>tenant personally, or other person liable to pay the unpaid</u> <u>rents or charges.</u> | 170 171 172 173 |
| <u>Sec. 701.23.</u> (A) <u>A municipal authority may establish a</u> <u>tenant reinstatement fee for municipal services.</u> | 174 175 |
| <u>(B) A tenant reinstatement fee may be applied if the</u> <u>tenant requests to reestablish municipal services after such</u> <u>services have been terminated by the municipal services provider</u> <u>or the tenant.</u> | 176 177 178 179 |
| <u>Sec. 701.24.</u> <u>A municipal authority may track any unpaid</u> <u>rates or charges owed by a person for any municipal services</u> <u>between residential properties if both of the following are</u> <u>true:</u> | 180 181 182 183 |
| <u>(A) A person who contracted for municipal services</u> <u>currently has a debit or credit regarding the municipal services</u> <u>provided to the person;</u> | 184 185 186 |
| <u>(B) Municipal services provided to that person have been</u> <u>terminated at one residential property and have been established</u> <u>at another residential property.</u> | 187 188 189 |

Sec. 701.25. A municipal authority may access and review 190
the billing details and histories of any person who contracts to 191
receive municipal services for the purpose of identifying and 192
tracking unpaid rates or charges. 193

Sec. 701.26. (A) Any person who believes that they have 194
been improperly billed for municipal services may file a 195
complaint with the municipal services provider. 196

(B) (1) A municipal services provider must establish a 197
method for persons receiving municipal services to make an 198
improper billing complaint. 199

(2) A municipal services provider must investigate every 200
complaint received. 201

(3) All complaints shall be resolved within ten business 202
days. If the municipal services provider is unable to resolve 203
the complaint within ten business days, the municipal services 204
provider shall provide the person who filed the complaint with a 205
status report every five business days following the initial 206
period. 207

(C) If the complaint is not resolved to the satisfaction 208
of the complaining party, the complaining party may appeal the 209
matter to the environmental review appeals commission under 210
section 3745.151 of the Revised Code, if the amount in dispute 211
is equal to or greater than three hundred dollars. 212

Sec. 729.49. (A) The legislative authority of a municipal 213
corporation which has installed or is installing sewerage, a 214
system of sewerage, sewage pumping works, or sewage treatment or 215
disposal works for public use, may, by ordinance, establish just 216
and equitable rates or charges of rents to be paid to the 217
municipal corporation for the use of such services, by every 218

person, firm, or corporation whose premises are served by a 219
connection thereof. ~~Such~~ 220

(B) When sewerage rates or charges are not paid when due, 221
the legislative authority of a municipal corporation may certify 222
them, together with any penalties, to the county auditor. 223

(1) The county auditor shall ~~constitute~~ place the 224
certified amount on the real property list and duplicate against 225
the property served by the connection if both of the following 226
occur: 227

(a) The auditor also receives from the legislative 228
authority of a municipal corporation additional certification 229
that the unpaid rates or charges have arisen pursuant to a 230
service contract made directly with an owner who occupies the 231
property served, as described in section 319.65 of the Revised 232
Code. 233

(b) The auditor receives verification from the legislative 234
authority of a municipal corporation that the notice required 235
under section 729.492 of the Revised Code was provided to the 236
owner. 237

(2) The amount placed on the tax list and duplicate shall 238
be a lien upon the property served by such connection ~~from the~~ 239
~~date placed on the list and duplicate~~ and ~~if not paid when due~~ 240
shall be collected in the same manner as other municipal 241
corporation taxes, ~~except that, notwithstanding section 323.15~~ 242
~~of the Revised Code, a county treasurer shall accept a payment~~ 243
~~in such amount when separately tendered as payment for the full~~ 244
~~amount of such unpaid sewerage rates or charges and associated~~ 245
~~penalties. The lien shall be released immediately under payment~~ 246
~~in full of the certified amount. Any amounts collected by the~~ 247

county treasurer under this division shall be provided to the 248
municipal corporation in the manner chosen by the legislative 249
authority of the municipal corporation. 250

(C) The legislative authority may change such rates or 251
charges from time to time as is deemed advisable. The 252
legislative authority of a municipal corporation operating under 253
a charter may establish such schedule of rates and provide for 254
its administration by designating the department or officer to 255
be charged with the enforcement of sections 729.49 to 729.52, 256
inclusive, of the Revised Code. 257

Sec. 729.491. The legislative authority of a municipal 258
corporation that has established a rate or charge for the 259
sewerage service described in section 729.49 of the Revised 260
Code, which has gone unpaid, may collect it by actions at law in 261
the name of the municipal corporation from an owner, tenant, or 262
other person who is liable to pay the rates or charges. 263

Sec. 729.492. (A) The legislative authority of a municipal 264
corporation shall provide notice to the property owner about the 265
placement of a lien on the owner's property before the county 266
auditor places a lien pursuant to section 729.49 of the Revised 267
Code. The notice shall include a statement informing the owner 268
that the owner may file a lien appeal with the environmental 269
review appeals commission pursuant to section 3745.155 of the 270
Revised Code. 271

(B) The legislative authority shall submit verification to 272
the county auditor that the notice required by this section was 273
provided to the owner. 274

Sec. 735.29. (A) The board of trustees of public affairs 275
appointed under section 735.28 of the Revised Code shall manage, 276

conduct, and control the waterworks, electric light plants, 277
artificial or natural gas plants, or other similar public 278
utilities, furnish supplies of water, electricity, or gas, 279
collect all water, electric, and gas rents or charges, and 280
appoint necessary officers, employees, and agents. 281

(B) The board may make such bylaws and rules as it 282
determines to be necessary for the safe, economical, and 283
efficient management and protection of such works, plants, and 284
public utilities. These bylaws and rules, when not repugnant to 285
municipal ordinances or to the constitution or laws of this 286
state, shall have the same validity as ordinances. 287

(C) For the purpose of paying the expenses of conducting 288
and managing such waterworks, plants, and public utilities or of 289
making necessary additions thereto and extensions and repairs 290
thereon, the board may assess a water rent or charge, or a 291
light, power, gas, or utility rent, of sufficient amount, and in 292
such manner as it determines to be most equitable, upon all 293
tenements and premises supplied therewith. When such rents, 294
except water rents and charges, are not paid when due, the board 295
may ~~certify~~ do either or both of the following: 296

(1) Certify them to the county auditor to be placed on the 297
duplicate and collected as other village taxes, ~~or it may~~ 298
~~collect;~~ 299

(2) Collect them by actions at law in the name of the 300
village from an owner, tenant, or other person who is liable to 301
pay the rents or charges. 302

(D) When water rents or charges are not paid when due, the 303
board may do either or both of the following: 304

~~(A)~~ (1) Certify them, together with any penalties, to the 305

county auditor. 306

(a) The county auditor shall place the certified amount on 307
the real property tax list and duplicate against the property 308
served by the connection if ~~he~~ both of the following occur: 309

(i) The auditor also receives from the board additional 310
certification that the unpaid rents or charges have arisen 311
pursuant to a service contract made directly with an owner who 312
occupies the property served, as described in section 319.65 of 313
the Revised Code. 314

(ii) The auditor receives verification from the board that 315
the notice required under section 735.291 of the Revised Code 316
was provided to the owner. 317

(b) The amount placed on the tax list and duplicate shall 318
be a lien on the property served from the date placed on the 319
list and duplicate and shall be collected in the same manner as 320
other taxes, except that, notwithstanding section 323.15 of the 321
Revised Code, a county treasurer shall accept a payment in such 322
amount when separately tendered as payment for the full amount 323
of such unpaid water rents or charges and associated penalties. 324
The lien shall be released immediately upon payment in full of 325
the certified amount. Any amounts collected by the county 326
treasurer under this division shall be placed for immediate 327
distribution to the village, in the appropriate distinct fund 328
established for water rents and charges. 329

~~(B)~~ (2) Collect them by actions at law in the name of the 330
village from an owner, tenant, or other person who is liable to 331
pay the rents or charges. 332

(E) The board shall have the same powers and perform the 333
same duties as are provided in sections 743.01, 743.05 to 334

743.07, 743.10, 743.11, 743.18, 743.24, and 735.05 to 735.09 of 335
the Revised Code, and all powers and duties relating to 336
waterworks in any of such sections shall extend to and include 337
electric light, power, and gas plants, and such other similar 338
public utilities, and such board shall have such other duties as 339
are prescribed by law or ordinance not inconsistent herewith. 340

(F) Each board that assesses water rents or charges shall 341
determine the actual amount of rents due based upon an actual 342
reading of each customer's meter at least once in each three- 343
month period, and at least quarterly the board shall render a 344
bill for the actual amount shown by the meter reading to be due, 345
except estimated bills may be rendered if access to a customer's 346
meter was unobtainable for a timely reading. Each board that 347
assesses water rents or charges shall establish procedures 348
providing fair and reasonable opportunity for resolution of 349
billing disputes. 350

(G) When property to which water service is provided is 351
about to be sold, any party to the sale or ~~his~~ any party's agent 352
may request the board to read the meter at that property and to 353
render within ten days following the date on which the request 354
is made, a final bill for all outstanding rents and charges for 355
water service. Such a request shall be made at least fourteen 356
days prior to the transfer of the title of such property. 357

(H) At any time prior to a certification under division 358
~~(A)~~ (D) (1) of this section, the board shall accept any partial 359
payment of unpaid water rents or charges, in the amount of ten 360
dollars or more. 361

Sec. 735.291. (A) The board of trustees of public affairs 362
shall provide notice to the property owner about the placement 363
of a lien on the owner's property before the county auditor 364

places a lien pursuant to division (D) of section 735.29 of the 365
Revised Code. The notice shall include a statement informing the 366
owner that the owner may file a lien appeal with the 367
environmental review appeals commission pursuant to section 368
3745.155 of the Revised Code. 369

(B) The board shall submit verification to the county 370
auditor that the notice required by this section was provided to 371
the owner. 372

Sec. 743.04. (A) For the purpose of paying the expenses of 373
conducting and managing the waterworks of a municipal 374
corporation, including operating expenses and the costs of 375
permanent improvements, the director of public service or any 376
other city official or body authorized by charter may assess and 377
collect a water rent or charge of sufficient amount and in such 378
manner as the director, other official, or body determines to be 379
most equitable from all tenements and premises supplied with 380
water. 381

(1) When water rents or charges are not paid when due, the 382
director or other official or body may do either or both of the 383
following: 384

(a) Certify them, together with any penalties, to the 385
county auditor. 386

(i) The county auditor shall place the certified amount on 387
the real property tax list and duplicate against the property 388
served by the connection if both of the following occur: 389

~~the~~ (I) The auditor also receives from the director or 390
other official or body additional certification that the unpaid 391
rents or charges have arisen pursuant to a service contract made 392
directly with an owner who occupies the property served, as 393

described in section 319.65 of the Revised Code. 394

(II) The auditor receives verification from the director 395
or other official or body that the notice required under section 396
743.041 of the Revised Code was provided to the owner. 397

(ii) The amount placed on the tax list and duplicate shall 398
be a lien on the property served from the date placed on the 399
list and duplicate and shall be collected in the same manner as 400
other taxes, except that, notwithstanding section 323.15 of the 401
Revised Code, a county treasurer shall accept a payment in such 402
amount when separately tendered as payment for the full amount 403
of such unpaid water rents or charges and associated penalties. 404
The lien shall be released immediately upon payment in full of 405
the certified amount. Any amounts collected by the county 406
treasurer under this division shall be immediately placed in the 407
distinct fund established by section 743.06 of the Revised Code. 408

(b) Collect them by actions at law, in the name of the 409
city from an owner, tenant, or other person who is liable to pay 410
the rents or charges. 411

(2) The director or other official body shall not certify 412
to the county auditor for placement upon the tax list and 413
duplicate and the county auditor shall not place upon the tax 414
list and duplicate as a charge against the property the amount 415
of any unpaid water rents or charges together with any penalties 416
as described in division (A) (1) (a) of this section if any of the 417
following apply: 418

(a) The property served by the connection has been 419
transferred or sold to an electing subdivision as defined in 420
section 5722.01 of the Revised Code, regardless of whether the 421
electing subdivision is still the owner of the property, and the 422

unpaid water rents or charges together with any penalties have 423
arisen from a period of time prior to the transfer or 424
confirmation of sale to the electing subdivision; 425

(b) The property served by the connection has been sold to 426
a purchaser at sheriff's sale or auditor's sale, the unpaid 427
water rents or charges together with any penalties have arisen 428
from a period of time prior to the confirmation of sale, and the 429
purchaser is not the owner of record of the property immediately 430
prior to the judgment of foreclosure nor any of the following: 431

(i) A member of that owner's immediate family; 432

(ii) A person with a power of attorney appointed by that 433
owner who subsequently transfers the land to the owner; 434

(iii) A sole proprietorship owned by that owner or a 435
member of that owner's immediate family; 436

(iv) A partnership, trust, business trust, corporation, or 437
association of which the owner or a member of the owner's 438
immediate family owns or controls directly or indirectly more 439
than fifty per cent. 440

(c) The property served by the connection has been 441
forfeited to this state for delinquent taxes, unless the owner 442
of record redeems the property. 443

(3) Upon valid written notice to the county auditor by any 444
owner possessing an ownership interest of record of the property 445
or by an electing subdivision previously in the chain of title 446
of the property that the unpaid water rents or charges together 447
with any penalties have been certified for placement or placed 448
upon the tax list and duplicate as a charge against the property 449
in violation of division (A)(2) of this section, the county 450
auditor shall promptly remove such charge from the tax 451

duplicate. This written notice to the county auditor shall 452
include all of the following: 453

- (a) The parcel number of the property; 454
- (b) The common address of the property; 455
- (c) The date of the recording of the transfer of the 456
property to the owner or electing subdivision; 457
- (d) The charge allegedly placed in violation of division 458
(A) (2) of this section. 459

(4) Each director or other official or body that assesses 460
water rents or charges shall determine the actual amount of 461
rents due based upon an actual reading of each customer's meter 462
at least once in each three-month period, and at least quarterly 463
the director or other official or body shall render a bill for 464
the actual amount shown by the meter reading to be due, except 465
estimated bills may be rendered if access to a customer's meter 466
was unobtainable for a timely reading. Each director or other 467
official or body that assesses water rents or charges shall 468
establish procedures providing fair and reasonable opportunity 469
for resolution of billing disputes. 470

(5) When property to which water service is provided is 471
about to be sold, any party to the sale or the agent of any such 472
party may request the director or other official or body to read 473
the meter at that property and to render within ten days 474
following the date on which the request is made, a final bill 475
for all outstanding rents and charges for water service. Such a 476
request shall be made at least fourteen days prior to the 477
transfer of the title of such property. 478

(6) At any time prior to a certification under division 479
(A) (1) (a) of this section, the director or other official or 480

body shall accept any partial payment of unpaid water rents or 481
charges, in the amount of ten dollars or more. 482

(B) (1) When title to a parcel of land that is subject to 483
any of the actions described in division (A) (1) of this section 484
is transferred to a county land reutilization corporation, any 485
lien placed on the parcel under division (A) (1) (a) of this 486
section shall be extinguished, and the corporation shall not be 487
held liable for unpaid rents or charges in any collection action 488
brought under division (A) (1) (b) of this section, if the rents 489
or charges certified under division (A) (1) (a) of this section or 490
subject to collection under division (A) (1) (b) of this section 491
were incurred before the date of the transfer to the corporation 492
and if the corporation did not incur the rents or charges, 493
regardless of whether the rents or charges were certified, the 494
lien was attached, or the action was brought before the date of 495
transfer. In such a case, the corporation and its successors in 496
title shall take title to the property free and clear of any 497
such lien and shall be immune from liability in any such 498
collection action. 499

If a county land reutilization corporation takes title to 500
property before any rents or charges have been certified or any 501
lien has been placed with respect to the property under division 502
(A) (1) of this section, the corporation shall be deemed a bona 503
fide purchaser for value without knowledge of such rents, 504
charges, or lien, regardless of whether the corporation had 505
actual or constructive knowledge of the rents, charges, or lien, 506
and any such lien shall be void and unenforceable against the 507
corporation and its successors in title. 508

(2) If a lien placed on a parcel is extinguished as 509
provided in division (B) (1) of this section, the municipal 510

corporation may pursue the remedy available under division (A) 511
(1) (b) of this section to recoup the rents and charges incurred 512
with respect to the parcel from any owner, tenant, or other 513
person liable to pay such rents and charges. 514

Sec. 743.041. (A) The director of public service or any 515
other city official or body authorized by charter shall provide 516
notice to the property owner about the placement of a lien on 517
the owner's property before the county auditor places a lien 518
pursuant to section 743.04 of the Revised Code. The notice shall 519
include a statement informing the owner that the owner may file 520
a lien appeal with the environmental review appeals commission 521
pursuant to section 3745.155 of the Revised Code. 522

(B) The director or other official or body shall submit 523
verification to the county auditor that the notice required by 524
this section was provided to the owner. 525

Sec. 3745.15. For the purposes of sections 3745.15 to 526
3745.1511 of the Revised Code: 527

(A) "Municipal lien" has the same meaning as in section 528
319.65 of the Revised Code. 529

(B) "Property owner," "municipal services," "municipal 530
services provider," and "municipal authority" have the same 531
meanings as in section 701.20 of the Revised Code. 532

(C) "Tenant" has the same meaning as in section 5321.01 of 533
the Revised Code. 534

Sec. 3745.151. (A) The environmental review appeals 535
commission shall hear appeals regarding improper billing 536
complaints for municipal services if all of the following apply: 537

(1) The complainant has previously filed an improper 538

| | |
|---|-----|
| <u>billing complaint with a municipal services provider.</u> | 539 |
| <u>(2) The complaint has not been resolved to the</u> | 540 |
| <u>satisfaction of the complainant.</u> | 541 |
| <u>(3) The amount in dispute is equal to or exceeds three</u> | 542 |
| <u>hundred dollars.</u> | 543 |
| <u>(B) The commission shall hear appeals from property owners</u> | 544 |
| <u>in cases where a tenant who is financially responsible for</u> | 545 |
| <u>paying for municipal services failed to make payment for such</u> | 546 |
| <u>and the property owner was held responsible as a result.</u> | 547 |
| <u>(C) The commission shall not hear appeals of the</u> | 548 |
| <u>reasonableness of the rates, charges, or rents set by the</u> | 549 |
| <u>municipal authority for municipal services.</u> | 550 |
| <u>Sec. 3745.152.</u> (A) <u>The environmental review appeals</u> | 551 |
| <u>commission shall adopt rules regarding appeals for improper</u> | 552 |
| <u>billing complaints for municipal services, including the</u> | 553 |
| <u>following:</u> | 554 |
| <u>(1) A procedure by which complaints will be evaluated, to</u> | 555 |
| <u>determine whether a hearing is warranted;</u> | 556 |
| <u>(2) Hearing procedures and processes;</u> | 557 |
| <u>(3) Standards by which the commission will make decisions</u> | 558 |
| <u>resolving complaints.</u> | 559 |
| <u>(B) The commission is not subject to Chapter 119. of the</u> | 560 |
| <u>Revised Code in adopting rules under this section.</u> | 561 |
| <u>Sec. 3745.153.</u> <u>The environmental review appeals commission</u> | 562 |
| <u>shall create a hotline to do the following:</u> | 563 |
| <u>(A) Allow a person to file an appeal regarding an improper</u> | 564 |
| <u>billing complaint for municipal services.</u> | 565 |

(B) Provide information regarding filing an appeal 566
regarding an improper billing complaint, the appeals process, 567
and other related information. 568

Sec. 3745.154. In connection with an appeal made to the 569
environmental review appeals commission regarding an improper 570
billing complaint, the commission may access and review the 571
billing details and histories of a person who contracts to 572
receive municipal services for the purposes of identifying 573
unpaid rates or charges. 574

Sec. 3745.155. A person that receives notice from a 575
municipal authority of a municipal lien being placed on that 576
person's property may file an appeal of the municipal lien with 577
the environmental review appeals commission. 578

Sec. 3745.156. The environmental review appeals commission 579
shall hear all municipal lien appeals. The commission has 580
exclusive original jurisdiction over the appeals. 581

Sec. 3745.157. The environmental review appeals commission 582
shall adopt rules governing hearing procedures for appeals of 583
municipal liens consistent with division (D) of section 3745.04 584
of the Revised Code and sections 3745.03, 3745.05, and 3745.06 585
of the Revised Code. 586

Sec. 3745.158. The environmental review appeals commission 587
shall find for the owner of the property in an appeal of a 588
municipal lien if the commission determines both of the 589
following: 590

(A) The unpaid rents, rates, or charges did not arise 591
pursuant to a service contract made directly with the owner. 592

(B) The owner did not occupy the property served by the 593
service contract. 594

Sec. 3745.159. (A) If the environmental review appeals 595
commission finds for the owner of the property under section 596
3745.158 of the Revised Code, the commission shall order both of 597
the following: 598

(1) The county auditor that placed the challenged 599
municipal lien on the real property tax list and duplicate to 600
remove the lien; 601

(2) The municipal authority that certified the challenged 602
municipal lien to pay the owner's reasonable attorneys' fees 603
incurred in prosecuting the appeal. 604

(B) On the order of the commission, the county auditor 605
shall remove the challenged service lien. 606

Sec. 3745.1510. Sections 3745.155 to 3745.159 of the 607
Revised Code apply to only municipal liens placed on a property 608
on or after the effective date of those sections. 609

Sec. 3745.1511. A county that operates as a municipal 610
services provider on behalf of a municipal authority is not 611
subject to sections 701.21 to 701.26 and 3745.151 to 3745.1510 612
of the Revised Code. 613

Section 2. That existing sections 701.10, 729.49, 735.29, 614
and 743.04 of the Revised Code are hereby repealed. 615