

H. B. No. 344
As Introduced

_____ moved to amend as follows:

In line 1 of the title, after "sections" insert "319.202,"; after "319.302" insert ", 319.54, 322.01, 322.02, 322.07" 1
2

In line 7 of the title, delete "and" and insert ",," 3

In line 9 of the title, after "complaints" insert ", and to apply the real estate transfer tax to transfers of a controlling interest in a pass-through entity that, directly or indirectly, owns real estate" 4
5
6

In line 10, after "sections" insert "319.202,"; after "319.302" insert ", 319.54, 322.01, 322.02, 322.07" 7
8

After line 14, insert: 9

"Sec. 319.202. (A) Before the county auditor indorses any real property conveyance or manufactured or mobile home conveyance presented to the auditor pursuant to section 319.20 of the Revised Code or registers any manufactured or mobile home conveyance pursuant to section 4503.061 of the Revised Code, the grantee or the grantee's representative shall submit, either electronically or three written copies of, a statement, in the form prescribed by the tax commissioner, and other information 10
11
12
13
14
15
16
17



as the county auditor may require, declaring the value of real 18
property or manufactured or mobile home conveyed, except that 19
when the transfer is exempt under division (G) (3) of section 20
319.54 of the Revised Code only a statement of the reason for 21
the exemption shall be required. Each statement submitted under 22
this section shall contain the information required under 23
divisions ~~(A)~~ (A) (1) and ~~(B)~~ (2) of this section. 24

~~(A)~~ (1) Each statement submitted under this section shall 25
either: 26

~~(1)~~ (a) Contain an affirmation by the grantee that the 27
grantor has been asked by the grantee or the grantee's 28
representative whether to the best of the grantor's knowledge 29
either the preceding or the current year's taxes on the real 30
property or the current or following year's taxes on the 31
manufactured or mobile home conveyed will be reduced under 32
division (A) of section 323.152 or under section 4503.065 of the 33
Revised Code and that the grantor indicated that to the best of 34
the grantor's knowledge the taxes will not be so reduced; or 35

~~(2)~~ (b) Be accompanied by a sworn or affirmed instrument 36
stating: 37

~~(a)~~ (i) To the best of the grantor's knowledge the real 38
property or the manufactured or mobile home that is the subject 39
of the conveyance is eligible for and will receive a reduction 40
in taxes for or payable in the current year under division (A) 41
of section 323.152 or under section 4503.065 of the Revised Code 42
and that the reduction or reductions will be reflected in the 43
grantee's taxes; 44

~~(b)~~ (ii) The estimated amount of such reductions that will 45
be reflected in the grantee's taxes; 46

~~(e)~~ (iii) That the grantor and the grantee have considered 47
and accounted for the total estimated amount of such reductions 48
to the satisfaction of both the grantee and the grantor. The 49
auditor shall indorse the instrument, return it to the grantee 50
or the grantee's representative, and provide a copy of the 51
indorsed instrument to the grantor or the grantor's 52
representative. 53

~~(B)~~ (2) Each statement submitted under this section shall 54
either: 55

~~(1)~~ (a) Contain an affirmation by the grantee that the 56
grantor has been asked by the grantee or the grantee's 57
representative whether to the best of the grantor's knowledge 58
the real property conveyed qualified for the current 59
agricultural use valuation under section 5713.30 of the Revised 60
Code either for the preceding or the current year and that the 61
grantor indicated that to the best of the grantor's knowledge 62
the property conveyed was not so qualified; or 63

~~(2)~~ (b) Be accompanied by a sworn or affirmed instrument 64
stating: 65

~~(a)~~ (i) To the best of the grantor's knowledge the real 66
property conveyed was qualified for the current agricultural use 67
valuation under section 5713.30 of the Revised Code either for 68
the preceding or the current year; 69

~~(b)~~ (ii) To the extent that the property will not continue 70
to qualify for the current agricultural use valuation either for 71
the current or the succeeding year, that the property will be 72
subject to a recoupment charge equal to the tax savings in 73
accordance with section 5713.34 of the Revised Code; 74

~~(e)~~ (iii) That the grantor and the grantee have considered 75

and accounted for the total estimated amount of such recouplement, 76
if any, to the satisfaction of both the grantee and the grantor. 77
The auditor shall indorse the instrument, forward it to the 78
grantee or the grantee's representative, and provide a copy of 79
the indorsed instrument to the grantor or the grantor's 80
representative. 81

(B) As used in this section, "qualifying transfer" means 82
the transfer of more than fifty per cent of the ownership 83
interest in a pass-through entity that, directly or indirectly, 84
owns real property. A "qualifying transfer" may occur in one 85
transaction or in a series of transactions. Transactions that 86
occur within one year of each other shall be considered a series 87
of transactions. 88

Within thirty days after the qualifying transfer of an 89
ownership interest in a pass-through entity, the transferor of 90
the ownership interest shall submit to the county auditor of 91
each county in which the real property owned by the entity is 92
located a statement, prescribed by the tax commissioner, and any 93
other information as the auditor may require, except that, when 94
the qualifying transfer is exempt under division (G) (3) of 95
section 319.54 of the Revised Code, only a statement of the 96
reason for exemption is required. Each statement shall include 97
the following information: 98

(1) The total amount paid to the transferor as 99
consideration for the ownership interest, and the portion of 100
that total that is attributable to real property located in the 101
county and owned, directly or indirectly, by the entity; 102

(2) The percentage of the ownership interest in the entity 103
being transferred; 104

(3) With respect to real property owned indirectly by the 105
entity in which the ownership interest is being transferred, 106
that entity's percentage ownership interest in the person that 107
directly owns the property. 108

(C) The grantor or transferor shall pay the fee required 109
by division (G) (3) or (4) of section 319.54 of the Revised Code; 110
and, in the event the board of county commissioners of the 111
county has levied a real property or a manufactured home 112
transfer tax pursuant to Chapter 322. of the Revised Code, the 113
amount required by the real property or manufactured home 114
transfer tax so levied. Payment of the fee or tax imposed on a 115
qualifying transfer of an ownership interest in a pass-through 116
entity shall accompany the statement filed by the transferor 117
under division (B) of this section. If the conveyance or 118
qualifying transfer is exempt from the fee provided for in 119
division (G) (3) or (4) of section 319.54 of the Revised Code and 120
the tax, if any, levied pursuant to Chapter 322. of the Revised 121
Code, the reason for such exemption shall be shown on the 122
statement. "Value" means, in the case of any deed or certificate 123
of title not a gift in whole or part, the amount of the full 124
consideration therefor, paid or to be paid for the real estate 125
or manufactured or mobile home described in the deed or title, 126
including the amount of any mortgage or vendor's lien thereon. 127
If property sold under a land installment contract is conveyed 128
by the seller under such contract to a third party and the 129
contract has been of record at least twelve months prior to the 130
date of conveyance, "value" means the unpaid balance owed to the 131
seller under the contract at the time of the conveyance, but the 132
statement shall set forth the amount paid under such contract 133
prior to the date of conveyance. In the case of a gift in whole 134
or part, "value" means the estimated price the real estate or 135

manufactured or mobile home described in the deed or certificate 136
of title would bring in the open market and under the then 137
existing and prevailing market conditions in a sale between a 138
willing seller and a willing buyer, both conversant with the 139
property and with prevailing general price levels. In the case 140
of the qualifying transfer of an ownership interest in a pass- 141
through entity, "value" means the portion of the total amount 142
paid as consideration for the ownership interest that is 143
reported under division (B)(1) of this section as being 144
attributable to real property located in the county and owned, 145
directly or indirectly, by the entity. No person shall willfully 146
falsify the value of property conveyed or of an ownership 147
interest subject to a qualifying transfer. 148

(D) The auditor shall indorse each conveyance on its face 149
to indicate the amount of the conveyance fee and compliance with 150
this section and if the property is residential rental property 151
include a statement that the grantee shall file with the county 152
auditor the information required under division (A) or (C) of 153
section 5323.02 of the Revised Code. The auditor shall retain 154
the original copy of the statement of value, forward to the tax 155
commissioner one copy on which shall be noted the most recent 156
assessed value of the property, and furnish one copy to the 157
grantee or the grantee's representative. 158

(E) In order to achieve uniform administration and 159
collection of the transfer fee required by ~~division~~ divisions 160
(G) (3) and (4) of section 319.54 of the Revised Code, the tax 161
commissioner shall adopt and promulgate rules for the 162
administration and enforcement of the levy and collection of 163
such fee. 164

(F) As used in this section, "residential rental property" 165

has the same meaning as in section 5323.01 of the Revised Code." 166

After line 262, insert: 167

"Sec. 319.54. (A) On all moneys collected by the county 168
treasurer on any tax duplicate of the county, other than estate 169
tax duplicates, and on all moneys received as advance payments 170
of personal property and classified property taxes, the county 171
auditor, on settlement with the treasurer and tax commissioner, 172
on or before the date prescribed by law for such settlement or 173
any lawful extension of such date, shall be allowed as 174
compensation for the county auditor's services the following 175
percentages: 176

(1) On the first one hundred thousand dollars, two and 177
one-half per cent; 178

(2) On the next two million dollars, eight thousand three 179
hundred eighteen ten-thousandths of one per cent; 180

(3) On the next two million dollars, six thousand six 181
hundred fifty-five ten-thousandths of one per cent; 182

(4) On all further sums, one thousand six hundred sixty- 183
three ten-thousandths of one per cent. 184

If any settlement is not made on or before the date 185
prescribed by law for such settlement or any lawful extension of 186
such date, the aggregate compensation allowed to the auditor 187
shall be reduced one per cent for each day such settlement is 188
delayed after the prescribed date. No penalty shall apply if the 189
auditor and treasurer grant all requests for advances up to 190
ninety per cent of the settlement pursuant to section 321.34 of 191
the Revised Code. The compensation allowed in accordance with 192
this section on settlements made before the dates prescribed by 193

law, or the reduced compensation allowed in accordance with this 194
section on settlements made after the date prescribed by law or 195
any lawful extension of such date, shall be apportioned ratably 196
by the auditor and deducted from the shares or portions of the 197
revenue payable to the state as well as to the county, 198
townships, municipal corporations, and school districts. 199

(B) For the purpose of reimbursing county auditors for the 200
expenses associated with the increased number of applications 201
for reductions in real property taxes under sections 323.152 and 202
4503.065 of the Revised Code that result from the amendment of 203
those sections by Am. Sub. H.B. 119 of the 127th general 204
assembly, there shall be paid from the state's general revenue 205
fund to the county treasury, to the credit of the real estate 206
assessment fund created by section 325.31 of the Revised Code, 207
an amount equal to one per cent of the total annual amount of 208
property tax relief reimbursement paid to that county under 209
sections 323.156 and 4503.068 of the Revised Code for the 210
preceding tax year. Payments made under this division shall be 211
made at the same times and in the same manner as payments made 212
under section 323.156 of the Revised Code. 213

(C) From all moneys collected by the county treasurer on 214
any tax duplicate of the county, other than estate tax 215
duplicates, and on all moneys received as advance payments of 216
personal property and classified property taxes, there shall be 217
paid into the county treasury to the credit of the real estate 218
assessment fund created by section 325.31 of the Revised Code, 219
an amount to be determined by the county auditor, which shall 220
not exceed the percentages prescribed in divisions (C) (1) and 221
(2) of this section. 222

(1) For payments made after June 30, 2007, and before 223

2011, the following percentages:	224
(a) On the first five hundred thousand dollars, four per cent;	225
	226
(b) On the next five million dollars, two per cent;	227
(c) On the next five million dollars, one per cent;	228
(d) On all further sums not exceeding one hundred fifty million dollars, three-quarters of one per cent;	229
	230
(e) On amounts exceeding one hundred fifty million dollars, five hundred eighty-five thousandths of one per cent.	231
	232
(2) For payments made in or after 2011, the following percentages:	233
	234
(a) On the first five hundred thousand dollars, four per cent;	235
	236
(b) On the next ten million dollars, two per cent;	237
(c) On amounts exceeding ten million five hundred thousand dollars, three-fourths of one per cent.	238
	239
Such compensation shall be apportioned ratably by the auditor and deducted from the shares or portions of the revenue payable to the state as well as to the county, townships, municipal corporations, and school districts.	240
	241
	242
	243
(D) Each county auditor shall receive four per cent of the amount of tax collected and paid into the county treasury, on property omitted and placed by the county auditor on the tax duplicate.	244
	245
	246
	247
(E) On all estate tax moneys collected by the county treasurer, the county auditor, on settlement annually with the	248
	249

tax commissioner, shall be allowed, as compensation for the 250
auditor's services under Chapter 5731. of the Revised Code, two 251
per cent of the amount collected and reported that year in 252
excess of refunds distributed, for the use of the general fund 253
of the county. 254

(F) On all cigarette license moneys collected by the 255
county treasurer, the county auditor, on settlement semiannually 256
with the treasurer, shall be allowed as compensation for the 257
auditor's services in the issuing of such licenses one-half of 258
one per cent of such moneys, to be apportioned ratably and 259
deducted from the shares of the revenue payable to the county 260
and subdivisions, for the use of the general fund of the county. 261

(G) The county auditor shall charge and receive fees as 262
follows: 263

(1) For deeds of land sold for taxes to be paid by the 264
purchaser, five dollars; 265

(2) For the transfer or entry of land, lot, or part of 266
lot, or the transfer or entry on or after January 1, 2000, of a 267
used manufactured home or mobile home as defined in section 268
5739.0210 of the Revised Code, fifty cents for each transfer or 269
entry, to be paid by the person requiring it; 270

(3) For receiving statements of value under division (A) 271
of section 319.202 of the Revised Code and for administering 272
that section 319.202 of the Revised Code, one dollar, or ten 273
cents for each one hundred dollars or fraction of one hundred 274
dollars, whichever is greater, of the value of the real property 275
transferred or, for sales occurring on or after January 1, 2000, 276
the value of the used manufactured home or used mobile home, as 277
defined in section 5739.0210 of the Revised Code, transferred, 278

except no fee shall be charged when the transfer is made:	279
(a) To or from the United States, this state, or any instrumentality, agency, or political subdivision of the United States or this state;	280 281 282
(b) Solely in order to provide or release security for a debt or obligation;	283 284
(c) To confirm or correct a deed previously executed and recorded or when a current owner on any record made available to the general public on the internet or a publicly accessible database and the general tax list of real and public utility property and the general duplicate of real and public utility property is a peace officer, parole officer, prosecuting attorney, assistant prosecuting attorney, correctional employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation and is changing the current owner name listed on any record made available to the general public on the internet or a publicly accessible database and the general tax list of real and public utility property and the general duplicate of real and public utility property to the initials of the current owner as prescribed in division (B)(1) of section 319.28 of the Revised Code;	285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300
(d) To evidence a gift, in trust or otherwise and whether revocable or irrevocable, between husband and wife, or parent and child or the spouse of either;	301 302 303
(e) On sale for delinquent taxes or assessments;	304
(f) Pursuant to court order, to the extent that such transfer is not the result of a sale effected or completed pursuant to such order;	305 306 307

(g) Pursuant to a reorganization of corporations or unincorporated associations or pursuant to the dissolution of a corporation, to the extent that the corporation conveys the property to a stockholder as a distribution in kind of the corporation's assets in exchange for the stockholder's shares in the dissolved corporation;	308 309 310 311 312 313
(h) By a subsidiary corporation to its parent corporation for no consideration, nominal consideration, or in sole consideration of the cancellation or surrender of the subsidiary's stock;	314 315 316 317
(i) By lease, whether or not it extends to mineral or mineral rights, unless the lease is for a term of years renewable forever;	318 319 320
(j) When the value of the real property or the manufactured or mobile home or the value of the interest that is conveyed does not exceed one hundred dollars;	321 322 323
(k) Of an occupied residential property, including a manufactured or mobile home, being transferred to the builder of a new residence or to the dealer of a new manufactured or mobile home when the former residence is traded as part of the consideration for the new residence or new manufactured or mobile home;	324 325 326 327 328 329
(l) To a grantee other than a dealer in real property or in manufactured or mobile homes, solely for the purpose of, and as a step in, the prompt sale of the real property or manufactured or mobile home to others;	330 331 332 333
(m) To or from a person when no money or other valuable and tangible consideration readily convertible into money is paid or to be paid for the real estate or manufactured or mobile	334 335 336

home and the transaction is not a gift;	337
(n) Pursuant to division (B) of section 317.22 of the Revised Code, or section 2113.61 of the Revised Code, between spouses or to a surviving spouse pursuant to section 5302.17 of the Revised Code as it existed prior to April 4, 1985, between persons pursuant to section 5302.17 or 5302.18 of the Revised Code on or after April 4, 1985, to a person who is a surviving, survivorship tenant pursuant to section 5302.17 of the Revised Code on or after April 4, 1985, or pursuant to section 5309.45 of the Revised Code;	338 339 340 341 342 343 344 345 346
(o) To a trustee acting on behalf of minor children of the deceased;	347 348
(p) Of an easement or right-of-way when the value of the interest conveyed does not exceed one thousand dollars;	349 350
(q) Of property sold to a surviving spouse pursuant to section 2106.16 of the Revised Code;	351 352
(r) To or from an organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such transfer is without consideration and is in furtherance of the charitable or public purposes of such organization;	353 354 355 356 357
(s) Among the heirs at law or devisees, including a surviving spouse, of a common decedent, when no consideration in money is paid or to be paid for the real property or manufactured or mobile home;	358 359 360 361
(t) To a trustee of a trust, when the grantor of the trust has reserved an unlimited power to revoke the trust;	362 363
(u) To the grantor of a trust by a trustee of the trust,	364

when the transfer is made to the grantor pursuant to the 365
exercise of the grantor's power to revoke the trust or to 366
withdraw trust assets; 367

(v) To the beneficiaries of a trust if the fee was paid on 368
the transfer from the grantor of the trust to the trustee or if 369
the transfer is made pursuant to trust provisions which became 370
irrevocable at the death of the grantor; 371

(w) To a corporation for incorporation into a sports 372
facility constructed pursuant to section 307.696 of the Revised 373
Code; 374

(x) Between persons pursuant to section 5302.18 of the 375
Revised Code; 376

(y) From a county land reutilization corporation organized 377
under Chapter 1724. of the Revised Code, or its wholly owned 378
subsidiary, to a third party. 379

(4) For receiving statements under division (B) of section 380
319.202 of the Revised Code and for administering that section, 381
the greater of one dollar or ten cents for each one hundred 382
dollars or fraction of one hundred dollars of the value of the 383
real property owned directly or indirectly by the pass-through 384
entity in which the ownership interest is being transferred; 385

No fee shall be charged under division (G) (4) of this 386
section if the transfer is made as described in divisions (G) (3) 387
(a) to (y) of this section. 388

As used in division (G) (4) of this section, "value" means 389
the portion of the total amount paid as consideration for the 390
ownership interest that is reported under division (B) (1) of 391
section 319.202 of the Revised Code as being attributable to 392

real property located in the county and owned, directly or 393
indirectly, by the pass-through entity. 394

(5) For the cost of publishing the delinquent manufactured 395
home tax list, the delinquent tax list, and the delinquent 396
vacant land tax list, a flat fee, as determined by the county 397
auditor, to be charged to the owner of a home on the delinquent 398
manufactured home tax list or the property owner of land on the 399
delinquent tax list or the delinquent vacant land tax list. 400

The auditor shall compute and collect the fee. The auditor 401
shall maintain a numbered receipt system, as prescribed by the 402
tax commissioner, and use such receipt system to provide a 403
receipt to each person paying a fee. The auditor shall deposit 404
the receipts of the fees on conveyances and transfers of 405
ownership interest in the county treasury daily to the credit of 406
the general fund of the county, except that fees charged and 407
received under division (G) (3) of this section for a transfer of 408
real property to a county land reutilization corporation shall 409
be credited to the county land reutilization corporation fund 410
established under section 321.263 of the Revised Code. 411

The real property transfer fee provided for in division 412
(G) (3) of this section shall be applicable to any conveyance of 413
real property presented to the auditor on or after January 1, 414
1968, regardless of its time of execution or delivery. 415

The transfer fee for a used manufactured home or used 416
mobile home shall be computed by and paid to the county auditor 417
of the county in which the home is located immediately prior to 418
the transfer. 419

(H) If, within thirty days after the qualifying transfer 420
of an ownership interest in a pass-through entity, the 421

transferor fails to pay the fee imposed under division (G) (4) of 422
this section or any tax levied pursuant to section 322.02 of the 423
Revised Code, the county auditor shall charge a penalty on any 424
real property in the county owned, directly or indirectly, by 425
the pass-through entity equal to the true value in money of that 426
property multiplied by the aggregate rate of those unpaid fees 427
or taxes applicable to the property. 428

The auditor shall enter any such penalty as a separate 429
item on the tax list for the current tax year to be collected by 430
the county treasurer in the same manner and at the same time as 431
property taxes levied against the property for the current year 432
are collected. The penalty is a lien of the state upon the 433
property as of the first day of the tax year in which the 434
penalty is charged as provided under section 323.11 of the 435
Revised Code. 436

(I) As used in this section, "qualifying transfer" has the 437
same meaning as in section 319.202 of the Revised Code. 438

Sec. 322.01. As used in sections 322.01 to 322.07 of the 439
Revised Code: 440

(A) "Value" means, in the case of any deed not a gift in 441
whole or part, the amount of the full consideration therefor, 442
paid or to be paid for the real estate described in the deed, 443
including the amount of any liens thereon, with the following 444
exceptions: 445

(1) The amount owed on a debt secured by a mortgage which 446
has been of record at least twelve months prior to the date of 447
the conveyance and which is assumed by the purchaser; 448

(2) The difference between the full amount of 449
consideration and the unpaid balance owed to the seller at the 450

time of the conveyance of property to a third party under a land 451
installment contract that has been of record at least twelve 452
months prior to the date of conveyance. 453

(B) "Value" means, in the case of a manufactured or mobile 454
home that is not a gift in whole or in part, the amount of the 455
full consideration paid or to be paid for the home, including 456
the amounts of any liens thereon. 457

(C) "Value" means, in the case of a gift in whole or part, 458
the estimated price the real estate described in the deed, or 459
the manufactured or mobile home, would bring in the open market 460
and under the then existing and prevailing market conditions in 461
a sale between a willing seller and a willing buyer, both 462
conversant with the property and with prevailing general price 463
levels. 464

(D) "Value" means, in the case of the qualifying transfer 465
of an ownership interest in a pass-through entity, the portion 466
of the total amount paid as consideration for the ownership 467
interest that is reported under division (B)(1) of section 468
319.202 of the Revised Code as being attributable to real 469
property located in the county and owned, directly or 470
indirectly, by the entity. 471

(E) "Deed" means any deed, instrument, or writing by which 472
any real property or any interest in real property is granted, 473
assigned, transferred, or otherwise conveyed except that it does 474
not include any deed, instrument, or writing which grants, 475
assigns, transfers, or otherwise conveys any real property or 476
interests in real property exempted from the fee required by 477
division (G) (3) of section 319.54 of the Revised Code. 478

~~(E)~~ (F) "Manufactured home" has the same meaning as in 479

division (C) (4) of section 3781.06 of the Revised Code. 480

~~(F)~~ (G) "Mobile home" has the same meaning as in division 481
(O) of section 4501.01 of the Revised Code. 482

(H) "Qualifying transfer" has the same meaning as in 483
section 319.202 of the Revised Code. 484

Sec. 322.02. (A) For the purpose of paying the costs of 485
enforcing and administering the tax and providing additional 486
general revenue for the county, any county may levy and collect 487
a tax to be known as the real property transfer tax ~~on each~~ upon 488
both of the following: 489

(1) Each deed conveying real property or any interest in 490
real property located wholly or partially within the boundaries 491
of the county ~~at a;~~ 492

(2) Each qualifying transfer of an ownership in a pass- 493
through entity that, directly or indirectly, owns real property 494
located in the county. 495

The rate of the tax shall not ~~to~~ exceed thirty cents per 496
hundred dollars for each one hundred dollars or fraction thereof 497
of the value of the real property or interest in real property 498
located within the boundaries of the county granted, assigned, 499
transferred, ~~or~~ otherwise conveyed by the deed, or owned 500
directly or indirectly by a pass-through entity in which an 501
ownership interest is transferred. The tax shall be levied 502
pursuant to a resolution adopted by the board of county 503
commissioners of the county and, except as provided in division 504
(A) of section 322.07 of the Revised Code, shall be levied at a 505
uniform rate upon all deeds ~~as defined in division (D) of~~ 506
~~section 322.01 of the Revised Code~~ and qualifying transfers of 507
ownership interest. Prior to the adoption of any such 508

resolution, the board of county commissioners shall conduct two 509
public hearings thereon, the second hearing to be not less than 510
three nor more than ten days after the first. Notice of the 511
date, time, and place of the hearings shall be given by 512
publication in a newspaper of general circulation in the county 513
once a week on the same day of the week for two consecutive 514
weeks or as provided in section 7.16 of the Revised Code. The 515
second publication shall be not less than ten nor more than 516
thirty days prior to the first hearing. The tax shall be levied 517
upon the grantor named in the deed or the transferor of the 518
ownership interest and shall be paid by the grantor or 519
transferor for the use of the county to the county auditor. The 520
tax levied upon a deed shall be paid at the time of the delivery 521
of the deed as provided in section 319.202 of the Revised Code 522
and prior to the presentation of the deed to the recorder of the 523
county for recording. 524

(B) No resolution levying a real property transfer tax 525
pursuant to this section or a manufactured home transfer tax 526
pursuant to section 322.06 of the Revised Code shall be 527
effective sooner than thirty days following its adoption. Such a 528
resolution is subject to a referendum as provided in sections 529
305.31 to 305.41 of the Revised Code, unless the resolution is 530
adopted as an emergency measure necessary for the immediate 531
preservation of the public peace, health, or safety, in which 532
case it shall go into immediate effect. An emergency measure 533
must receive an affirmative vote of all of the members of the 534
board of commissioners, and shall state the reasons for the 535
necessity. A resolution may direct the board of elections to 536
submit the question of levying the tax to the electors of the 537
county at the next primary or general election in the county 538
occurring not less than ninety days after the resolution is 539

certified to the board. No such resolution shall go into effect 540
unless approved by a majority of those voting upon it. 541

Sec. 322.07. (A) By resolution the board of county 542
commissioners may prescribe a lower rate for the real property 543
transfer tax levied under section 322.02 of the Revised Code 544
than the uniform rate that is otherwise levied. The lower rate 545
shall apply to any deed conveying, or any qualifying transfer of 546
an ownership in a pass-through entity that directly or 547
indirectly owns, a homestead receiving a reduction in taxes 548
under division (A) of section 323.152 of the Revised Code. 549

(B) A board of county commissioners that prescribes a 550
lower real property transfer tax rate under division (A) of this 551
section shall prescribe the same lower rate for the manufactured 552
home transfer tax if it levies a manufactured home transfer tax 553
under section 322.06 of the Revised Code. The lower manufactured 554
home transfer tax rate shall apply to any certificate of title 555
conveying a used manufactured or used mobile home receiving a 556
reduction in assessable value under section 4503.065 of the 557
Revised Code." 558

In line 2431, after "sections" insert "319.202,"; after "319.302" 559
insert ", 319.54, 322.01, 322.02, 322.07" 560

After line 2481, insert: 561

"Section 5. The fee imposed under division (G) (4) of 562
section 319.54 of the Revised Code, as amended by this act, 563
applies to qualifying transfers of an ownership interest 564
occurring on or after the effective date of this section." 565

The motion was _____ agreed to.

	<u>SYNOPSIS</u>	566
	Pass-through entity real estate transfers	567
	R.C. 319.202, 319.54, 322.01, 322.02, and 322.07; Section	568
5		569
	Applies state and county real estate transfer taxes to	570
	transfers of a controlling interest in a pass-through entity	571
	that, directly or indirectly, owns real estate.	572
	Requires the transferor to file statement reporting the	573
	transfer to the county auditor, with payment of the taxes.	574