

I_135_0636-1

135th General Assembly
Regular Session
2023-2024

Sub. H. B. No. 93

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, 701.103, 701.20, 701.21, 701.22, 3
701.23, 701.24, 701.25, 701.26, 701.30, 701.31, 4
701.32, 701.33, 701.35, 701.36, 701.37, 701.38, 5
701.39, 701.40, 729.491, 729.492, 729.493, 6
735.291, 735.292, 743.041, 743.042, 1901.187, 7
and 1907.033 of the Revised Code regarding 8
limitations on recovery and lien imposition by 9
municipalities against property owners of non- 10
owner-occupied properties for unpaid water, 11
sewer, and disposal 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, 14
701.103, 701.20, 701.21, 701.22, 701.23, 701.24, 701.25, 701.26, 15
701.30, 701.31, 701.32, 701.33, 701.35, 701.36, 701.37, 701.38, 16
701.39, 701.40, 729.491, 729.492, 729.493, 735.291, 735.292, 17
743.041, 743.042, 1901.187, and 1907.033 of the Revised Code be 18



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enacted to read as follows:

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

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

Sec. 701.10. (A) (1) The legislative authority of a municipal corporation that has established a rate or charge, payable to the municipal corporation, for the provision of collection or disposal services for garbage, ashes, animal and vegetable refuse, dead animals, or animal offal may, after complying with section 701.103 of the Revised Code, certify to the county auditor, by ordinance, the amount of the rate or charge that has not been paid in accordance with applicable requirements by a person using the collection or disposal services, when either of the following applies:

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

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

services. 48

~~(2)(2)(a)~~ The county auditor shall place the amount 49
certified shall be a lien on the person's real property to which 50
services are provided, tax list and duplicate against the 51
property served by the connection if both of the following 52
occur: 53

(i) The auditor also receives from the legislative 54
authority of a municipal corporation additional certification 55
that the unpaid rents or charges have arisen pursuant to a 56
service contract made directly with an owner who occupies the 57
property served, as described in section 319.65 of the Revised 58
Code. 59

(ii) The auditor receives verification from the 60
legislative authority of a municipal corporation that the notice 61
required under section 701.102 of the Revised Code was provided 62
to the owner. 63

(b) The amount placed on the tax list in a separate 64
column, and duplicate shall be a lien on the property served from 65
the date placed on the list and duplicate and shall be collected 66
in the same manner as other taxes, and. The lien shall be 67
released upon payment in full of the certified amount. Any 68
amounts collected by the county treasurer under this division 69
shall be paid into the general fund of the municipal corporation 70
in accordance with the biannual tax payment and remittance cycle 71
in section 323.12 of the Revised Code. 72

(B) A municipal corporation that, on or before October 17, 73
2019, collected all rates or charges for such services in a 74
manner consistent with the collection of other taxes, rather 75
than making that rate or charge payable to the municipal 76

corporation, may continue to collect amounts in such manner 77
without being subject to the limitation in division (A) (1) of 78
this section. 79

Sec. 701.101. The legislative authority of a municipal 80
corporation that has established a rate or charge for the 81
collection or disposal services described in section 701.10 of 82
the Revised Code, which has gone unpaid, may collect it by 83
actions at law in the name of the municipal corporation from an 84
owner, tenant, or other person who is liable to pay the rents or 85
charges. 86

Sec. 701.102. (A) The legislative authority of a municipal 87
corporation shall provide notice to the property owner about the 88
placement of a lien on the owner's property before the county 89
auditor places a lien pursuant to section 701.10 of the Revised 90
Code. The notice shall include a statement informing the owner 91
that the owner may file a lien appeal with a municipal court or 92
county court pursuant to section 701.35 of the Revised Code. 93

(B) The legislative authority shall submit verification to 94
the county auditor that the notice required by this section was 95
provided to the owner. 96

Sec. 701.103. Prior to certifying a lien to the county 97
auditor under section 701.10 of the Revised Code, the 98
legislative authority of a municipal corporation shall do both 99
of the following: 100

(A) Attempt, not less than three times, to collect the 101
unpaid rate or charge amount from the person who is liable for 102
the amount by certified mail; 103

(B) Wait not less than one hundred eighty days following 104
the date that the unpaid rate or charge amount was due. 105

<u>Sec. 701.20. For purposes of sections 701.20 to 701.26 of</u>	106
<u>the Revised Code:</u>	107
<u>(A) "Bring an action" means to bring a civil action under</u>	108
<u>sections 701.101, 729.491, 735.29, and 743.04 of the Revised</u>	109
<u>Code.</u>	110
<u>(B) "Certify a lien" means to certify a lien under</u>	111
<u>sections 701.10, 729.49, 735.29, and 743.04 of the Revised Code.</u>	112
<u>(C) "Dwelling unit" and "tenant" have the same meanings as</u>	113
<u>in section 5321.01 of the Revised Code.</u>	114
<u>(D) "Municipal authority" means any of the following as</u>	115
<u>context requires:</u>	116
<u>(1) Board of trustees of public affairs under section</u>	117
<u>735.29 of the Revised Code;</u>	118
<u>(2) Director of public service or any other official or</u>	119
<u>body under section 743.04 of the Revised Code;</u>	120
<u>(3) Legislative authority of a municipal corporation under</u>	121
<u>sections 701.10, 701.101, 729.49, and 729.491 of the Revised</u>	122
<u>Code.</u>	123
<u>(E) "Municipal services" means any of the following:</u>	124
<u>(1) Collection or disposal services described in section</u>	125
<u>701.10 of the Revised Code;</u>	126
<u>(2) Sewerage services under section 729.49 of the Revised</u>	127
<u>Code;</u>	128
<u>(3) Water services described in Chapter 743. of the</u>	129
<u>Revised Code;</u>	130
<u>(4) Services from waterworks under section 735.29 of the</u>	131
<u>Revised Code.</u>	132

(F) "Municipal services provider" means the entity created 133
or designated by the municipal authority to provide municipal 134
services. 135

(G) "Property owner" means the person who owns the 136
residential property to which municipal services are provided 137
and to whom all of the following apply: 138

(1) The person does not occupy the property. 139

(2) The tenant or other occupant is contractually 140
responsible to pay the charges and fees imposed for the 141
municipal services. 142

(3) If the residential property consists of two or more 143
dwelling units, both of the following must be true: 144

(a) Each dwelling unit has a separate meter; 145

(b) The tenant or other occupant of each dwelling unit is 146
contractually responsible to pay the charges and fees imposed 147
for the municipal services provided to the unit in which the 148
tenant or occupant resides. 149

(H) "Termination amount" means the amount of rates or 150
charges for municipal services that when unpaid results in the 151
termination of those services under the municipal authority 152
regulations. 153

Sec. 701.21. Any person who contracts to receive municipal 154
services shall be financially responsible for paying all rates, 155
fees, charges, and costs associated with the delivery of that 156
service. 157

Sec. 701.22. (A) If a municipal authority attempts to 158
certify a lien against a property or brings an action due to 159
unpaid municipal services rates or charges, there is a 160

rebuttable presumption that amounts exceeding the termination 161
amount cannot be certified as a lien, or recovered by the 162
action, against the property owner. 163

(B) The presumption may be rebutted by any of the 164
following based on a preponderance of the evidence: 165

(1) The property owner agreed to pay all the unpaid rates 166
and charges, after having been given notice of the delinquent 167
amount. 168

(2) The property owner occupies the residence. 169

(3) The municipal authority attempted to mitigate any 170
unpaid rates or charges by strictly adhering to its established 171
protocol for terminating service for delinquent customers. 172

(4) Any other evidence demonstrating that the municipal 173
authority mitigated the amount of unpaid rates and charges 174
before proceeding against the property owner. 175

(C) This section does not abridge or eliminate any cause 176
of action that the municipal authority may have against the 177
tenant personally, or other person liable to pay the unpaid 178
rents or charges. 179

Sec. 701.23. (A) A municipal authority may establish a 180
tenant reinstatement fee for municipal services. 181

(B) A tenant reinstatement fee may be applied if the 182
tenant requests to reestablish municipal services after such 183
services have been terminated by the municipal services provider 184
or the tenant. 185

Sec. 701.24. A municipal authority may track any unpaid 186
rates or charges owed by a person for any municipal services 187
between residential properties if both of the following are 188

<u>true:</u>	189
<u>(A) A person who contracted for municipal services</u>	190
<u>currently has a debit or credit regarding the municipal services</u>	191
<u>provided to the person;</u>	192
<u>(B) Municipal services provided to that person have been</u>	193
<u>terminated at one residential property and have been established</u>	194
<u>at another residential property.</u>	195
<u>Sec. 701.25. A municipal authority may access and review</u>	196
<u>the billing details and histories of any person who contracts to</u>	197
<u>receive municipal services for the purpose of identifying and</u>	198
<u>tracking unpaid rates or charges.</u>	199
<u>Sec. 701.26. (A) Any person who believes that they have</u>	200
<u>been improperly billed for municipal services may file a</u>	201
<u>complaint with the municipal services provider.</u>	202
<u>(B) (1) A municipal services provider must establish a</u>	203
<u>method for persons receiving municipal services to make an</u>	204
<u>improper billing complaint.</u>	205
<u>(2) A municipal services provider must investigate every</u>	206
<u>complaint received.</u>	207
<u>(3) All complaints shall be resolved within ten business</u>	208
<u>days. If the municipal services provider is unable to resolve</u>	209
<u>the complaint within ten business days, the municipal services</u>	210
<u>provider shall provide the person who filed the complaint with a</u>	211
<u>status report every five business days following the initial</u>	212
<u>period.</u>	213
<u>(C) If the complaint is not resolved to the satisfaction</u>	214
<u>of the complaining party, the complaining party may appeal the</u>	215
<u>matter to a municipal court or county court under section 701.31</u>	216

of the Revised Code, if the amount in dispute is equal to or 217
greater than three hundred dollars. 218

Sec. 701.30. For the purposes of sections 701.30 to 701.40 219
of the Revised Code: 220

(A) "Municipal lien" has the same meaning as in section 221
319.65 of the Revised Code. 222

(B) "Property owner," "municipal services," "municipal 223
services provider," and "municipal authority" have the same 224
meanings as in section 701.20 of the Revised Code. 225

(C) "Tenant" has the same meaning as in section 5321.01 of 226
the Revised Code. 227

Sec. 701.31. (A) A municipal court or county court shall 228
hear appeals regarding improper billing complaints for municipal 229
services if all of the following apply: 230

(1) The complainant has previously filed an improper 231
billing complaint with a municipal services provider. 232

(2) The complaint has not been resolved to the 233
satisfaction of the complainant. 234

(3) The amount in dispute is equal to or exceeds three 235
hundred dollars. 236

(B) A municipal court or county court shall hear appeals 237
from property owners in cases where a tenant who is financially 238
responsible for paying for municipal services failed to make 239
payment for such and the property owner was held responsible as 240
a result. 241

(C) A municipal court or county court shall not hear 242
appeals of the reasonableness of the rates, charges, or rents 243

set by the municipal authority for municipal services. 244

Sec. 701.32. The supreme court may adopt rules regarding 245
appeals for improper billing complaints for municipal services, 246
including the following: 247

(A) A procedure by which complaints will be evaluated, to 248
determine whether a hearing is warranted; 249

(B) Hearing procedures and processes; 250

(C) Standards by which a municipal court or county court 251
will make decisions resolving complaints. 252

Sec. 701.33. In connection with an appeal made to a 253
municipal court or county court regarding an improper billing 254
complaint, the court may access and review the billing details 255
and histories of a person who contracts to receive municipal 256
services for the purposes of identifying unpaid rates or 257
charges. 258

Sec. 701.35. A person that receives notice from a 259
municipal authority of a municipal lien being placed on that 260
person's property may file an appeal of the municipal lien with 261
a municipal court or county court. 262

Sec. 701.36. The supreme court may adopt rules governing 263
hearing procedures for appeals of municipal liens. 264

Sec. 701.37. A municipal court or county court shall find 265
for the owner of the property in an appeal of a municipal lien 266
if the court determines both of the following: 267

(A) The unpaid rents, rates, or charges did not arise 268
pursuant to a service contract made directly with the owner. 269

(B) The owner did not occupy the property served by the 270

<u>service contract.</u>	271
<u>Sec. 701.38. (A) If a municipal court or county court</u>	272
<u>finds for the owner of the property under section 3745.158 of</u>	273
<u>the Revised Code, the court shall order both of the following:</u>	274
<u>(1) The county auditor that placed the challenged</u>	275
<u>municipal lien on the real property tax list and duplicate to</u>	276
<u>remove the lien;</u>	277
<u>(2) The municipal authority that certified the challenged</u>	278
<u>municipal lien to pay the owner's reasonable attorneys' fees</u>	279
<u>incurred in prosecuting the appeal.</u>	280
<u>(B) On the order of a court, the county auditor shall</u>	281
<u>remove the challenged service lien.</u>	282
<u>Sec. 701.39. Sections 701.35 to 701.38 of the Revised Code</u>	283
<u>apply to only municipal liens placed on a property on or after</u>	284
<u>the effective date of those sections.</u>	285
<u>Sec. 701.40. A county that operates as a municipal</u>	286
<u>services provider on behalf of a municipal authority is not</u>	287
<u>subject to sections 701.20 to 701.26 and 701.30 to 701.39 of the</u>	288
<u>Revised Code.</u>	289
<u>Sec. 729.49. (A) The legislative authority of a municipal</u>	290
<u>corporation which has installed or is installing sewerage, a</u>	291
<u>system of sewerage, sewage pumping works, or sewage treatment or</u>	292
<u>disposal works for public use, may, by ordinance, establish just</u>	293
<u>and equitable rates or charges of rents to be paid to the</u>	294
<u>municipal corporation for the use of such services, by every</u>	295
<u>person, firm, or corporation whose premises are served by a</u>	296
<u>connection thereof. Such</u>	297
<u>(B) When sewerage rates or charges are not paid when due,</u>	298

the legislative authority of a municipal corporation may, after 299
complying with section 729.493 of the Revised Code, certify 300
them, together with any penalties, to the county auditor. 301

(1) The county auditor shall ~~constitute~~ place the 302
certified amount on the real property list and duplicate against 303
the property served by the connection if both of the following 304
occur: 305

(a) The auditor also receives from the legislative 306
authority of a municipal corporation additional certification 307
that the unpaid rates or charges have arisen pursuant to a 308
service contract made directly with an owner who occupies the 309
property served, as described in section 319.65 of the Revised 310
Code. 311

(b) The auditor receives verification from the legislative 312
authority of a municipal corporation that the notice required 313
under section 729.492 of the Revised Code was provided to the 314
owner. 315

(2) The amount placed on the tax list and duplicate shall 316
be a lien upon the property served by such connection from the 317
date placed on the list and duplicate and if not paid when due 318
shall be collected in the same manner as other municipal 319
corporation taxes. The lien shall be released upon payment in 320
full of the certified amount. Any amounts collected by the 321
county treasurer under this division shall be provided to the 322
municipal corporation in accordance with the biannual tax 323
payment and remittance cycle in section 323.12 of the Revised 324
Code. ~~The~~ 325

(C) The legislative authority may change such rates or 326
charges from time to time as is deemed advisable. The 327

legislative authority of a municipal corporation operating under 328
a charter may establish such schedule of rates and provide for 329
its administration by designating the department or officer to 330
be charged with the enforcement of sections 729.49 to 729.52, 331
inclusive, of the Revised Code. 332

Sec. 729.491. The legislative authority of a municipal 333
corporation that has established a rate or charge for the 334
sewerage service described in section 729.49 of the Revised 335
Code, which has gone unpaid, may collect it by actions at law in 336
the name of the municipal corporation from an owner, tenant, or 337
other person who is liable to pay the rates or charges. 338

Sec. 729.492. (A) The legislative authority of a municipal 339
corporation shall provide notice to the property owner about the 340
placement of a lien on the owner's property before the county 341
auditor places a lien pursuant to section 729.49 of the Revised 342
Code. The notice shall include a statement informing the owner 343
that the owner may file a lien appeal with a municipal court or 344
county court pursuant to section 701.35 of the Revised Code. 345

(B) The legislative authority shall submit verification to 346
the county auditor that the notice required by this section was 347
provided to the owner. 348

Sec. 729.493. Prior to certifying a lien to the county 349
auditor under section 729.49 of the Revised Code, the 350
legislative authority of a municipal corporation shall do both 351
of the following: 352

(A) Attempt, not less than three times, to collect the 353
unpaid sewerage rates or charges amount from the person who is 354
liable for the amount by certified mail; 355

(B) Wait not less than one hundred eighty days following 356

the date that the unpaid sewerage rates or charges amount was 357
due. 358

Sec. 735.29. (A) The board of trustees of public affairs 359
appointed under section 735.28 of the Revised Code shall manage, 360
conduct, and control the waterworks, electric light plants, 361
artificial or natural gas plants, or other similar public 362
utilities, furnish supplies of water, electricity, or gas, 363
collect all water, electric, and gas rents or charges, and 364
appoint necessary officers, employees, and agents. 365

(B) The board may make such bylaws and rules as it 366
determines to be necessary for the safe, economical, and 367
efficient management and protection of such works, plants, and 368
public utilities. These bylaws and rules, when not repugnant to 369
municipal ordinances or to the constitution or laws of this 370
state, shall have the same validity as ordinances. 371

(C) For the purpose of paying the expenses of conducting 372
and managing such waterworks, plants, and public utilities or of 373
making necessary additions thereto and extensions and repairs 374
thereon, the board may assess a water rent or charge, or a 375
light, power, gas, or utility rent, of sufficient amount, and in 376
such manner as it determines to be most equitable, upon all 377
tenements and premises supplied therewith. When such rents, 378
except water rents and charges, are not paid when due, the board 379
may ~~certify~~, after complying with section 735.292 of the 380
Revised Code, do either or both of the following: 381

(1) Certify them to the county auditor to be placed on the 382
duplicate and collected as other village taxes, ~~or it may~~ 383
~~collect;~~ 384

(2) Collect them by actions at law in the name of the 385

village from an owner, tenant, or other person who is liable to 386
pay the rents or charges. ~~When~~ 387

(D) When water rents or charges are not paid when due, the 388
board may, after complying with section 735.292 of the Revised 389
Code, do either or both of the following: 390

~~(A)~~ (1) Certify them, together with any penalties, to the 391
county auditor. ~~The~~ 392

(a) The county auditor shall place the certified amount on 393
the real property tax list and duplicate against the property 394
served by the connection if ~~he~~ both of the following occur: 395

(i) The auditor also receives from the board additional 396
certification that the unpaid rents or charges have arisen 397
pursuant to a service contract made directly with an owner who 398
occupies the property served, as described in section 319.65 of 399
the Revised Code. 400

(ii) The auditor receives verification from the board that 401
the notice required under section 735.291 of the Revised Code 402
was provided to the owner. 403

(b) The amount placed on the tax list and duplicate shall 404
be a lien on the property served from the date placed on the 405
list and duplicate and shall be collected in the same manner as 406
other taxes, except that, notwithstanding section 323.15 of the 407
Revised Code, a county treasurer shall accept a payment in such 408
amount when separately tendered as payment for the full amount 409
of such unpaid water rents or charges and associated penalties. 410
The lien shall be released immediately upon payment in full of 411
the certified amount. Any amounts collected by the county 412
treasurer under this division shall be placed for immediate 413
distribution to the village, in the appropriate distinct fund 414

established for water rents and charges. 415

~~(B)~~ (2) Collect them by actions at law in the name of the 416
village from an owner, tenant, or other person who is liable to 417
pay the rents or charges. 418

(E) The board shall have the same powers and perform the 419
same duties as are provided in sections 743.01, 743.05 to 420
743.07, 743.10, 743.11, 743.18, 743.24, and 735.05 to 735.09 of 421
the Revised Code, and all powers and duties relating to 422
waterworks in any of such sections shall extend to and include 423
electric light, power, and gas plants, and such other similar 424
public utilities, and such board shall have such other duties as 425
are prescribed by law or ordinance not inconsistent herewith. 426

(F) Each board that assesses water rents or charges shall 427
determine the actual amount of rents due based upon an actual 428
reading of each customer's meter at least once in each three- 429
month period, and at least quarterly the board shall render a 430
bill for the actual amount shown by the meter reading to be due, 431
except estimated bills may be rendered if access to a customer's 432
meter was unobtainable for a timely reading. Each board that 433
assesses water rents or charges shall establish procedures 434
providing fair and reasonable opportunity for resolution of 435
billing disputes. 436

(G) When property to which water service is provided is 437
about to be sold, any party to the sale or ~~his~~ any party's agent 438
may request the board to read the meter at that property and to 439
render within ten days following the date on which the request 440
is made, a final bill for all outstanding rents and charges for 441
water service. Such a request shall be made at least fourteen 442
days prior to the transfer of the title of such property. 443

(H) At any time prior to a certification under division 444
~~(A)-(D) (1)~~ of this section, the board shall accept any partial 445
payment of unpaid water rents or charges, in the amount of ten 446
dollars or more. 447

Sec. 735.291. (A) The board of trustees of public affairs 448
shall provide notice to the property owner about the placement 449
of a lien on the owner's property before the county auditor 450
places a lien pursuant to division (D) of section 735.29 of the 451
Revised Code. The notice shall include a statement informing the 452
owner that the owner may file a lien appeal with a municipal 453
court or county court pursuant to section 701.35 of the Revised 454
Code. 455

(B) The board shall submit verification to the county 456
auditor that the notice required by this section was provided to 457
the owner. 458

Sec. 735.292. Prior to certifying a lien to the county 459
auditor under section 735.29 of the Revised Code, the board of 460
trustees of public affairs shall do both of the following: 461

(A) Attempt, not less than three times, to collect the 462
unpaid rent or charge amount from the person who is liable for 463
the amount by certified mail; 464

(B) Wait not less than one hundred eighty days following 465
the date that the unpaid rent or charge amount was due. 466

Sec. 743.04. (A) For the purpose of paying the expenses of 467
conducting and managing the waterworks of a municipal 468
corporation, including operating expenses and the costs of 469
permanent improvements, the director of public service or any 470
other city official or body authorized by charter may assess and 471
collect a water rent or charge of sufficient amount and in such 472

manner as the director, other official, or body determines to be 473
most equitable from all tenements and premises supplied with 474
water. 475

(1) When water rents or charges are not paid when due, the 476
director or other official or body may, after complying with 477
section 743.042 of the Revised Code, do either or both of the 478
following: 479

(a) Certify them, together with any penalties, to the 480
county auditor. ~~The~~ 481

(i) The county auditor shall place the certified amount on 482
the real property tax list and duplicate against the property 483
served by the connection if ~~the~~ both of the following occur: 484

(I) The auditor also receives from the director or other 485
official or body additional certification that the unpaid rents 486
or charges have arisen pursuant to a service contract made 487
directly with an owner who occupies the property served, as 488
described in section 319.65 of the Revised Code. 489

(II) The auditor receives verification from the director 490
or other official or body that the notice required under section 491
743.041 of the Revised Code was provided to the owner. 492

(ii) The amount placed on the tax list and duplicate shall 493
be a lien on the property served from the date placed on the 494
list and duplicate and shall be collected in the same manner as 495
other taxes, except that, notwithstanding section 323.15 of the 496
Revised Code, a county treasurer shall accept a payment in such 497
amount when separately tendered as payment for the full amount 498
of such unpaid water rents or charges and associated penalties. 499
The lien shall be released immediately upon payment in full of 500
the certified amount. Any amounts collected by the county 501

treasurer under this division shall be immediately placed in the 502
distinct fund established by section 743.06 of the Revised Code. 503

(b) Collect them by actions at law, in the name of the 504
city from an owner, tenant, or other person who is liable to pay 505
the rents or charges. 506

(2) The director or other official body shall not certify 507
to the county auditor for placement upon the tax list and 508
duplicate and the county auditor shall not place upon the tax 509
list and duplicate as a charge against the property the amount 510
of any unpaid water rents or charges together with any penalties 511
as described in division (A) (1) (a) of this section if any of the 512
following apply: 513

(a) The property served by the connection has been 514
transferred or sold to an electing subdivision as defined in 515
section 5722.01 of the Revised Code, regardless of whether the 516
electing subdivision is still the owner of the property, and the 517
unpaid water rents or charges together with any penalties have 518
arisen from a period of time prior to the transfer or 519
confirmation of sale to the electing subdivision; 520

(b) The property served by the connection has been sold to 521
a purchaser at sheriff's sale or auditor's sale, the unpaid 522
water rents or charges together with any penalties have arisen 523
from a period of time prior to the confirmation of sale, and the 524
purchaser is not the owner of record of the property immediately 525
prior to the judgment of foreclosure nor any of the following: 526

(i) A member of that owner's immediate family; 527

(ii) A person with a power of attorney appointed by that 528
owner who subsequently transfers the land to the owner; 529

(iii) A sole proprietorship owned by that owner or a 530

member of that owner's immediate family; 531

(iv) A partnership, trust, business trust, corporation, or 532
association of which the owner or a member of the owner's 533
immediate family owns or controls directly or indirectly more 534
than fifty per cent. 535

(c) The property served by the connection has been 536
forfeited to this state for delinquent taxes, unless the owner 537
of record redeems the property. 538

(3) Upon valid written notice to the county auditor by any 539
owner possessing an ownership interest of record of the property 540
or by an electing subdivision previously in the chain of title 541
of the property that the unpaid water rents or charges together 542
with any penalties have been certified for placement or placed 543
upon the tax list and duplicate as a charge against the property 544
in violation of division (A) (2) of this section, the county 545
auditor shall promptly remove such charge from the tax 546
duplicate. This written notice to the county auditor shall 547
include all of the following: 548

(a) The parcel number of the property; 549

(b) The common address of the property; 550

(c) The date of the recording of the transfer of the 551
property to the owner or electing subdivision; 552

(d) The charge allegedly placed in violation of division 553
(A) (2) of this section. 554

(4) Each director or other official or body that assesses 555
water rents or charges shall determine the actual amount of 556
rents due based upon an actual reading of each customer's meter 557
at least once in each three-month period, and at least quarterly 558

the director or other official or body shall render a bill for 559
the actual amount shown by the meter reading to be due, except 560
estimated bills may be rendered if access to a customer's meter 561
was unobtainable for a timely reading. Each director or other 562
official or body that assesses water rents or charges shall 563
establish procedures providing fair and reasonable opportunity 564
for resolution of billing disputes. 565

(5) When property to which water service is provided is 566
about to be sold, any party to the sale or the agent of any such 567
party may request the director or other official or body to read 568
the meter at that property and to render within ten days 569
following the date on which the request is made, a final bill 570
for all outstanding rents and charges for water service. Such a 571
request shall be made at least fourteen days prior to the 572
transfer of the title of such property. 573

(6) At any time prior to a certification under division 574
(A) (1) (a) of this section, the director or other official or 575
body shall accept any partial payment of unpaid water rents or 576
charges, in the amount of ten dollars or more. 577

(B) (1) When title to a parcel of land that is subject to 578
any of the actions described in division (A) (1) of this section 579
is transferred to a county land reutilization corporation, any 580
lien placed on the parcel under division (A) (1) (a) of this 581
section shall be extinguished, and the corporation shall not be 582
held liable for unpaid rents or charges in any collection action 583
brought under division (A) (1) (b) of this section, if the rents 584
or charges certified under division (A) (1) (a) of this section or 585
subject to collection under division (A) (1) (b) of this section 586
were incurred before the date of the transfer to the corporation 587
and if the corporation did not incur the rents or charges, 588

regardless of whether the rents or charges were certified, the 589
lien was attached, or the action was brought before the date of 590
transfer. In such a case, the corporation and its successors in 591
title shall take title to the property free and clear of any 592
such lien and shall be immune from liability in any such 593
collection action. 594

If a county land reutilization corporation takes title to 595
property before any rents or charges have been certified or any 596
lien has been placed with respect to the property under division 597
(A) (1) of this section, the corporation shall be deemed a bona 598
fide purchaser for value without knowledge of such rents, 599
charges, or lien, regardless of whether the corporation had 600
actual or constructive knowledge of the rents, charges, or lien, 601
and any such lien shall be void and unenforceable against the 602
corporation and its successors in title. 603

(2) If a lien placed on a parcel is extinguished as 604
provided in division (B) (1) of this section, the municipal 605
corporation may pursue the remedy available under division (A) 606
(1) (b) of this section to recoup the rents and charges incurred 607
with respect to the parcel from any owner, tenant, or other 608
person liable to pay such rents and charges. 609

Sec. 743.041. (A) The director of public service or any 610
other city official or body authorized by charter shall provide 611
notice to the property owner about the placement of a lien on 612
the owner's property before the county auditor places a lien 613
pursuant to section 743.04 of the Revised Code. The notice shall 614
include a statement informing the owner that the owner may file 615
a lien appeal with a municipal court or county court pursuant to 616
section 701.35 of the Revised Code. 617

(B) The director or other official or body shall submit 618

verification to the county auditor that the notice required by 619
this section was provided to the owner. 620

Sec. 743.042. Prior to certifying a lien to the county 621
auditor under section 743.04 of the Revised Code, the director 622
of public service or any other city official or body authorized 623
by charter shall do both of the following: 624

(A) Attempt, not less than three times, to collect the 625
unpaid water rents or charges amount from the person who is 626
liable for the amount by certified mail; 627

(B) Wait not less than one hundred eighty days following 628
the date that the unpaid water rents or charges amount was due. 629

Sec. 1901.187. In addition to jurisdiction otherwise 630
granted by this chapter, a municipal court shall have exclusive 631
original jurisdiction within the territory of the court over 632
actions filed pursuant to sections 701.30 and 701.34 of the 633
Revised Code. 634

Sec. 1907.033. In addition to jurisdiction authorized in 635
other sections of this chapter, a county court shall have 636
exclusive original jurisdiction within its district over actions 637
filed pursuant to sections 701.30 and 701.34 of the Revised 638
Code. 639

Section 2. That existing sections 701.10, 729.49, 735.29, 640
and 743.04 of the Revised Code are hereby repealed. 641