

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 59

Representatives Galonski, Miller, J.

**Cosponsors: Representatives Brent, Brewer, Forhan, Grim, Isaacsohn, Lightbody,
McNally, Miller, A., Mohamed, Russo, Skindell, Upchurch, Weinstein**

A BILL

To amend sections 120.521, 120.53, 1923.06, 1
1923.08, 3735.41, and 5321.17 and to enact 2
sections 120.531 and 120.532 of the Revised Code 3
to provide counsel to destitute defendants 4
facing eviction and to make an appropriation. 5

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

Section 1. That sections 120.521, 120.53, 1923.06, 6
1923.08, 3735.41, and 5321.17 be amended and sections 120.531 7
and 120.532 of the Revised Code be enacted to read as follows: 8

Sec. 120.521. (A) The state public defender shall 9
establish a charitable, tax exempt foundation, named the Ohio 10
access to justice foundation, to actively solicit and accept 11
gifts, bequests, donations, and contributions for use in 12
providing financial assistance to legal aid societies, enhancing 13
or improving the delivery of civil legal services to indigents, 14
and operating the foundation. The Ohio access to justice 15
foundation shall deposit all gifts, bequests, donations, and 16
contributions accepted by it into the access to justice 17
foundation fund established under this section or the eviction 18

defense fund established pursuant to section 120.531 of the 19
Revised Code. If the state public defender, pursuant to section 20
120.52 of the Revised Code as it existed prior to June 30, 1995, 21
established a charitable, tax exempt foundation named the Ohio 22
access to justice foundation and if that foundation is in 23
existence on the day before June 30, 1995, that foundation shall 24
continue in existence and shall serve as the Ohio access to 25
justice foundation described in this section. 26

There is hereby established the access to justice 27
foundation fund, which shall be under the custody and control of 28
the Ohio access to justice foundation. The fund shall contain 29
all moneys distributed to the Ohio access to justice foundation 30
pursuant to section 120.53 of the Revised Code and all gifts, 31
bequests, donations, and contributions accepted by the Ohio 32
access to justice foundation under this section that are not 33
directed to the eviction defense fund. 34

The Ohio access to justice foundation shall distribute or 35
use all moneys in the access to justice foundation fund for the 36
charitable public purpose of providing financial assistance to 37
legal aid societies that provide civil legal services to 38
indigents, enhancing or improving the delivery of civil legal 39
services to indigents, and operating the foundation. The Ohio 40
access to justice foundation shall establish rules governing the 41
administration of the access to justice foundation fund. 42

The Ohio access to justice foundation shall include, in 43
the annual report it is required to make to the governor, the 44
general assembly, and the supreme court pursuant to division (G) 45
(2) of section 120.53 of the Revised Code, an audited financial 46
statement on the distribution and use of the access to justice 47
foundation fund. No information contained in the statement shall 48

identify or enable the identification of any person served by a 49
legal aid society or in any way breach confidentiality. 50

Membership on the board of the Ohio access to justice 51
foundation does not constitute holding another public office and 52
does not constitute grounds for resignation from the senate or 53
house of representatives under section 101.26 of the Revised 54
Code. 55

The Ohio access to justice foundation shall assist the 56
chancellor of higher education by determining the ratio, for 57
each county in the state, of attorneys to total population for 58
the purpose described in section 3333.132 of the Revised Code. 59

(B) A foundation is tax exempt for purposes of this 60
section if the foundation is exempt from federal income taxation 61
under subsection 501(a) of the "Internal Revenue Code of 1986," 62
100 Stat. 2085, 26 U.S.C. 501(a), as amended, and if the 63
foundation has received from the internal revenue service a 64
determination letter that is in effect stating that the 65
foundation is exempt from federal income taxation under that 66
subsection. 67

Sec. 120.53. (A) A legal aid society that operates within 68
the state may apply to the Ohio access to justice foundation for 69
financial assistance from the legal aid fund established by 70
section 120.52 of the Revised Code to be used for the funding of 71
the society during the calendar year following the calendar year 72
in which application is made. 73

(B) An application for financial assistance made under 74
division (A) of this section shall be submitted by the first day 75
of November of the calendar year preceding the calendar year for 76
which financial assistance is desired and shall include all of 77

the following:	78
(1) Evidence that the applicant is incorporated in this state as a nonprofit corporation;	79 80
(2) A list of the trustees of the applicant;	81
(3) The proposed budget of the applicant for these funds for the following calendar year;	82 83
(4) A summary of the services to be offered by the applicant in the following calendar year;	84 85
(5) A specific description of the territory or constituency served by the applicant;	86 87
(6) An estimate of the number of persons to be served by the applicant during the following calendar year;	88 89
(7) A general description of the additional sources of the applicant's funding;	90 91
(8) The amount of the applicant's total budget for the calendar year in which the application is filed that it will expend in that calendar year for legal services in each of the counties it serves;	92 93 94 95
(9) A specific description of any services, programs, training, and legal technical assistance to be delivered by the applicant or by another person pursuant to a contract with the applicant, including, but not limited to, by private attorneys or through reduced fee plans, judicare panels, organized pro bono programs, and mediation programs.	96 97 98 99 100 101
(C) The Ohio access to justice foundation shall determine whether each applicant that filed an application for financial assistance under division (A) of this section in a calendar year	102 103 104

is eligible for financial assistance under this section. To be 105
eligible for such financial assistance, an applicant shall 106
satisfy the criteria for being a legal aid society and shall be 107
in compliance with the provisions of sections 120.51 to 120.55 108
of the Revised Code and with the rules and requirements the 109
foundation establishes pursuant to section 120.52 of the Revised 110
Code. The Ohio access to justice foundation then, on or before 111
the fifteenth day of December of the calendar year in which the 112
application is filed, shall notify each such applicant, in 113
writing, whether it is eligible for financial assistance under 114
this section, and if it is eligible, estimate the amount that 115
will be available for that applicant for each six-month 116
distribution period, as determined under division (D) of this 117
section. 118

(D) The Ohio access to justice foundation shall allocate 119
moneys contained in the legal aid fund monthly for distribution 120
to applicants that filed their applications in the previous 121
calendar year and are determined to be eligible applicants. 122

All moneys contained in the fund on the first day of each 123
month shall be allocated, after deduction of the costs of 124
administering sections 120.51 to 120.55 and sections 1901.26, 125
1907.24, 2303.201, 3953.231, 4705.09, and 4705.10 of the Revised 126
Code that are authorized by section 120.52 of the Revised Code, 127
according to this section and shall be distributed accordingly 128
not later than the last day of the month following the month the 129
moneys were received. In making the allocations under this 130
section, the moneys in the fund that were generated pursuant to 131
sections 1901.26, 1907.24, 2303.201, 3953.231, 4705.09, and 132
4705.10 of the Revised Code shall be apportioned as follows: 133

(1) After deduction of the amount authorized and used for 134

actual, reasonable administrative costs under section 120.52 of 135
the Revised Code: 136

(a) Five per cent of the moneys remaining in the fund 137
shall be reserved for use in the manner described in division 138
(A) of section 120.521 of the Revised Code or for distribution 139
to legal aid societies that provide assistance to special 140
population groups of their eligible clients, engage in special 141
projects that have a substantial impact on their local service 142
area or on significant segments of the state's poverty 143
population, or provide legal training or support to other legal 144
aid societies in the state; 145

(b) After deduction of the amount described in division 146
(D) (1) (a) of this section, one and three-quarters per cent of 147
the moneys remaining in the fund shall be apportioned among 148
entities that received financial assistance from the legal aid 149
fund prior to July 1, 1993, but that, on and after July 1, 1993, 150
no longer qualify as a legal aid society that is eligible for 151
financial assistance under this section. 152

(c) After deduction of the amounts described in divisions 153
(D) (1) (a) and (b) of this section, fifteen per cent of the 154
moneys remaining in the fund shall be placed in the access to 155
justice foundation fund for use in the manner described in 156
division (A) of section 120.521 of the Revised Code. 157

(2) After deduction of the actual, reasonable 158
administrative costs under section 120.52 of the Revised Code 159
and after deduction of the amounts identified in divisions (D) 160
(1) (a), (b), and (c) of this section, the remaining moneys shall 161
be apportioned among the counties that are served by eligible 162
legal aid societies that have applied for financial assistance 163
under this section so that each such county is apportioned a 164

portion of those moneys, based upon the ratio of the number of 165
indigents who reside in that county to the total number of 166
indigents who reside in all counties of this state that are 167
served by eligible legal aid societies that have applied for 168
financial assistance under this section. Subject to division (E) 169
of this section, the moneys apportioned to a county under this 170
division then shall be allocated to the eligible legal aid 171
society that serves the county and that has applied for 172
financial assistance under this section. For purposes of this 173
division, the source of data identifying the number of indigent 174
persons who reside in a county shall be selected by the Ohio 175
access to justice foundation from the best available figures 176
maintained by the United States census bureau. 177

(E) If the Ohio access to justice foundation, in 178
attempting to make an allocation of moneys under division (D) (2) 179
of this section, determines that a county that has been 180
apportioned money under that division is served by more than one 181
eligible legal aid society that has applied for financial 182
assistance under this section, the Ohio access to justice 183
foundation shall allocate the moneys that have been apportioned 184
to that county under division (D) (2) of this section among all 185
eligible legal aid societies that serve that county and that 186
have applied for financial assistance under this section on a 187
pro rata basis, so that each such eligible society is allocated 188
a portion based upon the amount of its total budget expended in 189
the prior calendar year for legal services in that county as 190
compared to the total amount expended in the prior calendar year 191
for legal services in that county by all eligible legal aid 192
societies that serve that county and that have applied for 193
financial assistance under this section. 194

(F) Moneys allocated to eligible applicants under this 195

section shall be paid monthly beginning the calendar year 196
following the calendar year in which the application is filed. 197

(G) (1) A legal aid society that receives financial 198
assistance in any calendar year under this section shall file an 199
annual report with the Ohio access to justice foundation 200
detailing the number and types of cases handled, and the amount 201
and types of legal training, legal technical assistance, and 202
other service provided, by means of that financial assistance. 203
No information contained in the report shall identify or enable 204
the identification of any person served by the legal aid society 205
or in any way breach client confidentiality. 206

(2) The Ohio access to justice foundation shall make an 207
annual report to the governor, the general assembly, and the 208
supreme court ~~on~~. No information contained in the report shall 209
identify or enable the identification of any person served by a 210
legal aid society, or in any way breach confidentiality. The 211
report shall include all of the following: 212

(a) A report on the distribution and use of the legal aid 213
fund. The foundation also shall include in the annual report an; 214

(b) An audited financial statement of all gifts, bequests, 215
donations, contributions, and other moneys the foundation 216
receives; 217

(c) The information described in section 120.521 of the 218
Revised Code; 219

(d) The information described in division (E) of section 220
120.532 of the Revised Code. No information contained in the 221
report shall identify or enable the identification of any person 222
served by a legal aid society, or in any way breach 223
confidentiality. 224

(H) A legal aid society may enter into agreements for the 225
provision of services, programs, training, or legal technical 226
assistance for the legal aid society or to indigent persons. 227

Sec. 120.531. (A) There is hereby created in the state 228
treasury the eviction defense fund. The fund shall consist of 229
moneys appropriated to it by the general assembly and moneys 230
directed to it through gifts, bequests, donations, and 231
contributions to the Ohio access to justice foundation. 232

(B) The treasurer of state may invest moneys contained in 233
the eviction defense fund in any manner authorized by the 234
Revised Code for the investment of state moneys. However, no 235
such investment shall interfere with the use of such moneys as 236
required by this section and section 120.532 of the Revised 237
Code. 238

(C) The state public defender, through the Ohio access to 239
justice foundation, shall administer the payment of moneys out 240
of the fund for the charitable public purpose of funding legal 241
representation for indigent defendants in eviction proceedings 242
pursuant to section 120.532 of the Revised Code. 243

Sec. 120.532. (A) As used in this section: 244

(1) "Brief legal assistance" means individualized legal 245
assistance provided in a single consultation by a designated 246
organization to a covered individual in connection with a 247
covered proceeding. 248

(2) "Covered individual" means any person who occupies a 249
dwelling with at least one child under a claim of legal right, 250
other than the dwelling's owner, and whose annual gross income 251
is not more than two hundred fifty per cent of the federal 252
poverty line for the size of the individual's family. 253

(3) "Covered proceeding" means a forcible entry and 254
detainer action filed under Chapter 1923. of the Revised Code 255
and an informal hearing that a metropolitan housing authority is 256
required to provide an opportunity for under 24 C.F.R. 982.555, 257
and any appeals from such proceedings. 258

(4) "Designated organization" means a legal aid society or 259
other organization that has entered into an agreement with the 260
Ohio access to justice foundation pursuant to division (B) of 261
this section. 262

(5) "Federal poverty line" means the official poverty line 263
defined by the United States office of management and budget, 264
based on the most recent data available from the United States 265
bureau of the census, and revised by the United States secretary 266
of health and human services pursuant to 42 U.S.C. 9902. 267

(6) "Full legal representation" means ongoing legal 268
representation provided by a designated organization to a 269
covered individual, and all legal advice, advocacy, and 270
assistance associated with that representation. 271

(7) "Legal services" means brief legal assistance provided 272
to a covered individual or full legal representation provided to 273
a covered individual. 274

(B) Except as provided in division (D) of this section, 275
the Ohio access to justice foundation shall contract with 276
designated organizations to provide full legal representation to 277
defendants in covered proceedings in all areas of the state. 278
Each contract shall require all of the following: 279

(1) That funds distributed to the designated organization 280
from the eviction defense fund, created pursuant to section 281
120.531 of the Revised Code, are to be used only to provide 282

legal services to covered individuals in covered proceedings and 283
to educate tenants of their rights and available resources; 284

(2) That, so long as funding remains available, the 285
designated organization shall seek to provide full legal 286
representation to covered individuals in covered proceedings as 287
soon as possible after the proceedings are initiated and the 288
covered individuals contact the designated organization; 289

(3) That, if the designated organization is unable to 290
provide full legal representation to a covered individual due to 291
an irreconcilable conflict of interest, or because another 292
circumstance makes full legal representation infeasible, the 293
designated organization shall attempt to provide brief legal 294
assistance if the Ohio rules of professional conduct permit it; 295

(4) That the designated organization shall work with the 296
Ohio access to justice foundation and community partners to 297
engage and educate tenants on their rights and available 298
resources; 299

(5) That the designated organization shall meet and report 300
on performance metrics set in the contract, report those metrics 301
to the Ohio access to justice foundation on a quarterly basis, 302
and adhere to quality assurance standards set in the contract as 303
a condition of continuing eligibility for funds from the 304
eviction defense fund. No information contained in the reports 305
shall identify or enable the identification of any person served 306
by a covered organization or in any way breach confidentiality. 307

(6) That information provided pursuant to division (B) (5) 308
of this section shall be provided in such a way as to prevent 309
the identification of any particular individual who received 310
legal services pursuant to the contract; 311

(7) That legal services performed pursuant to the contract 312
shall not supplant, replace, or satisfy any obligations or 313
responsibilities of the designated organization under any other 314
program agreement or contract; 315

(8) Any other terms the Ohio access to justice foundation 316
considers necessary for delivery of competent and efficient 317
legal services in covered proceedings. 318

(C) (1) When seeking to contract with designated 319
organizations to provide legal services in a given area of the 320
state pursuant to division (B) of this section, the Ohio access 321
to justice foundation shall first attempt to contract with a 322
legal aid society that already provides legal representation in 323
that area and receives funds pursuant to divisions (D) (2) and 324
(E) of section 120.53 of the Revised Code for that purpose. 325

(2) If a legal aid society that is already providing legal 326
services in an area of the state, and receives funds pursuant to 327
divisions (D) (2) and (E) of section 120.53 of the Revised Code 328
for that purpose, is unable or unwilling to contract with the 329
Ohio access to justice foundation pursuant to division (B) of 330
this section, the foundation may contract with one or more other 331
nonprofit organizations the foundation determines are able to 332
provide legal services to covered persons in covered proceedings 333
in that area of the state. 334

(3) The Ohio access to justice foundation shall apportion 335
funds from the eviction defense fund to designated organizations 336
with which the foundation contracts, pursuant to division (B) of 337
this section, based on the area of the state the contract 338
concerns and in the same proportion that funds are distributed 339
to legal aid societies servicing that area of the state pursuant 340
to divisions (D) (2) and (E) of section 120.53 of the Revised 341

<u>Code.</u>	342
<u>(D) The Ohio access to justice foundation shall only be</u>	343
<u>required to contract with designated organizations pursuant to</u>	344
<u>division (B) of this section when funds appropriated by the</u>	345
<u>general assembly are available to fund legal services under such</u>	346
<u>contracts.</u>	347
<u>(E) (1) The Ohio access to justice foundation shall</u>	348
<u>include, in the annual report it is required to make to the</u>	349
<u>governor, the general assembly, and the supreme court pursuant</u>	350
<u>to division (G) (2) of section 120.53 of the Revised Code, all of</u>	351
<u>the following:</u>	352
<u>(a) Information about the number of covered individuals</u>	353
<u>served since the last report was submitted;</u>	354
<u>(b) The extent of legal services performed;</u>	355
<u>(c) Information regarding the outcomes achieved through</u>	356
<u>legal services;</u>	357
<u>(d) Projected budgeting needs for full legal</u>	358
<u>representation to all covered individuals;</u>	359
<u>(e) A summary of the engagement and education of tenants.</u>	360
<u>(2) No information contained in the report shall identify</u>	361
<u>or enable the identification of any person served by a covered</u>	362
<u>organization or in any way breach confidentiality.</u>	363
<u>(F) Nothing in this section, or the administration or</u>	364
<u>application of this section, shall be construed to create a</u>	365
<u>private right of action against the state or any state agency,</u>	366
<u>state official, or state employee.</u>	367
Sec. 1923.06. (A) Any summons in an action, including a	368

claim for possession, pursuant to this chapter shall be issued, 369
be in the form specified, and be served and returned as provided 370
in this section. Such service shall be at least seven days 371
before the day set for trial. 372

(B) Every summons issued under this section to recover 373
residential premises shall contain the following language 374
printed in a conspicuous manner: "A complaint to evict you has 375
been filed with this court. No person shall be evicted unless 376
the person's right to possession has ended and no person shall 377
be evicted in retaliation for the exercise of the person's 378
lawful rights. If you are depositing rent with the clerk of this 379
court you shall continue to deposit such rent until the time of 380
the court hearing. The failure to continue to deposit such rent 381
may result in your eviction. You may request a trial by jury. 382
You have the right to seek legal assistance. ~~If you cannot~~ 383
~~afford a lawyer, you may contact your local legal aid or legal~~ 384
~~service office. If none is available, you may contact your local~~ 385
~~bar association and may qualify for free legal representation~~ 386
based on your income. It is recommended that you inquire with 387
legal aid at www.ohiolegalhelp.org or (866) 529-6446 to see if 388
you are eligible." 389

(C) The clerk of the court in which a complaint to evict 390
is filed shall mail any summons by ordinary mail, along with a 391
copy of the complaint, document, or other process to be served, 392
to the defendant at the address set forth in the caption of the 393
summons and to any address set forth in any written instructions 394
furnished to the clerk. The mailing shall be evidenced by a 395
certificate of mailing which the clerk shall complete and file. 396

In addition to this ordinary mail service, the clerk also 397
shall cause service of that process to be completed under either 398

of the following: 399

(1) Division (D) or (E) of this section or both, depending 400
upon which of those two methods of service is requested by the 401
plaintiff upon filing the complaint to evict; 402

(2) Division (F) of this section if the action relates to 403
a deceased manufactured home park resident. 404

(D) (1) If requested, the clerk shall deliver sufficient 405
copies of the summons, complaint, document, or other process to 406
be served to, and service shall be made by, one of the following 407
persons: 408

(a) The sheriff of the county in which the premises are 409
located when the process issues from a court of common pleas or 410
county court; 411

(b) The bailiff of the court for service when process 412
issues from a municipal court; 413

(c) Any person who is eighteen years of age or older, who 414
is not a party, and who has been designated by order of the 415
court to make service of process when process issues from any of 416
the courts referred to in divisions (D) (1) (a) and (b) of this 417
section. 418

(2) The person serving process shall effect service at the 419
premises that are the subject of the forcible entry and detainer 420
action by one of the following means: 421

(a) By locating the person to be served at the premises to 422
tender a copy of the process and accompanying documents to that 423
person; 424

(b) By leaving a copy of the summons, complaint, document, 425
or other process with a person of suitable age and discretion 426

found at the premises if the person to be served cannot be found 427
at the time the person making service attempts to serve the 428
summons pursuant to division (D) (2) (a) of this section; 429

(c) By posting a copy in a conspicuous place on the 430
subject premises if service cannot be made pursuant to divisions 431
(D) (2) (a) and (b) of this section. 432

(3) Within five days after receiving the summons, 433
complaint, document, or other process from the clerk for 434
service, the person making service shall return the process to 435
the clerk. The person shall indicate on the process which method 436
described in division (D) (2) of this section was used to serve 437
the summons. The clerk shall make the appropriate entry on the 438
appearance docket. 439

(E) If requested, the clerk shall mail by certified mail, 440
return receipt requested, a copy of the summons, complaint, 441
document, or other process to be served to the address set forth 442
in the caption of the summons and to any address set forth in 443
any written instructions furnished to the clerk. 444

(F) (1) If the person to be evicted in an action pursuant 445
to this chapter is a deceased manufactured home park resident, 446
the plaintiff shall provide to the clerk the following 447
information: 448

(a) If the plaintiff knows that a probate court has 449
granted letters testamentary or of administration for the estate 450
of the deceased resident, the name and address of the probate 451
court, the case number of the estate, and the name and address 452
of the executor or administrator appointed by the probate court; 453

(b) If the plaintiff knows that a probate court has not 454
granted letters testamentary or of administration for the estate 455

of the deceased resident or does not know whether or not a 456
probate court has granted letters testamentary or of 457
administration for the estate, the names and addresses of the 458
deceased resident's spouse and any other members of the deceased 459
resident's immediate family that are known to the plaintiff; 460

(c) If the plaintiff does not possess the information set 461
forth in division (F) (1) (a) or (b) of this section, an affidavit 462
from the plaintiff stating that the plaintiff does not possess 463
the information. 464

(2) (a) Upon receipt from the plaintiff of the information 465
set forth in division (F) (1) (a) of this section, the clerk shall 466
mail by certified mail, return receipt requested, a copy of the 467
summons, complaint, document, or other process to be served to 468
the address of the executor or administrator appointed by the 469
probate court. 470

(b) Upon receipt from the plaintiff of the information set 471
forth in division (F) (1) (b) or (c) of this section, the clerk 472
shall do both of the following: 473

(i) Mail by ordinary mail and by certified mail, return 474
receipt requested, a copy of the summons, complaint, document, 475
or other process to be served to the persons and addresses 476
provided by the plaintiff, if any. The ordinary mail mailing 477
shall be evidenced by a certificate of mailing that the clerk 478
shall complete and file. 479

(ii) Cause service of notice to be made by publication in 480
a newspaper of general circulation in the county in which the 481
complaint is filed. The publication shall set forth the name and 482
address of the court, the case number, the name and address of 483
the plaintiff or the plaintiff's attorney, and the name and 484

address of the deceased manufactured home park resident. The 485
publication shall describe the premises entered upon and 486
detained, shall contain a summary statement of the object of the 487
eviction complaint against the deceased resident, and shall 488
state that the claim for restitution of the premises shall be 489
scheduled for a hearing in accordance with local court rules, 490
but in no event sooner than the seventh day from the date 491
service is complete. The clerk shall cause the publication to be 492
published at least once a week for two weeks. 493

(G) Service of process shall be deemed complete on the 494
date that any of the following has occurred: 495

(1) Service is made pursuant to division (D) (2) (a) or (b) 496
of this section. 497

(2) Both ordinary mail service under division (C) and 498
service by posting pursuant to division (D) (2) (c) of this 499
section have been made. 500

(3) For service performed pursuant to division (E) or (F) 501
(2) (a) of this section, on the date of mailing, if on the date 502
of the hearing either of the following applies: 503

(a) The certified mail has not been returned for any 504
reason other than refused or unclaimed. 505

(b) The certified mail has not been endorsed, and the 506
ordinary mail has not been returned. 507

(4) For service performed under division (F) (2) (b) of this 508
section, on the date of mailing under division (F) (2) (b) (i) of 509
this section or on the date of the last publication under 510
division (F) (2) (b) (ii) of this section, whichever is later, if 511
on the date of the hearing, either of the following applies: 512

(a) The certified mail has not been returned for any reason other than refused or unclaimed.	513 514
(b) The certified mail has not been endorsed, and the ordinary mail has not been returned.	515 516
(H) (1) The claim for restitution of the premises shall be scheduled for hearing in accordance with local court rules, but in no event sooner than the seventh day from the date service is complete.	517 518 519 520
(2) Answer day for any other claims filed with the claim for possession shall be twenty-eight days from the date service is deemed complete under this section.	521 522 523
(I) As used in this section, "immediate family" means a person's spouse, brothers and sisters of the whole or half blood, children, including adopted children and stepchildren, parents, and grandparents.	524 525 526 527
Sec. 1923.08. No continuance in an action under this chapter shall be granted for a period longer than eight days, unless the <u>any of the following apply:</u>	528 529 530
<u>(A) The plaintiff applies for the continuance and the defendant consents to it,</u> or unless the .	531 532
<u>(B) The defendant applies for the continuance and gives a bond to the plaintiff, with good and sufficient surety, that is approved by the court and conditioned for the payment of rent that may accrue, if judgment is rendered against the defendant.</u>	533 534 535 536
<u>(C) The defendant is entitled to legal representation under section 120.532 of the Revised Code and has not yet entered into an attorney-client relationship with an attorney providing services pursuant to that section. A stay entered</u>	537 538 539 540

pursuant to this division shall be for fourteen days. 541

Sec. 3735.41. Except as otherwise provided in section 542
3735.43 of the Revised Code, in the operation or management of 543
housing projects a metropolitan housing authority shall observe 544
the following with respect to rentals and tenant selection: 545

(A) (1) It shall not provide a federally derived rent 546
subsidy to any tenant for any dwelling in a housing project if 547
the persons who would occupy the dwelling have an aggregate 548
annual net income that equals or exceeds the amount that the 549
authority determines to be necessary to enable such persons to 550
do both of the following: 551

(a) Secure safe, sanitary, and uncongested dwelling 552
accommodations within the area of operation of the authority; 553

(b) Provide an adequate standard of living for themselves. 554

(2) As used in this division, "aggregate annual net 555
income" means the aggregate annual income less the deductions 556
and exemptions from that income authorized by law or regulations 557
established by the United States department of housing and urban 558
development. 559

(B) (1) Except as provided in division (B) (2) of this 560
section, it may rent or lease the dwelling accommodations 561
therein only at rentals within the financial reach of persons 562
who lack the amount of income which it determines, pursuant to 563
division (A) of this section, to be necessary in order to obtain 564
safe, sanitary, and uncongested dwelling accommodations within 565
the area of operation of the authority and to provide an 566
adequate standard of living. 567

(2) It may rent or lease to nonresidential tenants and 568
persons of varying incomes within a project, mixed-use 569

development, or mixed-income development. 570

(C) It may use a federally derived rent subsidy to rent or 571
lease to a tenant a dwelling consisting of the number of rooms, 572
but no greater number, which it considers necessary to provide 573
safe and sanitary accommodations to the proposed occupants 574
thereof, without overcrowding. 575

(D) It shall include a notice of a tenant's potential 576
right to legal representation pursuant to section 120.532 of the 577
Revised Code in every notice sent pursuant to 24 C.F.R. 982.555. 578

Sections 3735.27 to 3735.50 of the Revised Code do not 579
limit the power of an authority to vest in a bondholder the 580
right, in the event of a default by such authority, to take 581
possession of a housing project or cause the appointment of a 582
receiver thereof or acquire title thereto through foreclosure 583
proceedings, free from all the restrictions imposed by such 584
sections. 585

Sec. 5321.17. (A) Except as provided in division (C) of 586
this section, the landlord or the tenant may terminate or fail 587
to renew a week-to-week tenancy by notice given the other at 588
least seven days prior to the termination date specified in the 589
notice. 590

(B) Except as provided in division (C) of this section, 591
the landlord or the tenant may terminate or fail to renew a 592
month-to-month tenancy by notice given the other at least thirty 593
days prior to the periodic rental date. 594

(C) If a tenant violates division (A) (9) of section 595
5321.05 of the Revised Code and if the landlord has actual 596
knowledge of or has reasonable cause to believe that the tenant, 597
any person in the tenant's household, or any person on the 598

residential premises with the consent of the tenant previously 599
has or presently is engaged in a violation as described in 600
division (A) (6) (a) (i) of section 1923.02 of the Revised Code, 601
the landlord shall terminate the week-to-week tenancy, month-to- 602
month tenancy, or other rental agreement with the tenant by 603
giving a notice of termination to the tenant in accordance with 604
this division. The notice shall specify that the tenancy or 605
other rental agreement is terminated three days after the giving 606
of the notice, and the shall state that the tenant may qualify 607
for free legal representation based on income and recommend that 608
the tenant inquire about eligibility with legal aid at 609
www.ohiolegalhelp.org or (866) 529-6446. The landlord may give 610
the notice whether or not the tenant or other person has been 611
charged with, has pleaded guilty to or been convicted of, or has 612
been determined to be a delinquent child for an act that, if 613
committed by an adult, would be a violation as described in 614
division (A) (6) (a) (i) of section 1923.02 of the Revised Code. If 615
the tenant fails to vacate the premises within three days after 616
the giving of that notice, then the landlord promptly shall 617
comply with division (A) (9) of section 5321.04 of the Revised 618
Code. For purposes of this division, actual knowledge or 619
reasonable cause to believe as described in this division shall 620
be determined in accordance with division (A) (6) (a) (i) of 621
section 1923.02 of the Revised Code. 622

(D) This section does not apply to a termination based on 623
the breach of a condition of a rental agreement or the breach of 624
a duty and obligation imposed by law, except that it does apply 625
to a breach of the obligation imposed upon a tenant by division 626
(A) (9) of section 5321.05 of the Revised Code. 627

Section 2. That existing sections 120.521, 120.53, 628
1923.06, 1923.08, 3735.41, and 5321.17 of the Revised Code are 629

hereby repealed. 630

Section 3. All items in this act are hereby appropriated 631
as designated out of any moneys in the state treasury to the 632
credit of the designated fund. For all operating appropriations 633
made in this act, those in the first column are for fiscal year 634
2022 and those in the second column are for fiscal year 2023. 635
The operating appropriations made in this act are in addition to 636
any other operating appropriations made for these fiscal years. 637

Section 4. 638

639

	1	2	3	4	5
A			PUB OHIO PUBLIC DEFENDER COMMISSION		
B			Dedicated Purpose Fund Group		
C	5WQ0	019625	Eviction Defense	\$0	\$750,000
D			TOTAL DPF Dedicated Purpose Fund Group	\$0	\$750,000
E			TOTAL ALL BUDGET FUND GROUP	\$0	\$750,000

EVICITION DEFENSE 640

The foregoing appropriation item 019625, Eviction Defense, 641
shall be used to fund legal representation for indigent 642
defendants in eviction proceedings pursuant to section 120.532 643
of the Revised Code. 644

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE 645
EVICITION DEFENSE FUND 646

Upon the effective date of this act, or as soon as 647
possible thereafter, the Director of Budget and Management shall 648
transfer \$750,000 cash from the General Revenue Fund to the 649
Eviction Defense Fund (Fund 5WQ0), created in section 120.531 of 650
the Revised Code. 651

An amount equal to the unexpended, unencumbered balance of 652
the foregoing appropriation item 019625, Eviction Defense, at 653
the end of the fiscal year 2023 is hereby reappropriated for the 654
same purpose in fiscal year 2024. 655

Section 5. Within the limits set forth in this act, the 656
Director of Budget and Management shall establish accounts 657
indicating the source and amount of funds for each appropriation 658
made in this act, and shall determine the manner in which 659
appropriation accounts shall be maintained. Expenditures from 660
appropriations contained in this act shall be accounted for as 661
though made in, and are subject to all applicable provisions of, 662
H.B. 110 of the 134th General Assembly. 663