

As Introduced

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H. B. No. 562

Representatives Leland, Crossman

Cosponsors: Representatives O'Brien, Miranda, Boyd, Brent, Sheehy, Weinstein, Liston, Denson, Sobecki, Sweeney, Galonski, Brown, West, Lightbody, Crawley, Upchurch, Blair, Lipps, Russo, Hicks-Hudson, Skindell, Robinson, Lepore-Hagan, Smith, K.

A BILL

To prohibit foreclosure activity and the eviction 1
of residential and commercial tenants during the 2
state of emergency declared regarding COVID-19, 3
to refer such proceedings caused by the state of 4
emergency to mediation, and to declare an 5
emergency. 6

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

Section 1. (A) As used in this section, "state of 7
emergency" means the state of emergency declared under Executive 8
Order 2020-01D, issued on March 9, 2020, to protect the well- 9
being of Ohio citizens from the dangerous effects of COVID-19. 10

(B) A court shall not issue a writ of execution for the 11
restitution to the plaintiff possession of residential or 12
commercial rental premises, and removal of a tenant from 13
residential or commercial rental premises, under Chapter 1923. 14
of the Revised Code until the state of emergency terminates. 15

(C) A constable, police officer, sheriff, or bailiff shall 16

not execute a writ of execution issued for the restitution of 17
residential or commercial premises under section 1923.14 of the 18
Revised Code or related provisions, until the state of emergency 19
terminates. 20

(D) A plaintiff that files a complaint for the restitution 21
to the plaintiff of possession of residential or commercial 22
rental premises prior to or during the state of emergency and 23
receives a writ of execution to that effect after the state of 24
emergency terminates shall not be entitled to rental amounts 25
that went unpaid during the state of emergency. 26

Section 2. (A) As used in this section, "state of 27
emergency" means the state of emergency declared under Executive 28
Order 2020-01D, issued on March 9, 2020, to protect the well- 29
being of Ohio citizens from the dangerous effects of COVID-19. 30

(B) A court shall not conduct any business pertaining to 31
foreclosure on a residential or commercial property during the 32
state of emergency. During the state of emergency, courts shall: 33

(1) Refuse to accept complaints and other pleadings 34
seeking to commence foreclosure actions; 35

(2) Stay all pending foreclosure actions; 36

(3) Refuse to accept all motions or other pleadings 37
seeking writs of execution on judgments in foreclosure actions; 38

(4) Stay all judicial sales and sales by private selling 39
officers; 40

(5) Defer confirming any pending judicial sales. 41

(C) Notwithstanding any contrary provision of law, any 42
period of limitation relating to a foreclosure action shall be 43
tolled for the duration of the state of emergency. 44

Notwithstanding any contrary provision of law, any deadline 45
relating to the seeking of a writ of execution on a foreclosure 46
judgment, holding of a judicial sale, sale by a private selling 47
officer, exercising a right of redemption, confirming a sale, or 48
a similar deadline is tolled for the duration of the state of 49
emergency. 50

Section 3. (A) As used in this section, "state of 51
emergency" means the state of emergency declared under Executive 52
Order 2020-01D, issued on March 9, 2020, to protect the well- 53
being of Ohio citizens from the dangerous effects of COVID-19. 54

(B) After a declared end to the state of emergency, any 55
forcible entry and detainer or foreclosure proceedings initiated 56
due to default on a mortgage or non-payment of rent for a 57
residential or commercial property during the state of emergency 58
and sixty days thereafter shall be stayed and referred to 59
mediation. 60

(C) The costs of mediation shall be borne by the courts. 61

(D) Mediation shall conclude at the discretion of the 62
courts. 63

Section 4. This act is an emergency measure necessary for 64
the immediate preservation of the public peace, health, and 65
safety. The reason for such necessity is to prevent homelessness 66
and economic instability due to evictions and foreclosures 67
attributable to unemployment, underemployment, or commercial 68
decline caused by the restrictions and other precautions imposed 69
as part of the state of emergency regarding COVID-19. Therefore, 70
this act shall go into immediate effect. 71