

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 422

Representatives Fraizer, West

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

A BILL

To amend section 735.29 and to enact sections 1
701.101, 701.20, 701.21, 701.22, 701.23, 701.24, 2
701.25, 701.26, 3745.60, 3745.61, 3745.62, 3
3745.63, and 3745.64 of the Revised Code to 4
limit the amount municipal corporations can 5
recover from property owners of non-owner- 6
occupied properties for unpaid municipal utility 7
and other service rates and charges and to 8
create an appeals process for improper billing 9
of municipal services. 10

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

Section 1. That section 735.29 be amended and sections 11
701.101, 701.20, 701.21, 701.22, 701.23, 701.24, 701.25, 701.26, 12
3745.60, 3745.61, 3745.62, 3745.63, and 3745.64 of the Revised 13
Code be enacted to read as follows: 14

Sec. 701.101. Except for amounts certified to the county 15
auditor under section 701.10 of the Revised Code, the 16
legislative authority of a municipal corporation that has 17
established a rate or charge for the disposal service described 18

in that section, which has gone unpaid, may collect it by 19
actions at law in the name of the municipal corporation from an 20
owner, tenant, or other person who is liable to pay the rents or 21
charges. 22

Sec. 701.20. For purposes of sections 701.21 to 701.26 of 23
the Revised Code: 24

(A) "Bring an action" means to bring a civil action under 25
sections 701.101, 735.29, and 743.04 of the Revised Code. 26

(B) "Certify a lien" means to certify a lien under 27
sections 701.10, 735.29, and 743.04 of the Revised Code. 28

(C) "Dwelling unit" and "tenant" have the same meanings as 29
in section 5321.01 of the Revised Code. 30

(D) "Municipal services" means any of the following: 31

(1) Disposal services described in section 701.10 of the 32
Revised Code; 33

(2) Water services described in Chapter 743. of the 34
Revised Code. 35

(E) "Municipal services provider" means any entity created 36
by the legislative authority to provide municipal services. 37

(F) "Property owner" means the person who owns the 38
residential property to which municipal services are provided 39
and all of the following apply: 40

(1) The person does not occupy the property. 41

(2) The tenant or other occupant is contractually 42
responsible to pay the charges and fees imposed for the 43
municipal services. 44

(3) If the residential property consists of two or more 45

dwelling units, both of the following must be true: 46

(a) Each dwelling unit has a separate meter; 47

(b) The tenant or other occupant of each dwelling unit is 48
contractually responsible to pay the charges and fees imposed 49
for the municipal services provided to the unit in which they 50
reside. 51

(G) "Termination amount" means the amount of rates or 52
charges for municipal services that when unpaid results in the 53
termination of those services under the municipal corporation 54
regulations. 55

Sec. 701.21. Any person who contracts to receive municipal 56
services shall be financially responsible for paying all rates, 57
fees, charges, and costs associated with the delivery of that 58
service. 59

Sec. 701.22. (A) If the legislative authority of a 60
municipal corporation attempts to certify a lien against a 61
property or brings an action due to unpaid municipal service 62
rates or charges, there is a rebuttable presumption that amounts 63
exceeding the termination amount cannot be certified as a lien, 64
or recovered by the action, against the property owner. 65

(B) The presumption may be rebutted by any of the 66
following based on a preponderance of the evidence: 67

(1) The property owner agreed to pay all the unpaid rates 68
and charges, after having been given notice of the delinquent 69
amount. 70

(2) The property owner occupies the residence. 71

(3) The municipal corporation attempted to mitigate any 72
unpaid rates or charges by strictly adhering to its established 73

protocol for terminating service for delinquent customers. 74

(4) Any other evidence demonstrating that the municipal 75
corporation mitigated the amount of unpaid rates and charges 76
before proceeding against the property owner. 77

(C) This section does not abridge or eliminate any cause 78
of action that the municipal corporation may have against the 79
tenant personally, or other person liable to pay the unpaid 80
rents or charges. 81

Sec. 701.23. (A) The legislative authority of a municipal 82
corporation may establish a tenant reinstatement fee for 83
municipal services. 84

(B) A tenant reinstatement fee may be applied if the 85
tenant requests to reestablish municipal services after such 86
services have been terminated by the municipal service provider 87
or the tenant. 88

Sec. 701.24. The legislative authority of a municipal 89
corporation may track any unpaid rates or charges owed by a 90
person for any municipal services between residential properties 91
if both of the following are true: 92

(A) A person who contracted for municipal services 93
currently has a debit or credit regarding the municipal services 94
provided to the person; 95

(B) Municipal services provided to that person have been 96
terminated at one residential property and have been established 97
at another residential property. 98

Sec. 701.25. The legislative authority of a municipal 99
corporation may access and review the billing details and 100
histories of any person who contracts to receive municipal 101

services for the purpose of identifying and tracking unpaid 102
rates or charges. 103

Sec. 701.26. (A) Any person who believes that they have 104
been improperly billed for municipal services may file a 105
complaint with the municipal services provider. 106

(B) (1) A municipal services provider must establish a 107
method for persons receiving municipal services to make an 108
improper billing complaint. 109

(2) A municipal services provider must investigate every 110
complaint received. 111

(3) All complaints shall be resolved within ten business 112
days. If the municipal services provider is unable to resolve 113
the complaint within ten business days, the municipal services 114
provider shall provide the person who filed the complaint with a 115
status report every five business days following the initial 116
period. 117

(C) If the complaint is not resolved to the satisfaction 118
of the complaining party, the complaining party may appeal the 119
matter to the environmental protection billing appeals board 120
under section 3745.61 of the Revised Code, if the amount in 121
dispute is equal to or greater than three hundred dollars. 122

Sec. 735.29. (A) The board of trustees of public affairs 123
appointed under section 735.28 of the Revised Code shall manage, 124
conduct, and control the waterworks, electric light plants, 125
artificial or natural gas plants, or other similar public 126
utilities, furnish supplies of water, electricity, or gas, 127
collect all water, electric, and gas rents or charges, and 128
appoint necessary officers, employees, and agents. 129

(B) The board may make such bylaws and rules as it 130

determines to be necessary for the safe, economical, and 131
efficient management and protection of such works, plants, and 132
public utilities. These bylaws and rules, when not repugnant to 133
municipal ordinances or to the constitution or laws of this 134
state, shall have the same validity as ordinances. 135

(C) For the purpose of paying the expenses of conducting 136
and managing such waterworks, plants, and public utilities or of 137
making necessary additions thereto and extensions and repairs 138
thereon, the board may assess a water rent or charge, or a 139
light, power, gas, or utility rent, of sufficient amount, and in 140
such manner as it determines to be most equitable, upon all 141
tenements and premises supplied therewith. When such rents, 142
except water rents and charges, are not paid when due, the board 143
may ~~certify~~ do either or both of the following: 144

(1) Certify them to the county auditor to be placed on the 145
duplicate and collected as other village taxes, ~~or it may~~ 146
~~collect;~~ 147

(2) Collect them by actions at law in the name of the 148
village from an owner, tenant, or other person who is liable to 149
pay the rents or charges. 150

(D) When water rents or charges are not paid when due, the 151
board may do either or both of the following: 152

~~(A)~~ (1) Certify them, together with any penalties, to the 153
county auditor. The county auditor shall place the certified 154
amount on the real property tax list and duplicate against the 155
property served by the connection if ~~he~~ the auditor also 156
receives from the board additional certification that the unpaid 157
rents or charges have arisen pursuant to a service contract made 158
directly with an owner who occupies the property served. 159

The amount placed on the tax list and duplicate shall be a 160
lien on the property served from the date placed on the list and 161
duplicate and shall be collected in the same manner as other 162
taxes, except that, notwithstanding section 323.15 of the 163
Revised Code, a county treasurer shall accept a payment in such 164
amount when separately tendered as payment for the full amount 165
of such unpaid water rents or charges and associated penalties. 166
The lien shall be released immediately upon payment in full of 167
the certified amount. Any amounts collected by the county 168
treasurer under this division shall be placed for immediate 169
distribution to the village, in the appropriate distinct fund 170
established for water rents and charges. 171

~~(B)~~ (2) Collect them by actions at law in the name of the 172
village from an owner, tenant, or other person who is liable to 173
pay the rents or charges. 174

(E) The board shall have the same powers and perform the 175
same duties as are provided in sections 743.01, 743.05 to 176
743.07, 743.10, 743.11, 743.18, 743.24, and 735.05 to 735.09 of 177
the Revised Code, and all powers and duties relating to 178
waterworks in any of such sections shall extend to and include 179
electric light, power, and gas plants, and such other similar 180
public utilities, and such board shall have such other duties as 181
are prescribed by law or ordinance not inconsistent herewith. 182

(F) Each board that assesses water rents or charges shall 183
determine the actual amount of rents due based upon an actual 184
reading of each customer's meter at least once in each three- 185
month period, and at least quarterly the board shall render a 186
bill for the actual amount shown by the meter reading to be due, 187
except estimated bills may be rendered if access to a customer's 188
meter was unobtainable for a timely reading. Each board that 189

assesses water rents or charges shall establish procedures 190
providing fair and reasonable opportunity for resolution of 191
billing disputes. 192

(G) When property to which water service is provided is 193
about to be sold, any party to the sale or ~~his~~ any party's agent 194
may request the board to read the meter at that property and to 195
render within ten days following the date on which the request 196
is made, a final bill for all outstanding rents and charges for 197
water service. Such a request shall be made at least fourteen 198
days prior to the transfer of the title of such property. 199

(H) At any time prior to a certification under division 200
~~(A)-(D)~~ (1) of this section, the board shall accept any partial 201
payment of unpaid water rents or charges, in the amount of ten 202
dollars or more. 203

Sec. 3745.60. For the purposes of sections 3745.61 to 204
3745.64 of the Revised Code: 205

(A) "Municipal services," "municipal services provider," 206
and "property owner" have the same meanings as in section 701.20 207
of the Revised Code. 208

(B) "Tenant" has the same meaning as in section 5321.01 of 209
the Revised Code. 210

Sec. 3745.61. (A) There is hereby created the billing 211
appeals board within the environmental protection agency. 212

(B) The board shall hear appeals regarding improper 213
billing complaints for municipal services if all of the 214
following apply: 215

(1) The complainant has previously filed an improper 216
billing complaint with a municipal service provider. 217

(2) The complaint has not been resolved to the 218
satisfaction of the complainant. 219

(3) The amount in dispute is equal to or exceeds three 220
hundred dollars. 221

(C) The board shall hear appeals from property owners in 222
cases where a tenant who is financially responsible for paying 223
for municipal services failed to make payment for such and the 224
property owner was held responsible as a result. 225

Sec. 3745.62. In accordance with Chapter 119. of the 226
Revised Code, the director of environmental protection shall 227
adopt rules regarding the billing appeals board, including the 228
following: 229

(A) The composition of the board, which shall include 230
either three or five members, appointed by the director of the 231
agency; 232

(B) A procedure by which complaints will be evaluated, to 233
determine whether a hearing is warranted; 234

(C) Hearing procedures and processes; 235

(D) Standards by which the board will make decisions 236
resolving complaints. 237

Sec. 3745.63. The environmental protection agency shall 238
create a hotline to do the following: 239

(A) Allow a person to file an appeal regarding an improper 240
billing complaint for municipal services. 241

(B) To provide information regarding filing an appeal 242
regarding an improper billing complaint, the appeals process, 243
and other related information. 244

Sec. 3745.64. In connection with an appeal made to the 245
billing appeals board, the board may access and review the 246
billing details and histories of a person who contracts to 247
receive municipal services for the purposes of identifying 248
unpaid rates or charges. 249

Section 2. That existing section 735.29 of the Revised 250
Code is hereby repealed. 251