

As Introduced

**131st General Assembly
Regular Session
2015-2016**

S. B. No. 305

**Senator Williams
Cosponsor: Senator Tavares**

A BILL

To amend sections 5721.06, 5721.31, and 5721.34 of
the Revised Code to prohibit the sale of tax
certificates for parcels owned by a person
sixty-five years of age or older and that
include the primary residence of the owner.

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

Section 1. That sections 5721.06, 5721.31, and 5721.34 of
the Revised Code be amended to read as follows:

Sec. 5721.06. (A) (1) The form of the notice required to be
attached to the published delinquent tax list by division (B) (3)
of section 5721.03 of the Revised Code shall be in substance as
follows:

"DELINQUENT LAND TAX NOTICE

The lands, lots, and parts of lots returned delinquent by
the county treasurer of county, with the
taxes assessments, interest, and penalties, charged against them
agreeably to law, are contained and described in the following
list: (Here insert the list with the names of the owners of such
respective tracts of land or town lots as designated on the

delinquent tax list. If, prior to seven days before the 19
publication of the list, a delinquent tax contract has been 20
entered into under section 323.31 of the Revised Code, the 21
owner's name may be stricken from the list or designated by an 22
asterisk shown in the margin next to the owner's name.) 23

Notice is hereby given that the whole of such several 24
lands, lots, or parts of lots will be certified for foreclosure 25
by the county auditor pursuant to law unless the whole of the 26
delinquent taxes, assessments, interest, and penalties are paid 27
within one year or unless a tax certificate with respect to the 28
parcel is sold under section 5721.32 or 5721.33 of the Revised 29
Code. The names of persons who have entered into a written 30
delinquent tax contract with the county treasurer to discharge 31
the delinquency are designated by an asterisk or have been 32
stricken from the list." 33

(2) If the county treasurer has certified to the county 34
auditor that the treasurer intends to offer for sale or assign a 35
tax certificate with respect to one or more parcels of 36
delinquent land under section 5721.32 or 5721.33 of the Revised 37
Code, the form of the notice shall include the following 38
statement, appended after the second paragraph of the notice 39
prescribed by division (A) (1) of this section: 40

"Notice also is hereby given that a tax certificate may be 41
offered for sale or assigned under section 5721.32 or 5721.33 of 42
the Revised Code with respect to those parcels shown on this 43
list. If a tax certificate on a parcel is purchased, the 44
purchaser of the tax certificate acquires the state's or its 45
taxing district's first lien against the property, and an 46
additional interest charge of up to eighteen per cent per annum 47
shall be assessed against the parcel. In addition, failure by 48

the owner of the parcel to redeem the tax certificate may result 49
in foreclosure proceedings against the parcel. No tax 50
certificate shall be offered for sale if the owner of the parcel 51
has either discharged the lien by paying to the county treasurer 52
in cash the amount of delinquent taxes, assessments, penalties, 53
interest, and charges charged against the property, ~~or~~ has 54
entered into a valid delinquent tax contract pursuant to section 55
323.31 of the Revised Code to pay those amounts in installments, 56
or if the owner of the parcel is sixty-five years of age or 57
older at the time of the selection for a tax certificate sale 58
and the parcel includes the primary residence of the owner." 59

(B) The form of the notice required to be attached to the 60
published delinquent vacant land tax list by division (B) (3) of 61
section 5721.03 of the Revised Code shall be in substance as 62
follows: 63

"DELINQUENT VACANT LAND TAX NOTICE 64

The delinquent vacant lands, returned delinquent by the 65
county treasurer of..... county, with the taxes 66
assessments, interest, and penalties charged against them 67
according to law, and remaining delinquent for one year, are 68
contained and described in the following list: (here insert the 69
list with the names of the owners of the respective tracts of 70
land as designated on the delinquent vacant land tax list. If, 71
prior to seven days before the publication of the list, a 72
delinquent tax contract has been entered into under section 73
323.31 of the Revised Code, the owner's name may be stricken 74
from the list or designated by an asterisk shown in the margin 75
next to the owner's name.) 76

Notice is hereby given that these delinquent vacant lands 77
will be certified for foreclosure or foreclosure and forfeiture 78

by the county auditor pursuant to law unless the whole of the 79
delinquent taxes, assessments, interest, and penalties are paid 80
within twenty-eight days after the final publication of this 81
notice. The names of persons who have entered into a written 82
delinquent tax contract with the county treasurer to discharge 83
the delinquency are designated by an asterisk or have been 84
stricken from the list." 85

Sec. 5721.31. (A) (1) After receipt of a duplicate of the 86
delinquent land list compiled under section 5721.011 of the 87
Revised Code, or a delinquent land list compiled previously 88
under that section, the county treasurer may select from the 89
list parcels of delinquent land the lien against which the 90
county treasurer may attempt to transfer by the sale of tax 91
certificates under sections 5721.30 to 5721.43 of the Revised 92
Code. None of the following parcels may be selected for a tax 93
certificate sale: 94

(a) A parcel for which the full amount of taxes, 95
assessments, penalties, interest, and charges have been paid; 96

(b) A parcel for which a valid contract under section 97
323.122, 323.31, or 5713.20 of the Revised Code is in force; 98

(c) A parcel the owner of which has filed a petition in 99
bankruptcy, so long as the parcel is property of the bankruptcy 100
estate; 101

(d) A parcel the owner of which is a person sixty-five 102
years of age or older at the time of the selection and the 103
parcel includes the primary residence of the owner. 104

(2) The county treasurer shall compile a separate list of 105
parcels selected for tax certificate sales, including the same 106
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information as is required to be included in the delinquent land list. 108
list. 109

Upon compiling the list of parcels selected for tax certificate sales, the county treasurer may conduct a title search for any parcel on the list. 110
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(B) (1) Except as otherwise provided in division (B) (3) of this section, when tax certificates are to be sold under section 5721.32 of the Revised Code with respect to parcels, the county treasurer shall send written notice by certified mail to either the owner of record or all interested parties discoverable through a title search, or both, of each parcel on the list. A notice to an owner shall be sent to the owner's last known tax-mailing address. The notice shall inform the owner or interested parties that a tax certificate will be offered for sale on the parcel, and that the owner or interested parties may incur additional expenses as a result of the sale. 113
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(2) Except as otherwise provided in division (B) (3) of this section, when tax certificates are to be sold or transferred under section 5721.33 of the Revised Code with respect to parcels, the county treasurer, at least thirty days prior to the date of sale or transfer of such tax certificates, shall send written notice of the sale or transfer by certified mail to the last known tax-mailing address of the record owner of the property or parcel and may send such notice to all parties with an interest in the property that has been recorded in the property records of the county pursuant to section 317.08 of the Revised Code. The notice shall state that a tax certificate will be offered for sale or transfer on the parcel, and that the owner or interested parties may incur additional expenses as a result of the sale or transfer. 124
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(3) The county treasurer is not required to send a notice 138
under division (B) (1) or (B) (2) of this section if the treasurer 139
previously has attempted to send such notice to the owner of the 140
parcel and the notice has been returned by the post office as 141
undeliverable. The absence of a valid tax-mailing address for 142
the owner of a parcel does not preclude the county treasurer 143
from selling or transferring a tax certificate for the parcel. 144

(C) The county treasurer shall advertise the sale of tax 145
certificates under section 5721.32 of the Revised Code in a 146
newspaper of general circulation in the county once a week for 147
two consecutive weeks. The newspaper shall meet the requirements 148
of section 7.12 of the Revised Code. The advertisement shall 149
include the date, the time, and the place of the public auction, 150
abbreviated legal descriptions of the parcels, and the names of 151
the owners of record of the parcels. The advertisement also 152
shall include the certificate purchase prices of the parcels or 153
the total purchase price of tax certificates for sale in blocks 154
of tax certificates. 155

(D) After the county treasurer has compiled the list of 156
parcels selected for tax certificate sales but before a tax 157
certificate respecting a parcel is sold or transferred, if the 158
owner of record of the parcel pays to the county treasurer in 159
cash the delinquent taxes respecting the parcel or otherwise 160
acts so that any condition in division (A) (1) (a), (b), or (c) of 161
this section applies to the parcel, the owner of record of the 162
parcel also shall pay a fee in an amount prescribed by the 163
treasurer to cover the administrative costs of the treasurer 164
under this section respecting the parcel. The fee shall be 165
deposited in the county treasury to the credit of the tax 166
certificate administration fund. 167

(E) A tax certificate administration fund shall be created 168
in the county treasury of each county selling tax certificates 169
under sections 5721.30 to 5721.43 of the Revised Code. The fund 170
shall be administered by the county treasurer, and used solely 171
for the purposes of sections 5721.30 to 5721.43 of the Revised 172
Code or as otherwise permitted in this division. Any fee 173
received by the treasurer under sections 5721.30 to 5721.43 of 174
the Revised Code shall be credited to the fund, except the 175
bidder registration fee under division (B) of section 5721.32 of 176
the Revised Code and the county prosecuting attorney's fee under 177
division (B) (3) of section 5721.37 of the Revised Code. To the 178
extent there is a surplus in the fund from time to time, the 179
surplus may, with the approval of the county treasurer, be 180
utilized for the purposes of a county land reutilization 181
corporation operating in the county. 182

(F) The county treasurers of more than one county may 183
jointly conduct a regional sale of tax certificates under 184
section 5721.32 of the Revised Code. A regional sale shall be 185
held at a single location in one county, where the tax 186
certificates from each of the participating counties shall be 187
offered for sale at public auction. Before the regional sale, 188
each county treasurer shall advertise the sale for the parcels 189
in the treasurer's county as required by division (C) of this 190
section. At the regional sale, tax certificates shall be sold on 191
parcels from one county at a time, with all of the certificates 192
for one county offered for sale before any certificates for the 193
next county are offered for sale. 194

(G) The tax commissioner shall prescribe the form of the 195
tax certificate under this section, and county treasurers shall 196
use the form so prescribed. 197

Sec. 5721.34. (A) A county treasurer shall not sell any 198
tax certificate respecting a parcel of delinquent land to which 199
any of divisions (A) (1) (a) to ~~(e)~~ (d) of section 5721.31 of the 200
Revised Code apply. A certificate sold in violation of this 201
section is void. 202

(B) If the county treasurer discovers or determines that a 203
certificate is void for any reason, the holder of the void 204
certificate is entitled to a refund of the certificate purchase 205
price, plus any applicable premium and less any applicable 206
discount, and the fee charged by the treasurer under division 207
(H) of section 5721.32 or division (J) of section 5721.33 of the 208
Revised Code, if any, as applicable. If the county treasurer 209
makes the discovery or determination more than ninety days after 210
the certificate's date of sale, the holder also is entitled to 211
interest on the certificate purchase price at the rate of five 212
per cent per year. The interest shall be calculated from the 213
first day of the month following the month in which the 214
certificate was sold, to the first day of the month in which the 215
county treasurer makes the discovery or determination. The 216
county treasurer shall notify the certificate holder by ordinary 217
first class or certified mail or by binary means that the 218
certificate is void and shall issue the refund. The county 219
auditor shall issue a warrant for the portion of the refund from 220
the undivided tax fund, which portion consists of the 221
certificate purchase price, plus any applicable premium and less 222
any applicable discount; the portion of the refund consisting of 223
interest and the treasurer's fee, if any, shall be paid from the 224
tax certificate administration fund. 225

(C) With respect to a tax certificate found to be void 226
under division (A) or (B) of this section, the county treasurer 227
may, with the approval of the certificate holder, substitute for 228

such tax certificate another tax certificate that has a 229
certificate purchase price equivalent to the certificate 230
purchase price of the tax certificate found to be void. In 231
addition, the substitute tax certificate shall be for a parcel 232
concerning which the county treasurer has taken action under 233
divisions (A), (B), and (C) of section 5721.31 of the Revised 234
Code, but with respect to which a tax certificate has not been 235
sold, and that has a true value, as determined by the county 236
auditor, that is equivalent to the true value of the parcel for 237
which the tax certificate has been found to be void. Whenever a 238
tax certificate is to be substituted for a tax certificate that 239
has been found to be void, the county treasurer shall provide 240
notice of the intention to substitute a tax certificate to any 241
person required to be notified under division (I) of section 242
5721.32 or division (K) of section 5721.33 of the Revised Code. 243

(D) If an application for the exemption from and remission 244
of taxes made under section 3735.67 or 5715.27 of the Revised 245
Code, or under any other section of the Revised Code under the 246
jurisdiction of the director of environmental protection, is 247
granted for a parcel for which a tax certificate has been sold, 248
the county treasurer shall refund to the certificate holder, in 249
the manner provided in this section, the amount of any taxes 250
exempted or remitted that were included in the certificate 251
purchase price. If the whole amount of the taxes included in the 252
certificate purchase price are exempted or remitted, the tax 253
certificate is void. If all of the taxes that were included in 254
the certificate purchase price are not exempted or remitted, the 255
county treasurer shall adjust the tax certificate register to 256
reflect the remaining amount of taxes that were not exempted or 257
remitted, and notify the certificate holder of the adjustment in 258
writing. 259

Section 2. That existing sections 5721.06, 5721.31, and 260
5721.34 of the Revised Code are hereby repealed. 261