

**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**

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**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 provision of services, programs, training, or legal technical assistance for the legal aid society or to indigent persons.

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

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

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

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

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

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

(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
<b>Sec. 1923.06. (A) Any summons in an action, including a</b>	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](http://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
<b>Sec. 1923.08.</b> No continuance in an action under this chapter shall be granted for a period longer than eight days, unless <del>the</del> <u>any of the following apply:</u>	528 529 530
<u>(A) The plaintiff applies for the continuance and the defendant consents to it, <del>or unless the</del>.</u>	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

EVICTION 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  
EVICTION 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