

**As Passed by the Senate**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. H. B. No. 454**

**Representatives Patterson, Arndt**

**Cosponsors: Representatives Ashford, Seitz, Becker, Reece, Hambley, Holmes, Boyd, Brown, Anielski, Antonio, Barnes, Craig, Green, Lepore-Hagan, Miller, O'Brien, Perales, Rogers, Sheehy, Sprague**

**Senators Coley, Eklund, Gardner, Hoagland, Lehner, Manning, O'Brien, Peterson, Schiavoni, Tavares, Terhar, Thomas, Uecker, Williams, Wilson, Yuko**

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**A BILL**

To amend sections 517.07 and 517.073 of the Revised Code to require a township to offer compensation to responsive owners of certain unused cemetery lots and rights.

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

**Section 1.** That sections 517.07 and 517.073 of the Revised Code be amended to read as follows:

**Sec. 517.07.** Upon application, the board of township trustees shall sell at a reasonable price the number of lots as public wants demand for burial purposes. Purchasers of lots or other interment rights, upon complying with the terms of sale, may receive deeds for the lots or rights which the board shall execute and which shall be recorded by the township fiscal officer in a book for that purpose. The expense of recording shall be paid by the person receiving the deed. Upon the application of a head of a family living in the township, the

board shall, without charge, make and deliver to the applicant a deed for a suitable lot or right for the interment of the applicant's family, if, in the opinion of the board and by reason of the circumstances of the family, the payment would be oppressive.

The terms of sale and any deed for lots executed after July 24, 1986, for an entombment, including a mausoleum, columbarium, or other interment right executed on or after September 29, 2015, may include the following requirements:

(A) The grantee shall provide to the board of township trustees, in writing, a list of the names and addresses of the persons to whom the grantee's property would pass by intestate succession.

(B) The grantee shall notify the board in writing of any subsequent changes in the name or address of any persons to whom property would descend.

(C) Any person who receives a township cemetery lot or right by gift, inheritance, or any other means other than the original conveyance shall, within one year after receiving the interest, give written notice of the person's name and address to the board having control of the cemetery, and shall notify the board of any subsequent changes in the person's name or address.

The terms of sale and any deed for any lots or rights executed in compliance with the notification requirements set forth in divisions (A), (B), and (C) of this section shall state that the board of township trustees shall have right of reentry to the cemetery lot or right if the notification requirements are not met. At least ninety days before establishing reentry,

the board shall publish a notice on the board's internet web 45  
site, if applicable, and shall send a notice by certified mail 46  
to the last known owner at the owner's last known address to 47  
inform the owner that the owner's interest in the lot or right 48  
will cease unless the notification requirements are met. If the 49  
owner's address is unknown and cannot reasonably be obtained, it 50  
is sufficient to publish the notice once in a newspaper of 51  
general circulation in the county. In order to establish 52  
reentry, the board shall pass a resolution stating that the 53  
conditions of the sale or of the deed have not been fulfilled, 54  
and that the board reclaims its interest in the lot or right. 55

The board may limit the terms of sale or the deed for a 56  
cemetery lot or right by specifying that the owner, a member of 57  
the owner's family, or an owner's descendant must use the lot, 58  
tomb, including a mausoleum, or columbarium, or at least a 59  
portion of the lot, tomb, including a mausoleum, or columbarium, 60  
within a specified time period. The board may specify this time 61  
period to be at least twenty but not more than fifty years, with 62  
right of renewal provided at no cost. At least ninety days ~~prior~~ 63  
~~to before~~ the termination date for use of the cemetery lot, 64  
tomb, including a mausoleum, or columbarium, the board shall 65  
publish a notice on the board's internet web site, if 66  
applicable, and shall send a notice to the owner to inform the 67  
owner that the owner's interest in the lot or right will cease 68  
on the termination date unless the owner contracts for renewal 69  
by that date. The board shall send the notice by certified mail 70  
to the owner if the owner is a resident of the township or is a 71  
nonresident whose address is known. If the owner's address is 72  
unknown and cannot reasonably be obtained, it is sufficient to 73  
publish the notice once in a newspaper of general circulation in 74  
the county. 75

The terms of sale and any deed for lots or rights conveyed 76  
with a termination date shall state that the board shall have 77  
right of reentry to the lot or right at the end of the specified 78  
time period if the lot, tomb, including a mausoleum, or 79  
columbarium, is not used within this time period or renewed for 80  
an extended period. In order to establish reentry, the board 81  
shall pass a resolution stating that the conditions of the sale 82  
or of the deed have not been fulfilled, and that the board 83  
reclaims its interest in the lot or right. The board shall 84  
compensate owners of unused lots or rights who do not renew the 85  
terms of sale or the deed by ~~paying~~ offering to pay the owner 86  
eighty per cent of the purchase price or to provide another 87  
available lot or right, as applicable, at no additional cost. 88  
The board may repurchase any cemetery lot or right from its 89  
owner at any time at a price that is mutually agreed upon by the 90  
board and the owner. 91

**Sec. 517.073.** (A) The board of township trustees may 92  
reenter a lot for which the terms of sale or deed was executed 93  
~~prior to before~~ July 24, 1986, or an entombment, including a 94  
mausoleum, columbarium, or other interment right for which the 95  
terms of sale or deed was executed ~~prior to before~~ September 29, 96  
2015, if the board determines the lot or right is unused and 97  
adopts a resolution creating a procedure for right of reentry in 98  
accordance with this section. The resolution shall state that 99  
the board of township trustees has the right of reentry to the 100  
cemetery lot or right purchased ~~prior to before~~ July 24, 1986, 101  
or ~~prior to before~~ September 29, 2015. ~~Before~~ At least one 102  
hundred eighty days before reentering a lot or right, the board 103  
shall publish a notice on the board's internet web site, if 104  
applicable, and shall send a notice by certified mail to the 105  
last known owner at the owner's last known address to inform the 106

owner that the owner's interest in the lot or right will cease 107  
unless the owner or owner's heir responds by ~~a specified~~ that 108  
date. If the owner's address is unknown and cannot be obtained 109  
reasonably, it is sufficient to publish the notice once in a 110  
newspaper of general circulation in the county. ~~To~~ 111

If the owner responds by the specified date, the township 112  
shall offer the owner all of the following: 113

(1) To continue the owner's interest in the lot or right; 114

(2) To compensate the owner by paying the owner eighty per 115  
cent of the owner's original purchase price; or 116

(3) To compensate the owner by providing the owner an 117  
available lot or right, as applicable. 118

To establish reentry, the board shall pass a resolution 119  
stating that the owner has not responded by the specified date 120  
or has opted to receive other compensation, and that the board 121  
reclaims its interest in the lot or right. The board may 122  
repurchase a cemetery lot or right from its owner at any time at 123  
a price that is mutually agreed upon by the board and the owner. 124

(B) At least ~~ninety one hundred eighty~~ days ~~prior to the~~ 125  
~~before a~~ termination date for use of ~~the a~~ cemetery lot ~~for~~ 126  
~~which the terms of sale or deed was executed before July 24,~~ 127  
~~1986, and contained a termination date, ~~tomb~~ or an entombment,~~ 128  
~~including a mausoleum, or columbarium, for which the terms of~~ 129  
~~sale or deed was executed before September 29, 2015, and~~ 130  
~~contained a termination date, the board shall publish a notice~~ 131  
~~on the board's internet web site, if applicable, and shall send~~ 132  
a notice to the owner of an unused lot or right to inform the 133  
owner that the owner's interest in the lot or right will cease 134  
on the termination date unless the owner or owner's heir 135

~~contracts for renewal~~ responds by that date. The board shall 136  
send the notice by certified mail to the owner if the owner is a 137  
resident of the township or is a nonresident whose address is 138  
known. If the owner's address is unknown and cannot reasonably 139  
be obtained, it is sufficient to publish the notice once in a 140  
newspaper of general circulation in the county. 141

If the owner responds by the termination date, the 142  
township shall offer the owner all of the following: 143

(1) To contract for renewal; 144

(2) To compensate the owner by paying the owner eighty per 145  
cent of the owner's original purchase price; or 146

(3) To compensate the owner by providing the owner an 147  
available lot or right, as applicable. 148

In order to establish reentry, the board shall pass a 149  
resolution stating that because of the lack of response to 150  
notice ~~sent by certified mail~~ that provided a termination date 151  
or because the owner opted to receive other compensation, the 152  
board reclaims its interest in the lot or right. The board may 153  
repurchase a cemetery lot or right for which there is a 154  
termination date from its owner at any time at a price that is 155  
mutually agreed upon by the board and the owner. 156

**Section 2.** That existing sections 517.07 and 517.073 of 157  
the Revised Code are hereby repealed. 158