

As Reported by the House State and Local Government Committee

132nd General Assembly

Regular Session

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Sub. H. B. No. 598

Representatives West, Green

**Cosponsors: Representatives Thompson, Smith, K., Seitz, Ashford, Scherer,
Hambley, Holmes**

A BILL

To amend sections 5722.14, 5723.04, and 5723.06, to 1
enact section 5723.20, and to repeal section 2
5722.13 of the Revised Code to increase from one 3
to six years the interval within which county 4
auditors must offer tax-forfeited land for sale, 5
to give county auditors more discretion as to 6
how and where such sales are conducted, to 7
expressly immunize counties from civil liability 8
in connection with such land, and to remove a 9
requirement that property held by a land bank 10
for more than fifteen years must be offered for 11
sale at a public auction. 12

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

Section 1. That sections 5722.14, 5723.04, and 5723.06 be 13
amended and section 5723.20 of the Revised Code be enacted to 14
read as follows: 15

Sec. 5722.14. If nonproductive land is subsequently 16
included within an impacted cities project, as defined in 17
section 1728.01 of the Revised Code, taxes on the land in the 18

base period of the year immediately preceding the initial 19
acquisition, as provided in section 1728.111 of the Revised 20
Code, shall be determined by applying the land valuation as it 21
existed in either the year preceding such initial acquisition, 22
or in the next succeeding year after such nonproductive land is 23
sold pursuant to section 5722.07 ~~or 5722.13~~ of the Revised Code, 24
whichever valuation is greater. 25

This section does not apply to nonproductive land acquired 26
and held by a county land reutilization corporation. 27

Sec. 5723.04. (A) The county auditor shall maintain a list 28
of forfeited lands and shall offer such lands for sale ~~annually~~ 29
every six years, or more frequently if the auditor determines 30
that more frequent sales are necessary. A sale may include one 31
or more tracts of forfeited lands. 32

(B) Notwithstanding division (A) of this section, upon the 33
request of a county land reutilization corporation organized 34
under Chapter 1724. of the Revised Code, the county auditor 35
shall promptly transfer to such corporation, by auditor's deed, 36
the fee simple title to a parcel on the list of forfeited lands, 37
which shall pass to such corporation free and clear of all 38
taxes, assessments, charges, penalties, interest, and costs. 39
Subject to division (C) of this section, any subordinate liens 40
shall be deemed fully and forever satisfied and discharged. Upon 41
such request, the land is deemed sold by the state for no 42
consideration. The county land reutilization corporation shall 43
file the deed for recording. 44

(C) When title to a parcel of land upon which a lien has 45
been placed under section 715.261, 743.04, or 6119.06 of the 46
Revised Code is transferred to a county land reutilization 47
corporation under this section, the lien on the parcel shall be 48

extinguished if the lien is for costs or charges that were 49
incurred before the date of the transfer to the corporation and 50
if the corporation did not incur the costs or charges, 51
regardless of whether the lien was attached or the costs or 52
charges were certified before the date of transfer. In such a 53
case, the corporation and its successors in title shall take 54
title to the property free and clear of any such lien and shall 55
be immune from liability in any action to collect such costs or 56
charges. 57

If a county land reutilization corporation takes title to 58
property before any costs or charges have been certified or any 59
lien has been placed with respect to the property under section 60
715.261, 743.04, or 6119.06 of the Revised Code, the corporation 61
shall be deemed a bona fide purchaser for value without 62
knowledge of such costs or lien, regardless of whether the 63
corporation had actual or constructive knowledge of the costs or 64
lien, and any such lien shall be void and unenforceable against 65
the corporation and its successors in title. 66

Sec. 5723.06. (A) (1) The county auditor, on the day set 67
for the sale of forfeited lands provided in section 5723.04 of 68
the Revised Code, shall ~~attend at the courthouse and offer for~~ 69
sale the whole of each tract of land as contained in the list 70
provided for in such section, at public auction, to the highest 71
bidder, for an amount sufficient to pay the lesser of the 72
amounts described in divisions (A) (1) and (2) of section 5721.16 73
of the Revised Code. 74

The sale may be conducted at any location in the county 75
deemed appropriate by the county auditor ~~shall offer each tract~~ 76
~~separately, beginning with the first tract contained in the~~ 77
~~list.~~ 78

(2) If no bid is received for any of the tracts in an amount sufficient to pay the required amount, and no notice is given under section 5722.04 of the Revised Code or division (B) of this section, the auditor may offer such tract for sale forthwith, and sell it for the best price obtainable. The county auditor shall continue through such list and may adjourn the sale from day to day until the county auditor has disposed of or offered for sale each tract of land specified in the notice. The county auditor may offer a tract of land two or more times at the same sale.

(3) Notwithstanding the minimum sales price provisions of divisions (A) (1) and (2) of this section to the contrary, forfeited lands sold pursuant to this section shall not be sold in either of the following circumstances:

(a) To any person that is delinquent on real property taxes in this state;

(b) For less than the total amount of the taxes, assessments, penalties, interest, and costs that stand charged against the land if the highest bidder is the owner of record of the parcel immediately prior to the judgment of foreclosure or foreclosure and forfeiture, or a member of the following class of parties connected to that owner: a member of that owner's immediate family, a person with a power of attorney appointed by that owner who subsequently transfers the parcel to the owner, a sole proprietorship owned by that owner or a member of that owner's immediate family, or a partnership, trust, business trust, corporation, or association in which the owner or a member of the owner's immediate family owns or controls directly or indirectly more than fifty per cent.

If a parcel sells for less than the total amount of the

taxes, assessments, penalties, interest, and costs that stand 109
charged against it, the officer conducting the sale shall 110
require the buyer to complete an affidavit prepared by the 111
officer stating that the buyer is not the owner of record 112
immediately prior to the judgment of foreclosure or foreclosure 113
and forfeiture, or a member of the specified class of parties 114
connected to that owner, and the affidavit shall become part of 115
the court records of the proceeding. If the county auditor 116
discovers within three years after the date of the sale that a 117
parcel was sold to that owner or a member of the specified class 118
of parties connected to that owner for a price less than the 119
amount so described, and if the parcel is still owned by that 120
owner or a member of the specified class of parties connected to 121
that owner, the auditor within thirty days after such discovery 122
shall add the difference between that amount and the sale price 123
to the amount of taxes that then stand charged against the 124
parcel and is payable at the next succeeding date for payment of 125
real property taxes. As used in this paragraph, "immediate 126
family" means a spouse who resides in the same household and 127
children. 128

(B) The director of natural resources may give written 129
notice to the auditor prior to the time of the sale of the 130
director's intention to purchase forfeited land for the state. 131
Such notice is a legal minimum bid at the time of the sale, and, 132
if no bid is received in an amount sufficient to pay the lesser 133
of the amounts described in divisions (A) (1) and (2) of section 134
5721.16 of the Revised Code, the land is deemed sold to the 135
state for no consideration. The director of natural resources 136
shall record the deed. 137

(C) The sale of forfeited land under this section conveys 138
the title to the tract or parcel of land, divested of all 139

liability for any taxes, assessments, charges, penalties, 140
interest, and costs due at the time of sale that remain after 141
applying the amount for which it was sold, except as otherwise 142
provided in division (D) of this section. 143

(D) If the parcel is sold for the amount described in 144
division (A) (2) of section 5721.16 of the Revised Code, and the 145
county treasurer's estimate of that amount exceeds the amount of 146
taxes, assessments, interest, penalties, and costs actually 147
payable when the deed is transferred to the purchaser, the 148
county auditor shall refund to the purchaser the difference 149
between the estimate and the amount actually payable. If the 150
amount of taxes, assessments, interest, penalties, and costs 151
actually payable when the deed is transferred to the purchaser 152
exceeds the county treasurer's estimate, the county auditor 153
shall certify the amount of the excess to the treasurer, who 154
shall enter that amount on the real and public utility property 155
tax duplicate opposite the property; the amount of the excess 156
shall be payable at the next succeeding date prescribed for 157
payment of taxes in section 323.12 of the Revised Code. 158

Sec. 5723.20. No county or its officers or employees shall 159
be liable for damages, or subject to equitable remedies, for 160
violation of sections 3737.87 to 3737.891 of the Revised Code or 161
Chapter 3704., 3734., 3745., 3746., 3750., 3751., 3752., 6101., 162
or 6111. of the Revised Code or any rule adopted or order, 163
permit, license, variance, or plan approval issued under any of 164
those chapters in connection with property forfeited to the 165
state under this chapter. 166

Section 2. That existing sections 5722.14, 5723.04, and 167
5723.06 and section 5722.13 of the Revised Code are hereby 168
repealed. 169