

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 20**

**Representatives Leland, Crossman**

**Cosponsors: Representatives Smith, K., Boyd, Brent, Miranda, Sweeney, O'Brien, Sheehy, Lepore-Hagan, Lightbody, Russo, Kelly, Brown, Miller, J., Jarrells, Boggs, Sobecki, Blackshear, Crawley, Upchurch, Galonski, Denson, Weinstein, Liston, Hicks-Hudson, Smith, M., Skindell**

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**A BILL**

To prohibit foreclosure activity and the eviction 1  
of residential and commercial tenants during the 2  
state of emergency declared regarding COVID-19, 3  
to refer such proceedings caused by the state of 4  
emergency to mediation, and to declare an 5  
emergency. 6

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

**Section 1.** (A) As used in this section, "state of 7  
emergency" means the state of emergency declared under Executive 8  
Order 2020-01D, issued on March 9, 2020, to protect the well- 9  
being of Ohio citizens from the dangerous effects of COVID-19. 10

(B) A court shall not issue a writ of execution for the 11  
restitution to the plaintiff possession of residential or 12  
commercial rental premises, and removal of a tenant from 13  
residential or commercial rental premises, under Chapter 1923. 14  
of the Revised Code until the state of emergency terminates. 15

(C) A constable, police officer, sheriff, or bailiff shall 16

not execute a writ of execution issued for the restitution of 17  
residential or commercial premises under section 1923.14 of the 18  
Revised Code or related provisions, until the state of emergency 19  
terminates. 20

(D) A plaintiff that files a complaint for the restitution 21  
to the plaintiff of possession of residential or commercial 22  
rental premises prior to or during the state of emergency and 23  
receives a writ of execution to that effect after the state of 24  
emergency terminates shall not be entitled to rental amounts 25  
that went unpaid during the state of emergency. 26

**Section 2.** (A) As used in this section, "state of 27  
emergency" means the state of emergency declared under Executive 28  
Order 2020-01D, issued on March 9, 2020, to protect the well- 29  
being of Ohio citizens from the dangerous effects of COVID-19. 30

(B) Except as provided in divisions (B)(2), (4), and (5) 31  
of this section, a court shall not conduct any business 32  
pertaining to foreclosure on a residential or commercial 33  
property during the state of emergency. During the state of 34  
emergency, courts shall: 35

(1) Refuse to accept complaints and other pleadings 36  
seeking to commence foreclosure actions; 37

(2) Stay all pending foreclosure actions; 38

(3) Refuse to accept all motions or other pleadings 39  
seeking writs of execution on judgments in foreclosure actions; 40

(4) Stay all judicial sales, whether by sheriff or by 41  
private selling officer; 42

(5) Defer confirming any pending or completed judicial 43  
sales. 44

(C) Notwithstanding any contrary provision of law, any period of limitation relating to a foreclosure action shall be tolled for the duration of the state of emergency.

Notwithstanding any contrary provision of law, any deadline relating to the seeking of a writ of execution on a foreclosure judgment, holding of a judicial sale, sale by a private selling officer, exercising a right of redemption, confirming a sale, or a similar deadline is tolled for the duration of the state of emergency.

**Section 3.** (A) As used in this section, "state of emergency" means the state of emergency declared under Executive Order 2020-01D, issued on March 9, 2020, to protect the well-being of Ohio citizens from the dangerous effects of COVID-19.

(B) After a declared end to the state of emergency, any forcible entry and detainer or foreclosure proceedings initiated due to default on a mortgage or non-payment of rent for a residential or commercial property during the state of emergency and sixty days thereafter shall be stayed and referred to mediation.

(C) The costs of mediation shall be borne by the courts.

(D) Mediation shall conclude at the discretion of the courts.

**Section 4.** This act is an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to prevent homelessness and economic instability due to evictions and foreclosures attributable to unemployment, underemployment, or commercial decline caused by the restrictions and other precautions imposed as part of the state of emergency regarding COVID-19. Therefore,

this act shall go into immediate effect.