

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 622

Representatives Galonski, Hicks-Hudson

Cosponsors: Representatives Boyd, Brent, Davis, Humphrey, Ingram, Kelly, Miller, A., Russo, Sheehy, Smith, K., Smith, M., Sobecki, Weinstein

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

(B) A foundation is tax exempt for purposes of this 56
section if the foundation is exempt from federal income taxation 57
under subsection 501(a) of the "Internal Revenue Code of 1986," 58
100 Stat. 2085, 26 U.S.C. 501(a), as amended, and if the 59
foundation has received from the internal revenue service a 60
determination letter that is in effect stating that the 61
foundation is exempt from federal income taxation under that 62
subsection. 63

Sec. 120.53. (A) A legal aid society that operates within 64
the state may apply to the Ohio access to justice foundation for 65
financial assistance from the legal aid fund established by 66
section 120.52 of the Revised Code to be used for the funding of 67
the society during the calendar year following the calendar year 68
in which application is made. 69

(B) An application for financial assistance made under 70
division (A) of this section shall be submitted by the first day 71
of November of the calendar year preceding the calendar year for 72
which financial assistance is desired and shall include all of 73
the following: 74

(1) Evidence that the applicant is incorporated in this 75
state as a nonprofit corporation; 76

(2) A list of the trustees of the applicant; 77

(3) The proposed budget of the applicant for these funds	78
for the following calendar year;	79
(4) A summary of the services to be offered by the	80
applicant in the following calendar year;	81
(5) A specific description of the territory or	82
constituency served by the applicant;	83
(6) An estimate of the number of persons to be served by	84
the applicant during the following calendar year;	85
(7) A general description of the additional sources of the	86
applicant's funding;	87
(8) The amount of the applicant's total budget for the	88
calendar year in which the application is filed that it will	89
expend in that calendar year for legal services in each of the	90
counties it serves;	91
(9) A specific description of any services, programs,	92
training, and legal technical assistance to be delivered by the	93
applicant or by another person pursuant to a contract with the	94
applicant, including, but not limited to, by private attorneys	95
or through reduced fee plans, judicare panels, organized pro	96
bono programs, and mediation programs.	97
(C) The Ohio access to justice foundation shall determine	98
whether each applicant that filed an application for financial	99
assistance under division (A) of this section in a calendar year	100
is eligible for financial assistance under this section. To be	101
eligible for such financial assistance, an applicant shall	102
satisfy the criteria for being a legal aid society and shall be	103
in compliance with the provisions of sections 120.51 to 120.55	104
of the Revised Code and with the rules and requirements the	105
foundation establishes pursuant to section 120.52 of the Revised	106

Code. The Ohio access to justice foundation then, on or before 107
the fifteenth day of December of the calendar year in which the 108
application is filed, shall notify each such applicant, in 109
writing, whether it is eligible for financial assistance under 110
this section, and if it is eligible, estimate the amount that 111
will be available for that applicant for each six-month 112
distribution period, as determined under division (D) of this 113
section. 114

(D) The Ohio access to justice foundation shall allocate 115
moneys contained in the legal aid fund monthly for distribution 116
to applicants that filed their applications in the previous 117
calendar year and are determined to be eligible applicants. 118

All moneys contained in the fund on the first day of each 119
month shall be allocated, after deduction of the costs of 120
administering sections 120.51 to 120.55 and sections 1901.26, 121
1907.24, 2303.201, 3953.231, 4705.09, and 4705.10 of the Revised 122
Code that are authorized by section 120.52 of the Revised Code, 123
according to this section and shall be distributed accordingly 124
not later than the last day of the month following the month the 125
moneys were received. In making the allocations under this 126
section, the moneys in the fund that were generated pursuant to 127
sections 1901.26, 1907.24, 2303.201, 3953.231, 4705.09, and 128
4705.10 of the Revised Code shall be apportioned as follows: 129

(1) After deduction of the amount authorized and used for 130
actual, reasonable administrative costs under section 120.52 of 131
the Revised Code: 132

(a) Five per cent of the moneys remaining in the fund 133
shall be reserved for use in the manner described in division 134
(A) of section 120.521 of the Revised Code or for distribution 135
to legal aid societies that provide assistance to special 136

population groups of their eligible clients, engage in special 137
projects that have a substantial impact on their local service 138
area or on significant segments of the state's poverty 139
population, or provide legal training or support to other legal 140
aid societies in the state; 141

(b) After deduction of the amount described in division 142
(D) (1) (a) of this section, one and three-quarters per cent of 143
the moneys remaining in the fund shall be apportioned among 144
entities that received financial assistance from the legal aid 145
fund prior to July 1, 1993, but that, on and after July 1, 1993, 146
no longer qualify as a legal aid society that is eligible for 147
financial assistance under this section. 148

(c) After deduction of the amounts described in divisions 149
(D) (1) (a) and (b) of this section, fifteen per cent of the 150
moneys remaining in the fund shall be placed in the access to 151
justice foundation fund for use in the manner described in 152
division (A) of section 120.521 of the Revised Code. 153

(2) After deduction of the actual, reasonable 154
administrative costs under section 120.52 of the Revised Code 155
and after deduction of the amounts identified in divisions (D) 156
(1) (a), (b), and (c) of this section, the remaining moneys shall 157
be apportioned among the counties that are served by eligible 158
legal aid societies that have applied for financial assistance 159
under this section so that each such county is apportioned a 160
portion of those moneys, based upon the ratio of the number of 161
indigents who reside in that county to the total number of 162
indigents who reside in all counties of this state that are 163
served by eligible legal aid societies that have applied for 164
financial assistance under this section. Subject to division (E) 165
of this section, the moneys apportioned to a county under this 166

division then shall be allocated to the eligible legal aid 167
society that serves the county and that has applied for 168
financial assistance under this section. For purposes of this 169
division, the source of data identifying the number of indigent 170
persons who reside in a county shall be selected by the Ohio 171
access to justice foundation from the best available figures 172
maintained by the United States census bureau. 173

(E) If the Ohio access to justice foundation, in 174
attempting to make an allocation of moneys under division (D) (2) 175
of this section, determines that a county that has been 176
apportioned money under that division is served by more than one 177
eligible legal aid society that has applied for financial 178
assistance under this section, the Ohio access to justice 179
foundation shall allocate the moneys that have been apportioned 180
to that county under division (D) (2) of this section among all 181
eligible legal aid societies that serve that county and that 182
have applied for financial assistance under this section on a 183
pro rata basis, so that each such eligible society is allocated 184
a portion based upon the amount of its total budget expended in 185
the prior calendar year for legal services in that county as 186
compared to the total amount expended in the prior calendar year 187
for legal services in that county by all eligible legal aid 188
societies that serve that county and that have applied for 189
financial assistance under this section. 190

(F) Moneys allocated to eligible applicants under this 191
section shall be paid monthly beginning the calendar year 192
following the calendar year in which the application is filed. 193

(G) (1) A legal aid society that receives financial 194
assistance in any calendar year under this section shall file an 195
annual report with the Ohio access to justice foundation 196

detailing the number and types of cases handled, and the amount 197
and types of legal training, legal technical assistance, and 198
other service provided, by means of that financial assistance. 199
No information contained in the report shall identify or enable 200
the identification of any person served by the legal aid society 201
or in any way breach client confidentiality. 202

(2) The Ohio access to justice foundation shall make an 203
annual report to the governor, the general assembly, and the 204
supreme court~~en~~. No information contained in the report shall 205
identify or enable the identification of any person served by a 206
legal aid society, or in any way breach confidentiality. The 207
report shall include all of the following: 208

(a) A report on the distribution and use of the legal aid 209
fund. The foundation also shall include in the annual report an; 210

(b) An audited financial statement of all gifts, bequests, 211
donations, contributions, and other moneys the foundation 212
receives; 213

(c) The information described in section 120.521 of the 214
Revised Code; 215

(d) The information described in division (E) of section 216
120.532 of the Revised Code. No information contained in the 217
report shall identify or enable the identification of any person 218
served by a legal aid society, or in any way breach 219
confidentiality. 220

(H) A legal aid society may enter into agreements for the 221
provision of services, programs, training, or legal technical 222
assistance for the legal aid society or to indigent persons. 223

Sec. 120.531. (A) There is hereby created in the state 224
treasury the eviction defense fund. The fund shall consist of 225

moneys appropriated to it by the general assembly and moneys 226
directed to it through gifts, bequests, donations, and 227
contributions to the Ohio access to justice foundation. 228

(B) The treasurer of state may invest moneys contained in 229
the eviction defense fund in any manner authorized by the 230
Revised Code for the investment of state moneys. However, no 231
such investment shall interfere with the use of such moneys as 232
required by this section and section 120.532 of the Revised 233
Code. 234

(C) The state public defender, through the Ohio access to 235
justice foundation, shall administer the payment of moneys out 236
of the fund for the charitable public purpose of funding legal 237
representation for indigent defendants in eviction proceedings 238
pursuant to section 120.532 of the Revised Code. 239

Sec. 120.532. (A) As used in this section: 240

(1) "Brief legal assistance" means individualized legal 241
assistance provided in a single consultation by a designated 242
organization to a covered individual in connection with a 243
covered proceeding. 244

(2) "Covered individual" means any person who occupies a 245
dwelling with at least one child under a claim of legal right, 246
other than the dwelling's owner, and whose annual gross income 247
is not more than two hundred fifty per cent of the federal 248
poverty line for the size of the individual's family. 249

(3) "Covered proceeding" means a forcible entry and 250
detainer action filed under Chapter 1923. of the Revised Code 251
and an informal hearing that a metropolitan housing authority is 252
required to provide an opportunity for under 24 C.F.R. 982.555, 253
and any appeals from such proceedings. 254

(4) "Designated organization" means a legal aid society or 255
other organization that has entered into an agreement with the 256
Ohio access to justice foundation pursuant to division (B) of 257
this section. 258

(5) "Federal poverty line" means the official poverty line 259
defined by the United States office of management and budget, 260
based on the most recent data available from the United States 261
bureau of the census, and revised by the United States secretary 262
of health and human services pursuant to 42 U.S.C. 9902. 263

(6) "Full legal representation" means ongoing legal 264
representation provided by a designated organization to a 265
covered individual, and all legal advice, advocacy, and 266
assistance associated with that representation. 267

(7) "Legal services" means brief legal assistance provided 268
to a covered individual or full legal representation provided to 269
a covered individual. 270

(B) Except as provided in division (D) of this section, 271
the Ohio access to justice foundation shall contract with 272
designated organizations to provide full legal representation to 273
defendants in covered proceedings in all areas of the state. 274
Each contract shall require all of the following: 275

(1) That funds distributed to the designated organization 276
from the eviction defense fund, created pursuant to section 277
120.531 of the Revised Code, are to be used only to provide 278
legal services to covered individuals in covered proceedings and 279
to educate tenants of their rights and available resources; 280

(2) That, so long as funding remains available, the 281
designated organization shall seek to provide full legal 282
representation to covered individuals in covered proceedings as 283

soon as possible after the proceedings are initiated and the 284
covered individuals contact the designated organization; 285

(3) That, if the designated organization is unable to 286
provide full legal representation to a covered individual due to 287
an irreconcilable conflict of interest, or because another 288
circumstance makes full legal representation infeasible, the 289
designated organization shall attempt to provide brief legal 290
assistance if the Ohio rules of professional conduct permit it; 291

(4) That the designated organization shall work with the 292
Ohio access to justice foundation and community partners to 293
engage and educate tenants on their rights and available 294
resources; 295

(5) That the designated organization shall meet and report 296
on performance metrics set in the contract, report those metrics 297
to the Ohio access to justice foundation on a quarterly basis, 298
and adhere to quality assurance standards set in the contract as 299
a condition of continuing eligibility for funds from the 300
eviction defense fund. No information contained in the reports 301
shall identify or enable the identification of any person served 302
by a covered organization or in any way breach confidentiality. 303

(6) That information provided pursuant to division (B) (5) 304
of this section shall be provided in such a way as to prevent 305
the identification of any particular individual who received 306
legal services pursuant to the contract; 307

(7) That legal services performed pursuant to the contract 308
shall not supplant, replace, or satisfy any obligations or 309
responsibilities of the designated organization under any other 310
program agreement or contract; 311

(8) Any other terms the Ohio access to justice foundation 312

considers necessary for delivery of competent and efficient 313
legal services in covered proceedings. 314

(C) (1) When seeking to contract with designated 315
organizations to provide legal services in a given area of the 316
state pursuant to division (B) of this section, the Ohio access 317
to justice foundation shall first attempt to contract with a 318
legal aid society that already provides legal representation in 319
that area and receives funds pursuant to divisions (D) (2) and 320
(E) of section 120.53 of the Revised Code for that purpose. 321

(2) If a legal aid society that is already providing legal 322
services in an area of the state, and receives funds pursuant to 323
divisions (D) (2) and (E) of section 120.53 of the Revised Code 324
for that purpose, is unable or unwilling to contract with the 325
Ohio access to justice foundation pursuant to division (B) of 326
this section, the foundation may contract with one or more other 327
nonprofit organizations the foundation determines are able to 328
provide legal services to covered persons in covered proceedings 329
in that area of the state. 330

(3) The Ohio access to justice foundation shall apportion 331
funds from the eviction defense fund to designated organizations 332
with which the foundation contracts, pursuant to division (B) of 333
this section, based on the area of the state the contract 334
concerns and in the same proportion that funds are distributed 335
to legal aid societies servicing that area of the state pursuant 336
to divisions (D) (2) and (E) of section 120.53 of the Revised 337
Code. 338

(D) The Ohio access to justice foundation shall only be 339
required to contract with designated organizations pursuant to 340
division (B) of this section when funds appropriated by the 341
general assembly are available to fund legal services under such 342

<u>contracts.</u>	343
<u>(E) (1) The Ohio access to justice foundation shall</u>	344
<u>include, in the annual report it is required to make to the</u>	345
<u>governor, the general assembly, and the supreme court pursuant</u>	346
<u>to division (G) (2) of section 120.53 of the Revised Code, all of</u>	347
<u>the following:</u>	348
<u>(a) Information about the number of covered individuals</u>	349
<u>served since the last report was submitted;</u>	350
<u>(b) The extent of legal services performed;</u>	351
<u>(c) Information regarding the outcomes achieved through</u>	352
<u>legal services;</u>	353
<u>(d) Projected budgeting needs for full legal</u>	354
<u>representation to all covered individuals;</u>	355
<u>(e) A summary of the engagement and education of tenants.</u>	356
<u>(2) No information contained in the report shall identify</u>	357
<u>or enable the identification of any person served by a covered</u>	358
<u>organization or in any way breach confidentiality.</u>	359
<u>(F) Nothing in this section, or the administration or</u>	360
<u>application of this section, shall be construed to create a</u>	361
<u>private right of action against the state or any state agency,</u>	362
<u>state official, or state employee.</u>	363
Sec. 1923.06. (A) Any summons in an action, including a	364
claim for possession, pursuant to this chapter shall be issued,	365
be in the form specified, and be served and returned as provided	366
in this section. Such service shall be at least seven days	367
before the day set for trial.	368
(B) Every summons issued under this section to recover	369

residential premises shall contain the following language 370
printed in a conspicuous manner: "A complaint to evict you has 371
been filed with this court. No person shall be evicted unless 372
the person's right to possession has ended and no person shall 373
be evicted in retaliation for the exercise of the person's 374
lawful rights. If you are depositing rent with the clerk of this 375
court you shall continue to deposit such rent until the time of 376
the court hearing. The failure to continue to deposit such rent 377
may result in your eviction. You may request a trial by jury. 378
You have the right to seek legal assistance. ~~If you cannot~~ 379
~~afford a lawyer, you may contact your local legal aid or legal~~ 380
~~service office. If none is available, you may contact your local~~ 381
~~bar association~~ and may qualify for free legal representation 382
based on your income. It is recommended that you inquire with 383
legal aid at www.ohiolegalhelp.org or (866) 529-6446 to see if 384
you are eligible." 385

(C) The clerk of the court in which a complaint to evict 386
is filed shall mail any summons by ordinary mail, along with a 387
copy of the complaint, document, or other process to be served, 388
to the defendant at the address set forth in the caption of the 389
summons and to any address set forth in any written instructions 390
furnished to the clerk. The mailing shall be evidenced by a 391
certificate of mailing which the clerk shall complete and file. 392

In addition to this ordinary mail service, the clerk also 393
shall cause service of that process to be completed under either 394
of the following: 395

(1) Division (D) or (E) of this section or both, depending 396
upon which of those two methods of service is requested by the 397
plaintiff upon filing the complaint to evict; 398

(2) Division (F) of this section if the action relates to 399

a deceased manufactured home park resident. 400

(D) (1) If requested, the clerk shall deliver sufficient 401
copies of the summons, complaint, document, or other process to 402
be served to, and service shall be made by, one of the following 403
persons: 404

(a) The sheriff of the county in which the premises are 405
located when the process issues from a court of common pleas or 406
county court; 407

(b) The bailiff of the court for service when process 408
issues from a municipal court; 409

(c) Any person who is eighteen years of age or older, who 410
is not a party, and who has been designated by order of the 411
court to make service of process when process issues from any of 412
the courts referred to in divisions (D) (1) (a) and (b) of this 413
section. 414

(2) The person serving process shall effect service at the 415
premises that are the subject of the forcible entry and detainer 416
action by one of the following means: 417

(a) By locating the person to be served at the premises to 418
tender a copy of the process and accompanying documents to that 419
person; 420

(b) By leaving a copy of the summons, complaint, document, 421
or other process with a person of suitable age and discretion 422
found at the premises if the person to be served cannot be found 423
at the time the person making service attempts to serve the 424
summons pursuant to division (D) (2) (a) of this section; 425

(c) By posting a copy in a conspicuous place on the 426
subject premises if service cannot be made pursuant to divisions 427

(D) (2) (a) and (b) of this section. 428

(3) Within five days after receiving the summons, 429
complaint, document, or other process from the clerk for 430
service, the person making service shall return the process to 431
the clerk. The person shall indicate on the process which method 432
described in division (D) (2) of this section was used to serve 433
the summons. The clerk shall make the appropriate entry on the 434
appearance docket. 435

(E) If requested, the clerk shall mail by certified mail, 436
return receipt requested, a copy of the summons, complaint, 437
document, or other process to be served to the address set forth 438
in the caption of the summons and to any address set forth in 439
any written instructions furnished to the clerk. 440

(F) (1) If the person to be evicted in an action pursuant 441
to this chapter is a deceased manufactured home park resident, 442
the plaintiff shall provide to the clerk the following 443
information: 444

(a) If the plaintiff knows that a probate court has 445
granted letters testamentary or of administration for the estate 446
of the deceased resident, the name and address of the probate 447
court, the case number of the estate, and the name and address 448
of the executor or administrator appointed by the probate court; 449

(b) If the plaintiff knows that a probate court has not 450
granted letters testamentary or of administration for the estate 451
of the deceased resident or does not know whether or not a 452
probate court has granted letters testamentary or of 453
administration for the estate, the names and addresses of the 454
deceased resident's spouse and any other members of the deceased 455
resident's immediate family that are known to the plaintiff; 456

(c) If the plaintiff does not possess the information set forth in division (F) (1) (a) or (b) of this section, an affidavit from the plaintiff stating that the plaintiff does not possess the information.

(2) (a) Upon receipt from the plaintiff of the information set forth in division (F) (1) (a) of this section, the clerk shall mail by certified mail, return receipt requested, a copy of the summons, complaint, document, or other process to be served to the address of the executor or administrator appointed by the probate court.

(b) Upon receipt from the plaintiff of the information set forth in division (F) (1) (b) or (c) of this section, the clerk shall do both of the following:

(i) Mail by ordinary mail and by certified mail, return receipt requested, a copy of the summons, complaint, document, or other process to be served to the persons and addresses provided by the plaintiff, if any. The ordinary mail mailing shall be evidenced by a certificate of mailing that the clerk shall complete and file.

(ii) Cause service of notice to be made by publication in a newspaper of general circulation in the county in which the complaint is filed. The publication shall set forth the name and address of the court, the case number, the name and address of the plaintiff or the plaintiff's attorney, and the name and address of the deceased manufactured home park resident. The publication shall describe the premises entered upon and detained, shall contain a summary statement of the object of the eviction complaint against the deceased resident, and shall state that the claim for restitution of the premises shall be scheduled for a hearing in accordance with local court rules,

but in no event sooner than the seventh day from the date 487
service is complete. The clerk shall cause the publication to be 488
published at least once a week for two weeks. 489

(G) Service of process shall be deemed complete on the 490
date that any of the following has occurred: 491

(1) Service is made pursuant to division (D) (2) (a) or (b) 492
of this section. 493

(2) Both ordinary mail service under division (C) and 494
service by posting pursuant to division (D) (2) (c) of this 495
section have been made. 496

(3) For service performed pursuant to division (E) or (F) 497
(2) (a) of this section, on the date of mailing, if on the date 498
of the hearing either of the following applies: 499

(a) The certified mail has not been returned for any 500
reason other than refused or unclaimed. 501

(b) The certified mail has not been endorsed, and the 502
ordinary mail has not been returned. 503

(4) For service performed under division (F) (2) (b) of this 504
section, on the date of mailing under division (F) (2) (b) (i) of 505
this section or on the date of the last publication under 506
division (F) (2) (b) (ii) of this section, whichever is later, if 507
on the date of the hearing, either of the following applies: 508

(a) The certified mail has not been returned for any 509
reason other than refused or unclaimed. 510

(b) The certified mail has not been endorsed, and the 511
ordinary mail has not been returned. 512

(H) (1) The claim for restitution of the premises shall be 513

scheduled for hearing in accordance with local court rules, but 514
in no event sooner than the seventh day from the date service is 515
complete. 516

(2) Answer day for any other claims filed with the claim 517
for possession shall be twenty-eight days from the date service 518
is deemed complete under this section. 519

(I) As used in this section, "immediate family" means a 520
person's spouse, brothers and sisters of the whole or half 521
blood, children, including adopted children and stepchildren, 522
parents, and grandparents. 523

Sec. 1923.08. No continuance in an action under this 524
chapter shall be granted for a period longer than eight days, 525
unless ~~the~~ any of the following apply: 526

(A) The plaintiff applies for the continuance and the 527
defendant consents to it, ~~or unless the~~. 528

(B) The defendant applies for the continuance and gives a 529
bond to the plaintiff, with good and sufficient surety, that is 530
approved by the court and conditioned for the payment of rent 531
that may accrue, if judgment is rendered against the defendant. 532

(C) The defendant is entitled to legal representation 533
under section 120.532 of the Revised Code and has not yet 534
entered into an attorney-client relationship with an attorney 535
providing services pursuant to that section. A stay entered 536
pursuant to this division shall be for fourteen days. 537

Sec. 3735.41. Except as otherwise provided in section 538
3735.43 of the Revised Code, in the operation or management of 539
housing projects a metropolitan housing authority shall observe 540
the following with respect to rentals and tenant selection: 541

(A) (1) It shall not provide a federally derived rent 542
subsidy to any tenant for any dwelling in a housing project if 543
the persons who would occupy the dwelling have an aggregate 544
annual net income that equals or exceeds the amount that the 545
authority determines to be necessary to enable such persons to 546
do both of the following: 547

(a) Secure safe, sanitary, and uncongested dwelling 548
accommodations within the area of operation of the authority; 549

(b) Provide an adequate standard of living for themselves. 550

(2) As used in this division, "aggregate annual net 551
income" means the aggregate annual income less the deductions 552
and exemptions from that income authorized by law or regulations 553
established by the United States department of housing and urban 554
development. 555

(B) (1) Except as provided in division (B) (2) of this 556
section, it may rent or lease the dwelling accommodations 557
therein only at rentals within the financial reach of persons 558
who lack the amount of income which it determines, pursuant to 559
division (A) of this section, to be necessary in order to obtain 560
safe, sanitary, and uncongested dwelling accommodations within 561
the area of operation of the authority and to provide an 562
adequate standard of living. 563

(2) It may rent or lease to nonresidential tenants and 564
persons of varying incomes within a project, mixed-use 565
development, or mixed-income development. 566

(C) It may use a federally derived rent subsidy to rent or 567
lease to a tenant a dwelling consisting of the number of rooms, 568
but no greater number, which it considers necessary to provide 569
safe and sanitary accommodations to the proposed occupants 570

thereof, without overcrowding. 571

(D) It shall include a notice of a tenant's potential 572
right to legal representation pursuant to section 120.532 of the 573
Revised Code in every notice sent pursuant to 24 C.F.R. 982.555. 574

Sections 3735.27 to 3735.50 of the Revised Code do not 575
limit the power of an authority to vest in a bondholder the 576
right, in the event of a default by such authority, to take 577
possession of a housing project or cause the appointment of a 578
receiver thereof or acquire title thereto through foreclosure 579
proceedings, free from all the restrictions imposed by such 580
sections. 581

Sec. 5321.17. (A) Except as provided in division (C) of 582
this section, the landlord or the tenant may terminate or fail 583
to renew a week-to-week tenancy by notice given the other at 584
least seven days prior to the termination date specified in the 585
notice. 586

(B) Except as provided in division (C) of this section, 587
the landlord or the tenant may terminate or fail to renew a 588
month-to-month tenancy by notice given the other at least thirty 589
days prior to the periodic rental date. 590

(C) If a tenant violates division (A) (9) of section 591
5321.05 of the Revised Code and if the landlord has actual 592
knowledge of or has reasonable cause to believe that the tenant, 593
any person in the tenant's household, or any person on the 594
residential premises with the consent of the tenant previously 595
has or presently is engaged in a violation as described in 596
division (A) (6) (a) (i) of section 1923.02 of the Revised Code, 597
the landlord shall terminate the week-to-week tenancy, month-to- 598
month tenancy, or other rental agreement with the tenant by 599

giving a notice of termination to the tenant in accordance with 600
this division. The notice shall specify that the tenancy or 601
other rental agreement is terminated three days after the giving 602
of the notice, and ~~the~~ shall state that the tenant may qualify 603
for free legal representation based on income and recommend that 604
the tenant inquire about eligibility with legal aid at 605
www.ohiolegalhelp.org or (866) 529-6446. The landlord may give 606
the notice whether or not the tenant or other person has been 607
charged with, has pleaded guilty to or been convicted of, or has 608
been determined to be a delinquent child for an act that, if 609
committed by an adult, would be a violation as described in 610
division (A) (6) (a) (i) of section 1923.02 of the Revised Code. If 611
the tenant fails to vacate the premises within three days after 612
the giving of that notice, then the landlord promptly shall 613
comply with division (A) (9) of section 5321.04 of the Revised 614
Code. For purposes of this division, actual knowledge or 615
reasonable cause to believe as described in this division shall 616
be determined in accordance with division (A) (6) (a) (i) of 617
section 1923.02 of the Revised Code. 618

(D) This section does not apply to a termination based on 619
the breach of a condition of a rental agreement or the breach of 620
a duty and obligation imposed by law, except that it does apply 621
to a breach of the obligation imposed upon a tenant by division 622
(A) (9) of section 5321.05 of the Revised Code. 623

Section 2. That existing sections 120.521, 120.53, 624
1923.06, 1923.08, 3735.41, and 5321.17 of the Revised Code are 625
hereby repealed. 626

Section 3. All items in this act are hereby appropriated 627
as designated out of any moneys in the state treasury to the 628
credit of the designated fund. For all operating appropriations 629

made in this act, those in the first column are for fiscal year 630
 2022 and those in the second column are for fiscal year 2023. 631
 The operating appropriations made in this act are in addition to 632
 any other operating appropriations made for the FY 2022-FY 2023 633
 biennium. 634

Section 4. 635

636

	1	2	3	4	5
A	PUB OHIO PUBLIC DEFENDER COMMISSION				
B	Dedicated Purpose Fund Group				
C	5WQ0	019625	Eviction Defense	\$750,000	\$750,000
D	TOTAL DPF Dedicated Purpose Fund Group			\$750,000	\$750,000
E	TOTAL ALL BUDGET FUND GROUP			\$750,000	\$750,000

EVICTION DEFENSE 637

The foregoing appropriation item 019625, Eviction Defense, 638
 shall be used to fund legal representation for indigent 639
 defendants in eviction proceedings pursuant to section 120.532 640
 of the Revised Code. 641

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE 642
 EVICTION DEFENSE FUND 643

On July 1 of each fiscal year, or as soon as possible 644
 thereafter, the Director of Budget and Management shall transfer 645
 \$750,000 cash from the General Revenue Fund to the Eviction 646
 Defense Fund (Fund 5WQ0), created in section 120.531 of the 647

Revised Code. 648

On July 1, 2022, or as soon as possible thereafter, the 649
Ohio Public Defender may certify to the Director of Budget and 650
Management an amount up to the unexpended, unencumbered balance 651
of the foregoing appropriation item 019625, Eviction Defense, at 652
the end of fiscal year 2022 to be reappropriated to fiscal year 653
2023. The amount certified is hereby appropriated to the same 654
appropriation item for fiscal year 2023. 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 form and manner in 659
which appropriation accounts shall be maintained. Expenditures 660
from operating appropriations contained in this act shall be 661
accounted for as though made in the main operating 662
appropriations act of the 134th General Assembly. The operating 663
appropriations made in this act are subject to all provisions of 664
the main operating appropriations act of the 134th General 665
Assembly that are generally applicable to such appropriations. 666