

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 155**

**Representatives Upchurch, Smith, M.**

---

**A BILL**

To amend sections 122.011 and 1724.02 and to enact 1  
section 1724.13 of the Revised Code to create 2  
the Land Reutilization Nuisance Abatement 3  
Program and to make an appropriation. 4

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

**Section 1.** That sections 122.011 and 1724.02 be amended 5  
and section 1724.13 of the Revised Code be enacted to read as 6  
follows: 7

**Sec. 122.011.** (A) The development services agency shall 8  
develop and promote plans and programs designed to assure that 9  
state resources are efficiently used, economic growth is 10  
properly balanced, community growth is developed in an orderly 11  
manner, and local governments are coordinated with each other 12  
and the state, and for such purposes may do all of the 13  
following: 14

(1) Serve as a clearinghouse for information, data, and 15  
other materials that may be helpful or necessary to persons or 16  
local governments, as provided in section 122.073 of the Revised 17  
Code; 18

(2) Prepare and activate plans for the retention, 19

|  |    |
|--|----|
| development, expansion, and use of the resources and commerce of | 20 |
| the state, as provided in section 122.04 of the Revised Code;    | 21 |
| (3) Assist and cooperate with federal, state, and local          | 22 |
| governments and agencies of federal, state, and local            | 23 |
| governments in the coordination of programs to carry out the     | 24 |
| functions and duties of the agency;                              | 25 |
| (4) Encourage and foster research and development                | 26 |
| activities, conduct studies related to the solution of community | 27 |
| problems, and develop recommendations for administrative or      | 28 |
| legislative actions, as provided in section 122.03 of the        | 29 |
| Revised Code;  | 30 |
| (5) Serve as the economic and community development              | 31 |
| planning agency, which shall prepare and recommend plans and     | 32 |
| programs for the orderly growth and development of this state    | 33 |
| and which shall provide planning assistance, as provided in      | 34 |
| section 122.06 of the Revised Code;                              | 35 |
| (6) Cooperate with and provide technical assistance to           | 36 |
| state departments, political subdivisions, regional and local    | 37 |
| planning commissions, tourist associations, councils of          | 38 |
| government, community development groups, community action       | 39 |
| agencies, and other appropriate organizations for carrying out   | 40 |
| the functions and duties of the development services agency or   | 41 |
| for the solution of community problems;                          | 42 |
| (7) Coordinate the activities of state agencies that have        | 43 |
| an impact on carrying out the functions and duties of the        | 44 |
| development services agency;                                     | 45 |
| (8) Encourage and assist the efforts of and cooperate with       | 46 |
| local governments to develop mutual and cooperative solutions to | 47 |
| their common problems that relate to carrying out the purposes   | 48 |

|   |  |
|---|--|
| of this section;  | 49   |
| (9) Study existing structure, operations, and financing of regional or local government and those state activities that involve significant relations with regional or local governmental units, recommend to the governor and to the general assembly such changes in these provisions and activities as will improve the operations of regional or local government, and conduct other studies of legal provisions that affect problems related to carrying out the purposes of this section; | 50<br>51<br>52<br>53<br>54<br>55<br>56<br>57 |
| (10) Create and operate a division of community development to develop and administer programs and activities that are authorized by federal statute or the Revised Code;   | 58<br>59<br>60                               |
| (11) Until October 15, 2007, establish fees and charges, in consultation with the director of agriculture, for purchasing loans from financial institutions and providing loan guarantees under the family farm loan program created under sections 901.80 to 901.83 of the Revised Code;   | 61<br>62<br>63<br>64<br>65                   |
| (12) Provide loan servicing for the loans purchased and loan guarantees provided under section 901.80 of the Revised Code as that section existed prior to October 15, 2007;  | 66<br>67<br>68                               |
| (13) Until October 15, 2007, and upon approval by the controlling board under division (A) (3) of section 901.82 of the Revised Code of the release of money to be used for purchasing a loan or providing a loan guarantee, request the release of that money in accordance with division (B) of section 166.03 of the Revised Code for use for the purposes of the fund created by section 166.031 of the Revised Code.   | 69<br>70<br>71<br>72<br>73<br>74<br>75       |
| (14) Allocate that portion of the national recovery zone economic development bond limitation and that portion of the   | 76<br>77                                     |

national recovery zone facility bond limitation that has been 78  
allocated to the state under section 1400U-1 of the Internal 79  
Revenue Code, 26 U.S.C. 1400U-1. If any county or municipal 80  
corporation waives any portion of an allocation it receives 81  
under division (A) (14) of this section, the agency may 82  
reallocate that amount. Any allocation or reallocation shall be 83  
made in accordance with this section and section 1400U-1 of the 84  
Internal Revenue Code. 85

(B) The director of development services may request the 86  
attorney general to, and the attorney general, in accordance 87  
with section 109.02 of the Revised Code, shall bring a civil 88  
action in any court of competent jurisdiction. The director may 89  
be sued in the director's official capacity, in connection with 90  
this chapter, in accordance with Chapter 2743. of the Revised 91  
Code. 92

(C) The director shall execute a contract pursuant to 93  
section 187.04 of the Revised Code with the nonprofit 94  
corporation formed under section 187.01 of the Revised Code, and 95  
may execute any additional contracts with the corporation 96  
providing for the corporation to assist the director or agency 97  
in carrying out any duties of the director or agency under this 98  
chapter, under any other provision of the Revised Code dealing 99  
with economic development, or under a contract with the 100  
director, subject to section 187.04 of the Revised Code. 101

(D) The director shall administer the land reutilization 102  
nuisance abatement program under section 1724.13 of the Revised 103  
Code. 104

**Sec. 1724.02.** (A) In furtherance of the purposes set forth 105  
in section 1724.01 of the Revised Code, a community improvement 106  
corporation shall have the following powers: 107

(1) (a) To borrow money for any of the purposes of the 108  
community improvement corporation by means of loans, lines of 109  
credit, or any other financial instruments or securities, 110  
including the issuance of its bonds, debentures, notes, or other 111  
evidences of indebtedness, whether secured or unsecured, and to 112  
secure the same by mortgage, pledge, deed of trust, or other 113  
lien on its property, franchises, rights, and privileges of 114  
every kind and nature or any part thereof or interest therein; 115  
and 116

(b) If the community improvement corporation is a county 117  
land reutilization corporation, the corporation may request, by 118  
resolution: 119

(i) That the board of county commissioners of the county 120  
served by the corporation pledge a specifically identified 121  
source or sources of revenue pursuant to division (C) of section 122  
307.78 of the Revised Code as security for such borrowing by the 123  
corporation; and 124

(ii) (I) If the land subject to reutilization is located 125  
within an unincorporated area of the county, that the board of 126  
county commissioners issue notes under section 307.082 of the 127  
Revised Code for the purpose of constructing public 128  
infrastructure improvements and take other actions as the board 129  
determines are in the interest of the county and are authorized 130  
under sections 5709.78 to 5709.81 of the Revised Code or bonds 131  
or notes under section 5709.81 of the Revised Code for the 132  
refunding purposes set forth in that section; or 133

(II) If the land subject to reutilization is located 134  
within the corporate boundaries of a municipal corporation, that 135  
the municipal corporation issue bonds for the purpose of 136  
constructing public infrastructure improvements and take such 137

other actions as the municipal corporation determines are in its interest and are authorized under sections 5709.40 to 5709.43 of the Revised Code. 138  
139  
140

(2) To make loans to any person, firm, partnership, corporation, joint stock company, association, or trust, and to establish and regulate the terms and conditions with respect to any such loans; provided that an economic development corporation shall not approve any application for a loan unless and until the person applying for said loan shows that the person has applied for the loan through ordinary banking or commercial channels and that the loan has been refused by at least one bank or other financial institution. Nothing in this division shall preclude a county land reutilization corporation from making revolving loans to community development corporations, private entities, or any person for the purposes contained in the corporation's plan under section 1724.10 of the Revised Code. 141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154

(3) To purchase, receive, hold, manage, lease, lease-purchase, or otherwise acquire and to sell, convey, transfer, lease, sublease, or otherwise dispose of real and personal property, together with such rights and privileges as may be incidental and appurtenant thereto and the use thereof, including but not restricted to, any real or personal property acquired by the community improvement corporation from time to time in the satisfaction of debts or enforcement of obligations, and to enter into contracts with third parties, including the federal government, the state, any political subdivision, or any other entity. A county land reutilization corporation shall not acquire an interest in real property if such acquisition causes the number of occupied real properties held by the corporation to exceed the greater of either fifty properties or twenty-five 155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168

per cent of all real property held by the corporation for 169  
reutilization, reclamation, or rehabilitation. For the purposes 170  
of this division, "occupied real properties" includes all real 171  
properties that are not unoccupied as that term is defined in 172  
section 323.65 of the Revised Code. 173

(4) To acquire the good will, business, rights, real and 174  
personal property, and other assets, or any part thereof, or 175  
interest therein, of any persons, firms, partnerships, 176  
corporations, joint stock companies, associations, or trusts, 177  
and to assume, undertake, or pay the obligations, debts, and 178  
liabilities of any such person, firm, partnership, corporation, 179  
joint stock company, association, or trust; to acquire, reclaim, 180  
manage, or contract for the management of improved or unimproved 181  
and underutilized real estate for the purpose of constructing 182  
industrial plants, other business establishments, or housing 183  
thereon, or causing the same to occur, for the purpose of 184  
assembling and enhancing utilization of the real estate, or for 185  
the purpose of disposing of such real estate to others in whole 186  
or in part for the construction of industrial plants, other 187  
business establishments, or housing; and to acquire, reclaim, 188  
manage, contract for the management of, construct or 189  
reconstruct, alter, repair, maintain, operate, sell, convey, 190  
transfer, lease, sublease, or otherwise dispose of industrial 191  
plants, business establishments, or housing. 192

(5) To acquire, subscribe for, own, hold, sell, assign, 193  
transfer, mortgage, pledge, or otherwise dispose of the stock, 194  
shares, bonds, debentures, notes, or other securities and 195  
evidences of interest in, or indebtedness of, any person, firm, 196  
corporation, joint stock company, association, or trust, and 197  
while the owner or holder thereof, to exercise all the rights, 198  
powers, and privileges of ownership, including the right to vote 199

therein, provided that no tax revenue, if any, received by a 200  
community improvement corporation shall be used for such 201  
acquisition or subscription. 202

(6) To mortgage, pledge, or otherwise encumber any 203  
property acquired pursuant to the powers contained in division 204  
(A) (3), (4), or (5) of this section. 205

(7) Nothing in this section shall limit the right of a 206  
community improvement corporation to become a member of or a 207  
stockholder in a corporation formed under Chapter 1726. of the 208  
Revised Code. 209

(8) To serve as an agent for grant applications and for 210  
the administration of grants, or to make applications as 211  
principal for grants for county land reutilization corporations. 212

(9) To abate, and fund the abatement of, nuisance 213  
structures by demolition, renovation, or remediation through the 214  
land reutilization nuisance abatement program established under 215  
section 1724.13 of the Revised Code. 216

(10) To exercise the powers enumerated under Chapter 5722. 217  
of the Revised Code on behalf of a county that organizes or 218  
contracts with a county land reutilization corporation. 219

~~(10)~~ (11) To engage in code enforcement and nuisance 220  
abatement, including, but not limited to, cutting grass and 221  
weeds, boarding up vacant or abandoned structures, and 222  
demolishing condemned structures on properties that are subject 223  
to a delinquent tax or assessment lien, or property for which a 224  
municipal corporation or township has contracted with a county 225  
land reutilization corporation to provide code enforcement or 226  
nuisance abatement assistance. 227

~~(11)~~ (12) To charge fees or exchange in-kind goods or 228



|   |     |
|---|-----|
| services for services rendered to political subdivisions and                | 229 |
| other persons or entities for whom services are rendered.                   | 230 |
| <del>(12)</del> <u>(13)</u> To employ and provide compensation for an       | 231 |
| executive director who shall manage the operations of a county              | 232 |
| land reutilization corporation and employ others for the benefit            | 233 |
| of the corporation as approved and funded by the board of                   | 234 |
| directors. No employee of the corporation is or shall be deemed             | 235 |
| to be an employee of the political subdivision for whose benefit            | 236 |
| the corporation is organized solely because the employee is                 | 237 |
| employed by the corporation.  | 238 |
| <del>(13)</del> <u>(14)</u> To purchase tax certificates at auction,        | 239 |
| negotiated sale, or from a third party who purchased and is a               | 240 |
| holder of one or more tax certificates issued pursuant to                   | 241 |
| sections 5721.30 to 5721.43 of the Revised Code.                            | 242 |
| <del>(14)</del> <u>(15)</u> To be assigned a mortgage on real property from | 243 |
| a mortgagee in lieu of acquiring such real property subject to a            | 244 |
| mortgage.   | 245 |
| <del>(15)</del> <u>(16)</u> To act as a portal operator for purposes of an  | 246 |
| OhioInvests offering under sections 1707.05 to 1707.058 of the              | 247 |
| Revised Code.   | 248 |
| <del>(16)</del> <u>(17)</u> To do all acts and things necessary or          | 249 |
| convenient to carry out the purposes of section 1724.01 of the              | 250 |
| Revised Code and the powers especially created for a community              | 251 |
| improvement corporation in Chapter 1724. of the Revised Code,               | 252 |
| including, but not limited to, contracting with the federal                 | 253 |
| government, the state or any political subdivision, a board of              | 254 |
| county commissioners pursuant to section 307.07 of the Revised              | 255 |
| Code, a county auditor pursuant to section 319.10 of the Revised            | 256 |
| Code, a county treasurer pursuant to section 321.49 of the                  | 257 |

Revised Code, and any other party, whether nonprofit or for- 258  
profit. An employee of a board of county commissioners, county 259  
auditor, or county treasurer who, pursuant to a contract entered 260  
into in accordance with section 307.07, 319.10, or 321.49 of the 261  
Revised Code, provides services to a county land reutilization 262  
corporation shall remain an employee of the county during the 263  
provision of those services. 264

(B) The powers enumerated in this chapter shall not be 265  
construed to limit the general powers of a community improvement 266  
corporation. The powers granted under this chapter are in 267  
addition to those powers granted by any other chapter of the 268  
Revised Code, but, as to a county land reutilization 269  
corporation, shall be used only for the purposes enumerated 270  
under division (B) (2) of section 1724.01 of the Revised Code. 271

(C) Ownership of real property by an economic development 272  
corporation does not constitute public ownership unless the 273  
economic development corporation has applied for and been 274  
granted a tax exemption for the property under section 5709.08 275  
of the Revised Code. 276

Sec. 1724.13. (A) As used in this section, "blighted 277  
parcel" has the same meaning as in section 1.08 of the Revised 278  
Code. 279

(B) The land reutilization nuisance abatement program is 280  
hereby created to fund the abatement of nuisance structures on 281  
blighted parcels. 282

(C) The director of development services shall administer 283  
the land reutilization nuisance abatement program by awarding 284  
grants to county land reutilization corporations for the purpose 285  
of funding the abatement of nuisance structures on blighted 286

parcels. The director may award grants for that purpose subject 287  
to both of the following conditions: 288

(1) A county land reutilization corporation that receives 289  
a grant from the land reutilization nuisance abatement program 290  
commits additional funds, in an amount that is equal to or 291  
greater than the amount of the grant, to the abatement of 292  
nuisance structures on blighted parcels. 293

(2) Any other condition on the use of funds the director 294  
finds appropriate. 295

(D) The director shall not, during any fiscal year, award 296  
any county land reutilization corporation more than twenty per 297  
cent of the funds appropriated to the land reutilization 298  
nuisance abatement program by the general assembly in that 299  
fiscal year. 300

**Section 2.** That existing sections 122.011 and 1724.02 of 301  
the Revised Code are hereby repealed. 302

**Section 3.** All items in this act are hereby appropriated 303  
as designated out of any moneys in the state treasury to the 304  
credit of the designated fund. For all operating appropriations 305  
made in this act, those in the first column are for fiscal year 306  
2022 and those in the second column are for fiscal year 2023. 307  
The operating appropriations made in this act are in addition to 308  
any other operating appropriations made for the FY 2022-FY 2023 309  
biennium. 310

**Section 4.** 311

312

|   |                                |        |                                 |              |              |
|---|--------------------------------|--------|---------------------------------|--------------|--------------|
| A |                                |        | DEV DEVELOPMENT SERVICES AGENCY |              |              |
| B | General Revenue Fund           |        |                                 |              |              |
| C | GRF                            | 195400 | Land                            | \$50,000,000 | \$50,000,000 |
|   |                                |        | Reutilization                   |              |              |
|   |                                |        | Nuisance                        |              |              |
|   |                                |        | Abatement                       |              |              |
|   |                                |        | Program                         |              |              |
| D | TOTAL GRF General Revenue Fund |        |                                 | \$50,000,000 | \$50,000,000 |
| E | TOTAL ALL BUDGET FUND GROUPS   |        |                                 | \$50,000,000 | \$50,000,000 |

LAND REUTILIZATION NUISANCE ABATEMENT PROGRAM 313

The foregoing appropriation item 195400, Land 314  
 Reutilization Nuisance Abatement Program, shall be used for the 315  
 Land Reutilization Nuisance Abatement Program as described under 316  
 section 1724.13 of the Revised Code. 317

**Section 5.** Within the limits set forth in this act, the 318  
 Director of Budget and Management shall establish accounts 319  
 indicating the source and amount of funds for each appropriation 320  
 made in this act, and shall determine the form and manner in 321  
 which appropriation accounts shall be maintained. Expenditures 322  
 from operating appropriations contained in this act shall be 323  
 accounted for as though made in the main operating 324  
 appropriations act of the 134th General Assembly. The operating 325  
 appropriations made in this act are subject to all provisions of 326  
 the main operating appropriations act of the 134th General 327  
 Assembly that are generally applicable to such appropriations. 328