



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Kathleen A. Luikart

S.B. 75

132nd General Assembly
(As Introduced)

Sens. Brown, Williams, Thomas, Yuko, Schiavoni, Tavares

BILL SUMMARY

- Requires a municipal corporation or county to certify, before a county auditor places a lien for unpaid water charges against a property, that the property (1) has not been sold or (2) has been sold and neither party to the sale requested or paid a final bill.
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CONTENT AND OPERATION

Certification and placement on tax list of unpaid water charges

The bill requires a county or municipal corporation to certify certain additional facts to a county auditor before the auditor places a lien for unpaid county or municipal water service charges against a property. Specifically, the additional facts a board of county commissioners or city's director of public service must certify to the auditor are that the property either:

- Has not been sold to a new owner since the date the unpaid charges became due; or
- Has been sold since the date the unpaid charges became due and neither party to the most recent sale, either directly or through their agents, made a timely request for a final bill or paid the outstanding charges on the final bill.¹

In effect, for a property sold after unpaid water charges became due, the bill allows a county auditor to place a lien for unpaid water charges against the property only if neither the seller nor buyer requested or paid the final bill.

¹ R.C. 743.04(A) and 6103.02(G).

Unpaid water charges-background

Requesting a final bill

Continuing law specifies that when property to which water service is provided is about to be sold, either party to the sale may request the director of public service or the board of county commissioners, as applicable, to read the meter at the property and to render a final bill for all outstanding charges for water service.²

Certification to auditor and creation of tax lien

Also under continuing law, if a property owner to whom a county or city supplies water fails to pay assessed water charges when due, a board of county commissioners or a city's director of public service may certify to a county auditor the unpaid charges. After a board certifies unpaid charges arising from county water services, the county auditor must place the certified amount of unpaid charges on the real property tax list and duplicate against the property, creating a lien.³ After a director of public service certifies unpaid charges arising from city water services, the county auditor must place a lien on the property only if the director also certifies to the auditor that the unpaid charges arose under a service contract made directly with an owner who occupies the property.⁴

Continuing law also specifies that a lien for unpaid city water charges may not be placed against a property if: (1) the property has been transferred or sold to a subdivision that has created a land reutilization (land bank) program and the unpaid charges arose before the sale or transfer, (2) the property has been sold at a sheriff's sale or auditor's sale to a purchaser with whom the previous owner has no relation and the unpaid charges arose before the sale, or (3) the property has been forfeited to the state for delinquent taxes, unless the owner of record redeems the property.⁵

HISTORY

ACTION	DATE
Introduced	02-27-17

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² R.C. 743.04(A)(5) and 6103.02(G).

³ R.C. 6103.02(G).

⁴ R.C. 743.04(A).

⁵ R.C. 743.04(A)(2).

