



H.B. 355

125th General Assembly
(As Introduced)

Reps. Callender, McGregor, Hagan, Fessler, Kearns, Carano, Seitz, Setzer, Faber

BILL SUMMARY

- Provides additional ways for townships to determine or estimate the population of the unincorporated territory of the township for the population requirement to adopt a limited home rule government.

CONTENT AND OPERATION

Existing law

Under current law, a township may adopt a limited home rule government if it meets either of the following (sec. 504.01(A), (B), and (D)):

(1) It has a population of at least 5,000 but less than 15,000 in its unincorporated territory, and, in an election initiated by a resolution adopted by a majority vote of the board of township trustees or by a petition of the electors, the electors in that territory approve that form of government.

(2) It has a population of 15,000 or more in its unincorporated territory, and either (a) the board of township trustees unanimously votes to adopt that form of government (its resolution not being overturned in a referendum election) or (b) the board, by a majority vote or pursuant to a petition of the electors, submits the question to the electors in that territory, who approve that form of government.¹

"Population" is determined by the most recent regular (decennial) federal census (sec. 1.59(D)--not in the bill).

¹ The bill recodifies these requirements in divisions (B)(1), (2), and (4) of section 504.01.

Changes proposed by the bill

For the purposes of a township adopting a limited home rule government as described above, the bill provides methods, in addition to using the most recent decennial census, that attempt to reflect changes in "population" since that census (sec. 504.01(A)(1)). Under the bill, a township's population also may be determined or estimated by one of the following additional methods (sec. 504.01(A)(2) and (3) and (C)):

(1) Determined by a census performed pursuant to a contract between the board of township trustees and a person qualified to conduct a census in the unincorporated territory of the township;²

(2) By estimation using the following formula (the census information in the formula is the census tracts or blocks that most closely correspond to the unincorporated territory in the most recent decennial census, and the occupancy rate is the number of occupied housing units as a percentage of the total number of housing units within those census tracts or blocks):

$$\text{The most recent decennial census population} + \left[\begin{array}{l} \text{The number of housing units added in the unincorporated territory of the township since that decennial census} \\ \times \\ \text{The occupancy rate} \\ \times \\ \text{The average number of persons per household within census tracts or blocks most closely corresponding to the unincorporated territory} \end{array} \right]$$

(3) By estimation using the following formula:

$$\text{The most recent decennial census population} + \left[\begin{array}{l} \text{The number of qualified electors who have registered to vote in the unincorporated territory of the township since the general election held in the year in which the most recent decennial census was conducted} \\ \times \\ \frac{\text{The most recent decennial census population}}{\text{The number of qualified electors who were registered to vote in the general election held in the year in which the most recent decennial census was conducted}} \end{array} \right]$$

² *The bill does not define or list qualifications.*

(4) By estimation using any other scientifically valid method approved by the court of common pleas. This approval must be obtained by the board of township trustees filing with the court of common pleas of the county where the unincorporated territory of the township is located a petition describing the proposed method and incorporating supporting documentation. The court must hold a hearing on the petition, for which the board of township trustees must publish a notice in a newspaper of general circulation in the unincorporated territory.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	12-18-03	p. 1339

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