



H.B. 472

125th General Assembly
(As Introduced)

Rep. Young

BILL SUMMARY

- Prohibits a board of trustees of a residential land trust from assessing a fee to an owner of real estate or upon real estate that is subject to the trust unless the trustees are elected pursuant to the bill's provisions.
 - Requires trustees of a residential land trust to be elected for a term of two years and requires the first election to be held not later than six months after the bill's effective date.
 - Authorizes any owner of property that is subject to the trust to nominate a person to serve as trustee and provides that only a person nominated by an owner is eligible to serve as trustee.
 - Provides that one person representing each parcel of real estate subject to the trust is entitled to vote for trustees.
 - Prescribes the manner of voting and the requirements for election of candidates, sending notice of an election, and filling vacancies on the board of trustees of a residential land trust.
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CONTENT AND OPERATION

Fee assessment prohibition

The bill prohibits a board of trustees of a "residential land trust" (see "**Definition**," below) from assessing a fee to an owner of real estate or upon real estate that is subject to the trust unless the trustees are elected pursuant to the bill's provisions (R.C. 5312.01(B)).

Election of trustees

The bill requires the trustees of a residential land trust to be elected for a term of two years. The first election must be held not later than six months after the effective date of this provision. Any owner of property that is subject to the trust may nominate a person to serve as a trustee. Only a person nominated by an owner is eligible to serve as a trustee.

The bill provides that one person representing each parcel of real estate subject to the trust is entitled to vote. All voting must be in person at the stated time and place of the election. No mail-in or absentee ballots are to be permitted. Each person voting may vote for the same number of candidates as the number of trustees to be elected, with each candidate running as an individual. The bill requires that the candidates receiving the greatest number of votes be elected and take office immediately upon counting the votes at the close of the election. (R.C. 5312.01(C).)

The bill requires that for each election, the current trustees or person with authority to assess fees on behalf of the trust notify each property owner of the election at least 30 days before the election. The notice must be in writing and include the time and place of the election, the names of the current trustees, and information regarding the procedure to nominate trustees. (R.C. 5312.01(D).)

Any vacancy on the board of trustees that occurs six months or more before the expiration of a term must be filled by a special election held pursuant to the procedures for an election set forth in the bill as described above (R.C. 5312.01(E)).

Definition

The bill defines "residential land trust," as used in the bill, as a trust that has authority to assess a fee to an owner of real estate in a residential development due to a trust agreement, a provision in the deed for the real estate, or a covenant that is binding on the owner (R.C. 5312.01(A)).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	04-27-04	p. 1790

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