Bill Analysis

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Legislative Service Commission

H.B. 215

126th General Assembly
(As Introduced)

Reps. Ujvagi, Wagoner, McGregor, Barrett, Healy, Skindell, Miller, Beatty, Hartnett, Chandler, Reidelbach, Koziura, Brown, Yuko, D. Evans, Harwood, Williams, Distel, Key, Fende

BILL SUMMARY

- Authorizes a board of county commissioners for a sewer district, and a board of trustees for a regional water and sewer district, to offer discounts or reductions on water and sewer rates, rentals, or charges to certain persons 65 years of age or older.

CONTENT AND OPERATION

Current law permits a board of county commissioners to create sewer districts and to own and operate public water supply facilities and sanitary or drainage facilities within those districts. The county has authority to fix reasonable water and sewer rates and charges to be collected for district services. (R.C. 6103.02, 6117.01, and 6117.02.)

It is also possible under current law for a regional water and sewer district to be established by a court of common pleas to provide water and sewer services in the district. The board of trustees governing the district may charge and collect rentals and other charges for district services. (R.C. 6119.04 and 6119.09--not in the bill.)

The bill explicitly permits the board of county commissioners for a sewer district and the board of trustees for a regional water and sewer district to establish discounted rates, rentals, or charges, or to establish another mechanism for providing a reduction in rates, rentals, or charges, for persons who are 65 years of age or older. The relevant board must establish *eligibility requirements* for a discounted or reduced rate, rental, or charge in addition to its recipients being 65 years of age or older. One of those requirements *must* be that a recipient qualify as a "low- and moderate-income person" as defined in the Ohio Housing Finance Agency Law or that a recipient be eligible for a specified "homestead exemption" under the Collection of Property Tax Law. (R.C. 6103.01(G) and (H), 6103.02(F), 6117.01(A)(9) and (10), 6117.02(F), 6119.011(V) and (W), and 6119.091; R.C. 175.01 and 323.152(A)--not in, but cross-referenced in, the bill.)

The Ohio Housing Finance Agency (OHFA) Law currently defines the term "low and moderate income persons" that the bill uses as persons and families who, because of insufficient personal or family income, cannot afford to pay the amounts at which private enterprise is providing an adequate supply of decent, safe, and sanitary housing, without federal subsidy or state assistance pursuant to the OHFA Law (R.C. 175.01(G)--not in the bill).[1] Effective July 1, 2005, the term is defined differently and becomes "low- and moderate-income persons"; they are individuals and families who qualify as low- and moderate-income persons pursuant to guidelines the OHFA establishes (R.C. 175.01(O)--not in the bill).

With respect to the homestead exemption under the Collection of Property Tax Law, the eligibility criteria for that homestead exemption may vary, but if it is based on a person being 65 years of age or older, the person also must own real property and fall within certain lower income brackets (R.C. 323.152(A)--not in the bill).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	04-26-05	pp. 701-702

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[1] *The OHFA, in determining income limits under the OHFA Law for low and moderate income persons, must consider (among other factors) the following factors: the amount of the total income of the persons and families available for housing needs, the size of the family, the cost and condition of housing facilities available, the ability of the persons and families to compete successfully in the normal private housing market and to pay the amounts at which private enterprise is providing decent, safe, and sanitary housing without federal subsidy or state assistance, and the standards established for various federal programs determining eligibility based on income of the persons and families. Unless the OHFA determines otherwise, the maximum annual incomes for* low income persons *cannot exceed four times the amount necessary to acquire and maintain safe, decent, and sanitary housing. The maximum annual income limits for* moderate income persons *must be 135% of the maximum annual income for low income persons.*