



Stephen Estelle

Final Analysis
Legislative Service Commission

Am. Sub. H.B. 359
127th General Assembly
(As Passed by the General Assembly)

- Reps. Huffman, J. McGregor, Peterson, Healy, R. McGregor, Jones, Bacon, Adams, Lundy, Stebelton, Evans, Gibbs, Letson, Slesnick, Patton, Batchelder, Bolon, Boyd, Brown, Chandler, Combs, DeBose, DeGeeter, Dolan, Domenick, Dyer, Flowers, Hite, Hughes, Luckie, Newcomb, Oelslager, Setzer, Skindell, D. Stewart, Strahorn, S. Williams, Yuko**
- Sens. Amstutz, Spada, Roberts, Sawyer, Harris, D. Miller, R. Miller, Padgett, Stivers, Wilson, Smith, Fedor, Mason**

Effective date: *

ACT SUMMARY

- Grants permanent authority to the prosecuting attorney and county treasurer of a county with a population greater than 100,000 to use up to \$3 million of surplus delinquent tax collections per year to assist municipal corporations and townships to abate nuisances related to residential buildings in foreclosure, which supplements recently enacted authority of a prosecuting attorney and county treasurer of a county with a population greater than 400,000 to use up to \$3 million in surplus delinquent tax collections to prevent residential mortgage foreclosures in the county.
- Authorizes the prosecuting attorney to also use the surplus funds to prosecute alleged violations of criminal and civil laws governing real estate and related transactions, including fraud and abuse.

* The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.

CONTENT AND OPERATION

Use of delinquent tax and assessment collection funds

(R.C. 321.261)

Continuing law requires 5% of all delinquent real property, personal property, and manufactured and mobile home taxes and assessments to be deposited in a county's delinquent tax and assessment collection (DTAC) fund, to be used solely in connection with the collection of those taxes and assessments. Recently enacted H.B. 119 temporarily permits a board of county commissioners of a county with a population exceeding 1.2 million to authorize up to \$3 million in the DTAC fund to be spent to prevent residential mortgage foreclosures, including providing loans to borrowers in default on their home mortgages and augmenting monies used in the county's "foreclosure prevention program," and to help municipal corporations abate nuisances in deteriorated residential buildings that are in foreclosure. (Section 757.30 of H.B. 119.) The temporary authority ends July 1, 2008. However, recently enacted Am. Sub. H.B. 562 permanently authorizes a county treasurer and prosecuting attorney of a county with a population greater than 400,000 to expend up to \$3 million in surplus DTAC fund money to prevent residential mortgage foreclosures.

The act permanently authorizes the prosecuting attorney and county treasurer of a county with a population exceeding 100,000 (according to the Department of Development's 2006 census estimate) to expend a combined total of not more than \$3 million annually in surplus DTAC funds to assist municipal corporations and townships located in the county in the nuisance abatement of residential buildings in foreclosure, including paying the costs of securing the buildings, lot maintenance, and demolition.

The act also authorizes the prosecuting attorney to use the surplus DTAC funds to prosecute alleged violations of criminal and civil laws governing real estate and related transactions, including fraud and abuse.

HISTORY

ACTION	DATE
Introduced	10-18-07
Reported, H. Ways & Means	04-10-08
Passed House (92-4)	05-13-08
Reported, S. Ways & Means & Economic Development	05-28-08
Passed Senate (32-0)	05-29-08
House concurred in Senate amendments (91-2)	06-10-08

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