



*Synopsis of House Committee Amendments**

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Legislative Service Commission

Sub. S.B. 7

127th General Assembly
(H. Judiciary)

Restores, for purposes of assistance to persons displaced by appropriations of real property, the distinction between takings for highway and federally-assisted projects and takings for other purposes, moves relevant definitions back to the sections dealing with such assistance, but applies certain relocation assistance to all takings cases.

Defines "blighted parcel" instead of "blighted property" and modifies the list of blighting conditions that a parcel/property must have to be a blighted parcel/property and changes from 90% to 70% the percentage of parcels/properties within an area that must be blighted for the area to be a blighted area or slum and otherwise modifies the definition of "blighted area" and "slum."

Modifies the exceptions to the general rule that "public use" does not include a taking for conveyance or lease to a private commercial enterprise, for economic development, or solely for the purpose of increasing public revenue by adding to the exceptions a conveyance or lease to (1) a public utility, municipal power agency, or common carrier, (2) a private entity that occupies a port authority transportation facility or an incidental area within a publicly owned and occupied project, and (3) a private entity if the property is a blighted parcel; eliminates the requirement that the exception for a taking of property in a blighted area be pursuant to a redevelopment plan, but requires an agency to adopt a comprehensive development plan based on a publicly financed study documenting the need for the taking of a blighted area.

Includes public institutions of higher education, certain private institutions of higher education, and port authority transportation facilities in presumed public uses.

Eliminates the exclusion of municipally-owned public utilities from the definition of "public agency."

Defines "public utility" to include a public utility owned or operated by one or more municipal corporations, an electric cooperative, and an agency holding a certificate of convenience and necessity from the Federal Energy Regulatory Commission.

* This synopsis does not address amendments that may have been adopted on the House floor.

Exempts takings made because of a public exigency as provided in a municipal charter or ordinance from the general requirement that takings be made pursuant to R.C. 163.01 through 163.22.

Requires an agency to give an owner notice of intent to appropriate property, including a summary of the owner's legal rights, and provides a statutory form of the notice.

Requires a written objection to a taking by the owner before a taking by an unelected public agency can be vetoed and otherwise modifies the prohibition of takings by an unelected public agency without the approval of the public agency or elected individual that appointed the unelected public agency.

Removes the requirement that a public agency obtain approval for a taking outside its jurisdiction from the legislative authority where the property is located, but requires the approval of a county legislative authority for a taking of property in the county by a park authority not located in the county.

Eliminates the requirements of public notice, opportunity for public comment, and, in some cases, a public hearing prior to a taking by a public agency, except to the extent that existing law contains such requirements.

Requires reasonable planning efforts to limit the disruption of traffic flow or impeding access to property by takings other than takings for R.C. Title LV projects (roads, highways, and bridges).

Authorizes either party to request mediation as to the value of the property and requires the agency to pay for the mediation.

Removes a provision expressly placing on the agency the burden of proof regarding blight if the owner denies these matters in the answer.

Changes the time for jury assessment of compensation from within 20 days to not less than 60 days after the court decides the right to appropriate and the necessity of the appropriation, subject to the parties' right to mediation and the owner's right to an immediate appeal.

Creates a rebuttable presumption of the necessity of a taking if a resolution or ordinance of the governing or controlling body, council, or board of the agency declares the necessity (but only if the agency is not appropriating the property because of blight); creates a rebuttable presumption of necessity if a public utility or common carrier presents evidence of necessity; creates an irrebuttable presumption of necessity if a public utility or common carrier has approval of the taking from a state or federal regulatory authority.



Provides that neither party has the burden of proof with regard to the value of appropriated property.

Requires the taking of the entire property of a business before compensation for loss of goodwill may be awarded.

Makes relocation assistance in cases other than those involving takings for highway or federally-assisted projects (covered by existing law) available to the owner of appropriated property, a commercial tenant, or a residential tenant identified by the owner in a notice filed with the court.

Excepts from the owner's right to an immediate appeal orders in quick-take cases, including cases in which a municipally-owned public utility is taking property as the result of a public exigency.

Removes the requirement that appeals be heard in an expedited manner, but asks the Supreme Court to provide for expedited appeals by rule.

Requires an award of reasonable attorney's fees, expenses, and costs if the court decides in favor of the owner in a final, unappealable order on the issue of public use.

Modifies the provision requiring an award of attorney's fees and other costs and expenses if the award exceeds 125% of the amount stated in the petition and offered to the owner by authorizing the agency to make a revised offer based on property conditions that could not reasonably have been discovered at the time of the first offer or on an exchange of appraisals and by exempting quick-takes from the requirement unless the appropriated property is unblighted agricultural land and the award exceeds 150% of the first good-faith or final revised written offer.

Requires the owner, to be eligible for an award of attorney's fees and other costs and expenses, to provide the agency with an appraisal, summary appraisal, or sworn statement of value at least 50 days before the date set for trial.

Modifies the cap on an award of attorney's fees and removes the \$10,000 limit on an award of expert witness fees by providing that an award of costs and expenses (including attorney's fees) may not exceed the lesser of 25% of the amount by which the award exceeds the agency's initial offer, revised offer, or final written offer made at least 45 days before the trial date.

Authorizes the trier of fact to award relocation expenses if the agency denies them.

Permits a business owner who is forced by an appropriation to relocate to recover damages for actual economic loss resulting from the appropriation.

Modifies the owner's right to repurchase appropriated property and the method of determining the fair market value of the property.



Declares the General Assembly's intent that the act apply generally throughout the state and states that the act does not affect proceedings pending on the act's effective date.

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