



www.lsc.ohio.gov

OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

Substitute Bill Comparative Synopsis

Sub. H.B. 422

134th General Assembly

House State and Local Government

Reid J. Fleeson, Attorney

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (I_134_1567-2)
Applicability of billing responsibility/improper billing complaints and appeals provisions	
Applies to collection or disposal services and water services provided by municipal authorities (villages and cities) (<i>R.C. 701.20 to 701.26 and 3745.60 to 3745.64</i>).	Expands to include county water services, municipal sewerage services, and county sanitary services. Changes “municipal” authority and services references to “subdivision” authority and services in conjunction with the expansion (which means a village, city, and county person, board, or entity and their collection or disposal, water, sewerage, and sanitary services, as applicable). (<i>R.C. 701.20 to 701.26 and 3745.15 to 3745.154</i>)
Improper billing appeals	
Provides for improper billing appeals to be taken to the Billing Appeals Board (BAP) established by the Ohio Environmental Protection Agency using procedures created by the bill (<i>R.C. 3745.60 to 3745.64</i>).	Provides for the appeals to be taken to the Environmental Review Appeals Commission (ERAC) (<i>R.C. 3745.15 to 3745.154</i>).

Previous Version (As Introduced)	Latest Version (I_134_1567-2)
Application of Administrative Procedure Act (R.C. Chapter 119)	
Requires the Director of Environmental Protection to adopt rules regarding BAP composition and its procedures, processes, and decision standards for improper billing appeals in accordance with the Administrative Procedure Act (APA) (R.C. 3745.62).	Provides that ERAC, with respect to its rules regarding its procedures, processes, and decision standards for improper billing appeals, is not subject to the APA (R.C. 3745.152(B)).
Contracting owner-occupier limitation imposed on certain county and municipality liens	
No provision.	Imposes on counties, regarding their water and sanitary services, and on municipalities, regarding their collection or disposal and sewerage services, the limitation requiring that for liens to be placed by the county auditor on property for unpaid rents/rates or charges for those services, the service contract must have been made directly with an owner that occupies the property and that <i>additional certification</i> confirming the owner-occupier contract is provided to the auditor (R.C. 701.10(A)(2)(a), 729.49(B)(1), 6103.02(G)(1)(a), and 6117.02(C)(1)(a)).
Additional certification expansion regarding service liens	
No provision.	Requires the <i>additional certification</i> for a <i>service lien</i> (lien for unpaid rates/rents or charges for collection or disposal, water, sewerage, and sanitary services), confirming the owner-occupied contract for service, to consist of the following: <ul style="list-style-type: none"> ▪ Property parcel number on which the lien is to be imposed; ▪ Property owner name; ▪ Name of person who contracted for the service; ▪ Confirmation from the person, board, or entity of the subdivision certifying the lien and submitting the additional certification that all of the information submitted to the auditor has been verified. (R.C. 319.65.)

Previous Version (As Introduced)	Latest Version (I_134_1567-2)
Auditor notice to property owner before certifying service liens	
No provision.	Requires the county auditor to provide notice to the property owner about placement of a service lien on the property before placing the lien and requires the notice to inform the owner about the ability to appeal the lien with ERAC (<i>R.C. 319.66</i>).
Service lien appeals	
No provision.	Establishes a procedure for persons receiving notice of placement of a service lien from the county auditor to make an appeal to ERAC. Allows appeals to be brought against all service liens, including any placed before the bill's effective date (<i>R.C. 3745.155 to 3745.1510</i>).
Municipal collection or disposal services collection	
Permits a municipal corporation to collect unpaid collection or disposal services rates or charges, except those certified to the county auditor as a lien, using an action at law, from an owner, tenant, or other person who is liable to pay the rates or charges (<i>R.C. 701.101</i>).	Allows the municipal corporation to use an action at law to collect all unpaid collection or disposal services rates or charges, including those certified as a lien (<i>R.C. 701.101</i>).
Municipal sewerage services collection	
No provision	Permits a municipal corporation to collect unpaid sewerage service rates or charges, using an action at law, from an owner, tenant, or other person who is liable to pay the rates or charges (<i>R.C. 729.491</i>).
Municipal collection or disposal and sewerage lien payments	
No provision	Requires a county treasurer to accept separately tendered payments for the full certified collection or disposal service liens and sewerage service liens and to place the amounts collected, respectively, into the general fund of the municipal corporation or the appropriate distinct fund (<i>R.C. 701.10(A)(2)(b) and 729.49(B)(2)</i>).

Previous Version (As Introduced)	Latest Version (I_134_1567-2)
County water and sanitary lien payments	
No provision.	Requires any amount collected by the county treasurer through a water lien and sanitary service lien to be placed in the appropriate distinct fund established for such purposes <i>(R.C. 6103.02(G)(1)(b) and 6117.02(C)(1)(b)).</i>
County water lien billing disputes	
No provision.	Specifies that the board of county commissioners must follow the billing dispute procedures created in R.C. 701.21 to 701.26 by the bill that provide a fair and reasonable opportunity for resolution of billing disputes, rather than establish a fair and reasonable opportunity for the resolution of billing disputes under current law <i>(R.C. 6103.02(G)(4)).</i>