



Ohio Legislative Service Commission

Sub. Bill Comparative Synopsis

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Sub. H.B. 134 131st General Assembly (H. Judiciary)

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. With a few exceptions, it does not list topics on which the two bills are substantively the same.

Topic	Sub. H.B. 134 (As Re-referred to H. Judiciary)	Sub. Version (LSC 131 0460-3)
Standing	Permits the holder of the mortgage note for that residential mortgage loan to file a motion for summary foreclosure if "the residential property that is subject of the foreclosure action is believed to be vacant and abandoned" (<i>R.C. 2308.02(B)</i>).	Permits the person entitled to enforce the instrument secured by the mortgage under the Ohio Commercial Paper Law or a person with the right to enforce the obligation secured by the mortgage pursuant to law outside of the Ohio Commercial Paper Law to file a motion for expedited foreclosure on the basis the property "is vacant and abandoned" (<i>R.C. 2308.02(A)</i>).
Hearings	Requires the court to hear the motion requesting summary foreclosure not earlier than before the period to answer the foreclosure complaint has expired and not later than 15 days after the period to answer the foreclosure complaint has expired. If the holder of the mortgage note files the motion for summary foreclosure after the period to answer the foreclosure complaint has expired, the court is required to hear the motion	Similar, but instead of 15 days, requires the court to decide the motion not later than 21 days, or within the time consistent with the local rules, in both circumstances (<i>R.C. 2308.02(B)</i>).

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	<p>not later than 15 days after the motion is filed. (R.C. 2308.02(C).)</p> <p>Requires the court to give priority to hearings for motions for summary foreclosure (R.C. 2308.02(D)).</p>	No provision.
Vacant and abandoned criteria	<p>Specifies as the criteria for a residential property to be considered vacant and abandoned that both of the following apply:</p> <p>(1) The owner of the residential property is in default on the residential mortgage loan secured by the residential property.</p> <p>(2) Two or more of the specified evidentiary circumstances apply (see Vacant and abandoned – evidence, below) (R.C. 2308.02(A)).</p>	<p>Requires all of the following:</p> <p>(1) The court finds by a preponderance of the evidence that the residential mortgage loan is in monetary default.</p> <p>(2) The court finds by clear and convincing evidence that three or more of the specified evidentiary circumstances are true (see Vacant and abandoned – evidence, below).</p> <p>(3) The court finds by a preponderance of the evidence that the mortgagee is the person entitled to enforce the instrument secured by the mortgage under the Ohio Commercial Paper Law or a person with the right to enforce the obligation secured by the mortgage pursuant to law outside of the Ohio Commercial Paper Law.</p> <p>(4) No mortgagor or other defendant has filed an answer or objection with a defense or objection, if proven, would preclude the foreclosure.</p> <p>(5) No mortgagor or other defendant has filed a written statement with the court indicating that the property is not vacant and abandoned. (R.C. 2308.02(C).)</p>

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Vacant and abandoned – evidence	<p>Requires two or more of the following circumstances apply:</p> <p>No person is visibly present from an exterior inspection of the property at the time of inspection by the appropriate government official, or by the holder of the mortgage note or the holder's representative.</p> <p>No utility connections service the property, or no such utility connections are actively being billed by any utility provider regarding the property.</p> <p>The property is sealed because, immediately prior to being sealed, it was considered by the appropriate official to be open, vacant, or vandalized.</p> <p>Junk, litter, trash, debris, or hazardous, noxious, or unhealthy substances or materials have accumulated on the property.</p> <p>Furnishings, window treatments, and personal items are absent from the structure on the land.</p> <p>Neighbors, delivery persons, or government employees provide statements indicating that the structure on the land is vacant and abandoned.</p> <p>A risk to the health and safety or welfare of the public, or any adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property.</p>	<p>Similar, but requires three or more of the following circumstances to apply:</p> <p>Similar, except only specifies that neither an owner nor a tenant appears to be residing in the property at the time of an inspection and omits reference to a representative.</p> <p>Same, except only states that the utility services to the property have been disconnected.</p> <p>Same.</p> <p>Same.</p> <p>Same.</p> <p>Similar, but only includes government employee statements, which must be in writing.</p> <p>Similar, but does not require that there be a risk to the health and safety or welfare of the public, or any adjoining or adjacent property owners.</p>

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	<p>A mortgagor issues a written statement expressing clear intent of all mortgagors to abandon the property.</p> <p>Any other reasonable indicia of abandonment exists.</p> <p>No provision.</p> <p>No provision.</p> <p><i>(R.C. 2308.02(A)(2).)</i></p>	<p>Same, but omits the term "clear."</p> <p>Same.</p> <p>Windows or entrances to the property are boarded up or closed off, or multiple window panes are broken and unrepaired.</p> <p>Doors on the property are smashed through, broken off, unhinged, or continuously unlocked.</p> <p><i>(R.C. 2308.02(C)(3).)</i></p>
Service of process	<p>Requires holder of a mortgage note to establish that at least two unsuccessful attempts to serve the mortgagor or occupant at the residential property have been made and that the attempts were at least 48 hours apart and during different times of the day <i>(R.C. 2308.02(E)).</i></p>	<p>No provision.</p>
Notice	<p>Requires that the holder of a mortgage note, at least seven days before the summary foreclosure hearing, to serve a notice that the holder is seeking, on the date fixed by the court, to proceed summarily for entry of judgment in a residential foreclosure action because the property is believed to be vacant and abandoned <i>(R.C. 2308.02(F)).</i></p>	<p>No provision.</p>
Owner	<p>Permits the owner of the property to make an appearance at the summary foreclosure hearing and submit evidence that the property is not vacant and abandoned <i>(R.C. 2308.02(G)).</i></p>	<p>No provision, but see paragraph (4) in Vacant and abandoned criteria, above.</p>



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Final judgment	<p>Establishes that no earlier than the expiration of the period of time to answer the foreclosure compliant or the period of time to respond to a motion for judgment under the Rules of Civil Procedure, whichever is later, the court is required to enter a final judgment of foreclosure and order the sheriff to sell the property within 75 days after the sheriff's receipt of any writ of execution issued by the court, if the court finds by clear and convincing evidence that the vacant and abandoned criteria have been met. See Vacant and abandoned criteria, above. (R.C. 2308.02(G)(1) and (I).)</p> <p>Prohibits the court from entering a final judgment for summary foreclosure if the court finds any of the following:</p> <p>(1) The residential property is not vacant or abandoned because less than two of the evidentiary circumstances apply or because the evidence submitted by the property owner outweighs the circumstances established.</p> <p>(2) The mortgagor or any other defendant has filed an answer, appearance, or other written objection that is not withdrawn and the defense or objection asserted provide cause to preclude the entry of final judgment.</p> <p>(3) The property owner is not in default on the residential mortgage loan secured by the residential property. (R.C. 2308.02(G)(2).)</p>	<p>Similar, but court must find that the mortgagee meets the evidentiary standards and criteria stated in Vacant and abandoned criteria, above. Also must offer the property for sale, rather than sell the property, within the 75-day period. (R.C. 2308.02(C), (D) and (E).)</p> <p>No provision.</p> <p>See paragraph (4) in Vacant and abandoned criteria, above.</p>

Topic	Sub. H.B. 134 (As Re-referred to H. Judiciary)	Sub. Version (LSC 131 0460-3)
Vacant and abandoned property after decree of foreclosure	Permits a plaintiff in a foreclosure action to file a motion for summary foreclosure if the property becomes vacant and abandoned after a decree of foreclosure has been entered, requiring the court to follow the summary foreclosure procedures, including the sale of the property <i>(R.C. 2308.02(J))</i> .	No provision.
Stay of confirmation of sale	Removes a provision of existing law that states that nothing prevents the court from staying the confirmation of sale to permit a property owner time to redeem the property or for any other reason it determines is appropriate. If stayed, the sale is required to be confirmed within 30 days after the termination of any stay of confirmation. <i>(R.C. 2329.31(A))</i>	No provision.
Deed and transfer of property title	<p>Requires the officer making the sale to record the prepared deed within 14 days after the confirmation of sale or payment of the balance due, whichever is later <i>(R.C. 2329.31(C))</i>.</p> <p>Requires the confirmation of sale to include a statement indicating that it serves to transfer title (if not recorded within the 14-day period), and the recording of the order of confirmation of sale by the purchaser or purchaser's attorney serves to transfer the title of the property to the purchaser.</p> <p>No provision. <i>(R.C. 2329.31(C) and (D).)</i></p>	<p>Same, but requires the officer to record the deed within 14 days after the confirmation of sale and payment of the balance due <i>(R.C. 2329.31(C)(1))</i>.</p> <p>Requires the purchaser to file a motion with the court to proceed with the transfer of title, and if the court finds that proper sale was made, it is required to enter an order transferring title to the purchaser, and the recording of the order by the purchaser or purchaser's attorney serves as the transfer of title.</p> <p>Establishes that the recording of the court order has the same effect as a sheriff's deed. <i>(R.C. 2329.31(C)(2).)</i></p>

Topic	Sub. H.B. 134 (As Re-referred to H. Judiciary)	Sub. Version (LSC 131 0460-3)
Housing and environmental division jurisdiction	Grants the housing or environmental division of a municipal court, where established, exclusive, original jurisdiction to hear actions arising under the bill's summary foreclosure procedure (<i>R.C. 1901.185(B)</i>).	Same, but expands the jurisdiction to also hear motions in those types of actions (<i>R.C. 1901.185(B)</i>).
Definitions and terminology	No provision. Uses the term "holder of the mortgage note."	Defines the following terms used in the bill to conform with existing law: (1) "Manufactured home"; (2) "Mobile home"; (3) "Residential condominium" (<i>R.C. 2308.01</i>). Uses the term "mortgagee."

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