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H.B. 774
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Miller

Yosef Schiff, Attorney

SUMMARY

- Exempts blighted parcels that are appropriated for purposes of remediation rather than redevelopment, and for which a finding of blight is supported, from the requirement that appropriated parcels be addressed by a comprehensive redevelopment plan.
- Specifies that the statement supporting a finding of blight that must be submitted as part of an appropriation petition need not be submitted when the parcel is blighted and will be remediated rather than redeveloped.
- Declares an emergency.

DETAILED ANALYSIS

Current law contains a number of provisions regarding the process by which a government agency (any governmental body or officer authorized to appropriate property through Ohio courts) or private agency (any private company authorized to appropriate property through Ohio courts) may appropriate (take) privately owned property through eminent domain, but the taking must be for a public use. This process may be used to take and redevelop parcels in blighted areas.

Under current law, before an agency appropriates a parcel because it is in a blighted area, it must adopt a comprehensive development plan that describes the public need for the property and include at least one study documenting the public need. Under the bill, if a specific parcel is being appropriated for purposes of remediation rather than redevelopment, and if the appropriation is supported by a finding that the parcel is *itself* blighted, that parcel is exempt from these requirements. In other words, the development plan and study do not need to address any blighted parcels that are to be remediated.¹

¹ R.C. 163.021(B).

Current law also requires that to complete the appropriation process, an agency must file with the court a petition for appropriation of each parcel. If the property is a blighted parcel that is being appropriated pursuant to a redevelopment plan, the petition must include a statement that shows the basis for the finding of blight and that supports that the parcel is part of a blighted area. The bill specifies that this statement need not be included in the petition for a blighted parcel that is being appropriated to remediate blight on that particular parcel. The statement would still be required for other parcels, though, such as a blighted parcel that will be redeveloped or a nonblighted parcel that is being appropriated as part of a larger blighted area.²

A **blighted area** is an area in which at least 70% of the parcels are blighted parcels and those blighted parcels substantially impair or arrest the sound growth of the state or a political subdivision, retard the provision of housing accommodations, constitute an economic or social liability, or are a menace to the public health, safety, morals, or welfare in their present condition and use.

A **blighted parcel** is either of the following:

1. A parcel that has one or more of the following conditions:
 - a. A structure that is dilapidated, unsanitary, unsafe, or vermin infested and that because of its condition has been officially designated as unfit for human habitation or use;
 - b. The property poses a direct threat to public health or safety in its present condition by reason of environmentally hazardous conditions;
 - c. Tax or special assessment delinquencies exceeding the fair value of the land that remain unpaid 35 days.
2. A parcel that has two or more specified conditions that, collectively considered, adversely affect surrounding or community property values or entail land use relationships that cannot reasonably be corrected through existing zoning codes or other land use regulations. These conditions include dilapidation and deterioration, unsafe and unsanitary conditions, and containing a vacant or abandoned structure.³

HISTORY

Action	Date
Introduced	10-14-20

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² R.C. 163.05(B)(2).

³ R.C. 1.08, not in the bill.