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Substitute Bill Comparative Synopsis

Sub. H.B. 93

135th General Assembly

House State and Local Government

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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_135_0636-1)
Improper billing appeals and municipal lien appeals	
Entity hearing appeals	
Requires the Environmental Review Appeals Commission (ERAC) to hear certain improper billing appeals and all municipal lien appeals (<i>R.C. 701.26(C), 3745.151, and 3745.156</i>).	Requires a municipal court or county court to hear certain improper billing appeals, subject to the same requirements as the previous version of the bill (<i>R.C. 701.26(C) and 701.31</i>).
Exclusive jurisdiction	
Grants ERAC exclusive jurisdiction over municipal lien appeals (<i>R.C. 3745.156</i>).	Grants exclusive original jurisdiction to municipal courts (within their territories) and county courts (within their districts) over improper billing appeals and municipal lien appeals (<i>R.C. 1901.187 and 1907.033</i>). ¹

¹ R.C. 1901.187 and 1907.033 in I_135_0636-1 incorrectly cross-reference R.C. 701.30 and 701.34, rather than R.C. 701.31 and 701.35. A technical amendment is needed to correct this.

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Filing municipal lien appeals	
Allows a person that receives notice from a municipal authority of a municipal lien being placed on that person's property to file a municipal lien appeal with ERAC (<i>R.C. 3745.155</i>).	Allows a person that receives notice from a municipal authority of a municipal lien being placed on that person's property to file a municipal lien appeal with a municipal court or county court (<i>R.C. 701.35</i>).
Procedural rules	
Requires ERAC to adopt procedural rules for improper billing appeals and municipal lien appeals (<i>R.C. 3745.152 and 3745.157</i>).	Permits the Supreme Court to adopt procedural rules for improper billing appeals and municipal lien appeals (<i>R.C. 701.32 and 701.36</i>).
Billing complaint hotline	
Requires ERAC to create a hotline to allow a person to file an improper billing appeal and to provide information regarding such appeals (<i>R.C. 3745.153</i>).	No provision.
Billing details and history	
Permits ERAC, in connection with an improper billing appeal, to access and review the billing details and histories of a person who contracts for municipal services to identify unpaid rates or charges (<i>R.C. 3745.154</i>).	Permits a municipal court or county court, in connection with an improper billing appeal, to access and review the billing details and histories of a person who contracts for municipal services to identify unpaid rates or charges (<i>R.C. 701.33</i>).
Municipal lien appeals findings	
Requires ERAC to find for a property owner in a municipal lien appeal if the agency determines that the unpaid amounts did not arise from a service contract made directly with the owner and the owner did not occupy the property served (<i>R.C. 3745.158</i>).	Requires a municipal court or county court to find for the property owner in a municipal lien appeal if the court makes the same determinations as under the previous version of the bill (<i>R.C. 701.37</i>).
Orders following municipal lien appeals	
Requires ERAC, if it finds for the property owner in a municipal lien appeal, to order the county auditor to remove the municipal lien (which the auditor must remove) and the municipal authority	Requires a municipal court or county court that finds for the property owner in a municipal lien appeal to order the county auditor to remove the municipal lien (which the auditor must remove)

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that certified the lien to pay the owner's reasonable attorneys' fees (<i>R.C. 3745.159</i>).	and the municipal authority that certified the lien to pay the owner's reasonable attorneys' fees (<i>R.C. 701.38</i>).
Collection or disposal and sewerage lien payments	
Separately tendered payments	
Requires a county treasurer to accept separately tendered amounts as payment for the full amount of collection or disposal service liens and sewerage services liens (<i>R.C. 701.10(A)(2)(b) and 729.49(B)(2)</i>).	Removes the requirement that a county treasurer must accept separately tendered amounts as payment for the full amount of a collection or disposal lien or sewerage services lien (<i>R.C. 701.10(A)(2)(b) and 729.49(B)(2)</i>).
Release of liens	
Requires collection or disposal liens and sewerage service liens to be released <i>immediately</i> upon full payment of the certified amount (<i>R.C. 701.10(A)(2)(b) and 729.49(B)(2)</i>).	Removes the requirement that such liens be released immediately upon payment in full, and requires only that the lien be released upon full payment of the certified amount (<i>R.C. 701.10(A)(2)(b) and 729.49(B)(2)</i>).
Collection or disposal lien amounts provided to municipalities	
Requires any collection or disposal lien amounts collected by the county treasurer to be immediately paid into the general fund of the municipal corporation (<i>R.C. 701.10(A)(2)(b)</i>).	Requires any collection or disposal lien amounts collected to be paid into the general fund of the municipal corporation in accordance with the biannual tax payment and remittance cycle in existing law (<i>R.C. 701.10(A)(2)(b)</i>).
Sewerage lien amounts provided to municipalities	
Requires any sewerage lien amounts collected by the county treasurer to be provided to the municipal corporation in the manner chosen by the municipality's legislative authority (<i>R.C. 729.49(B)(2)</i>).	Requires any sewerage lien amounts collected to be provided to the municipal corporation in accordance with the biannual tax payment and remittance cycle in existing law (<i>R.C. 729.49(B)(2)</i>).
Requirements before certifying a municipal lien	
Lien notice	
Requires the notice that must be provided to a property owner before a lien is placed on a property to include a statement informing the	Requires the notice provided to a property owner before a lien is placed to include a statement informing the owner that they may file a lien

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owner that they may file a lien appeal with ERAC (<i>R.C. 701.102, 729.492, 735.291, and 743.041</i>).	appeal with a municipal court or county court (<i>R.C. 701.102, 729.492, 735.291, and 743.041</i>).
Prior attempts to collect and waiting period	
No provision.	Requires a municipal authority to (1) attempt not less than three times to collect the unpaid amounts from the liable person by certified mail, and (2) wait not less than 180 days from the date that the unpaid amount was due before certifying a collection or disposal lien, sewerage lien, village utility lien, or municipal water lien (<i>R.C. 701.10(A)(1), 701.103, 729.49(B), 729.493, 735.29(C) and (D), 735.292, 743.04(A)(1), and 743.042</i>).