

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 454

Representatives Patterson, Arndt

Cosponsors: Representatives Ashford, Seitz, Becker, Reece

A BILL

To amend section 517.073 of the Revised Code to
require a township to compensate the owner of
certain unused cemetery lots and rights which
the township reenters after lack of response
from the owner.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 517.073 of the Revised Code be
amended to read as follows:

Sec. 517.073. (A) The board of township trustees may
reenter a lot for which the terms of sale or deed was executed
~~prior to before~~ July 24, 1986, or an entombment, including a
mausoleum, columbarium, or other interment right for which the
terms of sale or deed was executed ~~prior to before~~ September 29,
2015, if the board determines the lot or right is unused and
adopts a resolution creating a procedure for right of reentry in
accordance with this section. The resolution shall state that
the board of township trustees has the right of reentry to the
cemetery lot or right purchased ~~prior to before~~ July 24, 1986,
or ~~prior to before~~ September 29, 2015. Before reentering a lot

or right, the board shall send a notice by certified mail to the
last known owner at the owner's last known address to inform the
owner that the owner's interest in the lot or right will cease
unless the owner or owner's heir responds by a specified date.
If the owner's address is unknown and cannot be obtained
reasonably, it is sufficient to publish the notice once in a
newspaper of general circulation in the county. To establish
reentry, the board shall pass a resolution stating that the
owner has not responded by the specified date, and that the
board reclaims its interest in the lot or right. The board shall
compensate owners of unused lots or rights who respond after the
specified date by providing the owner an available lot or right,
as applicable, at no cost. If a lot or right, as applicable, is
not available or if the owner declines the lot or right, the
board shall compensate the owner by paying the owner eighty per
cent of the owner's original purchase price. The board may
repurchase a cemetery lot or right from its owner at any time at
a price that is mutually agreed upon by the board and the owner.

(B) At least ninety days prior to the before a termination
date for use of the a cemetery lot for which the terms of sale
or deed was executed before July 24, 1986, and contained a
termination date, tomb or an entombment, including a mausoleum,
or columbarium, for which the terms of sale or deed was executed
before September 29, 2015, and contained a termination date, the
board shall send a notice to the owner of an unused lot or right
to inform the owner that the owner's interest in the lot or
right will cease on the termination date unless the owner or
owner's heir contracts for renewal by that date. The board shall
send the notice by certified mail to the owner if the owner is a
resident of the township or is a nonresident whose address is
known. If the owner's address is unknown and cannot reasonably

be obtained, it is sufficient to publish the notice once in a 50
newspaper of general circulation in the county. 51

In order to establish reentry, the board shall pass a 52
resolution stating that because of the lack of response to 53
notice sent by certified mail that provided a termination date, 54
the board reclaims its interest in the lot or right. The board 55
shall compensate owners of unused lots or rights who respond 56
after the termination date by providing the owner an available 57
lot or right, as applicable, at no cost. If a lot or right, as 58
applicable, is not available or if the owner declines the lot or 59
right, the board shall compensate the owner by paying the owner 60
eighty per cent of the owner's original purchase price. The 61
board may repurchase a cemetery lot or right from its owner at 62
any time at a price that is mutually agreed upon by the board 63
and the owner. 64

Section 2. That existing section 517.073 of the Revised 65
Code is hereby repealed. 66