

**As Passed by the House**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Am. H. B. No. 69**

**Representative Cupp**

**Cosponsors: Representatives Blessing, Dever, Hambley, Hill, Faber, Seitz, Arndt, Carfagna, Anielski, Antonio, Barnes, Brenner, Edwards, Galonski, Ginter, Holmes, Householder, Kent, Manning, O'Brien, Patterson, Patton, Reineke, Riedel, Rogers, Slaby, Sweeney, Thompson, West, Young**

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**A BILL**

To amend section 5709.40 of the Revised Code to  
require reimbursement of certain township fire  
and emergency medical service levy revenue  
forgone because of the creation of a municipal  
tax increment financing district.

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

**Section 1.** That section 5709.40 of the Revised Code be  
amended to read as follows:

**Sec. 5709.40.** (A) As used in this section:

(1) "Blighted area" and "impacted city" have the same  
meanings as in section 1728.01 of the Revised Code.

(2) "Business day" means a day of the week excluding  
Saturday, Sunday, and a legal holiday as defined under section  
1.14 of the Revised Code.

(3) "Housing renovation" means a project carried out for  
residential purposes.

(4) "Improvement" means the increase in the assessed value  
of any real property that would first appear on the tax list and  
duplicate of real and public utility property after the  
effective date of an ordinance adopted under this section were  
it not for the exemption granted by that ordinance.

(5) "Incentive district" means an area not more than three  
hundred acres in size enclosed by a continuous boundary in which  
a project is being, or will be, undertaken and having one or  
more of the following distress characteristics:

(a) At least fifty-one per cent of the residents of the  
district have incomes of less than eighty per cent of the median  
income of residents of the political subdivision in which the  
district is located, as determined in the same manner specified  
under section 119(b) of the "Housing and Community Development  
Act of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended;

(b) The average rate of unemployment in the district  
during the most recent twelve-month period for which data are  
available is equal to at least one hundred fifty per cent of the  
average rate of unemployment for this state for the same period.

(c) At least twenty per cent of the people residing in the  
district live at or below the poverty level as defined in the  
federal Housing and Community Development Act of 1974, 42 U.S.C.  
5301, as amended, and regulations adopted pursuant to that act.

(d) The district is a blighted area.

(e) The district is in a situational distress area as  
designated by the director of development services under  
division (F) of section 122.23 of the Revised Code.

(f) As certified by the engineer for the political  
subdivision, the public infrastructure serving the district is

inadequate to meet the development needs of the district as 45  
evidenced by a written economic development plan or urban 46  
renewal plan for the district that has been adopted by the 47  
legislative authority of the subdivision. 48

(g) The district is comprised entirely of unimproved land 49  
that is located in a distressed area as defined in section 50  
122.23 of the Revised Code. 51

(6) "Project" means development activities undertaken on 52  
one or more parcels, including, but not limited to, 53  
construction, expansion, and alteration of buildings or 54  
structures, demolition, remediation, and site development, and 55  
any building or structure that results from those activities. 56

(7) "Public infrastructure improvement" includes, but is 57  
not limited to, public roads and highways; water and sewer 58  
lines; the continued maintenance of those public roads and 59  
highways and water and sewer lines; environmental remediation; 60  
land acquisition, including acquisition in aid of industry, 61  
commerce, distribution, or research; demolition, including 62  
demolition on private property when determined to be necessary 63  
for economic development purposes; stormwater and flood 64  
remediation projects, including such projects on private 65  
property when determined to be necessary for public health, 66  
safety, and welfare; the provision of gas, electric, and 67  
communications service facilities, including the provision of 68  
gas or electric service facilities owned by nongovernmental 69  
entities when such improvements are determined to be necessary 70  
for economic development purposes; and the enhancement of public 71  
waterways through improvements that allow for greater public 72  
access. 73

(B) The legislative authority of a municipal corporation, 74

by ordinance, may declare improvements to certain parcels of 75  
real property located in the municipal corporation to be a 76  
public purpose. Improvements with respect to a parcel that is 77  
used or to be used for residential purposes may be declared a 78  
public purpose under this division only if the parcel is located 79  
in a blighted area of an impacted city. For this purpose, 80  
"parcel that is used or to be used for residential purposes" 81  
means a parcel that, as improved, is used or to be used for 82  
purposes that would cause the tax commissioner to classify the 83  
parcel as residential property in accordance with rules adopted 84  
by the commissioner under section 5713.041 of the Revised Code. 85  
Except with the approval under division (D) of this section of 86  
the board of education of each city, local, or exempted village 87  
school district within which the improvements are located, not 88  
more than seventy-five per cent of an improvement thus declared 89  
to be a public purpose may be exempted from real property 90  
taxation for a period of not more than ten years. The ordinance 91  
shall specify the percentage of the improvement to be exempted 92  
from taxation and the life of the exemption. 93

An ordinance adopted or amended under this division shall 94  
designate the specific public infrastructure improvements made, 95  
to be made, or in the process of being made by the municipal 96  
corporation that directly benefit, or that once made will 97  
directly benefit, the parcels for which improvements are 98  
declared to be a public purpose. The service payments provided 99  
for in section 5709.42 of the Revised Code shall be used to 100  
finance the public infrastructure improvements designated in the 101  
ordinance, for the purpose described in division (D) (1) of this 102  
section or as provided in section 5709.43 of the Revised Code. 103

(C) (1) The legislative authority of a municipal 104  
corporation may adopt an ordinance creating an incentive 105

district and declaring improvements to parcels within the 106  
district to be a public purpose and, except as provided in 107  
division (F) of this section, exempt from taxation as provided 108  
in this section, but no legislative authority of a municipal 109  
corporation that has a population that exceeds twenty-five 110  
thousand, as shown by the most recent federal decennial census, 111  
shall adopt an ordinance that creates an incentive district if 112  
the sum of the taxable value of real property in the proposed 113  
district for the preceding tax year and the taxable value of all 114  
real property in the municipal corporation that would have been 115  
taxable in the preceding year were it not for the fact that the 116  
property was in an existing incentive district and therefore 117  
exempt from taxation exceeds twenty-five per cent of the taxable 118  
value of real property in the municipal corporation for the 119  
preceding tax year. The ordinance shall delineate the boundary 120  
of the district and specifically identify each parcel within the 121  
district. A district may not include any parcel that is or has 122  
been exempted from taxation under division (B) of this section 123  
or that is or has been within another district created under 124  
this division. An ordinance may create more than one such 125  
district, and more than one ordinance may be adopted under 126  
division (C) (1) of this section. 127

(2) Not later than thirty days prior to adopting an 128  
ordinance under division (C) (1) of this section, if the 129  
municipal corporation intends to apply for exemptions from 130  
taxation under section 5709.911 of the Revised Code on behalf of 131  
owners of real property located within the proposed incentive 132  
district, the legislative authority of a municipal corporation 133  
shall conduct a public hearing on the proposed ordinance. Not 134  
later than thirty days prior to the public hearing, the 135  
legislative authority shall give notice of the public hearing 136

and the proposed ordinance by first class mail to every real 137  
property owner whose property is located within the boundaries 138  
of the proposed incentive district that is the subject of the 139  
proposed ordinance. 140

(3) (a) An ordinance adopted under division (C) (1) of this 141  
section shall specify the life of the incentive district and the 142  
percentage of the improvements to be exempted, shall designate 143  
the public infrastructure improvements made, to be made, or in 144  
the process of being made, that benefit or serve, or, once made, 145  
will benefit or serve parcels in the district. The ordinance 146  
also shall identify one or more specific projects being, or to 147  
be, undertaken in the district that place additional demand on 148  
the public infrastructure improvements designated in the 149  
ordinance. The project identified may, but need not be, the 150  
project under division (C) (3) (b) of this section that places 151  
real property in use for commercial or industrial purposes. 152  
Except as otherwise permitted under that division, the service 153  
payments provided for in section 5709.42 of the Revised Code 154  
shall be used to finance the designated public infrastructure 155  
improvements, for the purpose described in division (D) (1) ~~or~~, 156  
(E), or (F) of this section, or as provided in section 5709.43 157  
of the Revised Code. 158

An ordinance adopted under division (C) (1) of this section 159  
on or after March 30, 2006, shall not designate police or fire 160  
equipment as public infrastructure improvements, and no service 161  
payment provided for in section 5709.42 of the Revised Code and 162  
received by the municipal corporation under the ordinance shall 163  
be used for police or fire equipment. 164

(b) An ordinance adopted under division (C) (1) of this 165  
section may authorize the use of service payments provided for 166

in section 5709.42 of the Revised Code for the purpose of 167  
housing renovations within the incentive district, provided that 168  
the ordinance also designates public infrastructure improvements 169  
that benefit or serve the district, and that a project within 170  
the district places real property in use for commercial or 171  
industrial purposes. Service payments may be used to finance or 172  
support loans, deferred loans, and grants to persons for the 173  
purpose of housing renovations within the district. The 174  
ordinance shall designate the parcels within the district that 175  
are eligible for housing renovation. The ordinance shall state 176  
separately the amounts or the percentages of the expected 177  
aggregate service payments that are designated for each public 178  
infrastructure improvement and for the general purpose of 179  
housing renovations. 180

(4) Except with the approval of the board of education of 181  
each city, local, or exempted village school district within the 182  
territory of which the incentive district is or will be located, 183  
and subject to division (E) of this section, the life of an 184  
incentive district shall not exceed ten years, and the 185  
percentage of improvements to be exempted shall not exceed 186  
seventy-five per cent. With approval of the board of education, 187  
the life of a district may be not more than thirty years, and 188  
the percentage of improvements to be exempted may be not more 189  
than one hundred per cent. The approval of a board of education 190  
shall be obtained in the manner provided in division (D) of this 191  
section. 192

(D) (1) If the ordinance declaring improvements to a parcel 193  
to be a public purpose or creating an incentive district 194  
specifies that payments in lieu of taxes provided for in section 195  
5709.42 of the Revised Code shall be paid to the city, local, or 196  
exempted village, and joint vocational school district in which 197

the parcel or incentive district is located in the amount of the 198  
taxes that would have been payable to the school district if the 199  
improvements had not been exempted from taxation, the percentage 200  
of the improvement that may be exempted from taxation may exceed 201  
seventy-five per cent, and the exemption may be granted for up 202  
to thirty years, without the approval of the board of education 203  
as otherwise required under division (D) (2) of this section. 204

(2) Improvements with respect to a parcel may be exempted 205  
from taxation under division (B) of this section, and 206  
improvements to parcels within an incentive district may be 207  
exempted from taxation under division (C) of this section, for 208  
up to ten years or, with the approval under this paragraph of 209  
the board of education of the city, local, or exempted village 210  
school district within which the parcel or district is located, 211  
for up to thirty years. The percentage of the improvement 212  
exempted from taxation may, with such approval, exceed seventy- 213  
five per cent, but shall not exceed one hundred per cent. Not 214  
later than forty-five business days prior to adopting an 215  
ordinance under this section declaring improvements to be a 216  
public purpose that is subject to approval by a board of 217  
education under this division, the legislative authority shall 218  
deliver to the board of education a notice stating its intent to 219  
adopt an ordinance making that declaration. The notice regarding 220  
improvements with respect to a parcel under division (B) of this 221  
section shall identify the parcels for which improvements are to 222  
be exempted from taxation, provide an estimate of the true value 223  
in money of the improvements, specify the period for which the 224  
improvements would be exempted from taxation and the percentage 225  
of the improvement that would be exempted, and indicate the date 226  
on which the legislative authority intends to adopt the 227  
ordinance. The notice regarding improvements to parcels within 228



an incentive district under division (C) of this section shall 229  
delineate the boundaries of the district, specifically identify 230  
each parcel within the district, identify each anticipated 231  
improvement in the district, provide an estimate of the true 232  
value in money of each such improvement, specify the life of the 233  
district and the percentage of improvements that would be 234  
exempted, and indicate the date on which the legislative 235  
authority intends to adopt the ordinance. The board of 236  
education, by resolution adopted by a majority of the board, may 237  
approve the exemption for the period or for the exemption 238  
percentage specified in the notice; may disapprove the exemption 239  
for the number of years in excess of ten, may disapprove the 240  
exemption for the percentage of the improvement to be exempted 241  
in excess of seventy-five per cent, or both; or may approve the 242  
exemption on the condition that the legislative authority and 243  
the board negotiate an agreement providing for compensation to 244  
the school district equal in value to a percentage of the amount 245  
of taxes exempted in the eleventh and subsequent years of the 246  
exemption period or, in the case of exemption percentages in 247  
excess of seventy-five per cent, compensation equal in value to 248  
a percentage of the taxes that would be payable on the portion 249  
of the improvement in excess of seventy-five per cent were that 250  
portion to be subject to taxation, or other mutually agreeable 251  
compensation. If an agreement is negotiated between the 252  
legislative authority and the board to compensate the school 253  
district for all or part of the taxes exempted, including 254  
agreements for payments in lieu of taxes under section 5709.42 255  
of the Revised Code, the legislative authority shall compensate 256  
the joint vocational school district within which the parcel or 257  
district is located at the same rate and under the same terms 258  
received by the city, local, or exempted village school 259  
district. 260

(3) The board of education shall certify its resolution to 261  
the legislative authority not later than fourteen days prior to 262  
the date the legislative authority intends to adopt the 263  
ordinance as indicated in the notice. If the board of education 264  
and the legislative authority negotiate a mutually acceptable 265  
compensation agreement, the ordinance may declare the 266  
improvements a public purpose for the number of years specified 267  
in the ordinance or, in the case of exemption percentages in 268  
excess of seventy-five per cent, for the exemption percentage 269  
specified in the ordinance. In either case, if the board and the 270  
legislative authority fail to negotiate a mutually acceptable 271  
compensation agreement, the ordinance may declare the 272  
improvements a public purpose for not more than ten years, and 273  
shall not exempt more than seventy-five per cent of the 274  
improvements from taxation. If the board fails to certify a 275  
resolution to the legislative authority within the time 276  
prescribed by this division, the legislative authority thereupon 277  
may adopt the ordinance and may declare the improvements a 278  
public purpose for up to thirty years, or, in the case of 279  
exemption percentages proposed in excess of seventy-five per 280  
cent, for the exemption percentage specified in the ordinance. 281  
The legislative authority may adopt the ordinance at any time 282  
after the board of education certifies its resolution approving 283  
the exemption to the legislative authority, or, if the board 284  
approves the exemption on the condition that a mutually 285  
acceptable compensation agreement be negotiated, at any time 286  
after the compensation agreement is agreed to by the board and 287  
the legislative authority. 288

(4) If a board of education has adopted a resolution 289  
waiving its right to approve exemptions from taxation under this 290  
section and the resolution remains in effect, approval of 291

exemptions by the board is not required under division (D) of 292  
this section. If a board of education has adopted a resolution 293  
allowing a legislative authority to deliver the notice required 294  
under division (D) of this section fewer than forty-five 295  
business days prior to the legislative authority's adoption of 296  
the ordinance, the legislative authority shall deliver the 297  
notice to the board not later than the number of days prior to 298  
such adoption as prescribed by the board in its resolution. If a 299  
board of education adopts a resolution waiving its right to 300  
approve agreements or shortening the notification period, the 301  
board shall certify a copy of the resolution to the legislative 302  
authority. If the board of education rescinds such a resolution, 303  
it shall certify notice of the rescission to the legislative 304  
authority. 305

(5) If the legislative authority is not required by 306  
division (D) of this section to notify the board of education of 307  
the legislative authority's intent to declare improvements to be 308  
a public purpose, the legislative authority shall comply with 309  
the notice requirements imposed under section 5709.83 of the 310  
Revised Code, unless the board has adopted a resolution under 311  
that section waiving its right to receive such a notice. 312

(E) (1) If a proposed ordinance under division (C) (1) of 313  
this section exempts improvements with respect to a parcel 314  
within an incentive district for more than ten years, or the 315  
percentage of the improvement exempted from taxation exceeds 316  
seventy-five per cent, not later than forty-five business days 317  
prior to adopting the ordinance the legislative authority of the 318  
municipal corporation shall deliver to the board of county 319  
commissioners of the county within which the incentive district 320  
will be located a notice that states its intent to adopt an 321  
ordinance creating an incentive district. The notice shall 322

include a copy of the proposed ordinance, identify the parcels 323  
for which improvements are to be exempted from taxation, provide 324  
an estimate of the true value in money of the improvements, 325  
specify the period of time for which the improvements would be 326  
exempted from taxation, specify the percentage of the 327  
improvements that would be exempted from taxation, and indicate 328  
the date on which the legislative authority intends to adopt the 329  
ordinance. 330

(2) The board of county commissioners, by resolution 331  
adopted by a majority of the board, may object to the exemption 332  
for the number of years in excess of ten, may object to the 333  
exemption for the percentage of the improvement to be exempted 334  
in excess of seventy-five per cent, or both. If the board of 335  
county commissioners objects, the board may negotiate a mutually 336  
acceptable compensation agreement with the legislative 337  
authority. In no case shall the compensation provided to the 338  
board exceed the property taxes forgone due to the exemption. If 339  
the board of county commissioners objects, and the board and 340  
legislative authority fail to negotiate a mutually acceptable 341  
compensation agreement, the ordinance adopted under division (C) 342  
(1) of this section shall provide to the board compensation in 343  
the eleventh and subsequent years of the exemption period equal 344  
in value to not more than fifty per cent of the taxes that would 345  
be payable to the county or, if the board's objection includes 346  
an objection to an exemption percentage in excess of seventy- 347  
five per cent, compensation equal in value to not more than 348  
fifty per cent of the taxes that would be payable to the county, 349  
on the portion of the improvement in excess of seventy-five per 350  
cent, were that portion to be subject to taxation. The board of 351  
county commissioners shall certify its resolution to the 352  
legislative authority not later than thirty days after receipt 353

of the notice. 354

(3) If the board of county commissioners does not object 355  
or fails to certify its resolution objecting to an exemption 356  
within thirty days after receipt of the notice, the legislative 357  
authority may adopt the ordinance, and no compensation shall be 358  
provided to the board of county commissioners. If the board 359  
timely certifies its resolution objecting to the ordinance, the 360  
legislative authority may adopt the ordinance at any time after 361  
a mutually acceptable compensation agreement is agreed to by the 362  
board and the legislative authority, or, if no compensation 363  
agreement is negotiated, at any time after the legislative 364  
authority agrees in the proposed ordinance to provide 365  
compensation to the board of fifty per cent of the taxes that 366  
would be payable to the county in the eleventh and subsequent 367  
years of the exemption period or on the portion of the 368  
improvement in excess of seventy-five per cent, were that 369  
portion to be subject to taxation. 370

(F) Service payments in lieu of taxes that are 371  
attributable to any amount by which the effective tax rate of 372  
either a renewal levy with an increase or a replacement levy 373  
exceeds the effective tax rate of the levy renewed or replaced, 374  
or that are attributable to an additional levy, for a levy 375  
authorized by the voters for any of the following purposes on or 376  
after January 1, 2006, and which are provided pursuant to an 377  
ordinance creating an incentive district under division (C) (1) 378  
of this section that is adopted on or after January 1, 2006 or a 379  
later date as specified in this division, shall be distributed 380  
to the appropriate taxing authority as required under division 381  
(C) of section 5709.42 of the Revised Code in an amount equal to 382  
the amount of taxes from that additional levy or from the 383  
increase in the effective tax rate of such renewal or 384

replacement levy that would have been payable to that taxing 385  
authority from the following levies were it not for the 386  
exemption authorized under division (C) of this section: 387

(1) A tax levied under division (L) of section 5705.19 or 388  
section 5705.191 or 5705.222 of the Revised Code for community 389  
developmental disabilities programs and services pursuant to 390  
Chapter 5126. of the Revised Code; 391

(2) A tax levied under division (Y) of section 5705.19 of 392  
the Revised Code for providing or maintaining senior citizens 393  
services or facilities; 394

(3) A tax levied under section 5705.22 of the Revised Code 395  
for county hospitals; 396

(4) A tax levied by a joint-county district or by a county 397  
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 398  
for alcohol, drug addiction, and mental health services or 399  
facilities; 400

(5) A tax levied under section 5705.23 of the Revised Code 401  
for library purposes; 402

(6) A tax levied under section 5705.24 of the Revised Code 403  
for the support of children services and the placement and care 404  
of children; 405

(7) A tax levied under division (Z) of section 5705.19 of 406  
the Revised Code for the provision and maintenance of zoological 407  
park services and facilities under section 307.76 of the Revised 408  
Code; 409

(8) A tax levied under section 511.27 or division (H) of 410  
section 5705.19 of the Revised Code for the support of township 411  
park districts; 412

(9) A tax levied under division (A), (F), or (H) of 413  
section 5705.19 of the Revised Code for parks and recreational 414  
purposes of a joint recreation district organized pursuant to 415  
division (B) of section 755.14 of the Revised Code; 416

(10) A tax levied under section 1545.20 or 1545.21 of the 417  
Revised Code for park district purposes; 418

(11) A tax levied under section 5705.191 of the Revised 419  
Code for the purpose of making appropriations for public 420  
assistance; human or social services; public relief; public 421  
welfare; public health and hospitalization; and support of 422  
general hospitals; 423

(12) A tax levied under section 3709.29 of the Revised 424  
Code for a general health district program; 425

(13) A tax levied by a township under section 505.39, 426  
division (I) of section 5705.19, or division (JJ) of section 427  
5705.19 of the Revised Code to the extent the proceeds are used 428  
for the purposes described in division (I) of that section, for 429  
the purpose of funding fire, emergency medical, and ambulance 430  
services as described in that section and those divisions. 431  
Division (F) (13) of this section applies only if the township 432  
levying the tax provides fire, emergency medical, or ambulance 433  
services in the incentive district, and only to incentive 434  
districts created by an ordinance adopted on or after the 435  
effective date of the amendment of this section by H.B. 69 of 436  
the 132<sup>nd</sup> general assembly. The board of township trustees may, 437  
by resolution, waive the application of this division or 438  
negotiate with the municipal corporation that created the 439  
district for a lesser amount of payments in lieu of taxes. 440

(G) An exemption from taxation granted under this section 441

commences with the tax year specified in the ordinance so long 442  
as the year specified in the ordinance commences after the 443  
effective date of the ordinance. If the ordinance specifies a 444  
year commencing before the effective date of the resolution or 445  
specifies no year whatsoever, the exemption commences with the 446  
tax year in which an exempted improvement first appears on the 447  
tax list and duplicate of real and public utility property and 448  
that commences after the effective date of the ordinance. In 449  
lieu of stating a specific year, the ordinance may provide that 450  
the exemption commences in the tax year in which the value of an 451  
improvement exceeds a specified amount or in which the 452  
construction of one or more improvements is completed, provided 453  
that such tax year commences after the effective date of the 454  
ordinance. With respect to the exemption of improvements to 455  
parcels under division (B) of this section, the ordinance may 456  
allow for the exemption to commence in different tax years on a 457  
parcel-by-parcel basis, with a separate exemption term specified 458  
for each parcel. 459

Except as otherwise provided in this division, the 460  
exemption ends on the date specified in the ordinance as the 461  
date the improvement ceases to be a public purpose or the 462  
incentive district expires, or ends on the date on which the 463  
public infrastructure improvements and housing renovations are 464  
paid in full from the municipal public improvement tax increment 465  
equivalent fund established under division (A) of section 466  
5709.43 of the Revised Code, whichever occurs first. The 467  
exemption of an improvement with respect to a parcel or within 468  
an incentive district may end on a later date, as specified in 469  
the ordinance, if the legislative authority and the board of 470  
education of the city, local, or exempted village school 471  
district within which the parcel or district is located have 472



entered into a compensation agreement under section 5709.82 of 473  
the Revised Code with respect to the improvement, and the board 474  
of education has approved the term of the exemption under 475  
division (D) (2) of this section, but in no case shall the 476  
improvement be exempted from taxation for more than thirty 477  
years. Exemptions shall be claimed and allowed in the same 478  
manner as in the case of other real property exemptions. If an 479  
exemption status changes during a year, the procedure for the 480  
apportionment of the taxes for that year is the same as in the 481  
case of other changes in tax exemption status during the year. 482

(H) Additional municipal financing of public 483  
infrastructure improvements and housing renovations may be 484  
provided by any methods that the municipal corporation may 485  
otherwise use for financing such improvements or renovations. If 486  
the municipal corporation issues bonds or notes to finance the 487  
public infrastructure improvements and housing renovations and 488  
pledges money from the municipal public improvement tax 489  
increment equivalent fund to pay the interest on and principal 490  
of the bonds or notes, the bonds or notes are not subject to 491  
Chapter 133. of the Revised Code. 492

(I) The municipal corporation, not later than fifteen days 493  
after the adoption of an ordinance under this section, shall 494  
submit to the director of development services a copy of the 495  
ordinance. On or before the thirty-first day of March of each 496  
year, the municipal corporation shall submit a status report to 497  
the director of development services. The report shall indicate, 498  
in the manner prescribed by the director, the progress of the 499  
project during each year that an exemption remains in effect, 500  
including a summary of the receipts from service payments in 501  
lieu of taxes; expenditures of money from the funds created 502  
under section 5709.43 of the Revised Code; a description of the 503

public infrastructure improvements and housing renovations 504  
financed with such expenditures; and a quantitative summary of 505  
changes in employment and private investment resulting from each 506  
project. 507

(J) Nothing in this section shall be construed to prohibit 508  
a legislative authority from declaring to be a public purpose 509  
improvements with respect to more than one parcel. 510

(K) If a parcel is located in a new community district in 511  
which the new community authority imposes a community 512  
development charge on the basis of rentals received from leases 513  
of real property as described in division (L) (2) of section 514  
349.01 of the Revised Code, the parcel may not be exempted from 515  
taxation under this section. 516

**Section 2.** That existing section 5709.40 of the Revised 517  
Code is hereby repealed. 518

**Section 3.** Section 5709.40 of the Revised Code is 519  
presented in this act as a composite of the section as amended 520  
by Sub. H.B. 158, Sub. H.B. 413, and Am. Sub. H.B. 483, all of 521  
the 131st General Assembly. The General Assembly, applying the 522  
principle stated in division (B) of section 1.52 of the Revised 523  
Code that amendments are to be harmonized if reasonably capable 524  
of simultaneous operation, finds that the composite is the 525  
resulting version of the section in effect prior to the 526  
effective date of the section as presented in this act. 527