

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 20

Representatives Leland, Crossman

Cosponsors: Representatives Smith, K., Boyd, Brent, Miranda, Sweeney, O'Brien, Sheehy, Lepore-Hagan, Lightbody, Russo, Kelly, Brown, Miller, J., Jarrells, Boggs, Sobecki, Blackshear, Crawley, Upchurch, Galonski, Denson, Weinstein, Liston, Hicks-Hudson, Smith, M., Skindell



A BILL

To prohibit foreclosure activity and the eviction 1
of residential and commercial tenants during the 2
state of emergency declared regarding COVID-19, 3
to refer such proceedings caused by the state of 4
emergency to mediation, and to declare an 5
emergency. 6

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

Section 1. (A) As used in this section, "state of 7
emergency" means the state of emergency declared under Executive 8
Order 2020-01D, issued on March 9, 2020, to protect the well- 9
being of Ohio citizens from the dangerous effects of COVID-19. 10

(B) A court shall not issue a writ of execution for the 11
restitution to the plaintiff possession of residential or 12
commercial rental premises, and removal of a tenant from 13
residential or commercial rental premises, under Chapter 1923. 14
of the Revised Code until the state of emergency terminates. 15

(C) A constable, police officer, sheriff, or bailiff shall 16

not execute a writ of execution issued for the restitution of 17
residential or commercial premises under section 1923.14 of the 18
Revised Code or related provisions, until the state of emergency 19
terminates. 20

(D) A plaintiff that files a complaint for the restitution 21
to the plaintiff of possession of residential or commercial 22
rental premises prior to or during the state of emergency and 23
receives a writ of execution to that effect after the state of 24
emergency terminates shall not be entitled to rental amounts 25
that went unpaid during the state of emergency. 26

Section 2. (A) As used in this section, "state of 27
emergency" means the state of emergency declared under Executive 28
Order 2020-01D, issued on March 9, 2020, to protect the well- 29
being of Ohio citizens from the dangerous effects of COVID-19. 30

(B) Except as provided in divisions (B)(2), (4), and (5) 31
of this section, a court shall not conduct any business 32
pertaining to foreclosure on a residential or commercial 33
property during the state of emergency. During the state of 34
emergency, courts shall: 35

(1) Refuse to accept complaints and other pleadings 36
seeking to commence foreclosure actions; 37

(2) Stay all pending foreclosure actions; 38

(3) Refuse to accept all motions or other pleadings 39
seeking writs of execution on judgments in foreclosure actions; 40

(4) Stay all judicial sales, whether by sheriff or by 41
private selling officer; 42

(5) Defer confirming any pending or completed judicial 43
sales. 44

(C) Notwithstanding any contrary provision of law, any 45
period of limitation relating to a foreclosure action shall be 46
tolled for the duration of the state of emergency. 47
Notwithstanding any contrary provision of law, any deadline 48
relating to the seeking of a writ of execution on a foreclosure 49
judgment, holding of a judicial sale, sale by a private selling 50
officer, exercising a right of redemption, confirming a sale, or 51
a similar deadline is tolled for the duration of the state of 52
emergency. 53

Section 3. (A) As used in this section, "state of 54
emergency" means the state of emergency declared under Executive 55
Order 2020-01D, issued on March 9, 2020, to protect the well- 56
being of Ohio citizens from the dangerous effects of COVID-19. 57

(B) After a declared end to the state of emergency, any 58
forcible entry and detainer or foreclosure proceedings initiated 59
due to default on a mortgage or non-payment of rent for a 60
residential or commercial property during the state of emergency 61
and sixty days thereafter shall be stayed and referred to 62
mediation. 63

(C) The costs of mediation shall be borne by the courts. 64

(D) Mediation shall conclude at the discretion of the 65
courts. 66

Section 4. This act is an emergency measure necessary for 67
the immediate preservation of the public peace, health, and 68
safety. The reason for such necessity is to prevent homelessness 69
and economic instability due to evictions and foreclosures 70
attributable to unemployment, underemployment, or commercial 71
decline caused by the restrictions and other precautions imposed 72
as part of the state of emergency regarding COVID-19. Therefore, 73

this act shall go into immediate effect.