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Substitute Bill Comparative Synopsis

Sub. H.B. 64

135th General Assembly

House Civil Justice

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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_0604-2)
Recreational trails	
Excludes the use of property for a recreational trail as a “public use” that may justify the taking of property by a government agency (R.C. 163.01(H)(2)).	Limits the exclusion to appropriations where the property to be taken is not adjacent to a public road and within its right of way and where the property’s <i>primary use</i> will be for a recreational trail (R.C. 163.01(H)(2)).
Excludes making or repairing, or access management for, shared-use paths, bike paths, and recreational trails from the definition of “making or repairing roads,” which is presumed to be a public use under continuing law (R.C. 163.01(N)).	Limits the exclusion to instances where those uses are not adjacent to a public road and within its right-of-way (R.C. 163.01(N)).

Previous Version (As Introduced)	Latest Version (I_135_0604-2)
Compensation offers	
<p>Eliminates an agency’s authority to reduce an offer made to purchase property before appropriation proceedings are instituted due to conditions indigenous to the property not reasonably discoverable at the time of the offer.</p> <p>No provision.</p> <p>Prohibits an appropriating agency from making any offer to purchase property that is not in writing.</p> <p><i>(R.C. 163.04(B) and 163.59(E)).</i></p>	<p>Restores that authority.</p> <p>Establishes that any written offer to purchase property is admissible as evidence in the appropriation proceeding and shall not be considered an inadmissible confidential settlement communication.</p> <p>Same, but specifies that this includes offers made by employees, agents, and third party contractors.</p> <p><i>(R.C. 163.04(B) and 163.59(E)).</i></p>
Compensation awards	
<p>Changes current law’s provision requiring a court to award a property owner a just amount for all costs and expenses if the jury’s award of compensation is 125% of the agency’s most recent good faith offer, provided before commencement of proceedings, by instead comparing the award to the agency’s initial good faith offer.</p> <p>Changes current law’s limit on mandatory cost and expense awards, which is the lesser of either 25% of the amount by which the final compensation award exceeds the agency’s initial good faith or revised offer or 25% of the amount by which the final award exceeds the last written offer made at least 45 days before the initial trial date by removing reference to a revised offer.</p> <p><i>(R.C. 123.21(C)).</i></p>	<p>Reduces the percentage to 110%, and compares the award to the last offer, which must be written (see “Compensation offers,” above), provided prior to a necessity hearing, or if no such hearing is held, prior to the compensation trial, and requires an additional amount, equal to 10% of the jury’s compensation award, if that award is greater than 125% of the last timely offer.</p> <p>Removes the percentage limit on mandatory cost and expense awards.</p> <p><i>(R.C. 123.21(C)).</i></p>

Previous Version (As Introduced)	Latest Version (I_135_0604-2)
Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970	
<p>Voids appropriations that do not comply with Ohio’s enactment of the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and gives a property owner a cause of action against the agency.</p> <p>Requires the agency, if an appropriation is voided, to pay the property owner reasonable attorney fees, costs, and expenses.</p> <p><i>(R.C. 163.52).</i></p>	<p>Does not void the appropriation but maintains the property owner’s cause of action against the agency and provides that it shall be consolidated and heard with the underlying appropriation action.</p> <p>Requires reasonable attorney fees, costs, and expenses if the property owner proves a violation of Ohio’s enactment of the Uniform Relocation Assistance and Real Property Acquisition Policies Act by a preponderance of the evidence.</p> <p><i>(R.C. 163.52).</i></p>