

136TH GENERAL ASSEMBLY



LEGISLATIVE PRIORITIES 2025-2026

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OVERVIEW

HISTORY OF TOWNSHIPS

In Ohio, townships predate our state government. The townships' size and shape were determined by the Congressional Acts, which established the various land grants. Within each of the Ohio land grants, Congress set aside sections of land for the use of schools and the support of religious institutions. As the Ohio territory became populated, it was only natural that the surveyed townships should become the basic unit of local government. Townships were responsible for caring for the poor, maintaining roads, and preserving the peace. In 1804, the elected officials of a township consisted of three trustees, a clerk, two overseers of the poor, and a sufficient number of supervisors of the highway, in addition to justices of the peace and constables. A township treasurer and assessor were later added.

Today, just as in 1804, the township is a political subdivision of the state. Three trustees and a fiscal officer, each elected, administer our townships today. All townships have the responsibility of maintaining roads and preserving cemeteries. Townships have discretionary authority to provide optional services such as fire and police protection, emergency medical services, waste management, senior service centers, parks and recreational opportunities, and zoning. Townships are statutory governments and can only do what the Ohio Revised Code permits or inherently implies. The 1,308 townships in Ohio, despite having the same governmental structure, are all unique. Like any organization or unit of government, a township is what its residents make it. The services a township provides are driven by the people and businesses it serves.



TOWNSHIP AUTHORITY

The Ohio Revised Code allows for two types of township government - statutory and limited home rule. Most townships fall under the statutory form of government and thus have only those powers, duties, and authorities provided in the Ohio Revised Code. Any updates to the function of Ohio townships under the law must be addressed by the General Assembly in the Ohio Revised Code.

In 1991, the Ohio General Assembly authorized townships that met certain requirements to adopt limited home rule governance (R.C. Ch. 504). Over the last 30+ years, the basic concept of township home rule has not changed much but there have been several technical changes to R.C. Ch. 504. Today, there are 34 townships that have the limited home rule form of government.

Ohio Revised Code Section 505.04 defines the authority provided to townships that adopt the limited home rule form of government. That statute states, in part, that a township that adopts limited home rule may “. . . exercise all powers of local self-government within the unincorporated area of the township, other than powers that are in conflict with the general laws . . .” The language utilized in this grant of authority is significant because it is very similar to the language found in the Ohio Constitution which grants home rule authority to municipalities. (See Ohio Constitution, Article XVIII, Sections 3 and 7.) This is important because there are a large number of court cases which interpret this grant of authority as applied to municipalities. For guidance, limited home rule townships can review the cases interpreting municipal home rule authority, and, as long as the subject matter of the case does not deal with an area within which home rule townships have no authority, in many cases, apply the findings in these cases to home rule townships.

The following is a list of acts or enterprises in which limited home rule townships can engage based upon court cases applicable to municipal home rule and statutory provisions:

- Animal control regulations
- Abating noise nuisances
- Predatory lending prohibitions
- Providing for water and sanitary sewer services
- Growth management and moratoria on development
- Use of preference points in township hiring
- Establishing standards for unregulated landfill operations



FUNDING

Tax money is distributed to townships through the collection of inside millage; levies; fixed funding; pass along taxes; and other taxes or sources where applicable. As an income tax-free entity, the majority of township revenue comes from property tax and state/local tax sharing. It is important to note that many of these property tax levy funds are restricted by the Ohio Constitution and cannot be used for general purposes. The OTA supports revisiting constitutional changes that would allow a percentage of levy proceeds to be used for administrative purposes.

Fixed funding sources include: property tax rollbacks; motor vehicle fuel tax; motor vehicle license fee; kilowatt hour and natural gas distribution taxes; tangible personal property (TPP) tax reimbursement; Local Government Fund (LGF); and the extra payment to townships that was codified in HB 49 of the 132nd GA. Pass-along taxes and fees could include a lodging tax and a permissive motor vehicle license tax. Other sources of revenue could include cigarette license fees; liquor permit fees; solid waste host community fees; construction and demolition debris host community fee; ambulance or emergency medical services fee; false alarm fee; JEDDs or JEDZs payments; and grants.

FINANCIAL PARTNERSHIP

INCREASED FUNDING TO THE LOCAL GOVERNMENT FUND

Ohio relies on its local governments, particularly its 1,308 townships, for essential services to provide the quality of life that attracts and retains businesses and residents alike. Since 1936, the state has committed to providing revenue assistance to local governments for basic services the state does not, and simply cannot, provide. These services include road maintenance, fire and police protection, EMS, waste management, and cemetery care. This revenue assistance, otherwise known as the Local Government Fund (LGF), was reformulated 15 years ago to create a modified formula that would place 3.68 percent of the state's General Revenue Fund (GRF) taxes in the LGF. The formula is tied to the state's budget increases and decreases. Due to state budget shortfalls, changes were made in 2011, which ultimately cut the LGF in half. Yet, the state's Rainy-Day fund is near its maximum legal limit, and the funding formula for the LGF has not been restored. The LGF is one of the primary sources of revenue for townships, and the money received from the LGF goes toward the major responsibilities of townships.

Due to the reduction in the LGF, tax policy changes at the state level and the elimination of other revenue streams, townships have been forced to reduce services, delay infrastructure improvements, and ask voters for additional property tax levies. **The OTA requests that the state restore the LGF to its previous committed level of 3.68 percent of the state's GRF.**

INCREASED FUNDING TO TOWNSHIPS AND SMALL VILLAGES FUND

Beginning in CY 2015, townships received an additional \$10 million in revenue. Half of the \$10 million is divided so that each township in the state receives the same amount, and half is apportioned based on township road miles. The revenue was taken from the Local Government Innovation Fund (see SB 243 - 130th GA). In HB 64 (131st GA) and HB 49 (132nd GA), this annual \$10 million distribution to townships was continued for each of the state's fiscal years for which the respective budget applies. The distribution formula was unchanged. The revenue is diverted from the direct LGF distribution to municipal corporations and was placed into a newly created fund titled the Townships and Small Villages Fund.

Changes to state law over the last 15 years have slowly eroded basic funding sources upon which townships have come to rely. Townships have lost over \$24 million in Local Government Funding, \$30 million in tangible personal property revenue, and \$79 million in estate tax revenue. Yet, the cost of providing essential services has increased tenfold. **The OTA encourages the General Assembly to allocate an additional \$5 million to the Townships and Small Villages Fund to be used by townships to maintain roads, provide safety services, and care for parks and cemeteries.**



UNDIVIDED LOCAL GOVERNMENT FUND FORMULA CHANGE

R.C. §5747.51 sets forth the process to apportion undivided local government funds. The maximum proportionate share of the county shall not exceed the numbers in the table to the right.

R.C. §5747.53 establishes the procedure for approving an alternative formula for undivided local government fund disbursements. The use of an alternative formula must be approved by all of the following: board of county commissioners, the legislative authority of the largest city located wholly or partially in the county with the greatest population and the majority of boards of township trustees and legislative authorities of municipal corporations located wholly or partially in the county, but do not have the greatest population. If a county adopts an alternative formula, the formula may be revised or repealed in the same manner by which it was adopted.

| PERCENTAGE OF MUNI. POPULATION WITHIN COUNTY | PERCENTAGE SHARE OF COUNTY SHALL NOT EXCEED |
|---|---|
| Less than 41% | 60% |
| 41% - 80.99% | 50% |
| 81% or more | 30% |
| In a county with a population less than 100,000, at least 10% must go to townships. | |

The OTA encourages the General Assembly to establish a new default formula for determining the share allocated to each political subdivision from a county’s undivided Local Government Fund distribution and to adjust the approval process for an alternative formula. For approval of an alternative formula, we recommend a process whereby 75 percent of the political subdivisions within a county must approve the use of an alternative LGF distribution formula and use factors such as property wealth ratio, population density, population, taxable value, taxable value per capita and per capita income to determine allocation. This would be a fairer and more equitable to townships than the current processes in the Ohio Revised Code.

APPORTIONMENT OF HEALTH DISTRICT COSTS

The public health system in Ohio is comprised of the Ohio Department of Health (ODH), local health departments, and other partners, such as healthcare providers and public health associations. Depending on the type of health district, funding comes from the support of their community through levies, general operating funds, contracts, county government, and inside millage of townships and municipalities, pursuant to R.C. §3709.28(C).

For townships, 40 of Ohio’s general health districts still rely heavily on townships inside millage to fund operations. The reduction in township revenue streams over the last few years has made the mandated funding of health districts even more difficult. Should a district want to increase its budget, a request is made to the county budget commission, and if the budget commission agrees with the district’s request, the county auditor apportions the increase to the townships and municipalities.

There has to be a better way to fund public health in Ohio. Inside millage in townships is generally split between the general and the road funds. Revenue placed in the road fund may only be used on township roads; thus, the township’s general fund must be used to pay the health district fees. **Sometimes townships’ general funds are completely depleted by the assessment to the health districts. As previously mentioned, the reduction in the LGF has already caused a severe strain on the general funds of townships.**

What happens when a township does not have enough inside millage revenue to fund its share of the district’s costs?

Pursuant to R.C. §3709.29, if the estimated amount of money necessary to meet the expenses of a general health district will not be forthcoming because the taxes within the ten-mill limitation will be insufficient, the board of health shall certify said fact to the board of county commissioners and the commissioners shall place a levy on the ballot at the next primary or general election to pay for the health district's expenses.

A recent opinion of the Attorney General (OAG 2016-002) addressed the impact of the general health district funding on townships. The Attorney General opined that general health districts must seek a levy when funding within the ten-mill limitation will be insufficient.

The Attorney General further noted that county budget commissions should be mindful of the many other expenses of townships when considering the budget request of the general health district. However, Ohio law does not prevent the township general fund from being exhausted by the general health district assessment. The funding of general health districts should not prevent townships from carrying out their other legally mandated functions.

The state, rather than townships and municipalities, should fund health districts. To prevent the township's general fund from being exhausted by a county health district, the OTA recommends capping the apportionment to a health district from the township's general fund.

REVENUE DISTRIBUTION FOR ALTERNATIVE ENERGY PROJECTS

In the 128th GA, the legislature passed SB 232, which, among other things, provided for tax exemptions for personal and tangible personal property of qualified energy projects. A qualified energy project includes wind and solar farms. Pursuant to R.C. §5727.25, the Director of the Ohio Department of Development shall notify the board of county commissioners when a proposed qualified energy project 20 mw or greater in capacity has submitted an application to the Agency requesting a tax exemption.

The board of county commissioners may grant or deny the tax exemption for all political subdivisions in the county. A project approved would then be required to make payment in lieu of taxes (PILOT) payments to local taxing districts based on nameplate capacity. The revenue is allocated by taxable value among taxing jurisdictions. Alternatively, the board of commissioners may declare the county an Alternative Energy Zone, which provides for a blanket exemption of taxes and allows the commissioners to request a PILOT payment to just the county. **The OTA respectfully requests the General Assembly alter the process for approving tax exemptions for qualified energy projects.**



Additionally, the formula for revenue collected from such a project should be distributed in a different manner so that townships, which are the most impacted by these projects, receive a higher percentage of the PILOT revenue. For example, pursuant to R.C. §5727.75, solar companies may be required to pay a minimum PILOT of \$7,000 per mw, with possible additional service payments reaching a maximum total of \$9,000 per mw. The extra \$2,000 is deposited into the county treasury and is not subject to local share. As a result, townships, where most solar projects are generally located, including the largest solar project in Ohio, receive little revenue from projects. **The OTA respectfully requests that the PILOT distribution formula be altered to give a township 50% of the additional service payment per megawatt currently collected and retained by the county.**

CEMETERY FUNDING

Townships maintain over 2,400 cemeteries in Ohio. Township cemetery law may generally be found in Chapter 517 of the Ohio Revised Code. Townships, per R.C. §517.11, are charged with the protection and preservation of cemeteries under their jurisdiction. If a public cemetery or a cemetery association wishes to have a board of township trustees take over responsibility of said cemetery, the board of trustees shall accept the transfer (R.C. §517.27). Furthermore, a municipal corporation may abandon a cemetery outside the boundaries of the municipality, and the trustees shall assume responsibility for the cemetery (R.C. §517.28).

In 2018, the General Assembly created the Cemetery Grant Program, that is managed by the Ohio Department of Commerce Division of Real Estate and Licensing. The grant program provides funds to registered cemeteries in Ohio, such as township cemeteries, to defray the costs of exceptional maintenance or training of cemetery personnel in the maintenance and operation of the cemetery. For FY 2024, over \$316,000 was requested by entities across the state, yet only \$104,000 was available. **The OTA requests an appropriation of \$250,000 be deposited into the Cemetery Grant Program line item to fund additional cemetery grant requests.**



CYBERSECURITY

Cybersecurity has become increasingly more important to state and local governments. Townships are not immune to cyber-attacks. Several years ago, a township in northeast Ohio was hit by a ransomware attack. Shortly thereafter, another and then another. As state and local governments continue to utilize online delivery for public services, it is crucial that they have the tools to ensure proper identification verification and upgrade outdated legacy systems that are not equipped to handle security threats.

The Ohio Cyber Reserve was created in 2019 to, in part, help local governments with cybersecurity vulnerabilities and provide recommendations to reduce cyber threats. More needs to be done. **The OTA requests additional funding for local governments to upgrade their technology to address the threat of cyber-attacks.**

TIMELY COLLECTION AND REMITTANCE OF LODGING TAXES

Pursuant to R.C. §505.56, a board of township trustees may, by resolution adopted by a majority of the members of the board, levy an excise tax on transactions by which lodging by a hotel is or is to be furnished to transient guests. The board may establish all regulations necessary to provide for the administration and allocation of the tax. All funds arising from such an excise tax shall be deposited in the township treasury and may be expended for any lawful purpose. Some townships are experiencing a problem with hotels collecting and remitting the tax. **The OTA supports legislation that would provide more effective enforcement mechanisms and increase the penalties against lodging establishments for failure to collect and remit the tax to townships.**

Additionally, a tax disparity exists in Ohio when a consumer purchases a hotel room directly from a hotel and when a consumer purchases a hotel room through an online travel company (OTC). This disparity robs the state of Ohio and local jurisdictions, like townships, of essential revenue. In these transactions using out-of-state OTCs, a smaller amount of tax is remitted to state and local jurisdictions, even though the full amount of taxes are collected from the consumer. **The General Assembly should define clearly hotel intermediary in the Revised Code and define the price of a room for an overnight stay as the total amount paid by the customer for the room.**

REVENUE FOR AREAS IMPACTED BY OIL & GAS DEVELOPMENT

Many of the existing shale wells are located in townships. This has a significant impact on townships' roads, infrastructure, and services. A number of states that impose taxes or fees on oil and gas development allocate a portion of the revenue to local governments. Some states have even created trust funds to preserve a portion of the revenue for use after the boom has run its course. **The OTA encourages the Governor and the General Assembly to provide a revenue stream to local governments impacted to support the economic development occurring.**

GRANTS FOR AEDS

House Bill 47, of the 135th General Assembly required all townships and cities with populations of 5,000 or more to place automated external defibrillators (AED) in parks and recreational centers owned by the subdivision. AEDs can cost upwards of \$1,500 per unit, making the requirement an unfunded mandate. **The OTA requests an appropriation of \$5 million to be used for grants to aid local governments in defraying the costs to purchase AEDs.**



LOCAL OPTION ELECTIONS

Following the repeal of Prohibition in 1933, a new regulatory system was enacted to ensure the safe consumption of alcoholic beverages and an orderly, competitive marketplace. Some parts of the regulatory system include local option (wet/dry) laws. Local liquor option elections allow registered voters to vote on the question of whether, and to what extent, alcohol sales and consumption will be allowed within a particular area, usually a precinct. Local liquor option elections may be held on the day of a general or, as of a law change in 2022, a primary election even if no candidate offices appear on the ballot in the precinct affected by the local liquor option question. This change means that a township is required to pay for the local option election even if there is no township issue or candidate on the ballot. **The OTA requests that a local option petitioner be required to pay the total cost of the local option election when there is no township issue or candidate on the ballot.**

ENHANCE DEVELOPMENT

ANNEXATION

The annexation laws were greatly revised in the 124th General Assembly with the enactment of SB 5. Since then, experience has shown that the law needs to be refined. The OTA simply requests that the language in R.C. Chapter 709 reflect what was originally agreed to by all parties during the SB 5 negotiations. Specifically, township-owned land is being included in annexation petitions and the township has no grounds for objection due to the township not being classified as an “owner” pursuant to the law. Additionally, when property is annexed under R.C. §709.023 (Type II) the land is to remain in the township, allowing the township to always collect inside millage on the territory that was annexed. Unfortunately, municipalities are using tax increment financing (TIF) and other tax diversion programs to divert the inside millage away from the townships. **The OTA**

respectfully requests that language be added to R.C. §709.023 to expressly prohibit any diversion of funds from townships when land is annexed under this provision. Current annexation law defines “party or parties” for Type I and Type III annexations yet Type II annexations were excluded from the definition. **The OTA requests that R.C. §709.021 be amended to include Type II annexations when defining “party or parties.”**

Additionally, **the OTA requests that municipalities be prohibited from adopting emergency ordinances pertaining to the zoning of property annexed pursuant to R.C. Chapter 709.023.**

Currently, R.C. §709.023(C) states that if the territory proposed for annexation is subject to township or county zoning regulations at the time the expedited annexation petition is filed, the municipal corporation shall adopt an ordinance

stating that, if the territory is annexed and the zoning use is changed whereby the use is clearly incompatible with the uses permitted under current county or township zoning regulations in the adjacent land remaining within the township, the municipal corporation will require the owner of the annexed territory to provide a buffer separating the use of the annexed territory and the adjacent land remaining within the township. The clerk of the municipal corporation to which annexation is proposed shall file the ordinance with the board of county commissioners within 20 days. There are municipalities that are filing zoning use ordinances as emergency measures, thus avoiding the traditional 30-day referendum period and thus not allowing adjacent landowners the opportunity to express concerns.

If a city, county, or the state owns land that is contiguous to the city, the city may petition to annex that land pursuant to R.C. §§709.13, 709.14, 709.15 and 709.16. If the territory is owned by the city or the state, the board of county commissioners must grant the annexation. There are no other standards that must be met for this annexation to occur. Whereas, other annexation procedures (Type I, II, III and majority-owned) have contiguity and process requirements that shall be met. **The OTA is requesting that the standards set forth in R.C. §709.023 for annexation apply to R.C. §§709.13, 709.14, 709.15 and 709.16 and that the county commissioners be given discretion to approve or deny the annexation petition.**

Finally, **the OTA requests that municipalities that annex territory that results in both sides of a township road being included in the municipality be required to take over maintenance responsibility of the road.**

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DETACHMENT

Just as annexation is skewed in favor of municipalities, so is detachment, the process by which a property owner may request to be removed from the corporation limits of a municipal corporation. **The OTA requests R.C. Ch. 709 be revised to more easily allow landowners to detach their property from a municipal corporation and reattach property to a contiguous township and afford the township the opportunity to approve or deny the detachment.**

SUBDIVISION REGULATIONS

Townships should be able to adopt their own subdivision regulations or, at the very least, propose changes to plat and subdivision regulations. A clear voice in the process is needed. **The OTA strongly recommends giving townships that adopt home rule authority under R.C. Chapter 504 the permissive authority to approve or reject all subdivision regulations within their jurisdiction.**

DEVELOPMENT PLANS

Townships are home to more than 35 percent of the state's population and thus development activity - residential, commercial and industrial - is happening in townships. Creating and maintaining development opportunities in Ohio is critical to the state's economy. Where services are available, townships are often the preferred location for new development. County engineers are required to approve all road infrastructure needs for any development in townships. **The OTA is requesting legislative timelines for the approval or denial of township road infrastructure projects by the county engineer.** We recommend a 30-day turnaround time for approval or denial of township road projects. Furthermore, should a project be denied, the county engineer should provide specific recommendations for changes. Should the township resubmit the project for approval with the recommended changes, the county engineer shall approve the project.



TOWNSHIP APPROVAL OF TAX INCENTIVES

Ohio law provides local governments with a variety of economic development tools to encourage companies to site or remain in Ohio. Some of those tools include tax abatements, community reinvestment areas, enterprise zones, and tax increment financing (TIF) areas.

Townships have the ability to utilize some of these tools, such as abatements and TIFs. The concern for townships is when a county or municipality abates or diverts township property tax revenue. As previously mentioned, townships are dependent on property taxes. Any abatement or diversion creates a hole in township funding that requires the township to place an additional levy on the ballot or reduce services provided to residents. **The OTA encourages the General Assembly to review current tax incentives and provide townships with a stronger voice in the process.**

REIMBURSEMENT OF LEVIES

In the 132nd GA (HB 69), legislation was passed and enacted to require the reimbursement of certain fire and EMS levies if the township is the entity providing the fire protection and emergency management services to the tax increment financing district created by a municipality that approves an incentive district TIF pursuant to R.C. §5709.40. An incentive-district TIF is defined as an aggregation of individual parcels comprising an area no larger than 300 contiguous acres or one that exhibits at least one characteristic of economic distress. Incentive-district TIFs can be commercial, residential in nature, or a combination of both. A municipality may also create a parcel TIF, which applies to a single parcel and generally is not permitted for residential uses unless the parcel is in a blighted area. **The OTA requests that the new levy reimbursement language enacted apply to single parcel TIFs created by a municipality that is serviced by a township fire or EMS department.**



USE OF HOUSEHOLD SEWAGE SYSTEMS

The viability of township government depends on the ability of Ohioans to use household sewage treatment systems (HSTS). Townships that have not enacted limited home rule government pursuant to R.C. Ch. 504 do not have the ability to solely provide water and sewer services to their residents, thus the growth of townships depends on the availability of septic systems.

After many years of discussion and debate, new HSTS rules took effect Jan. 1, 2015. The final rules permit viable, working systems to be repaired rather than mandating replacement and the rules provide for options regarding the type of system that may be used depending on the type of terrain and soil. These are important factors to maintain the viability of township government, as well as to ensure the cost-effectiveness of these systems to township residents.

Unfortunately, the new rules do not change current law relative to mandatory sewer system tap-ins. The OTA stands by its long-held belief that if a septic system is still functioning properly and is viable, a property owner should not be required to tap-in, regardless if a sewer system is abutting a person's property. As stated above, many municipalities require property owners that wish to receive municipal water and/or sewer services to annex to the municipality. **The OTA respectfully requests that an exemption be placed in statute prohibiting mandatory tap-in to a sewer system if a property owner's HSTS is viable and functioning properly.**

STRENGTHEN INFRASTRUCTURE

AUTHORITY TO UTILIZE ROAD USE MAINTENANCE AGREEMENTS FOR ALL INDUSTRIES

Road Use Maintenance Agreements (RUMAs) are legal agreements between local governments and businesses outlining the responsibility for road construction and repairs resulting from excessive use and damage caused by those organizations' activities. These agreements come into play because parties to the RUMA understand that the existing infrastructure was not constructed to withstand the type and frequency of uses resulting from the activities related to the development operations. The agreements acknowledge that it is vital to have the roads and bridges constructed, repaired, and maintained in such a way as to meet the needs of current residents and the new development operations.

In June of 2010, the General Assembly enacted legislation requiring qualified energy projects with a nameplate capacity of five megawatts or greater to repair all roads, bridges, and culverts affected by the construction of the energy projects. (R.C. §5727.75(F)(4)) Parties involved may enter into an agreement regarding specific transportation plans, reinforcements, modifications, use and repair of roads, financial security to be provided, and any other relevant issue. In 2012, Ohio passed Senate Bill 315 (R.C. §1509.06(A) (11)(b)), which requires oil and gas well operators to enter into RUMAs or demonstrate a good-faith effort to do so, with local government entities. Similar agreements have been commonplace in coal-producing areas of the state for many decades.

The outward migration to the unincorporated areas has caused an increase of traffic on township roads, especially by heavy commercial vehicles.

Businesses that produce heavy truck traffic, such as mining, logging, CAFFOs, and solid waste to name a few, and do damage to township roads, should be required to enter into RUMAs.

As the exploration of the Marcellus and Utica Shale plays continue and more horizontal wells reach well completion, RUMAs or other agreements are needed to address the continued, increased volume of heavy truck traffic from the oil and gas industry on township roads, even after well completion.



AFFORDABLE WATER AND SEWER



All local governments should have the authority to offer water and sewer services to their residents. Facilities built wholly or partially with federal or state funds should be available to all who live in the service area regardless of the jurisdiction in which they reside. Often residents, particularly in newly developed subdivisions, are threatened that their water or sewer will be shut off if they do not annex into the city or village. Property owners should not be forced to pay excessive charges for those services should the state or county require the township residents to tap in. **The OTA supports legislation, such as House Bill 163 of the 133rd General Assembly, that would prohibit a municipal corporation from receiving water and sewer development funds from the state if they engage in such predatory practices.**

EXCAVATION IN TOWNSHIP ROAD RIGHTS-OF-WAY

Townships may require a person or company to obtain a permit before excavating in a township highway or township right-of-way, except an excavation to repair, rehabilitate or replace a pole already installed for the purpose of providing electric or telecommunications service. (R.C. §5571.16) While a permit may not be required for the excavation to repair, rehabilitate or replace a pole already installed, **the OTA recommends that a company provide verifiable notice of the excavation to the township fiscal officer at least three business days prior to the date of the excavation**, similar to what is required for an excavation project to install five or fewer poles for the purpose of providing electric or telecommunications service.



SIDEWALK REPAIRS

Municipalities, pursuant to R.C. §§727.01 and 729.01, have the authority to require property owners to repair or construct sidewalks, curbs, and gutters adjacent to their property and assess property owners for such purposes should the municipality take these actions. Townships do not have similar authority in the Revised Code. This discrepancy creates a gap between municipalities and townships with respect to community walkability and safety standards. To create parity, **the OTA requests that township be permitted to construct sidewalks, curbs, or gutters and levy an assessment therefor, require the construction or repair of sidewalks, curbs, or gutters within the township by the owners of lots or lands abutting thereon, and upon the failure of such owners to construct or repair such sidewalks, curbs, or gutters within the time prescribed, assess for the costs to construct or repair.**

SUPPORT SAFETY SERVICES

TAX RELIEF FOR VOLUNTEERS

Townships depend highly on volunteers to provide safety services for their residents. Volunteer first responders save communities and states billions of dollars annually across the U.S. when compared to the cost of full-time paid professional forces. Unfortunately, increased costs of training and equipment discourage many individuals from volunteer service. **The OTA believes that some form of tax relief would be an excellent incentive for volunteers in safety services.** The tax relief could be a nonrefundable credit against the personal income tax for the firefighter, EMT, or law enforcement officer. The credit could be available to taxpayers who serve as a volunteer or paid volunteer firefighter, EMT, or auxiliary police officer in a township. **The OTA recommends a \$1,000 nonrefundable tax credit for volunteer firefighters, first responders, emergency medical technicians, and paramedics who volunteer on one or more days in a month for at least six months of a taxable year.**



REGULATION OF CERTAIN ANIMALS

While the state recently enacted new restrictions on exotic animals and has laws on the books for more common animals (such as dogs), many species remain unregulated (such as certain breeds of monkeys). **The OTA recommends that the state enact certain public health and safety enforcement mechanisms for animals that fall outside of these categories by, for example, allowing a township to cite and fine an owner for allowing an animal out of their control.**

DIRECT DEBT LIMITATION REPEAL

Statutory townships are currently restricted by R.C. §133.09, which caps net indebtedness at five percent of their tax valuation. However, R.C. §505.40 imposes even stricter limits on fire-related bonds, allowing indebtedness only up to the greater of \$150,000 or 2% of the township's total valuation. This added restriction is burdensome, particularly for townships needing to fund essential fire services and infrastructure. Removing this restriction would help townships better meet community safety needs without additional financial constraints, promoting safer and more resilient local communities. **The OTA requests the repeal of R.C. §505.40.**

COMMUNICATION TECHNOLOGY

APCO Project 25 (P25) is a worldwide standard defining public safety-grade two-way radio communications. Designed for extreme reliability in challenging environments, it's deployed across the world for mission-critical communications. All MARCS radios, by July 2025, will be required to prevent and detect unauthorized access into the system. Authentication will provide an additional layer of protection every time a radio registers to the system. Any unauthorized radio, without the correct key, will be denied access to the system, and an alert will be sent to the system manager. These mandates will cause many townships to purchase new radios or patches to reprogram existing radios. **The OTA requests additional state financial support to ensure reliable public safety radio communications.**

PROVIDE FLEXIBILITY

CELL TOWER PLACEMENT

Abundant use of cellular telephones has prompted communication companies to search constantly for prime locations to enhance communication. Townships currently have the authority to regulate the placement of cellular towers within residentially zoned areas. However, more and more problems are arising with the placement of towers on land that is zoned for agriculture or mixed- use. Ideally, **townships would like to regulate the placement of all cellular towers within their respective jurisdictions. Additionally, the OTA proposes that notice be given to all surrounding property owners and to the township officials prior to the erection of a cellular tower.**



REGISTRATION OF RENTAL PROPERTIES

Many urban and suburban townships are struggling with the enforcement of zoning or property maintenance code violations on rental properties. While a municipality, through home rule, has the ability to require residential rental property owners to register with the municipality, a township does not have such authority. By having an up-to-date list of residential property owners, it ensures that a township is providing notification to the owner and not the person renting the property. It is worth noting that the State of Ohio requires residential property owners in certain counties to register with the respective county auditor for tax purposes (R.C. §5323.02). **The OTA encourages the General Assembly to pass legislation permitting a township to register residential rental property owners.**



PREVAILING WAGE

Ohio's prevailing wage law applies to construction projects undertaken by public authorities and requires that public authorities pay the local prevailing rate of wages to workers on the project. Ohio's prevailing wage rates vary from locality to locality and are based on collective bargaining agreements. While the 129th General Assembly raised the prevailing wage thresholds for most construction projects, roads were not included in the increase. **The OTA respectfully requests that road thresholds be increased to the same level as construction projects.**



DISCHARGING OF A FIREARM

Ohio's landscape is changing, and the rural areas are fast becoming the center of the population shift in Ohio. There are approximately 30 townships in Ohio that have populations above 25,000 people in the unincorporated area and 50 townships with populations above 10,000. These population figures demonstrate that townships are not just the rural areas of vacant farmlands as they once were. Many Ohio townships have zoning regulations that permit up to two homes per acre, thus creating major safety concerns when a firearm is discharged. **The OTA proposes legislation that would put townships on equal footing as municipalities** with language that would permit the adoption of firearm discharge regulations based upon population and density within the township. Additionally, **the OTA requests altering state law to “knowingly” discharging a firearm at an occupied structure as opposed to “negligently” in order to assist with enforcement.**



ALTERNATIVES FOR HEALTH CARE COVERAGE

Currently, Chapter 1751's definition of a health insuring corporation excludes Limited Liability Companies (LLC). As townships face rising health insurance costs, providing townships with greater flexibility to address the health insurance needs of their employees in a cost-effective manner is a priority, ultimately benefiting both employees and the township. By expanding this definition, the state would support local governments in controlling costs and maintaining quality benefits, ensuring townships can sustainably manage health care expenses for their workforce. **The OTA requests an LLC be added to the definition of a health insuring corporation so townships may pursue health care options with a captive insurer.**

REGULATION OF GROUP HOMES

Townships in urban areas are grappling with significant challenges due to the over-concentration of adult and youth group homes. These group homes, though necessary, have little oversight and can place an enormous burden on local public safety services. The frequent demands on these services, compounded by behavioral issues and the outdated infrastructure of many of these homes, make it clear that changes are necessary to manage the placement and oversight of these homes effectively. **The OTA requests townships have the ability to limit the number of group homes within a geographical area and to require the group homes to have quarterly fire safety inspections by local fire inspectors.**



ADDITIONAL CONCERNS

HARMONIZATION OF FIRE AND POLICE STATUTES

The process for the appointment/removal of firefighting personnel in townships is different from the appointment/removal of police personnel. The main difference between the two sections is that a police chief serves at the pleasure of the board of township trustees, and a fire chief does not. Over the last few years, townships in three separate counties were faced with the difficult decision of removing their appointed fire chief. In each case, the removal process ended up costing the township hundreds of thousands of dollars in court costs and legal fees. **The OTA is seeking legislation that clarifies and streamlines the appointment and removal process of township fire personnel while maintaining statutory protections.**



PUBLIC WORKS GRANT

For the last 30 years, the Public Works program has been one of the most productive, popular, and efficient state-local government partnerships ever initiated by the General Assembly. The program provides over \$200 million (increased to \$250 million in 2025) each year for the public works bond renewal to assist local governments with roads, bridges, and water projects.

While the OTA has routinely supported the program, our members have concerns with the general distribution of the revenue. The program has been much less beneficial to townships than to other local governments. For example, prior to the renewal attempt in 2005, townships only received nine percent of the program's funds. **The OTA recommends guaranteeing 20% of the revenue for townships within the 19 districts and changing the criteria to permit townships to receive more money.**



ZONING/GENERAL WELFARE

A township is granted authority to adopt and enforce zoning resolutions by the General Assembly through R.C. Chapter 519. In the 125th General Assembly, the legislature gave and then attempted to take away broad authority for townships to pass zoning resolutions for the general welfare of the community, specifically

in residential areas. Litigation has muddled the precise state of the law on this question. **The OTA proposes that townships be clearly given broader general welfare zoning authority to mirror municipal zoning authority.**

REQUIRE BALLOT LANGUAGE TO REFLECT TAXABLE VALUE

In the 134th General Assembly, legislation was passed that drastically altered the form of election notices and ballot language for property tax levies. Ballot language must now include the township's total estimated annual revenue from the levy and must express the cost to the taxpayer per \$100,000 instead of \$100. Further, the cost per \$100,000 must now be based on true value as opposed to taxable value.

There is a clear difference between how property taxes are levied versus how they are paid. Certain differences among taxpayers, levies and properties mean the calculation of the actual taxes on individual property derived from a levy can vary significantly. Those differences include:

1. type of property;
2. use of property (such as CAUV, forestry/timber, and manufactured homes);
3. reduction factors that apply to fixed-rate levies or do not apply at all;
4. exemptions and any other discounts applicable to individual property taxpayers; and
5. state subsidies that apply to some levies and properties but not others.

The confusion created by the Ballot Uniformity and Transparency Act will no doubt lead to many township levies failing. The OTA requests the repeal of changes made in HB 140 of the 134th General Assembly regarding election notices and ballot language for property tax levies.

COLLECTIVE BARGAINING

Current law permits a township with a population less than 5,000 in the unincorporated territory to enter into collective bargaining agreements but does not require them to do so. The 5,000-population threshold in R.C. §4117.01(B) was established as a compromise between interested parties when the Public Employment Collective Bargaining chapter was first written into law. The agreement stated that municipal corporations and townships with less than 5,000 people, according to the most recent federal decennial census, would not be subject to the collective bargaining chapter of the Revised Code. **The OTA has consistently opposed collective bargaining requirements for townships with less than 5,000 people in the unincorporated territory and requests the General Assembly not enact any laws that would alter this section of the Code.**

UNEMPLOYMENT COMPENSATION

Currently, when a part-time township employee or township volunteer loses his/her full-time job, the township must pay part of the unemployment compensation even though the employment status with the township has not changed. Townships are primarily reimbursing employers and, pursuant to R.C. §4141.24(D)(1), costs for these employees cannot be charged to the mutualized account when the employer is a reimbursing employer.

The township is then paying the salary, in the case of the part-time employee, and the unemployment compensation. **Townships should not be required to pay unemployment compensation to an employee or volunteer whose township employment status has not changed.**

OTA BOARD AND STAFF

ABOUT THE OHIO TOWNSHIP ASSOCIATION

The Ohio Township Association (OTA) was formed in 1928 for the purpose of promoting and preserving township government in Ohio. We do so through lobbying and education.

There are 1,308 townships in Ohio, totaling 5,232 elected officials. There are three types of membership in the OTA: **active** (trustees and fiscal officers), **affiliate** (township employees), and **associate** (county officials, businesses, and any others interested in the township form of government and so invited by the County Township Association). The OTA has more than 8,000 members. Additional resources for township officials and information on membership benefits can be found at ohiotownships.org.

The OTA operates under the belief that township government is best suited to respond to the needs of a community. Its officials understand local problems and can devote more attention to individual concerns than the county, state, or federal levels of government. A township can do this at less cost and with minimal of red tape.

The OTA informs its members through webinars, an annual conference and trade show, and regular publications.

Below is an overview of the OTA's services:

- Lobbying, Legislative Analysis, and Policy Development
- Training
- Communications
- Endorsed Programs
- Affiliated Associations

Today, the association represents 1,307 member townships. Headquartered in Jefferson Township in Franklin County, the OTA has seven full-time employees and operates under the direction of four officers elected by a 16-member Board of Directors elected by the county executive committee members. In addition, the association has five standing committees that oversee specific aspects of its operations.

Benefits of active membership in the OTA include benefits of the services listed above; member exclusive store and event discounts; access to the OTA's regular publications; access to OTA partner programs, including the Ohio Township Association Risk Management Authority (OTARMA), the Public Employee Benefits Association (PEBA), and Sedgwick; and membership in the National Association of Towns and Townships (NATaT).

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- District 21-D | Eric Synenberg
- District 22-D | Darnell Brewer
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- District 24-D | Dani Isaacsohn
- District 25-D | Cecil Thomas
- District 26-D | Sedrick Denson
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- District 29-R | Cindy Abrams
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- District 32-R | Jack Daniels
- District 33-D | Veronica Sims
- District 34-D | Derrick Hall
- District 35-R | Steve Demetriou
- District 36-R | Andrea White
- District 37-R | Tom Young
- District 38-D | Desiree Tims
- District 39-R | Phil Plummer
- District 40-R | Rodney Creech
- District 41-D | Erika White
- District 42-D | Elgin Rogers
- District 43-D | Michele Grim
- District 44-R | Josh Williams
- District 45-R | Jennifer Gross
- District 46-R | Thomas Hall
- District 47-R | Diane Mullins
- District 48-R | Scott Oelslager
- District 49-R | Jim Thomas
- District 50-R | Matthew Kishman
- District 51-R | Jodi Salvo
- District 52-R | Gayle Manning
- District 53-D | Joe Miller



- District 54-R | Kellie Deeter
- District 55-R | Michelle Teska
- District 56-R | Adam Mathews
- District 57-R | Jamie Callender
- District 58-D | Lauren McNally
- District 59-R | Tex Fischer
- District 60-R | Brian Lorenz
- District 61-R | Beth Lear
- District 62-R | Jean Schmidt
- District 63-R | Adam Bird
- District 64-R | Nick Santucci
- District 65-R | David Thomas
- District 66-R | Sharon Ray
- District 67-R | Melanie Miller
- District 68-R | Thad Claggett
- District 69-R | Kevin Miller
- District 70-R | Brian Lampton
- District 71-R | Levi Dean
- District 72-R | Heidi Workman
- District 73-R | Jeff LaRe
- District 74-R | Bernard Willis
- District 75-R | Haraz Ghanbari
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- District 78-R | Matt Huffman
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- District 80-R | Johnathan Newman
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- District 85-R | Tim Barhorst
- District 86-R | Tracy Richardson
- District 87-R | Riordan McClain
- District 88-R | Gary Click
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- District 7-R | Steve Wilson
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- District 11-D | Paula Hicks-Hudson
- District 12-R | Susan Manchester
- District 13-R | Nathan Manning
- District 14-R | Terry Johnson
- District 15-D | Hearcel Craig
- District 16-D | Beth Liston
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- District 18-R | Jerry Cirino
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- District 21-D | Kent Smith
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- District 23-D | Nickie Antonio
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- District 27-R | Kristina Roegner
- District 28-D | Casey Weinstein
- District 29-R | *Vacant*
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- District 31-R | Al Landis
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- District 33-R | Al Cutrona



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 1 Capitol Square
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- | | | |
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- R | Bernie Moreno
- R | *Vacant Until Appointed*

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