

ORDINANCE NO. 2008-394

SPONSOR Mr. Pry

DATE September 29, 2008

COMMITTEE Rules

An amended Ordinance enacting Section 113.11 of the Codified Ordinances of Summit County entitled “Foreclosure Education and Prevention Fee” to provide funding for the Office of Consumer Affairs and the County Sheriff’s Foreclosure Task Force, for the Executive’s Department of Finance and Budget, the Office of Consumer Affairs, the Fiscal Officer and the Sheriff, and declaring an emergency.

WHEREAS, the residents of the County, like most of the nation, are being negatively impacted by current economic conditions, the mortgage and foreclosure crisis and predatory lending practices of some lenders and brokers; and

WHEREAS, as a result of current economic conditions, the mortgage and foreclosure crisis and the predatory lending practices of some lenders and brokers, the number of delinquent mortgages and foreclosures in Summit County has increased in recent years; and

WHEREAS, the County has taken certain steps to fight the ongoing mortgage and foreclosure crisis and predatory lending practices of some lenders and brokers, by implementing certain educational and prevention programs including, but not limited to, the creation of an Office of Consumer Affairs and the creation of a Sheriff’s Foreclosure Task Force; and

WHEREAS, the County desires to alleviate the amount of the general fund that is allocated to fund the Office of Consumer Affairs and Sheriff’s Foreclosure Task Force, and to instead fund these programs through a foreclosure education and prevention fee to be paid by persons or entities who successfully bid on foreclosed properties at Sheriff’s sale; and

WHEREAS, this Council, after reviewing all pertinent information, finds and determines that it is necessary and in the best interest of the residents of the County of Summit to enact Section 113.11 entitled “Foreclosure Education and Prevention Fee” to collect a fee of \$200.00 from each successful bidder of a foreclosed property sold at Sheriff’s Sale and to allocate the funds generated from said fee to the Office of Consumer Affairs and Sheriff’s Foreclosure Task Force.

NOW THEREFORE, BE IT ORDAINED, by the Council of the County of Summit, State of Ohio, that:

SECTION 1

Section 113.11 of the Codified Ordinances of Summit County is hereby enacted, and shall read as follows:

“113.11 FORECLOSURE EDUCATION AND PREVENTION FEE

SECTION 1 (Cont.)

- (a) Effective January 1, 2009, a A foreclosure education and prevention fee in the amount of two hundred dollars (\$200.00) shall be paid by the highest bidder of a public sale of any foreclosed real property conducted by the Sheriff. Said fee shall be paid by a person to the Sheriff, in either check or cash, immediately upon the time that the person is declared by the Sheriff to be the highest bidder at the public sale, and the failure to pay said fee immediately upon that person being declared the highest bidder shall result in the real property being re-introduced immediately for public sale.
- (b) All fees collected pursuant to subsection (a) shall be deposited by the Sheriff into a Foreclosure Education and Prevention Fund. The proceeds of said fund shall be allocated as follows: (i) fifty percent (50%) of the proceeds shall be allocated to the Office of Consumer Affairs for the continued operating expenses of said Office; (ii) fifty percent (50%) of the proceeds shall be allocated to the Foreclosure Task Force Fund, which shall fund the salaries and benefits of one (1) employee of the Fiscal Office and two (2) employees of the Sheriff who comprise the Sheriff's Foreclosure Task Force, and any costs associated with investigations performed by the Sheriff's Foreclosure Task Force. Said funds shall be appropriated from the Foreclosure Education and Prevention Fund to the Office of Consumer Affairs and Foreclosure Task Force Fund by the County Council prior to being used in the manner set forth above. At the end of each calendar year, any unencumbered funds remaining in the Foreclosure Education and Prevention Fund shall revert to the general fund.
- (c) This section does not apply to real property sold by the Sheriff at public sale as a result of a delinquent tax foreclosure.”

SECTION 2

This Ordinance is hereby declared an emergency in the interest of the health, safety and welfare of the citizens of the County of Summit and for the further reason to immediately allow the Sheriff to assess said foreclosure education and prevention fee to fund the Office of Consumer Affairs and Sheriff's Foreclosure Task Force.

SECTION 3

Provided this Ordinance receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise it shall take effect and be in force at the earliest time provided by law.

SECTION 4

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio revised Code.

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INTRODUCED September 15, 2008

ADOPTED September 29, 2008


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

APPROVED September 29, 2008


EXECUTIVE

ENACTED EFFECTIVE September 29, 2008

Voice Vote: 9-0 YES: Comunale, Crawford, Crossland, Heydorn,
Kostandaras, Poda, Prentice, Schmidt, Smith
ABSENT: Congrove, Shapiro