



Ohio Revised Code

Section 122.23 Rural industrial park loan program definitions.

Effective: October 3, 2023

Legislation: House Bill 33

As used in sections 122.23 to 122.27 of the Revised Code:

(A) "Distressed area" means a county with a population of less than one hundred twenty-five thousand according to the most recent federal decennial census published by the United States census bureau that meets at least two of the following criteria:

(1) Its average rate of unemployment, during the most recent five-year period for which local area unemployment statistics published by the United States bureau of labor statistics are available, as of the date the most recent federal decennial census was published, is equal to or greater than one hundred twenty-five per cent of the average rate of unemployment for the United States for the same period.

(2) It has a per capita personal income equal to or less than eighty per cent of the per capita personal income of the United States as determined by the most recently available data from the United States department of commerce, bureau of economic analysis as of the date the most recent federal decennial census was published.

(3) Its ratio of personal current transfer receipts to total personal income is equal to or greater than twenty-five per cent, as determined by the most recently available data from the United States department of commerce, bureau of economic analysis as of the date the most recent federally decennial census was published.

If a federal agency ceases to publish the applicable data described in division (A) of this section, the director of development shall designate, on the department of development's web site, an alternative source of the applicable data published by a federal agency or, if no such source is available, another reliable source.

(B) "Eligible applicant" means any of the following that is designated by the governing body of an



eligible area as provided in division (B)(1) of section 122.27 of the Revised Code:

- (1) A port authority as defined in division (A) of section 4582.01 or division (A) of section 4582.21 of the Revised Code;
- (2) A community improvement corporation as defined in section 1724.01 of the Revised Code;
- (3) A community-based organization or action group that provides social services and has experience in economic development;
- (4) Any other nonprofit economic development entity;
- (5) A private developer that previously has not received financial assistance under section 122.24 of the Revised Code in the current biennium and that has experience and a successful history in industrial development.

(C) "Eligible area" means a distressed area, a labor surplus area, a rural area, or a situational distress area, as designated by the director of development pursuant to division (A) of section 122.25 of the Revised Code.

(D) "Labor surplus area" means an area designated as a labor surplus area by the United States department of labor.

(E) "Official poverty line" has the same meaning as in division (A) of section 3923.51 of the Revised Code.

(F) "Situational distress area" means a county that has a population of less than one hundred twenty-five thousand, or a municipal corporation in such a county, that has experienced or is experiencing a closing or downsizing of a major employer that will adversely affect the county's or municipal corporation's economy. In order to be designated as a situational distress area for a period not to exceed thirty-six months, the county or municipal corporation may petition the director of development. The petition shall include documentation that demonstrates all of the following:



- (1) The number of jobs lost by the closing or downsizing;
 - (2) The impact that the job loss has on the county's or municipal corporation's unemployment rate as measured by the director of job and family services;
 - (3) The annual payroll associated with the job loss;
 - (4) The amount of state and local taxes associated with the job loss;
 - (5) The impact that the closing or downsizing has on the suppliers located in the rural county or municipal corporation.
- (G) "Governing body" means, in the case of a county, the board of county commissioners; in the case of a municipal corporation, the legislative authority; and in the case of a township, the board of township trustees.
- (H) "Infrastructure improvements" includes site preparation, including building demolition and removal; retention ponds and flood and drainage improvements; streets, roads, bridges, and traffic control devices; parking lots and facilities; water and sewer lines and treatment plants; gas, electric, and telecommunications hook-ups; and waterway and railway access improvements.
- (I) "Private developer" means any individual, firm, corporation, or entity, other than a nonprofit entity, limited profit entity, or governmental entity.
- (J) "Rural area" means any Ohio county that was an eligible area immediately prior to September 30, 2021, and any other Ohio county that is not designated as part of a metropolitan statistical area by the United States office of management and budget.