

2334.

APPROVAL—INITIATIVE PETITION AND SUMMARY OF PROPOSED  
LAW UNDER PROVISIONS OF SECTION 4785-175, G. C.

COLUMBUS, OHIO, February 28, 1934.

MR. E. C. GREENFIELD, 4323 Lorain Avenue, Cleveland, Ohio.

DEAR SIR:—You have submitted for my examination a written petition signed by one hundred qualified electors of this state containing a law to be proposed by initiative petition and a summary of the same, under the provisions of section 4785-175, General Code.

The proposed law reads as follows:

“A bill to grant a moratorium for judgment lien, mechanic's lien and tax obligations to small home owners and farmers whose property does not exceed \$20,000 in value and to suspend for that period of time the collection of taxes, principal and interest on notes secured by mortgages, deficiency judgment liens, mechanic's liens or other obligations secured by, or by law becoming a lien on real estate or farms; further to suspend all laws providing for eviction and ejection by the mortgagee, owner, trustee or receiver for non-payment of mortgages or rents during the moratorium period.

Further, providing for a cancellation of these judgments, debts and liens at the end of the three year period if the general economic conditions of the country are such as to make it impossible for the small home owner or farmer to meet these obligations.

Now be it enacted by the people of the State of Ohio.

Section I. That for a period of no less than three years from the date of the passage of this act, no court within the State of Ohio shall issue any judicial order, judgment or decree for the sale of real estate or farm of \$20,000 valuation or under or any part thereof or interest therein. Nor shall any court by judicial order, judgment or decree grant possession of mortgaged premises to the holder of the mortgage nor shall a trustee or receiver be appointed to take possession of the premises or to collect rent or either.

Section II. That during the operation of this law, no court within the State of Ohio shall issue any judicial order, judgment or decree to any owner or possessor of any real estate or farm to dispossess any tenant of use, occupancy or possession of real estate or farm in the State of Ohio provided same is occupied by him as his home or dwelling, or tilled by him; nor shall any court appoint a trustee or receiver to dispossess or collect rent from such tenant.

Section III. All real estate and farms within \$20,000 valuation foreclosed upon and sold since January 1, 1929, and in the hands of the foreclosing mortgagee shall be returned to such owner subject to the original existing mortgage and such owner shall be given immediate possession and shall further be entitled to all the benefits under this act.

Section IV. For a period of three years, following the enactment of this law, all laws pertaining to real estate, mechanic's liens, deficiency judgments and all laws in conflict with this act are hereby suspended.

Section V. At the end of the three year duration of this moratorium law, it shall become mandatory that the governor of the State of Ohio shall issue a proclamation by authority of the State Assembly that all debts pertaining to mortgages, taxes and all debts secured by real estate shall be hereafter and forever cancelled if the small home owners and farmers as a whole are unable to meet these debts due to the economic condition of the country.

Section VI. This act is hereby declared to be an emergency act necessary for the immediate preservation of the public peace, health and safety and shall go into immediate effect. The reasons for such emergency are that there is great unemployment and consequent suffering in the State of Ohio; that thousands of small home owners, small farmers and tenants have been evicted from their homes and farms, resulting in untold suffering and distress for which immediate relief is imperative; that the president of the United States has promulgated the National Industrial Recovery Act and recognizing by it the economic world-wide crises intending thereby to bring back normal economic conditions; that the president of the United States has spoken that under the National Industrial Recovery Act he hopes to bring back normal economic conditions within the term of his presidency; that such relief can be provided in a large measure through passage of the foregoing measures, and that neither time nor the necessities of the situation will permit of the delays and formalities incident to full compliance with said above described sections of the General Code."

The summary of this proposed law reads as follows:

"A bill to grant a moratorium for judgment lien, mechanic's lien and tax obligations to small home owners and farmers whose property does not exceed \$20,000 in value and to suspend for that period of time the collection of taxes, principal and interest on notes secured by mortgages, deficiency judgment liens, mechanic's liens or other obligations secured by, or by law becoming a lien on real estate or farm; further to suspend all laws providing for eviction and ejection by the mortgagee, owner, trustee or receiver for non-payment of mortgages or rents during the moratorium period.

This bill further provides for the cancellation of these judgments, debts and liens at the end of the three year period if the general economic conditions of the country are such as to make it impossible for the small home owners and farmers to meet these obligations."

I am of the opinion that the foregoing is a fair and truthful statement of such proposed law, and accordingly submit for uses provided by law, the following certification:

"Without passing upon the advisability of the adoption of the foregoing proposed law and without passing upon the legality of same, but pursuant to the duties imposed upon me under the provisions of Section 4785-175, General Code, I hereby certify that the foregoing summary is a fair and truthful statement of such proposed law.

Respectfully,

JOHN W. BRICKER,  
*Attorney General.*