



Ohio Revised Code

Section 5301.93 Residential PACE lien priority.

Effective: April 4, 2023

Legislation: House Bill 364 - 134th General Assembly

(A) As used in this section:

(1) "PACE" means property assessed clean energy.

(2) "Qualifying residential real property" means a single family residential dwelling, or other residential dwelling of three or fewer units.

(3) "Residential PACE lien" means the encumbrance on the qualifying residential real property created by the special assessment for a residential PACE loan.

(4) "Residential PACE loan" means the extension of financing that is offered to pay for the installation of cost effective energy improvements on a homeowner's qualifying residential real property and is repayable by the homeowner through a special assessment under section 717.25 or Chapter 1710. of the Revised Code.

(B) Notwithstanding any provision of law to the contrary, a residential PACE lien shall be all of the following:

(1) Subordinate to all liens on the qualifying residential real property recorded prior to the time the residential PACE lien is recorded;

(2) Subordinate to a first mortgage on the qualifying property recorded after the residential PACE lien is recorded;

(3) Subject to division (B)(2) of this section, superior to any other lien on the qualifying residential real property recorded after the residential PACE lien is recorded.

(C) Notwithstanding any other law to the contrary, in the event of a foreclosure sale of a qualifying



residential real property, the holders of any mortgages or other liens, including delinquent special assessments secured by residential PACE liens, shall receive proceeds in accordance with the priorities established under division (B) of this section.
