
DAYTON

Resident sues county over foreclosure

By Thomas Gnau
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A Dayton resident is suing Montgomery County in federal court, arguing that the county land bank takes property from land owners without compensating them for the difference between a property's value and taxes owed on the land.

The plaintiff is seeking class-action status for the lawsuit, estimating that more than 2,000 Montgomery County residents could join the hoped-for class.

The property in question in the lawsuit was on Dandridge Avenue in Dayton, owned by the mother of the plaintiff, Alana Harrison. The suit argues that the value of the property was \$22,600 and the total "impositions" or taxes owed there amounted to \$19,664.44 – a difference of \$2,935.56.

The suit says a foreclosure

case against the property was commenced in 2017. At the time, the plaintiff had a one-fourth interest in the property.

"However, plaintiff did not receive any compensation in connection with that amount of equity in the property," the suit states.

The suit was filed late last week in the Southern District of Ohio's federal court.

Former Ohio Attorney General Dann, who represents Harrison, said the case challenges the way governments seize delinquent properties, with local boards of revision giving them to a government entity, such as a park district or a land utilization bank, instead of selling them for fair market value.

"The Ohio and U.S. Constitution say you cannot take somebody's property without compensating them for that, and that is what we think is missing here," Dann

said.

Harrison received nothing from the county for the loss of the house, Dann said, adding that a companion case will be filed in Cuyahoga County.

"There are ... millions of dollars of equity that have been taken by the state without compensation," Dann said.

A Montgomery County government spokeswoman said county officials are aware of the case, but she declined to discuss pending litigation.

The suit estimates the number of county residents who may be eligible to join the plaintiff class at more than 2,000.

"Upon information and belief, the class is so numerous that joinder of all members is impractical," the filing says. "Although plaintiff does not know the exact size of the class at this time, plain-

tiff estimates the number of class members to exceed 2,000 based on information available in the public record."

The county land bank, a not-for-profit corporation, has been instrumental in using federal funds to remove or destroy blighted or abandoned structures locally. Since 2014 the bank – or the Montgomery County Land Reutilization Corp. – has demolished more than 1,100 properties in the county.

"Eliminating deteriorating properties is the first step toward creating an opportunity for the neighborhood to rebound from years of disinvestment while also improving the neighborhood's safety, security and quality of life," the bank's website says.

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