

Publications

10th District Declares Key Provisions of HB 126 Unconstitutional

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CLIENT ALERT | 5.14.2026

On April 28, 2026, the Tenth District Court of Appeals found unconstitutional the restrictions imposed on non-property owners seeking to increase property tax valuations. In so holding, it reversed the dismissals by the Franklin County Board of Revision and Ohio Board of Tax Appeals. The Court found that the restrictions found in the statute violate Ohio's Uniformity Clause of the Ohio Constitution.

This decision conflicts with the Fifth District's decision issued in August 2025 finding that the changes to statute did not violate the Ohio Constitution. Note The 5th District's decision was appealed to the Ohio Supreme Court and the Court did not accept jurisdiction at that time effectively allowing the decision of the 5th to stand, but such decision is only binding in that appellate district.

Key Takeaways:

Court Strikes Down HB126 Restrictions: The court ruled that the 2022 law (HB126), which limited who could file property valuation complaints and under what circumstances, violates the Ohio Constitution's requirement that property taxes be assessed uniformly. This issue was addressed by the court when a third party challenged the value of the property. It is unclear whether this same analysis would apply to a board of education challenging the valuation of the property.

Broader Right to Challenge Valuations Restored: If the decision stands, school districts, local governments, and third parties could challenge property values more freely, not just when a property is sold in an arm's-length transaction or exceeds certain price thresholds. The limit on retroactive filings would also be invalidated.

Resolution Requirement Remains: Local governments must still adopt a resolution before filing a complaint, ensuring transparency and accountability in the process.

Appeal Limitations Unchanged by this Decision: HB 126 (July 2022) eliminated appeals to the Ohio Board of Tax Appeals from Board of Revision decisions by school districts and HB 96 (September 2025)

eliminated appeals to the Ohio Board of Tax Appeals by third parties. Those limits are not impacted by this decision. School districts have also challenged the elimination of their ability to file appeals, by filing appeals in common pleas court. The Ohio Supreme Court heard argument in June 2025 on whether school districts can appeal to common pleas court and the case remains pending.

Considerations for Property Owners if the Supreme Court Affirms the 10th District Decision

If your property was previously protected from complaints under HB 126 and HB 96, that protection may no longer apply. Property owners need to consider how to evaluate acquisitions of additional real estate in Ohio.

- The Board of Education or other third-party complainants could be allowed, if the decision is upheld, to file a complaint seeking to increase the value of any property at any time. There is no requirement that a sale occur within a reasonable time (or 2 years prior to lien date as amended by HB 96) or that the sale must occur prior to the tax lien date.
- Further, the value threshold requirements that an increase be more than 10% and \$567,000 (tax year 2025) above the current valuation would be eliminated.

Response to Decision

Vorys has filed appeals (certified conflict and jurisdiction) to the Supreme Court so they can address this important issue and provide guidance on the ability of a third party to file a complaint to seek an increase in value. We have also asked the Court to Stay the Judgement while the appeal proceeds.

While this decision only affects Franklin County (the jurisdiction of the 10th District), the decision of the Ohio Supreme Court will apply to all counties so properties outside Franklin County could be impacted.