



Via email: Chairman Jonathan Deaver: rep28@ohiohouse.gov and justin.hucke@ohiohouse.gov,
Representative Steve Hambley: Rep69@ohiohouse.gov and Brandon.Sagraves@ohiohouse.gov

Financial Institutions, Housing, and Urban Development
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Testimony opposing H.B. 282

Nicholas J. DiNardo, Esq.
Managing Attorney
Legal Aid Society of Southwest Ohio, LLC
215 East 9th Street, Suite 500
Cincinnati, Ohio 45202
(513) 241-9400
ndinardo@lascinti.org

Chairman Deaver, Vice Chairman Sprague, Ranking Member Smith and Members of the
Committee:

I am the Managing Attorney of the Housing and Consumer Practice Group at the Legal Aid Society of Southwest Ohio, LLC. My team represents low income Ohioans in eviction, bad housing conditions, foreclosure, and consumer law issues. Every day we represent working families, the elderly and the disabled in cases where their landlords are failing to meet even the basic requirements of the Ohio Landlord Tenant Act, or are being evicted in violation of Ohio and federal law. I am unable to attend the public hearing on HB 282, and so submit my testimony in writing.

I am quite concerned with HB 282. This bill seems entirely unnecessary and seems to be driven by an animus against renting families that does not have a basis in fact. Intentionally damaging the property of another is already a violation of Ohio criminal law, so what is the true purpose of this bill? It seems to be to give unscrupulous landlords a tool to extort money from tenants by threatening them with criminal prosecution for property damage that might not be intentional, and therefore a civil matter; or that may not be their fault at all, such as ordinary wear and tear to the property, or damage caused by the acts of third parties. HB 282 would allow tenants to be criminally prosecuted for accidents or for damage that they are not legally responsible for. Prosecutors already have plenty of work to do; they shouldn't be made the de facto collection agents for landlords.

In my 20 years of practice, I have seen a few cases of tenants causing intentional damage to rental premises. Landlords already have significant remedies in these situations, including keeping security deposits, bringing civil actions for damages, and where damage is clearly intentional or excessive, criminal prosecution. But for every one of these cases, I have probably seen a couple

hundred cases where absentee landlords are not meeting even the basic requirements of local housing codes and the Landlord Tenant Act. If HB 282 is addressing a real need, then why not make landlords criminally liable for intentionally failing to maintain their rental properties? While I still think that HB 282 is unnecessary, if the bill were at least balanced in this way, it would be much more fair.

Lastly, Public Housing Authorities are in a much better position than the state legislature to determine whom they should admit as tenants. The Ohio legislature should not be dictating who should and should not be able to get federally subsidized housing. Based on my experience, a tenant who was convicted of criminal damaging related to their apartment in the prior three years would not pass the screening process of any of our area PHAs, but that is an individual determination that the PHA is in the best position to make. It is also likely that HB 282 would face federal preemption problems on this ground.

Ohio already has a huge deficit when it comes to the availability of decent affordable housing. The Ohio legislature should be focusing on this pressing need, and not passing unfairly punitive legislation based on a tiny amount of what is at best anecdotal evidence.