



May 26, 2020

MEMO

TO: Members of the House Civil Justice Committee

FROM: County Commissioners Association of Ohio
Ohio Prosecuting Attorneys Association
Ohio Municipal League
Ohio Mayor's Alliance
Ohio Township Association

RE: Support for amendments included in Sub HB 606 (2690-5) providing immunity for local governments for actions taken in response to and mitigation of the COVID-19 pandemic

Chair Hambley, Vice Chair Patton, Ranking Member Brown and members of the House Civil Justice Committee, we wish to offer our support for language included in the current substitute bill that would provide specific immunity to local governments and their employees who are acting in response to the COVID-19 pandemic. The specific change that we support can be found in ORC 2744.01 (x)-(aa), beginning on page 27, lines 770 through 793, of the substitute bill (2690-5).

Because of the unique and challenging nature of the COVID-19 pandemic situation, we are requesting specific immunity protections beyond our generally recognized immunity provisions in Revised Code Chapter 2744. There is precedent for granting such specific immunity, as the General Assembly adopted similar language for the Y2K issue (see ORC 2744.10).

We believe that our local government employees and officials should have specific protection for their good faith performance of the essential functions that they are being asked to perform while complying with orders and directives from the state and local health departments during the pendency of this devastating health crisis. Our local governments officials and employees should not have to fear that their good faith conduct may place them in peril due to creative legal theories designed to negate the general immunity provisions that may be advanced through litigation.

Lawsuits are already being filed seeking to capitalize on the pandemic. Local governments should not have to use limited resources on attorney fees to defend the immunities we have from unique attacks. Additionally, the revenue provided to our local governments by the federal and state government should be used to help address the needs caused by the pandemic, not defending against lawsuits. We believe that providing specific immunity for COVID-19 related activities and response will protect local governments from unnecessarily diverting and depleting our resources needed to attack the COVID-19 pandemic to defending our current immunities provided in Revised Code Chapter 2744.

Thank you for your consideration and on behalf of all of our members, we respectfully request your support of this language. Should you have any questions or concerns about our position, please do not hesitate to contact any of our organizations.