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Opponent Testimony in Opposition to House Bill 282

To: Ohio House of Representatives Financial Institutions, Housing & Urban Development Committee

From: Graham Bowman, Attorney, Ohio Poverty Law Center

Date: November 28, 2017

Chairman Dever, Vice Chairman Sprague, Ranking Member Smith, and members of the Financial Institutions, Housing & Urban Development Committee,

My name is Graham Bowman. I am an attorney with the Ohio Poverty Law Center. The Ohio Poverty Law Center is a nonprofit law office that advocates for evidenced-based policies aimed at protecting the rights of low-income Ohioans living, working, and raising their families in poverty. We work closely with legal aid agencies who represent thousands of families every year across the state in promoting access to healthcare, family stability, and expanded access to justice and opportunity.

We oppose House Bill 282 for three reasons.

First, it is a solution in search of a problem. It is already illegal for a renter to intentionally damage their landlord's property. In the rare instances when this happens, the landlord already has the option to keep security deposits, bring civil action for damages, and in extreme circumstances, seek criminal prosecution. With these remedies already in place, it is unclear what gap this bill seeks to fill.

Second, HB 282 offers unfair legal protections to absentee landlords who fail to maintain their properties. Attached to this testimony is a letter from Nicholas DiNardo, a Managing Attorney at the Legal Aid Society of Southwest Ohio who has practiced housing law for over 20 years. According to Mr. DiNardo, for every case where a tenant intentionally damaged their property, he has "*a couple hundred cases where absentee landlords are not meeting even the basic requirements of local housing codes and the Landlord Tenant Act.*" From his perspective and ours, this bill will allow unscrupulous landlords to blame tenants for normal wear and tear to their properties or for poor conditions that existed before the tenant moved in. This risk is especially serious in situations where the landlord rarely visits the property and may be unaware of its poor condition before renting to the next tenant, who may then be held responsible for its condition.

Third, Public Housing Authorities are in a better position than the state legislature to determine whom they should admit as tenants. Public Housing Authorities already have screening processes that will likely bar applicants convicted of criminal damage to their rental property.

Furthermore, creating a blanket prohibition against accessing federally subsidized housing for any person convicted of criminal mischief under this bill will exacerbate the problem of street-based homelessness in our communities. Many Ohioans living in homeless encampments do so because, for one reason or another, they are unable to access affordable housing or the shelter system.

For these reasons, the Ohio Poverty Law Center asks that the members of this committee vote no on HB 282. Ohio law already has adequate systems in place for mediating these disputes between renters and owners. This bill will serve as a mechanism to protect absentee landlords and inadvertently hamstringing our ability to address homelessness in our communities.

Thank you for the opportunity to testify and I am available to answer any questions from members of the committee.

Sincerely,

A handwritten signature in black ink, appearing to read 'Graham Bowman', with a long horizontal stroke extending to the right.

Graham Bowman
Attorney
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