



OHIO NEWS MEDIA ASSOCIATION | 1335 DUBLIN ROAD, SUITE 216-B | COLUMBUS OH 43215
MONICA NIEPORTE, PRESIDENT & EXECUTIVE DIRECTOR

December 8th, 2020

The Honorable Derek Merrin
Chair, House Ways and Means Committee
Ohio House of Representatives
Ohio Statehouse
Columbus, Ohio 43215

Dear Chairman Merrin and Members of the House Ways and Means Committee—

On behalf of the Ohio News Media Association, I am writing you today to express our opposition to Senate Bill 95. Specifically, our members are concerned with language added last week that would change certain public notice requirements. ONMA has previously testified in opposition to these changes in House Bills 273 and 602, respectively.

Under the current version of Senate Bill 95, electronic publication would be permitted for two public notices created under chapter 5721 of the Revised Code. These notices deal with publication of a county delinquent property tax list and property tax foreclosure alerts. In the past, ONMA has attempted to offer meaningful compromises that would dramatically reduce the cost to government advertisers while keeping the frequency of public notice intact. It is important note that, if enacted, this would be the first instance of public notices being moved online with no print counterpart.

Ohio's public notice laws have undergone significant changes in recent years and ONMA is committed to creating more value and benefit for our public sector partners. In 2011, language was added to the Revised Code (R.C. 7.16) that allows for second and (if required) third publications to be shortened. For example, a typical sheriff's sale of a foreclosed property requires three notices. Under the 2011 change, the first notice is published in its entirety while the second and third notice can be shortened to just include a date, time, address, and basic information. This had the effect of reducing printing costs by more than 50% while not sacrificing the frequency of publication. For some reason, notices established under chapter 5721 were not included in this reform.

Additionally, in 2014 Ohio newspapers and legal dailies agreed to post any required public notice on their websites at no additional cost. Further, all notices are aggregated statewide on www.publicnoticesohio.com, also at no cost to the governmental advertiser. Local media sites garner far more traffic than governmental sites. Therefore, universal complimentary electronic publication further increased the value of print public notice. Taken together, these changes reduced cost and increased saturation of public notice. It is also important to note that, in many instances, governmental bodies can recoup the cost of the publication entirely from a delinquent taxpayer or purchaser of a foreclosed home. This remedy would further defray the cost of public notice, if utilized.

Under current law, publication of the delinquent property tax list must occur twice within a sixty-day period. I know from my time running several southeastern Ohio newspapers that the list often shrinks between publications due to taxpayers paying their outstanding bill. Preceding publication of the delinquent tax list are two display ads alerting readers that the list is coming. ONMA has offered to remove one of the required display ads and also to allow the second publication of the delinquent tax list to be truncated pursuant to R.C. 7.16. This would cut printing costs significantly while still affording taxpayers the opportunity to be fully aware of any delinquent tax bill. This is a far better solution than moving publication of the list to a governmental website, especially when SB 95 does not specify which county agency would host the list.

Further, current law also requires any notices for foreclosure due to delinquent property taxes to be published once a week for three consecutive weeks before proceedings can continue. Again, if we simply applied R.C. 7.16 to this notice then the second and third notices would be dramatically shortened, and printing costs would be cut by more than half. SB 95 would instead allow these notices to be moved online to one of several governmental websites authorized under the bill. This creates inconsistency between counties that will only cause more confusion for taxpayers.

The publication of delinquent property tax lists and foreclosures are essential as they provide notice that the government will be seizing privately held property. This is an extraordinary power vested in the public sector and citizens should be given sufficient notice in order to protect their rights. With the ongoing COVID-19 pandemic and resulting economic hardships, it is no secret that more and more Ohioans are struggling to make ends meet and pay their bills. It is concerning that the legislature would consider limiting notice around public seizure of property at a time when more people are struggling to pay their property tax bills.

Our concerns to SB 95 could be simply addressed by removing current language allowing for electronic publication and instead adding in references to R.C. 7.16. This would ensure consistency between notices in chapter 5721 and all other notices in the Revised Code. I want to stress that my members take their responsibility under Ohio's public notice laws very seriously. This isn't about revenue or budgets; this is about newspapers promoting their role in keeping the public informed about important governmental actions.

There may come a day when print public notice is no longer beneficial to taxpayers, but I believe we are not yet there. There is a better way forward and I hope you will consider either making changes to SB 95 as outlined above or removing these provisions from the measure. Thank you for your thoughtful consideration.

Sincerely,

Monica Nieporte
President and Executive Director
Ohio News Media Association