

Standing Committees

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Senate Judiciary Committee HB 209 – Abolish Estate by Dower Senate Sponsor Testimony 04 December 2019

Chair Eklund, Vice Chair Manning, Ranking Member Thomas and members of the Senate Judiciary Committee, thank you for the opportunity to provide sponsor testimony on House Bill 209 alongside my joint sponsor Representative Carruthers.

When I voted in favor of this legislation, as House Bill 407 during the 132nd General Assembly, it seemed like a common-sense bill to abolish a provision that is no longer relevant in today's society. Since casting that vote, I have heard numerous accounts of how dower has adversely affected people in their everyday lives.

Two different women, who reside out of state, wished to deed their property to someone else. They both traveled to Ohio only to be informed that their husbands had to release their dower before any transactions could move forward. This has led to a lengthy process for one involving notaries and delays.

An opponent of the bill stated that dower serves to protect women from their spouse liquidating or mortgaging property unbeknownst to them. However, many banks require a spouse's signature on paperwork. Besides being an

inconvenience, dower can be used to hurt women. One story I heard involved a woman who wanted to sell her property to ensure that the money went to her children in the event that something happened to her. Her abusive husband has refused to relinquish his dower, effectively keeping his thumb on her. Another man, who is currently in jail, has refused a divorce and is holding hostage any potential transaction for his wife, who has a 5% interest in a property shared with her relatives. A provision that was once meant to protect widows is now being used to harm women.

I am typically not of the mindset that we should do something just because all the other states have. However, as stated in our committee hearings, we are one of three states who still observes dower, yet we are not hearing an outcry of spouses who have been wronged due to the absence of dower in other states. Ohio should not continue to follow such an antiquated concept that is a bane to the real estate industry and has long since outlived its intended purpose. Dower is no longer necessary in the current real estate and legal system in Ohio, and any arguable benefit is far outweighed by how cumbersome it unnecessarily makes so many real estate transactions throughout Ohio and the negative impact it causes our constituents.

Chair Eklund, Vice Chair Manning, Ranking Member Thomas and members of the Senate Judiciary Committee, thank you for your time, and we are happy to answer any questions you may have.