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Testimony of Monica Nieporte
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Senate Bill 112 – Tax Foreclosures, Land Utilization
House Ways and Means Committee

Chairman Merrin, Vice Chair Riedel, Ranking Member Sobecki, and members of the House Ways and Means Committee, thank you for the opportunity to submit testimony regarding Senate Bill 112, sponsored by State Senator Matt Dolan. While this bill makes necessary changes to laws concerning government land banks, we are concerned over provisions in the bill that would erode Ohio’s public notice laws and could result in citizens not knowing where to find such important information as the taking of a citizen’s property.

Ohio’s newspapers and their websites play a critical role in keeping Ohio citizens informed regarding the actions of their local government agencies. Under Ohio’s public notice law, all print notices are currently uploaded to the newspaper’s media website maintained by the newspaper of general circulation at no additional charge; further, these notices are then aggregated on www.publicnoticesohio.com, a free service of ONMA. Currently more than 150 publications in the state of Ohio upload their public notices to this site.

Further, for the past decade local governments have been able to take advantage of R.C. 7.16, which allows for truncated or abbreviated publications of notices with multiple statutory postings. Taken collectively, these reforms have increased the value of public notice by increasing readership and saturation while simultaneously lowering costs. SB 112 includes language that would dramatically alter the manner in which notice is given for actions related to tax foreclosures. This includes required publication of a county delinquent property tax list and notices of property tax foreclosures.

Under the bill, these notices could be published on a county government website in lieu of the newspaper website. This is problematic for many reasons. First, the bill lists several county official websites that could host these notices. This means publication would be inconsistent and would vary county to county, with some counties opting to place notices on the auditor’s website while others may post to the treasurer’s website. A citizen would have to regularly monitor these sites to see these notices and that is impractical. Most citizens do not visit county government websites unless they have a specific piece of information they need to find.

New media websites remain the go-to source for local information and enjoy readership, digital subscriptions, and website visits that far exceed any governmental website. People who are reading local news content inadvertently come across public notices they otherwise would not know exist.

Further, the removal of these notices from the news media domain would have a detrimental impact on www.publicnotices.ohio.com, a free website operated by ONMA under agreement with the state. This website provides a single site for every state and local public notice. This invaluable resource is essential for businesses and individuals who want to easily search for notices. Finally, newspapers serve as an important third-party notifier for governmental actions, including property seizures. Given that the local government official is a party to a tax foreclosure, it is sound legal policy to have notice given in a newspaper which is a neutral party.

In an effort to be constructive participants in the legislative process, we would like to suggest a potential compromise to address our concerns. In the past, we have proposed further revising or limiting the frequency of print notice in order to generate cost savings while promoting public awareness. For the first time, we are proposing that SB 112 be amended to allow for digital-only publication on the local newspaper's website which would also allow the notice to be uploaded onto www.publicnoticesohio.com. This would generate the maximum amount of savings for government advertisers while ensuring the newspaper retains the proper role as the host of public notices and impartial party.

Thank you for your time and consideration of this suggestion. This would represent significant progress on public notice reform and, most importantly, would protect taxpayers and citizens.