



Testimony Regarding House Bill 212

April 15, 2024

Chairman Hillyer, Vice Chair Mathews, Ranking Member Isaacsohn, and members of the House Civil Justice Committee. Thank you for the opportunity to provide written proponent testimony on House Bill 212.

The Ohio Land Title Association (OLTA) is a trade association representing licensed title insurance agents, underwriters, abstractors, and real estate/title attorneys operating in all 88 Ohio counties. Our members conduct examinations of recorded documents, perform real property closings, and insure title to real property. We are charged with the speedy transfer and recording of title documents (particularly deeds and mortgages) so that we can properly insure Ohio homeowners and lenders with title insurance.

OLTA appreciates the protection to Ohio real property to which this Bill is directed. We had previously expressed concerns regarding some of the provisions in the “as introduced” version. OLTA thanks Representative King and Representative Klopfenstein for receiving our concerns and engaging in a conversation on how to best accomplish the purpose and intent of the Bill without inadvertently imposing risks and losses on innocent transferees. The concerns addressed were:

1. Real estate title professionals are now not charged with any direct responsibility to determine which Ohio properties would fall under the “protected property” classification. Instead, the required statements would be submitted to the county auditor with all presented transfers.
2. If the required statement is properly presented to the county auditor at the time a title transfer document is presented (typically, a deed), the auditor must accept such document for transfer even though the transaction may be “tagged” by the county auditor and referred to the county sheriff for further investigation and action. This eliminated the concern about the delay in recording transfer documents and mortgages in those situations that were ultimately proved as non-actionable under the statute.
3. Bona fide lienholders would now be able to assert a claim against the proceeds to satisfy valid liens as would be typical in a foreclosure proceeding.

With these concerns now being addressed in the latest version of House Bill 212, OLTA would join in supporting this Bill.

Respectfully submitted,

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Government Affairs Committee Chair, Ohio Land Title Association