



SCHOOL OF LAW

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The Honorable Bob Peterson  
Chair, Ohio House Government Oversight Committee  
Ohio House of Representatives  
77 South High Street  
Columbus, Ohio 43215-6111

April 17, 2023

Dear Representative Peterson:

I write with regard to Ohio House Bill 100. I am a professor of constitutional law and civil rights at Case Western Reserve University School of Law. I provide this testimony in my personal capacity and not on behalf of CWRU.

I am concerned that HB 100 will violate the free speech rights of landlords who may be forced to host ideological speech with which they disagree. Because flying a flag is inherently expressive, this bill regulates speech by compelling individuals to host particular speech on their property. Like the government-mandated speech in *NIFLA v. Becerra* and *Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston*, and unlike the speech in *PruneYard Shopping Center v. Robins* and *Fair v. Rumsfeld*, the speech that landlords and other property owners are forced to host on their property under HB 100 is both ideological and and viewpoint-based. There is also a risk under the statute that the speech could undermine or conflict with the property owner's own preferred message, or that it could be mistaken for the landlord's own speech.

For these reasons, I believe HB 100 has serious constitutional problems under the First Amendment to the U.S. Constitution and under Article I, section 11 of the Ohio Constitution.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Jessie Hill".

B. Jessie Hill