

**As Reported by the House Criminal Justice Committee**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Am. H. B. No. 50**

**Representatives Humphrey, Seitz**

**Cosponsors: Representatives Brent, Isaacsohn, Williams, Forhan, Stewart,  
Blackshear, Russo, Miller, A., White, Jarrells, Abrams, Galonski, Hillyer, Schmidt**

---

**A BILL**

To amend section 120.54 and to enact section 1  
2953.26 of the Revised Code to create a 2  
mechanism by which an individual who is subject 3  
to a collateral sanction for housing may obtain 4  
a certificate of qualification for housing that 5  
may provide relief from certain bars on housing. 6

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 120.54 be amended and section 7  
2953.26 of the Revised Code be enacted to read as follows: 8

**Sec. 120.54.** (A) A legal aid society that receives 9  
financial assistance from the legal aid fund under section 10  
120.53 of the Revised Code shall use the financial assistance 11  
for only the following purposes: 12

(1) To defray the costs of providing legal services to 13  
indigents; 14

(2) To provide legal training and legal technical 15  
assistance to other eligible legal aid societies; and 16

(3) If the legal aid society has entered into an agreement pursuant to division (H) of section 120.53 of the Revised Code and in accordance with the description and list of conditions set forth in its application pursuant to division (B) (9) of that section, to provide funds for the services, programs, training, and legal technical assistance provided to the legal aid society under the contract.

(B) No financial assistance received by a legal aid society from the legal aid fund pursuant to section 120.53 of the Revised Code shall be used for the provision of legal services in ~~relation to~~ any criminal case or proceeding or in ~~relation to~~ the provision of legal assistance in any fee generating case.

**Sec. 2953.26.** (A) As used in this section:

(1) "Collateral sanction for housing" means a penalty, disability, or disadvantage that is related to housing as a result of the individual's conviction of or plea of guilty to an offense and that applies by operation of law in this state whether or not the penalty, disability, or disadvantage is included in the sentence or judgment imposed.

"Collateral sanction for housing" does not include imprisonment, probation, parole, supervised release, forfeiture, restitution, fine, assessment, or costs of prosecution.

(2) "Decision-maker" means a housing provider in this state of residential premises as defined in section 1923.01 of the Revised Code, including a landlord as defined in section 1923.01 of the Revised Code and a metropolitan housing authority established in Chapter 3735. of the Revised Code.

(3) "Department-funded program" means a residential or

nonresidential program that is not a term in a state 46  
correctional institution, that is funded in whole or part by the 47  
department of rehabilitation and correction, and that is imposed 48  
as a sanction for an offense, as part of a sanction that is 49  
imposed for an offense, or as a term or condition of any 50  
sanction that is imposed for an offense. 51

(4) "Designee" means the person designated by the deputy 52  
director of the division of parole and community services to 53  
perform the duties designated in division (B) of this section. 54

(5) "Division of parole and community services" means the 55  
division of parole and community services of the department of 56  
rehabilitation and correction. 57

(6) "Offense" means any felony or misdemeanor under the 58  
laws of this state. 59

(7) "Tort action" means a civil action for injury, death, 60  
or loss to person or property. 61

(B)(1) An individual who is subject to one or more 62  
collateral sanctions for housing as a result of being convicted 63  
of or pleading guilty to an offense and who either has served a 64  
term in a state correctional institution for any offense or has 65  
spent time in a department-funded program for any offense may 66  
file a petition with the designee of the deputy director of the 67  
division of parole and community services for a certificate of 68  
qualification for housing. 69

(2) An individual who is subject to one or more collateral 70  
sanctions for housing as a result of being convicted of or 71  
pleading guilty to an offense and who is not in a category 72  
described in division (B)(1) of this section may file for a 73  
certificate of qualification for housing by doing either of the 74

following: 75

(a) In the case of an individual who resides in this 76  
state, filing a petition with the court of common pleas of the 77  
county in which the person resides or with the designee of the 78  
deputy director of the division of parole and community 79  
services; 80

(b) In the case of an individual who resides outside of 81  
this state, filing a petition with the court of common pleas of 82  
any county in which any conviction or plea of guilty from which 83  
the individual seeks relief was entered or with the designee of 84  
the deputy director of the division of parole and community 85  
services. 86

(3) A petition under division (B) (1) or (2) of this 87  
section shall be made on a copy of the form prescribed by the 88  
division of parole and community services under division (I) of 89  
this section, shall contain all of the information described in 90  
division (E) of this section, and, except as provided in 91  
division (B) (6) of this section, shall be accompanied by an 92  
application fee of fifty dollars. 93

(4) (a) Except as provided in division (B) (4) (b) of this 94  
section, an individual may file a petition under division (B) (1) 95  
or (2) of this section at any time after the expiration of 96  
whichever of the following is applicable: 97

(i) If the offense that resulted in the collateral 98  
sanction for housing from which the individual seeks relief is a 99  
felony, at any time after the expiration of one year from the 100  
date of release of the individual from any period of 101  
incarceration in a state or local correctional facility that was 102  
imposed for that offense or, if the individual was not 103

incarcerated for that offense, at any time after the expiration 104  
of one year from the date of the individual's final release from 105  
all other sanctions imposed for that offense; 106

(ii) If the offense that resulted in the collateral 107  
sanction for housing from which the individual seeks relief is a 108  
misdemeanor, at any time after the expiration of six months from 109  
the date of release of the individual from any period of 110  
incarceration in a local correctional facility that was imposed 111  
for that offense and all periods of supervision imposed after 112  
release from the period of incarceration or, if the individual 113  
was not incarcerated for that offense, at any time after the 114  
expiration of six months from the date of the final release of 115  
the individual from all sanctions imposed for that offense 116  
including any period of supervision. 117

(b) The department of rehabilitation and correction may 118  
establish criteria by rule adopted under Chapter 119. of the 119  
Revised Code that, if satisfied by an individual, would allow 120  
the individual to file a petition before the expiration of six 121  
months or one year from the date of final release, whichever is 122  
applicable under division (B)(4)(a) of this section. 123

(5)(a) A designee that receives a petition for a 124  
certificate of qualification for housing from an individual 125  
under division (B)(1) or (2) of this section shall review the 126  
petition to determine whether it is complete. If the petition is 127  
complete, the designee shall forward the petition, the 128  
application fee, and any other information the designee 129  
possesses that relates to the petition, to the court of common 130  
pleas of the county in which the individual resides if the 131  
individual submitting the petition resides in this state or, if 132  
the individual resides outside of this state, to the court of 133

common pleas of the county in which the conviction or plea of 134  
guilty from which the individual seeks relief was entered. 135

(b) A court of common pleas that receives a petition for a 136  
certificate of qualification for housing from an individual 137  
under division (B) (2) of this section, or that is forwarded a 138  
petition for such a certificate under division (B) (5) (a) of this 139  
section, shall attempt to determine all other courts in this 140  
state in which the individual was convicted of or pleaded guilty 141  
to an offense other than the offense from which the individual 142  
is seeking relief. The court that receives or is forwarded the 143  
petition shall notify all other courts in this state that it 144  
determines under this division were courts in which the 145  
individual was convicted of or pleaded guilty to an offense 146  
other than the offense from which the individual is seeking 147  
relief that the individual has filed the petition and that the 148  
court may send comments regarding the possible issuance of the 149  
certificate. 150

A court of common pleas that receives a petition for a 151  
certificate of qualification for housing under division (B) (2) 152  
of this section shall notify the county's prosecuting attorney 153  
that the individual has filed the petition. 154

A court of common pleas that receives a petition for a 155  
certificate of qualification for housing under division (B) (2) 156  
of this section, or that is forwarded a petition for 157  
qualification under division (B) (5) (a) of this section may 158  
direct the clerk of court to process and record all notices 159  
required in or under this section. Except as provided in 160  
division (B) (6) of this section, the court shall pay thirty 161  
dollars of the application fee into the state treasury and 162  
twenty dollars of the application fee into the county general 163

revenue fund. 164

(6) Upon receiving a petition for a certificate of 165  
qualification for housing filed by an individual under division 166  
(B) (1) or (2) of this section, a court of common pleas or the 167  
designee of the deputy director of the division of parole and 168  
community services who receives the petition may waive all or 169  
part of the fifty-dollar-filing fee for an applicant who is 170  
indigent. If an application fee is partially waived, the first 171  
twenty dollars of the fee that is collected shall be paid into 172  
the county general revenue fund. Any partial fee collected in 173  
excess of twenty dollars shall be paid into the state treasury. 174

(C) (1) Upon receiving a petition for a certificate of 175  
qualification for housing filed by an individual under division 176  
(B) (2) of this section or being forwarded a petition for such a 177  
certificate under division (B) (5) (a) of this section, the court 178  
shall review the individual's petition, the individual's 179  
criminal history, except for information contained in any record 180  
that has been sealed under section 2953.32 of the Revised Code, 181  
all filings submitted by the prosecutor or by the victim in 182  
accordance with rules adopted by the division of parole and 183  
community services, the applicant's military service record, if 184  
applicable, and whether the applicant has an emotional, mental, 185  
or physical condition that is traceable to the applicant's 186  
military service in the armed forces of the United States and 187  
that was a contributing factor in the commission of the offense 188  
or offenses, and all other relevant evidence. The court may 189  
order any report, investigation, or disclosure by the individual 190  
that the court believes is necessary for the court to reach a 191  
decision on whether to approve the individual's petition for a 192  
certificate of qualification for housing, except that the court 193  
shall not require an individual to disclose information about 194

any record sealed under section 2953.32 of the Revised Code. 195

(2) Upon receiving a petition for a certificate of 196  
qualification for housing filed by an individual under division 197  
(B)(2) of this section or being forwarded a petition for such a 198  
certificate under division (B)(5)(a) of this section, except as 199  
otherwise provided in this division, the court shall decide 200  
whether to issue the certificate within sixty days after the 201  
court receives or is forwarded the completed petition and all 202  
information requested for the court to make that decision. Upon 203  
request of the individual who filed the petition, the court may 204  
extend the sixty-day period specified in this division. 205

(3) Except as provided in division (C)(5) of this section 206  
and subject to division (C)(7) of this section, a court that 207  
receives an individual's petition for a certificate of 208  
qualification for housing under division (B)(2) of this section 209  
or that is forwarded a petition for such a certificate under 210  
division (B)(5)(a) of this section may issue a certificate of 211  
qualification for housing, at the court's discretion, if the 212  
court finds that the individual has established all of the 213  
following by a preponderance of the evidence: 214

(a) Granting the petition will materially assist the 215  
individual in obtaining housing. 216

(b) The individual has a substantial need for the relief 217  
requested in order to live a law-abiding life. 218

(c) Granting the petition would not pose an unreasonable 219  
risk to the safety of the public or any individual. 220

(4) The submission of an incomplete petition by an 221  
individual shall not be grounds for the designee or court to 222  
deny the petition. 223



(5) Subject to division (C)(6) of this section, an individual is rebuttably presumed to be eligible for a certificate of qualification for housing if the court that receives the individual's petition under division (B)(2) of this section or that is forwarded a petition under division (B)(5)(a) of this section finds all of the following: 224  
225  
226  
227  
228  
229

(a) The application was filed after the expiration of the applicable waiting period prescribed in division (B)(4) of this section. 230  
231  
232

(b) If the offense that resulted in the collateral sanction for housing from which the individual seeks relief is a felony, at least three years have elapsed since the date of release of the individual from any period of incarceration in a state or local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at least three years have elapsed since the date of the individual's final release from all other sanctions imposed for that offense; 233  
234  
235  
236  
237  
238  
239  
240  
241  
242

(c) If the offense that resulted in the collateral sanction for housing from which the individual seeks relief is a misdemeanor, at least one year has elapsed since the date of release of the individual from any period of incarceration in a local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at least one year has elapsed since the date of the final release of the individual from all sanctions imposed for that offense including any period of supervision. 243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253

(6) An application that meets all of the requirements for 254  
the presumption under division (C) (5) of this section shall be 255  
denied only if the court that receives the petition finds that 256  
the evidence reviewed under division (C) (1) of this section 257  
rebutts the presumption of eligibility for issuance by 258  
establishing, by clear and convincing evidence, that the 259  
applicant has not been rehabilitated. 260

(7) A certificate of qualification for housing does not 261  
create relief from requirements imposed by Chapter 2950. of the 262  
Revised Code and rules adopted under sections 2950.13 and 263  
2950.132 of the Revised Code. 264

(8) If a court that receives an individual's petition for 265  
a certificate of qualification for housing under division (B) (2) 266  
of this section or that is forwarded a petition for such a 267  
certificate under division (B) (5) (a) of this section denies the 268  
petition, the court shall provide written notice to the 269  
individual of the court's denial. The court may place conditions 270  
on the individual regarding the individual's filing of any 271  
subsequent petition for a certificate of qualification for 272  
housing. The written notice must notify the individual of any 273  
conditions placed on the individual's filing of a subsequent 274  
petition for a certificate of qualification for housing. 275

If a court of common pleas that receives an individual's 276  
petition for a certificate of qualification for housing under 277  
division (B) (2) of this section or that is forwarded a petition 278  
for such a certificate under division (B) (5) (a) of this section 279  
denies the petition, the individual may appeal the decision to 280  
the court of appeals only if the individual alleges that the 281  
denial was an abuse of discretion on the part of the court of 282  
common pleas. 283

(D) (1) A certificate of qualification for housing issued 284  
to an individual lifts the automatic bar of a collateral 285  
sanction for housing and a decision-maker shall consider on a 286  
case-by-case basis whether to provide or deny housing, 287  
notwithstanding the individual's possession of the certificate, 288  
without, however, reconsidering or rejecting any finding made by 289  
a designee or court under division (C) (3) of this section. 290

(2) The certificate constitutes a rebuttable presumption 291  
that the person's criminal convictions are insufficient evidence 292  
that the person is unfit for the housing in question. 293  
Notwithstanding the presumption established under this division, 294  
the decision-maker may deny the housing to the person if it 295  
determines that the person is unfit for the housing. 296

(E) A petition for a certificate of qualification for 297  
housing filed by an individual under division (B) (1) or (2) of 298  
this section shall include all of the following: 299

(1) The individual's name, date of birth, and social 300  
security number; 301

(2) All aliases of the individual and all social security 302  
numbers associated with those aliases; 303

(3) The individual's current residential address, 304  
including the length of time that the individual has resided in 305  
the current residence, expressed in years and months, and the 306  
city, county, state, and zip code of the residence; 307

(4) A history of the individual's residential address or 308  
addresses for the past ten years, including the length of time 309  
that the individual has resided at the address, expressed in 310  
years and months of residence, and the city, county, state, and 311  
zip code of residence; 312

(5) A general statement as to why the individual has filed the petition and how the certificate of qualification for housing would assist the individual; 313  
314  
315

(6) A summary of the individual's criminal history, except for information contained in any record that has been sealed under section 2953.32 of the Revised Code, with respect to each offense that is a disqualification from housing, including the years of each conviction or plea of guilty for each of those offenses; 316  
317  
318  
319  
320  
321

(7) A summary of the individual's employment history, specifying the name of, and dates of employment with, each employer; 322  
323  
324

(8) Verifiable references and endorsements; 325

(9) The name of one or more immediate family members of the individual, or other persons with whom the individual has a close relationship, who support the individual's reentry plan; 326  
327  
328

(10) A summary of the reason the individual believes the certificate of qualification for housing should be granted; 329  
330

(11) Any other information required by rule by the department of rehabilitation and correction. 331  
332

(F)(1) In a tort action, a certificate of qualification for housing issued to an individual under this section may be introduced as evidence of a decision-maker's due care in leasing to the individual to whom the certificate of qualification for housing was issued if the decision-maker knew of the certificate at the time of the alleged negligence or other fault. 333  
334  
335  
336  
337  
338

(2) In a tort action against a decision-maker for negligent leasing, a certificate of qualification for housing 339  
340

issued to an individual under this section provides immunity for 341  
the decision-maker as to the claim if the decision-maker knew of 342  
the certificate at the time of the alleged negligence. 343

(3) If a decision-maker leases to an individual who has 344  
been issued a certificate of qualification for housing under 345  
this section, if the individual, after being leased to, 346  
subsequently demonstrates dangerousness or is convicted of or 347  
pleads guilty to a felony or a misdemeanor offense of violence, 348  
and if the decision-maker retains the individual as a lessee 349  
after the demonstration of dangerousness or the conviction or 350  
guilty plea, the decision-maker may be held liable in a tort 351  
action that is based on or relates to the retention of the 352  
individual as a lessee only if it is proved by a preponderance 353  
of the evidence that both of the following apply: 354

(a) The decision-maker had actual knowledge that the 355  
lessee was dangerous or had been convicted of or pleaded guilty 356  
to the felony or the misdemeanor offense of violence. 357

(b) The decision-maker was willful in retaining the 358  
individual as a lessee after the demonstration of dangerousness 359  
or the conviction or guilty plea of which the decision-maker has 360  
actual knowledge. 361

(G) A certificate of qualification for housing issued 362  
under this section shall be revoked if the individual to whom 363  
the certificate of qualification for housing was issued is 364  
convicted of or pleads guilty to a felony or a misdemeanor 365  
offense of violence committed subsequent to the issuance of the 366  
certificate of qualification for housing. 367

(H) A designee's forwarding, or failure to forward, a 368  
petition for a certificate of qualification for housing to a 369

court or a court's issuance, or failure to issue, a petition for 370  
a certificate of qualification for housing to an individual 371  
under division (B) of this section does not give rise to a claim 372  
for damages against the department of rehabilitation and 373  
correction or court. 374

(I) The division of parole and community services shall 375  
adopt rules in accordance with Chapter 119. of the Revised Code 376  
for the implementation and administration of this section and 377  
shall prescribe the form for the petition to be used under 378  
division (B) (1) or (2) of this section. The form for the 379  
petition shall include places for all of the information 380  
specified in division (E) of this section. 381

(J) Nothing in this section shall be construed to create 382  
or provide a private right of action. 383

**Section 2.** That existing section 120.54 of the Revised 384  
Code is hereby repealed. 385