

TO: Senate General Government Committee

FROM: Gary Daniels, Legislative Director, ACLU of Ohio

DATE: May 27, 2025

RE: Sub. Senate Bill 88 – Opponent Testimony

To Chairwoman Roegner, Vice Chair Gavarone, Ranking Member Blackshear, and members of the House Government Oversight Committee, thank you for this opportunity to provide opponent testimony on Substitute Senate Bill 88.

As this committee knows, SB 88 broadly bans the ownership of property in and throughout Ohio by governments deemed to be foreign adversaries or supporters of terrorism, among other possible designations and considerations. Of course, SB 88 does not stop there.

In a return to the “alien land laws” that started over 100+ years ago and persisted for decades after, SB 88 also applies to foreign born individuals now living, working, and raising families in Ohio. They are our friends, neighbors, loved ones, bosses, coworkers, business owners, doctors, teachers, attorneys, and all others. They are people otherwise legally permitted to live and work in the United States. They have lived in Ohio for many years and positively contributed to our lives, health, education, and economy. They are among Ohio’s biggest cheerleaders and champions. They remain valuable examples of the benefits of immigrants in our state and country.

But, with passage of SB 88, these same people, who have cleared every hurdle to be here legally, who have given birth to U.S. citizens and raised families, who have caused no problems, will be forbidden from buying a home anywhere in Ohio to raise those same families. As the sponsor of this bill acknowledged in his appearance before this committee, SB 88’s prohibitions will blanket the entirety of the state.

Not because they have done anything wrong. Not because they have been accused of doing anything wrong. But merely because they are the citizen of a country on at least one of our many Bad Guy lists.

That, and they wish to buy property within an arbitrary distance of 25 miles from any agricultural property, military property or facilities, or “critical infrastructure,” which is astoundingly broad under current law. That definition includes everything from utility poles, to railroad tracks, to telephone and fiber optic lines, to TV and radio stations, to so much more. The entire state - banned.



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SB 88 does not stop there. It even requires people, accused of no individual wrongdoing, but on these government lists, to sell property they purchased and owned before the passage of SB 88. SB 88 then doubles down on the cruelty by only allowing these property owners to recover what they originally paid for their property, minus all court fees and costs.

This will mean these same factually and legally innocent people stand to lose tens of thousands, perhaps hundreds of thousands, of dollars from appreciation gained on their property over years and decades.

Let's say someone subject to SB 88 paid \$100,000 for their home years ago. It is now valued at and is sold by the court for \$500,000. Where does that extra \$400,000 go (minus courts fees and costs)? It goes to the general fund of the county government where the property is located. The same county, under SB 88, now tasked with enforcing SB 88. In essence, land will be seized from innocent people across the state to enrich local governments operating with incredibly obvious conflicts of interest.

If and when Ohio passes SB 88, or the almost identical bill, House Bill 1, there will be lawsuits. The claims will range from 14<sup>th</sup> Amendment violations, to violations of federal fair housing laws, to violations of the Ohio Constitution, to violations of other federal laws, and more. Currently, a similar law in Florida is on hold because of litigation. It should be noted that law, unlike Ohio's, allows legal permanent residents to purchase property.

But the certainty of lawsuits should not be a primary motivator to reject SB 88. SB 88 should be abandoned because it is fundamentally wrong, it is profoundly unfair, and it is fueled by racial animus, bigotry, and unfounded fears.

For these reasons and more, the ACLU of Ohio encourages this committee's rejection of Substitute House Bill 88.