



**State Representative Derek Merrin
District 47**

**House Bill 390 – Sponsor Testimony
Financial Institutions, Housing, and Urban Development Committee
November 28, 2017**

Chairman Dever, Vice-Chairman Sprague, Ranking Member Smith, and members of the Financial Institutions, Housing, and Urban Development Committee thank you for the opportunity to present testimony for House Bill 390. This straightforward bill seeks to codify court rulings into Ohio law regarding the eviction process. The bill clarifies how a *day* will be calculated. Regarding evictions, there has been conflicting interpretations whether *days* should be calculated as a calendar day or a business day.

Before a property owner can file an eviction against a tenant, the owner is required to provide three days' notice. A 2nd District Court of Appeal ruling (*Federal Property Management v. Daugherty, 1991*) stated the three days' notice should be calculated as calendar days, thus counting weekends and legal holidays. Also, an Akron Municipal court case (*Wintrow v. Smith, 1987*) implicitly ruled that Sunday be considered as a full day of notice.

Unfortunately, the court rulings have not resulted in uniform interpretations by judges and attorneys throughout the state. I have spoken with many stakeholders, including multiple attorneys, legal associations, clerks of court offices, and property owners that have extensive experience in the eviction process throughout courts in Ohio. To summarize the stakeholder's feedback, there is no uniformity on this issue among courts. It is a source of ambiguity.

House Bill 390 solves this issue by clarifying a *day* is any calendar day. The legislation aligns with court rulings, reinforces the plain reading of the Ohio Revised Code, and makes practical sense in efficiently administering the eviction process. Furthermore, this clarification will apply to the ten-day window that designated law enforcement has to restore the plaintiff to the premises, after receiving the writ of execution from the judge. It is imperative that Ohio's laws are clear and uniformly enforced. When an attorney, property owner, or tenant enter an Ohio court, the law must be applied fairly and consistently. House Bill 390 will make the law clear for all Ohio judges, property owners, and tenants ensuring a level playing field.

Also, House Bill 390 inserts a protection for tenants into the Ohio Revised Code section dealing with the eviction process that is another section of code. The legislation states that the three-day window for a tenant to leave the premises before an eviction can be filed begins the following day the notice was delivered. This ensures property owners cannot deliver a notice at 11:59 P.M. and count that as the first day of notice. It is important to have this language stated in this section of the Ohio Revised Code to ensure both the property owner and tenant have knowledge of the provision, thus discouraging such a practice from happening against a tenant.

In closing, it is incumbent on the Ohio General Assembly to ensure our laws are clear and uniformly applied ensuring fairness for all Ohioans. Our laws should be easy for judges, attorneys, and all Ohioans to understand. That is why this legislation is so important. I hope to have the committee's support for House Bill 390, and am willing to answer any questions at this time.