



Testimony in Support of HB 20
House Civil Justice Committee
March 23, 2021
Graham Bowman, Ohio Poverty Law Center

Chair Hillyer, Vice Chair Grendell, Ranking Minority Member Galonski, and members of the committee, thank you for the opportunity to provide testimony in support of HB 20.

My name is Graham Bowman and I am a staff attorney with the Ohio Poverty Law Center. The Ohio Poverty Law Center's mission is to reduce poverty and increase justice by protecting and expanding the legal rights of Ohioans living, working, and raising their families in poverty. HB 20 would enact a statewide eviction and foreclosure moratorium during the remainder of the pandemic. This bill is necessary to maintain Ohio's pandemic eviction policy if federal policy changes and to ensure that rental assistance dollars are able to be delivered to landlords and tenants who need them.

The potential for a massive eviction crisis has been one of the legal aid community's greatest concerns since the beginning of the pandemic. According to the Ohio Housing Finance Agency, 46% of Ohio renters are moderately to severely rent burdened, meaning they spend a high percentage of their income on rent.¹ Rent burdened households are much more likely to be evicted, because a single unforeseen financial emergency can cause them to fall behind on rent. 71% of renters who earn less than 30% of the Area Median Income (AMI) are severely rent burdened, which means these families spend over half their monthly income on rent and are most at risk of homelessness.

When the pandemic hit, many low-income workers lost their jobs or saw their hours reduced, which put them in danger of losing their homes through no fault of their own. There were serious concerns that a spike in evictions would not only harm low-income families, but contribute to the spread of the coronavirus as those families were unable to quarantine as they gathered in congregate shelters or doubled-up with friends and family.²

According to the U.S Census Bureau, as of March 1st, 25% of Ohio households have no or only slight confidence that they will be able to pay rent next month.³ There are 1,582,848 renting households in Ohio, which means 395,712 do not think they will be able to pay rent next month without assistance.⁴

¹ <https://ohiohome.org/news/documents/2020-HNA-ExecutiveSummary.pdf>

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https://cohhio.org/wp-content/uploads/2020/03/DoubleJeopardy-web.pdf?link_id=2&can_id=a0052b288e89d3b7e828e3c4767702f8&source=email-press-release-immediate-action-needed-to-help-communities-respond-to-covid-19-and-homelessness&email_referrer=email_759536&email_subject=press-release-immediate-action-needed-to-help-communities-respond-to-covid-19-and-homelessness

³ <https://www.census.gov/programs-surveys/household-pulse-survey/data.html>

⁴ <https://reports.nlihc.org/oor/ohio>

For this reason, OPLC and housing advocates throughout the state and country have been calling for a two pronged approach: (1) rental assistance, and (2) an eviction moratorium. Both are necessary to ensure that low-income renters and the landlords that provide them housing are able to make it through the end of this crisis unscathed. One does not work without the other.

Thankfully, we have mostly achieved the first prong. Congress and the state of Ohio have provided multiple rounds of rental assistance dollars that are making their way down to community action agencies to make direct payments to landlords for unpaid rents. The total amount made available to Ohio was over \$778 million with more on the way from the American Rescue Plan Act of 2021.⁵ The Ohio Senate just passed SB 110 and the House Finance Committee is hearing testimony on HB 167 this week, which will allocate \$465 million in rent relief from the Consolidated Appropriations Act passed in December. Ohio will receive more rental assistance dollars from the Congressional relief package that was passed this month. Our legal aid partners report that at the local level these dollars are getting out the door, but that in some areas the process can be slow due to the overwhelming need.

Despite the success with creating a rental assistance program, Ohio has done a dismal job at slowing the eviction process. Eviction moratoriums, *combined with rental assistance*, are necessary because they slow down what are typically very quick trials and create time for the rental assistance dollars to get out the door to landlords. Legal aid attorneys find that many landlords are willing to work with their tenants and accept rental assistance payments to protect their tenants from becoming homeless during the pandemic. However, there are some that are less patient and continue to pursue eviction even though rental assistance dollars are available. We are also hearing anecdotes about landlords that are continuing to pursue evictions against tenants even after agreeing not to after accepting rental assistance.

According to the Eviction Lab at Princeton University, Ohio has one of the worst COVID-19 eviction policy responses in the country.⁶ Our policy response is one of the worst because there was not a statewide response. Neither Governor DeWine nor the Supreme Court believed they had the authority to issue a statewide eviction moratorium and that only the General Assembly did. As a result, courts throughout the state took different approaches, which caused enormous confusion for landlords and tenants alike. Some jurisdictions stopped eviction filings, others held trials but halted set outs, some operated as normal.

The federal government issued a nationwide eviction moratorium in September that helped paper over the haphazard approach in Ohio. However, the federal policy was confusing and difficult to implement, which you'll hear more about from my colleague Jyoshu Tsushima with the Legal Aid Society of Columbus. The federal moratorium allowed many households to fall through the cracks and has also created a backlog of cases that are ready for immediate eviction as soon as the moratorium is lifted. Nevertheless, it has largely fulfilled its purpose of slowing down the eviction process in order to create time for the rental assistance dollars to flow to landlords.

However, the future of the federal moratorium is uncertain. There are credible lawsuits against the moratorium that claim the federal government overstepped its authority. The moratorium is set to expire

⁵ <https://www.moodyanalytics.com/-/media/article/2021/averting-an-eviction-crisis.pdf>

⁶ <https://evictionlab.org/covid-policy-scorecard/oh/>

at the end of the month unless the Centers for Disease Control and Prevention extend it. HB 20 is needed so Ohio can control its own response to the potential eviction crisis. We are entering the final phase of the pandemic and have avoided the worst possible homelessness crisis as a result of pairing emergency rental assistance with eviction moratoriums that slow down the eviction process. If enacted, this bill would ensure that that process continues and both landlords and tenants are protected through these final days of the pandemic. Without it, Ohio may abruptly find itself without any protections against eviction, which will trigger a wave of unnecessary evictions when millions of dollars of emergency assistance dollars are on their way to ensure those rents are paid.

Thank you for the opportunity to testify in support of HB 20 and I am available to answer any questions members of the committee may have. I also may be contacted at gbowman@ohiopoertylaw.org or 614-634-2356.