



## **Testimony in Support of Ohio S.B. 158**

Delivered in Writing Only to the Senate Judiciary Committee

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Chair Manning, Vice Chair McColley, Ranking Member Thomas, and members of the committee, the Affordable Housing Alliance of Central Ohio (the "Alliance") wishes to submit the following written-only testimony in support of Senate Bill 158, providing a systematized process for eviction record expungement.

The Alliance is a nonprofit, nonpartisan organization with membership composed of specialists from across the housing spectrum, including both for-profit and nonprofit experts in housing, homelessness, community development, and lending. Our landlord members own properties across the nation, with more than 10,000 rental homes in Franklin County alone. This diversity of perspective ensures that the policy solutions we champion are not designed to favor any specific industry or stakeholder but, rather, are in the best interests of the community we serve.

In 2020, the global investment bank and advisory firm Stout projected that up to 400,000<sup>1</sup> Ohio renters would be unable to pay their rent due to COVID-19, and that at least 240,000 would be subjected to an eviction filing. That dire prediction is, unfortunately, proving to be an underestimate. In the week ending September 27, 2021, over 456,000<sup>2</sup> Ohioans expressed little or no confidence in their ability to make October's rental payment. The reasons for this housing stability are varied and deep, ranging from a geospatial mismatch between where jobs are located and where workers live, to a pervasive lack of affordable housing that undermines sustainability even for those with gainful employment. For some, these hardships were directly related to the COVID-19 pandemic and have since abated, but recovering lost time and money remains a challenge.

While we are lucky to have disaster relief funds to meet these acute housing needs and help recover the hundreds of millions of dollars of lost rental income our property owners faced, far too few Ohioans know this help is available. National estimates suggest that only 40%<sup>3</sup> of tenants and 60% of landlords know relief programs exist. This results in immense, unnecessary eviction filings. And these hundreds of thousands of coronavirus-fueled evictions add to an already massive wave of pre-pandemic evictions. In Franklin County alone, we experienced over 18,000 evictions in 2019. Further, research suggests that Ohio evictions often occur because of small-dollar disputes; in Hamilton County, for instance, half of all eviction cases are for less than a \$1,200 discrepancy.<sup>4</sup> Unlike consumer credit reports, these records never disappear. Unlike criminal records, there is no standardized process in Ohio for a tenant to clear their name after doing the hard work of rebuilding their economic lives.

In the short-term, evicted tenants must scramble to locate any housing that will accept them, sparking a downward spiral that takes children away from their schools, workers away from their jobs, and families away from their faith community and support networks. Too often this leads to the doors of the homeless shelter. Each of these disruptions are costly for our public institutions as well, ranging from harms to our educational system, our economic development needs, and the human safety net.

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<sup>1</sup> [https://www.ncsha.org/wp-content/uploads/Analysis-of-Current-and-Expected-Rental-Shortfall-and-Potential-Evictions-in-the-US\\_Stout\\_FINAL.pdf](https://www.ncsha.org/wp-content/uploads/Analysis-of-Current-and-Expected-Rental-Shortfall-and-Potential-Evictions-in-the-US_Stout_FINAL.pdf)

<sup>2</sup> <https://www.census.gov/data/tables/2021/demo/hhp/hhp38.html>

<sup>3</sup> <https://www.urban.org/urban-wire/just-month-left-eviction-moratorium-many-mom-and-pop-landlords-and-tenants-are-still-unaware-federal-rental-assistance>

<sup>4</sup> <https://evictionlab.org/covid-eviction-claims/>



In the long-run, eviction become the “Scarlet E” that prevents recovery becoming not only a consequence of poverty, but a core cause of it. These records make it more difficult to secure a safe home in a hyper-competitive housing market, like the one we’re experiencing in Central Ohio, subjecting children to dangerous conditions and neglected neighborhoods. Even years into the future, property owners mitigate the presumption of added nonpayment risk by charging higher rents, which propels a cycle of household instability. Evictions appear on credit and judicial record searches for decades, obstructing access to the workforce and economically mobile jobs.

To address these barriers, seven states have already adopted eviction record sealing laws and another seventeen introduced bills do to so in 2021.<sup>5</sup> Senate Bill 158 similarly offers a path to redemption for tenants who overcame adversity while providing notice and an opportunity to comment to landlords to ensure a balanced relationship. As a coalition that sees eviction through the eyes of the tenants we serve as well as the landlords who serve them, the Alliance believes this is an important policy worth of adding to Ohio’s housing toolkit.

As you continue these important discussions, we look forward to reading additional insights from this committee on how courts may construe what a “reasonable predictor of future tenant behavior” is and how the “interests of justice” will be assessed. Without limiting the flexibility courts have in adjudicating individual cases on their own merits, tenants may benefit from having a “by right” option for expungement if they prevailed at a hearing or if the case was dismissed.

Senate Bill 158 is a welcomed step towards a more refined judicial approach to eviction filings that balances the needs of the parties and the public. The Alliance thanks you for advancing this proposal and we welcome any additional opportunities to share our insights on this issue and connect you with the stories of the Central Ohio residents who live and work with these challenges each day.

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<sup>5</sup> <https://www.pewtrusts.org/en/research-and-analysis/articles/2021/08/26/state-policymakers-are-working-to-change-how-courts-handle-eviction-cases>