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Testimony before the Senate Judiciary Committee in favor of Senate Bill 158

Dear Chairman Manning and esteemed members of the Senate Judiciary Committee,

Thank you for inviting me to present this written testimony in favor of Senate Bill 158. As an attorney with Legal Aid of Western Ohio, I have represented clients in eviction cases in the Toledo, Sylvania, Defiance, and Oregon municipal courts. I have witnessed firsthand the benefits of record sealing or expungement on eviction cases, which I will outline below.

As you likely know, the Toledo Municipal Court has enacted a rule that allows for tenants in an eviction action to seal the record where the case has been dismissed, where the landlord consents to sealing the record, or under certain circumstances when at least 5 years have passed and no new eviction actions have been filed against the tenant. The Sylvania Municipal Court does not have a rule explicitly allowing for eviction record sealings. However, we have been successful in sealing eviction records, using Rule 45(E) of the Rules of Superintendence for the Courts of Ohio, in cases where the eviction action was dismissed, and the landlord indicated they did not oppose sealing the record.

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In my experience, record sealing or expungement is crucial for making clients whole in cases where either an eviction action should not have been filed, or when a tenant has remedied the nonpayment of rent or other causes for eviction. For example, I had one client who had an eviction filed against her even though she had deposited all of her rent in escrow with the court as permitted by law. The eviction was later dismissed and this client was relieved that her record was sealed so that future landlords will not be able to use the mere filing of an eviction action against her. In many other cases, we have been able to seal clients' records after they paid all outstanding rent, late fees, and court costs. The landlords were made whole through these payments and the tenants were made whole through the record sealing.

In Northwestern Ohio, we are seeing a very challenging rental market. The current seller's market has led to several of our clients in single family homes having their landlords ending their long-standing month-to-month tenancies to put the house on the market. In one of my cases, where the tenant had an active lease agreement, the landlord refused to accept rent and then filed an eviction for nonpayment. Rental rates have skyrocketed for remaining properties. As a result, our clients are having a very hard time finding places to move into and having any eviction actions on their record, even ones that were later dismissed, is a barrier to finding and securing housing. Our clients with evictions on their record are frequently moving into properties with serious conditions issues or are unable to find housing and are temporarily staying with friends and family, going to homeless shelters, or living in their cars.

Record sealing or expungement is also a tool that helps landlords in ways they may not even realize. As attorneys for tenants, most of our cases end with a negotiated agreement. For example, it is very common that we come to an agreement where the tenant will vacate the property by a certain date and if they do so, the landlord will agree to dismiss the action. The

ability to seal the record if the case is later dismissed is a strong motivator for clients to negotiate. Further, I have had several cases where the ability to seal the record was the determining factor in a client vacating the property by the date they agreed to in court, as opposed to staying a few more days before a set out is scheduled. Other times, the ability to seal the record is a strong motivator for clients to pay what they owe in past due rent and fees to have the case dismissed. Record sealing or expungement encourages negotiation.

For these reasons, we urge the passage of Senate Bill 158. If this committee has any questions or would like further information, please feel free to email me at kford@lawolaw.org.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kara Ford", with a horizontal line extending to the right.

Kara Ford
Staff Attorney
Legal Aid of Western Ohio