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Testimony in Support of SB158
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Senate Judiciary Committee
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Chair Manning, Vice Chair McColley, Ranking Member Thomas, and members of the Senate Judiciary Committee, my name is Megan O'Dell, and I am an attorney at the Ohio Poverty Law Center. The Ohio Poverty Law Center advocates for evidence-based policies that protect and expand the rights of low-income Ohioans. We are a non-profit law firm working closely with Ohio's legal aid community, serving Ohioans who are living, working, and raising their families in poverty. Thank you for the opportunity to provide testimony in support of Senate Bill 158, regarding expungement of eviction case court files.

SB158 would allow an individual with an eviction on their record an opportunity to have that record expunged after three years from the date of judgment. With a rebuttable presumption in favor of granting the eviction expungement, the court has discretion to issue the expungement and will provide the landlord an opportunity to offer information as to why the eviction record should not be expunged. To determine if the eviction record should be expunged, the court will weigh the landlord's information against whether the eviction record is no longer a reasonable predictor of future tenant behavior, whether the expungement is clearly in the interests of justice, and whether those interests are not outweighed by the public's interest in knowing about the record.

An eviction can affect a person long after their court case is closed. Landlords often rely on tenant screening companies to screen applicants for past eviction records. These records do not distinguish if the eviction case was dismissed or if the judge ruled in favor of the tenant or landlord. Tenants with an eviction on their record are then denied housing in safe and affordable neighborhoods, leaving them with few options. These options include renting unsafe housing with possible health hazards or becoming homeless, further perpetuating the cycle of poverty.

According to data from the Census Bureau, as of August 1, 2021, 213,000 Ohioans were behind on their rent and 134,000 were facing eviction.¹ Nationally, Ohio has been one of the top 10 states with the highest rates of eviction, ranking number nine with an estimated 11 percent of renters at risk of eviction.² During COVID-19, many Ohioans who lost their jobs were at risk of eviction. Due to the complicated and overburdened unemployment compensation and emergency rental assistance programs, many individuals who should be able to access pandemic state or federal dollars are left with

¹ <https://www.cleveland19.com/2021/08/02/eviction-ban-ends-hundreds-thousands-ohioans-could-face-eviction/>

² <https://www.clevescene.com/scene-and-heard/archives/2020/12/16/ohio-renters-face-some-of-the-highest-risk-of-eviction-in-the-nation-study-says>

zero options. Even before the pandemic, eviction rates in Ohio were high, with evictions disproportionately burdening Black women and tenants of color.³ From 2012 to 2016 Black renters had evictions filed against them at twice the rate of those filed against white renters.⁴

To minimize the effects of eviction and allow for tenants to have a fair chance at finding safe housing, tenants should have the opportunity to apply for eviction expungement. Many courts in our larger cities have adopted court rules to seal eviction records such as Cleveland, Toledo, Columbus, and Cincinnati. However, these court rules are only applicable to the tenants living in these jurisdictions. Ohioans who live in rural Ohio do not have the opportunity to have an old eviction record expunged. This lack of eviction sealing in combination with the lack of affordable housing leaves our rural Ohioans struggling. To establish an even playing field, SB158 creates statewide eviction expungement.

For these reasons, I urge you to support SB158.

³ <https://www.aclu.org/news/racial-justice/clearing-the-record-how-eviction-sealing-laws-can-advance-housing-access-for-women-of-color/>

⁴ <https://www.aclu.org/news/racial-justice/clearing-the-record-how-eviction-sealing-laws-can-advance-housing-access-for-women-of-color/>