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SENATE BILL 158

Chairman Manning, Vice Chair McColley, Ranking Member Thomas and the members of the Senate Judiciary Committee, thank you for providing me the opportunity to present proponent testimony on SB 158. My name is Staci Thomas and I'm the Managing Attorney of the Marion office of The Legal Aid Society of Columbus. My office covers four (4) rural counties – Marion, Morrow, Delaware, and Union County. I have been in the Marion office providing legal services my entire legal career of twenty-one (21) years. I have spent a significant portion of my legal career at Legal Aid representing clients in eviction matters. Senate Bill 158 is an important piece of legislation that can be beneficial for low-income tenants in Ohio. Having a statewide statute governing eviction record expungement would be greatly beneficial for rural tenants. Only one of the counties in my service area has enacted a local rule, which provides for the sealing of an eviction record, which is different than the expungement provided for in SB 158. That local rule allows for the immediate sealing of evictions that were dismissed and in cases where judgment was rendered in favor of the tenant. However, where judgment was rendered in favor of the landlord, there has to be extenuating circumstances related to the eviction; five (5) years have to have passed since the eviction judgement was granted in the record wanting to be sealed; and the tenant has to have had no other eviction judgments in the five (5) years prior in any jurisdiction. If the application to seal is granted, then the tenant's name is redacted from the records, but the clerk maintains copies of the records. The other three counties have no local rule, so tenants have no remedies to clean up their eviction record, thereby making it easier to find safe and affordable housing.

In Columbus, the Franklin County Municipal Court has enacted a local rule to enable the removal of a tenant's identifying information from its on-line eviction docket. While the record sealing mechanism is applied liberally, the Franklin County Municipal Court still has the eviction case on-line and the physical file is maintained in an unaltered condition. Eviction cases that have been closed for a least three (3) years are automatically removed from the Municipal Court's website, however the physical file is maintained at the Clerk's office.

Over my twenty-one (21) years of legal practice in Ohio, I have seen the devastation that eviction records can have on low-income individuals. My clients are likely to have multiple evictions on their record, oftentimes due to their poverty. Evictions on their record forces my clients into substandard housing by landlords willing to overlook the evictions. These landlords know that tenants have limited housing options and therefore limit the resources put into providing quality housing. I have had many clients over the years that have had multiple evictions, who have told me about their

struggles to find safe and affordable housing. Landlords will not rent to them because of the evictions and therefore they would rather choose substandard housing than be homeless.

The pandemic has compounded this problem. With so many tenants being behind in rent, I have seen clients with multiple evictions filed against them this last year due to no fault of their own. They have lost jobs because of the pandemic, or they have had issues with the unemployment compensation system. Tenants are accessing emergency rental assistance (ERA) monies only to get behind again because of the pandemic and landlords are filing yet more evictions against the same tenants. Some landlords are starting to increase monthly rental obligations in order to recoup lost income and are being stricter on their policies involving renting to individuals that have evictions. This is making it harder for tenants to find housing, especially low-income tenants. In rural communities it is becoming even harder to find affordable housing because there is not the same level of housing stock as in urban areas. This is causing my clients to either double up with other individuals or choose substandard housing options which effects health outcomes, thereby creating more problems for both tenants and the community at large.

SB 158 can help to create housing stability for tenants in the state of Ohio. A statewide approach ensures that all tenants no matter where they reside have the same chance for housing stability. It also gets rid of the necessity for each court to have its own local rule, which could vary court by court and county by county. SB 158 additionally, provides for an expungement of an eviction record rather than the sealing of the eviction record, which seems to be approach taken by the Courts in The Legal Aid Society of Columbus' service area. This places tenants in a greater position to find adequate housing.

I want to thank you again for this opportunity to present proponent testimony with regards to SB 158.