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Proponent Testimony – House Bill 646
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Chairman Hillyer, Ranking Member Galonski, Vice Chair Grendell, and Members of the House Civil Justice Committee: Thank you for the opportunity to present proponent testimony on House Bill 646.

My name is Chip Brigham, and I am general legal counsel for Northwest Title and a partner at Northwest Law. I am a past president of the Ohio Land Title Association (OLTA) and have been awarded the designation of Ohio Land Title Professional (OLTP). I have had the honor of practicing law in Ohio for over 37 years.

I am pleased to offer testimony on behalf of OLTA and its more than 1,000 members who are licensed title insurance agents, underwriters, abstractors, and real estate / title attorneys operating in all 88 Ohio counties. Our members conduct examinations of recorded documents and insure title to real property. The title insurance industry serves as the third party at the closing table to ensure a smooth transfer of real property between the buyer and the seller.

There is a depth of federal and state laws that governs residential financing transactions. These laws serve two purposes concurrently. They provide a uniform, predictable, and consistent framework for the origination, recording, and cancellation of liens while at the same time provide intense and sensible consumer protections to Ohio homeowners. Any proposed financing scheme involving the home of an Ohio resident must fall squarely within in this existing framework. Carved out exceptions, especially those sought by private entities, are not acceptable or advisable.

House Bill 646 is a sensible effort to insure that proposed residential PACE transactions are brought under the umbrella of existing real estate title and consumer protection laws. Although an assessment can be made against the tax records, any such assessment should be for convenience of payment only. Such assessment must not elude the protective regulations that are imposed upon every other participant in the financial and title industries.

OLTA supports the passage of this bill to protect Ohio consumers and facilitate ease of transfer of real property. In addition to our support, I would respectfully offer expansion or amendment to this bill, including:

1. Resolution procedures when a homeowner disputes the amount appearing on the tax duplicate bill.
2. Procedures to follow when real estate taxes are delinquent, and a tax lien is “sold” to a third party along with amounts owed for assessments.
3. Procedures to follow when a homeowner elects prepayment as permitted under HB 646.
4. Requirements that the public records be timely updated to reflect payment, satisfaction, or cancellation of the PACE assessment (for example, mortgage lenders must comply with similar strictures).

On behalf of the Ohio Land Title Association, I appreciate the opportunity to testify to these matters and would look forward to any opportunity to assist further in this legislative initiative.