



Tim Williams, Executive Director
Ohio Manufactured Homes Association
Opponent Testimony – Senate Bill 158
Senate Judiciary Committee
December 6, 2022

Chairman Manning, Vice Chairman McColley, Ranking Member Thomas, and members of the committee, thank you for the opportunity to testify in opposition to Senate Bill 158. Since 1947 the Ohio Manufactured Homes Association (OMHA) has represented all segments of the manufactured housing industry including manufactured homes communities (MHC) that provide affordable housing options. Over 900,000 Ohioans live in manufactured homes.

Senate Bill 158 proposes to add another layer onto the eviction process which would permit those evicted to file a motion to expunge the eviction judgment from their court record. The bill seeks to give notice to the landlord to oppose the motion. There is a rebuttal presumption that after three years the case should be expunged and after seven years of the eviction, the landlord has to present strong evidence of why the eviction should still be in the court's record. The review of the court is to determine if the eviction is still a reasonable predictor of the tenant's behavior.

We oppose the concepts that are presented in Senate Bill 158 as introduced, but we see value in creating a statewide standard practice relating to expungement that we find varies from court to court throughout the state and depending on the judicial temperament of the presiding judge. For our members, first, eviction records up to and after three years are important information used by landlords to determine whether to rent to the individual. Seven years with a clean record of timely payments may be more reasonable. This standard is similar to the current practice of how bankruptcies are handled. Additionally, the bill would require more legal work on the part of the landlord to file reasons why the eviction record should not be expunged. Finally, landlords rely on these court records to run their businesses optimally.

However, our opposition could be softened if a variety of changes were made to the bill. We understand other interested parties have proposed that they could agree with a shorter expungement



period under certain circumstances. Included in those circumstances are full restitution, which OMHA defines as the combination of full restitution of rental payments owed and any judgment amounts assessed made by the tenant to the affected landlord. Additionally, if a tenant challenges the eviction and the case is/was dismissed by the court for cause or if a property owner does a voluntary dismissal of the eviction case we could support expungement under those scenarios prior to our desired seven years expungement standard.

Without these changes the Ohio Manufactured Homes Association will continue to oppose the bill, but with the changes we will revise our position to interested party regarding this change and the bill in general. We stand ready to discuss these changes with the sponsors. However, we have not had any substantive conversations since November 2021 and with the limited amount of time remaining in the 134th General Assembly, it is our belief that conversations be held through the remainder of the year and a new bill and effort begin in the new session in 2023.

Thank you, Chairman Manning and members of the committee for the opportunity to provide comments in opposition to Senate Bill 158.