



**House Civil Justice Committee  
Interested Party Testimony  
House Bill 212  
June 4, 2024**

Chairman Hillyer, Vice Chair Mathews, Ranking Member Isaacsohn, and members of the House Civil Justice Committee, thank you for the opportunity to submit written testimony today on behalf of the Ohio REALTORS on House Bill (HB) 212.

Formed in 1910, Ohio REALTORS is the state's largest professional trade association with approximately 36,000 members representing both residential and commercial practitioners. Realtors in Ohio pride themselves on helping not only Ohioans but individuals from all around the globe who are navigating the complexity of buying or selling property in this great state.

We appreciate the sponsors of HB 212 engaging with us through the development of the legislation and we share their concerns surrounding the need to protect Ohio against entities seeking to purchase property with the intent to jeopardize our national security.

We are also grateful for the personal liability protection provided in HB 212 to brokers, agents, and real estate professionals in ORC 5301.256. This protection is modeled after legislation passed in other states and will allow our members to continue to serve clients without the burden of conducting background checks and without fear of violating Fair Housing regulations.

As the sponsors noted in their testimony, numerous other states have implemented policies aimed at restricting land purchases by foreign adversaries. The laws passed in those states vary substantially. Some states limit the type of restricted property to only agricultural land and many impose the restriction on foreign governments and state-controlled enterprises without imposing the prohibition to individuals who are legally allowed in the country.

As the committee reviews HB 212, we would encourage members to consider the following:

Florida Senate Bill 264 ("FSB 264")

While many states have introduced or passed legislation prohibiting foreign real estate purchases, the one that has garnered most national attention has been in Florida. In May 2023, Florida enacted a 'foreign buyer law' that prohibits covered foreign persons from acquiring or owning an interest in agricultural land and property within a ten-mile radius of a military installation or critical infrastructure. In response to FSB 264, a real estate firm and a group of Chinese citizens (together as "plaintiff") who reside and work in Florida filed suit in federal district court to prevent its enforcement. The plaintiffs claimed that FSB 264: 1) violates the federal Fair Housing Act; 2) violates the Equal Protection Clause of the 14<sup>th</sup> Amendment to the U.S. Constitution; and 3) is



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preempted by federal laws governing foreign affairs, foreign investment and national security, including the Committee for Foreign Investment in the United States (CFIUS) and the Foreign Investment Risk Review Modernization Act of 2018. That case is currently pending before the U.S. Court of Appeals for the Eleventh Circuit.

As indicated in the LSC analysis for HB 212, should this legislation be enacted in Ohio, it could face similar legal challenges as the FSB 264 in Florida.

### Broad Definitions of “Protected Property” & “Critical Infrastructure Facility”

“Protected Property” as used in HB 212 means the following: (a) agriculture land; (b) real property located within a twenty-five-mile radius of any “installation under the jurisdiction of the armed forces; or, (c) real property located within a twenty-five-mile radius of a “critical infrastructure facility.” “Critical infrastructure facility” is broadly defined in ORC 2911.21 to include numerous types of facilities, provided that the facility is “completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with signs that are reasonably likely to come to the attention of potential intruders and that indicate entry is forbidden without site authorization.” This would include for example an electric generating facility, substation, distribution lines; water and wastewater treatment plants; wireline or wireless telecommunication infrastructure; and federally licensed radio or television transmission facilities. Under such a broad definition of “protected property” nearly all property in the state of Ohio would be considered protected under HB 212.

### Identification of “Protected Property”

Due to the sheer quantity of the types of facilities that are classified as critical infrastructure, it is unclear how a restricted person is supposed to identify whether a particular property is within 25 miles of a critical infrastructure facility. While HB 212 requires the Secretary of State to compile a registry of foreign adversaries and restricted persons, the legislation does not require the creation of a publicly accessible map or database of protected property or critical infrastructure facilities. Without such a map or database how is:

- 1) A restricted person expected to know whether a particular property is within the 25-mile radius of a “critical infrastructure facility”?
- 2) A county auditor or sheriff responsible for reviewing real estate transactions expected to determine compliance with HB 212?

### Dual Citizenship

As the bill stands, citizens with dual citizenship and other legal residents from a country classified as a foreign adversary will be prevented from owning property within 25-miles of protected property. As described above, the broad definition of protected property means HB 212 will likely



prevent lawful U.S. residents from purchasing even residential properties in Ohio. Such a policy would prohibit law-abiding members of our community who are productive members of our society from owning a home in the state in which they work. This could also prevent Ohio's employers and universities from attracting the best talent from across the globe. Dual citizens are already required to undergo a thorough background check and investigation upon filing for naturalization, which is conducted by the U.S. Citizenship and Immigration Services in collaboration with the Federal Bureau of Investigation.<sup>1</sup>

Thank you for considering this testimony. Ohio REALTORS looks forward to working with the bill's sponsors and this committee as it continues to review HB 212.

Sincerely,

Scott Williams  
Chief Executive Officer  
Ohio REALTORS®

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<sup>1</sup> [Chapter 2 - Background and Security Checks | USCIS](#)