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Testimony in Opposition to House Bill 480
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House Criminal Justice Committee
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Chair Abrams, Vice Chair Williams, Ranking Member Brown and members of the House Criminal Justice Committee, thank you for the opportunity to provide testimony in opposition to House Bill 480. My name is Zack Eckles, and I am an attorney at the Ohio Poverty Law Center (OPLC). Our mission is to reduce poverty and increase justice by protecting and expanding the legal rights of Ohioans living, working, and raising their families in poverty.

Ohio already has criminal trespass and eviction laws to protect property owners' rights. HB 480 proposes to create an expedited process for evictions that removes the court system and judicial oversight and puts tenants' rights at risk. It would place the burden on county sheriffs to investigate, make conclusions of law regarding the relationship between the occupant and property owner, and then enforce their own judgment. **If HB 480 is enacted, there will inevitably be low-income Ohioans who are wrongfully removed from their homes without adequate notice or due process of law.**

While we believe that Ohio's criminal trespass and eviction laws already adequately meet the goals of HB 480, we ask you to consider the following amendments to HB 480 if you think more must be done:

1. **Create an opportunity for occupants to appeal a sheriff's decision to the local court with jurisdiction over evictions following service of notice to vacate but before removal.** If a sheriff's office has determined the occupants cannot be lawfully removed under Ohio's criminal trespass statutes, but can be removed under proposed R.C. 1923.16, the occupants should have the opportunity to submit their claims in writing to a judge to review alongside the complaint for removal and determine if it should have been filed as an eviction.
2. **Require additional training in landlord-tenant law for county sheriff's offices.** HB 480 will require county sheriff's offices to make findings of fact and conclusions of law that are traditionally made by judges. Without proper training, this is likely to result in bad outcomes for tenants even in cases where both landowners and sheriffs are acting in good faith. For example, do our county sheriffs know that when a property is purchased with tenants on the property, the new owner of the property takes ownership subject to the existing lease agreement between the tenants and the previous property owner? If the new

property owner then files a complaint to remove the tenants and incorrectly asserts they are not current or former tenants, do our county sheriffs have the proper training in landlord-tenant law to identify that issue and deny the property owner's complaint, or will the tenants be forcibly removed without due process?

3. **Require the authorized agent to maintain a real estate license under R.C. § 4735 to file a complaint under proposed R.C. § 1923.16.** Doing so will ensure property managers have adequate training to know when they must proceed with an eviction through the court system and cannot utilize the expedited process through the sheriff's office. This explicit licensing requirement would also provide additional incentives for property managers to act in good faith when filing complaints under the expedited eviction process.
4. **Make additional changes to increase clarity** such as:
 - a. On Line 62 add "written or oral" before the word "rental"
 - b. Specify that the notice referenced on Line 26-27 must be in writing and conform to the requirements of R.C. § 1923.02
 - c. On Lines 47-48 require the landlord to attach a copy of the deed
 - d. On Lines 133-134 add "monthly" before "fair market rent"
 - e. Specify a two-year statute of limitations for a cause of action under proposed R.C. § 1923.16(F).

While the majority of landowners and landlords may not abuse this system if HB 480 were to become law, more guardrails are needed to protect low-income renters from those few unscrupulous landlords in our communities who will. Please oppose HB 480 and 478.

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