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Testimony of Monica Nieporte
Ohio News Media Association
Senate Bill 25 – Real Property Foreclosures
Senate Judiciary Committee

Chairman Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson, and members of the Senate Judiciary Committee, thank you for the opportunity to submit testimony regarding Senate Bill 25. Our organization is concerned over a specific provision in SB 25 that would set an adverse precedent for public notice in the state of Ohio.

For as long as newspapers have existed, they have served as an official and independent record of government actions. Our members take this role very seriously and public notices are a service we have provided for more than 100 years. As new technology has evolved, we have worked to update Ohio's public notice statutes to ensure governmental advertisers receive the best value and impact. There are two major reforms we have undertaken over the past decade I want to highlight.

In 2011, ONMA worked with the Kasich Administration and lawmakers to modify Ohio's public notice laws to allow notices that require more than one publication to be shortened after the initial publication. For example, a foreclosure sale could have the full parcel description in the first publication then an abbreviated post for the second and third publication that provides the property address and a website where more information can be obtained. Further, in 2015 ONMA launched www.publicnoticesohio.com, a statewide website that aggregates every notice published in an ONMA member paper. As part of the launch of this new service, ONMA worked with lawmakers to pass legislation that requires newspapers to post a digital version of any public notice on their website. This means that governmental advertisers are currently receiving digital notices as a companion to their print notices at no additional cost.

Despite these significant changes, many local governments do not take advantage of the ability to shorten multiple notices, nor do they recognize that public notices are already posted online. Public notice is essential, especially in the instance of

foreclosure of land or property. Newspapers have no interest in the outcome of a foreclosure sale, and having a newspaper provide public notice of these actions ensures that an impartial third-party is involved in the process. This lends credibility to the entire process and ensures there is a legal record of notice in the event anyone suspects improper action.

Senate Bill 25 seeks to remove the requirement that foreclosure sale notices be published in a newspaper of general circulation. This is not a new idea, and we have seen other attempts over the past few years to enact this policy. Thankfully, attempts to remove public notice requirements for foreclosures and other governmental actions have failed.

Senate Bill 25 would set a very alarming precedent by not only removing the newspaper requirement, but by failing to specify an alternative method of public notice. While we have seen attempts to move public notices onto governmental websites, this legislation does not require notices to appear on such a site. Instead, the bill allows the private selling officer to determine the suitable course of providing public notice.

This is a dangerous new standard that will result in notices showing up on random websites and on social media with no consistency between counties or even individual foreclosure actions. We recognize that the news media industry is changing, but newspapers remain the best option to provide uniform and credible notice to the public. We strongly encourage the committee to remove this provision and defer to current law as it relates to public notice for foreclosure actions.

In closing, I know that Senate Bill 25 is a broad foreclosure reform measure with many laudable provisions. Our only concern relates to proposed public notice changes. The removal of these provisions would resolve the issue and allow Senate Bill 25 to advance through the legislative process. Thank you for your consideration.