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Housing Advocates Cite Concerns With Rental Property Damage Bill

A bill creating criminal penalties for tenants who intentionally damage their rental properties drew criticism Tuesday from housing advocates who said it isn't needed and could be misused by landlords.

The House Financial Institutions, Housing & Urban Development Committee heard testimony from both sides on the bill (**HB 282**) Tuesday after accepting a change offered by **Rep. Robert Sprague** (R-Findlay). The amendment added rented manufactured or mobile homes to the definition of rental property.

Supporters of the proposal said it would allow landlords to punish tenants who intentionally damage or destroy their rental units by including that action under the criminal mischief statute. Opponents cited the possibility that the threat of prosecution could be used to coerce tenants, and voiced concerns with a provision excluding people convicted under the proposal from public housing for three years.

Graham Bowman, an attorney with the Ohio Poverty Law Center, spoke against the bill, saying it was a solution in search of a problem because landlords already have legal options in cases when tenants damage property.

It offers unfair protections to absentee landlords who fail to maintain their property, allowing landlords to blame tenants for wear and tear or pre-existing damage, he said.

The provision excluding people convicted under the law from public housing is also unnecessary and would exacerbate problems of homelessness, Mr. Bowman added.

"This bill will serve as a mechanism to protect absentee landlords and inadvertently hamstring our ability to address homelessness in our communities," he said.

Rep. Andy Brenner (R-Powell) asked why he would oppose preventing people convicted of damaging property from being accepted by a public housing authority.

Those housing authorities already have the ability to exclude people for that reason, Mr. Bowman said,

and the mandate is not necessary.

Rep. Kent Smith (D-Euclid) said there was discussion of an amendment to allow housing authorities to waive the exclusion on a case-by-case basis.

Bill Faith, executive director of the Coalition on Homelessness and Housing in Ohio, said the most common problems his group hears on their housing hotline is for landlords not maintaining their properties.

"We do think this is a one-sided approach where we're putting these real stiff penalties, these criminal mischief penalties, on the side of the tenants," he said. "What are we going to do with landlords not maintaining their properties?"

He said the bill could be abused by landlords as a tool of coercion to get money from tenants.

"It's in the informal interactions that occur before anything official proceeds," he said.

The bill would also add a criminal element to a civil relationship between landlords and tenants, Mr. Faith said.

Rep. Jim Hughes (R-Columbus) said prosecutors would be able to seek penalties other than jail, such as community service, and that they might be hesitant to take up cases in the first place.

Louis Tobin, executive director of the Ohio Prosecuting Attorneys Association, said in written testimony that he did not think prosecutors would charge tenants for trivial damage.

"First, it seems likely that a prosecutor could charge a person with criminal mischief for defacing, damaging, destroying or improperly tampering with rental property under the current statute," he wrote. "Second, given that charges could likely be brought under current law, we think it unlikely that the bill will lead to prosecutors now charging people with criminal mischief for trivial matters."

Supporters of the bill, including landlords, said the measure is needed to punish tenants who intentionally cause extensive damage to rental units.

"The simple fact is that the current criminal and civil penalties are not adequate to deter this type of damage from occurring," Laura Swanson, executive director of the Ohio Apartment Association, said in written testimony. "It is hoped that with this additional measure, we can prevent more of this destructive behavior. This not only protects our business investment but ensures are properties are back on the market in a timely manner, available for new tenants to call home."

Peggy Rice, president of the Ohio Housing Authorities Conference and executive director of the Portsmouth Metropolitan Housing Authority, said screening criteria for housing authorities is often guided by the U.S. Department of Housing and Urban Development.

"In recent years, HUD policy has guided Housing Authorities to be less stringent in screening criteria in an effort to achieve the core mission of providing safe, affordable housing to all," she said. "We have serious apprehension HB282 would put us at odds with HUD policies and regulations."

She gave the example of a veteran with post-traumatic stress disorder who damages a rental unit during a flashback. If the veteran is convicted under the bill, she said, he would not be eligible for subsidized housing.

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