



Monday, December 10, 2018

Controversial Eviction Proposal Reemerges Through Committee Amendment

A proposed law change that opponents say could increase the number of evictions has received new life after House lawmakers amended it last week into a pending Senate bill.

But **Sen. Bob Hackett**, who sponsored the Senate bill that picked up the amendment, said he's confident the contentious proposal from **Rep. Derek Merrin** (R-Monclova) won't survive the lame duck session.

"I'm not criticizing the amendment," Sen. Hackett (R-London) said in an interview. "It's just not germane, No. 1. And No. 2, why are we doing something like this around Christmas?"

Rep. Merrin's proposal began as standalone legislation (**HB 390**) that in part specifies how days are to be counted under the eviction law. Current law requires property owners to give a person at least three-day's notice before filing an eviction action and requires law enforcement to carry out an eviction within 10 days of receiving a writ of execution.

The legislation would specify that Saturdays, Sundays and legal holidays are to be counted when calculating the three- and 10-day periods, thus speeding up the timeline and in opponent's eyes increasing the potential number of evictions. (**Analysis**)

The standalone bill received seven hearings before the House Financial Institutions, Housing and Urban Development Committee, which reported the legislation Nov. 28 along party lines. But HB390 has yet to be brought for a floor vote.

Instead, the House Insurance Committee on Wednesday adopted a substitute version of Sen. Hackett's measure on rating agencies (**SB 273**) that among other changes included language from the Merrin proposal. The panel then reported the measure. (See **Gongwer Ohio Report, December 5, 2018**)

Rep. Merrin said the language will "make the law clear for all Ohio judges, property owners, and

tenants ensuring a level playing field."

"Right now, the ambiguity is bad for property owners, tenants, and our legal system," Rep. Merrin said. "The law is not being uniformly applied throughout the state, which is not acceptable. The legislature must clarify the law."

It's unclear how House leaders will respond. Although Sen. Hackett said he doubts the lower chamber will let the language advance, a spokesman for **Speaker Ryan Smith** (R-Bidwell) said the caucus has yet to weigh in.

"As we head into the final weeks of the 132nd General Assembly, the speaker and leadership team are in the process of reviewing a wide range of legislation and gauging feedback from the caucus before determining what bills will come to the floor," House GOP spokesman Brad Miller said. "Obviously, some issues, including some of the new provisions contained in Senate Bill 273, are generating a lot of attention and additional questions. So the speaker intends to use the coming days to assess the potential ramifications associated with the eviction amendment included in the bill."

Opponents who voiced their concerns through hearings on HB390 are now mobilizing to derail the House-added amendment.

Marcus Roth, spokesman for the Coalition on Homelessness and Housing in Ohio, called the amendment "a classic lame duck move."

"Just when everyone's watching to see what happens with controversial gun legislation and other hot button issues, a proposal to speed up evictions gets quietly slipped into a non-controversial bill that has nothing to do with landlord-tenant law," Mr. Roth said. "With little scrutiny and just weeks before Christmas, the Statehouse might actually pass legislation to initiate the eviction process on holidays and weekends. But we're counting on legislative leaders to do the right thing and remove this petty and unnecessary provision from the bill."

The Hunger Network in Ohio, the Ohio Poverty Law Center and Advocates for Ohio's Future have all testified against HB390. But the Ohio Manufactured Homes Association, the Ohio Real Estate Investors Association and the Ohio Apartment Association are supportive, arguing the language would provide clarity.