

As Introduced

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H. B. No. 50

Representatives Humphrey, Seitz

**Cosponsors: Representatives Brent, Isaacsohn, Williams, Forhan, Stewart,
Blackshear, Russo, Miller, A., White, Jarrells**

A BILL

To enact section 2953.26 of the Revised Code to
create a mechanism by which an individual who is
subject to a collateral sanction for housing may
obtain a certificate of qualification for
housing that may provide relief from certain
bars on housing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2953.26 of the Revised Code be
enacted to read as follows:

Sec. 2953.26. (A) As used in this section:

(1) "Collateral sanction for housing" means a penalty,
disability, or disadvantage that is related to housing as a
result of the individual's conviction of or plea of guilty to an
offense and that applies by operation of law in this state
whether or not the penalty, disability, or disadvantage is
included in the sentence or judgment imposed.

"Collateral sanction for housing" does not include
imprisonment, probation, parole, supervised release, forfeiture,

restitution, fine, assessment, or costs of prosecution. 18

(2) "Decision-maker" means a housing provider in this 19
state of residential premises as defined in section 1923.01 of 20
the Revised Code, including a landlord as defined in section 21
1923.01 of the Revised Code and a metropolitan housing authority 22
established in Chapter 3735. of the Revised Code. 23

(3) "Department-funded program" means a residential or 24
nonresidential program that is not a term in a state 25
correctional institution, that is funded in whole or part by the 26
department of rehabilitation and correction, and that is imposed 27
as a sanction for an offense, as part of a sanction that is 28
imposed for an offense, or as a term or condition of any 29
sanction that is imposed for an offense. 30

(4) "Designee" means the person designated by the deputy 31
director of the division of parole and community services to 32
perform the duties designated in division (B) of this section. 33

(5) "Division of parole and community services" means the 34
division of parole and community services of the department of 35
rehabilitation and correction. 36

(6) "Offense" means any felony or misdemeanor under the 37
laws of this state. 38

(B) (1) An individual who is subject to one or more 39
collateral sanctions for housing as a result of being convicted 40
of or pleading guilty to an offense and who either has served a 41
term in a state correctional institution for any offense or has 42
spent time in a department-funded program for any offense may 43
file a petition with the designee of the deputy director of the 44
division of parole and community services for a certificate of 45
qualification for housing. 46

(2) An individual who is subject to one or more collateral 47
sanctions for housing as a result of being convicted of or 48
pleading guilty to an offense and who is not in a category 49
described in division (B) (1) of this section may file for a 50
certificate of qualification for housing by doing either of the 51
following: 52

(a) In the case of an individual who resides in this 53
state, filing a petition with the court of common pleas of the 54
county in which the person resides or with the designee of the 55
deputy director of the division of parole and community 56
services; 57

(b) In the case of an individual who resides outside of 58
this state, filing a petition with the court of common pleas of 59
any county in which any conviction or plea of guilty from which 60
the individual seeks relief was entered or with the designee of 61
the deputy director of the division of parole and community 62
services. 63

(3) A petition under division (B) (1) or (2) of this 64
section shall be made on a copy of the form prescribed by the 65
division of parole and community services under division (I) of 66
this section, shall contain all of the information described in 67
division (E) of this section, and, except as provided in 68
division (B) (6) of this section, shall be accompanied by an 69
application fee of fifty dollars. 70

(4) (a) Except as provided in division (B) (4) (b) of this 71
section, an individual may file a petition under division (B) (1) 72
or (2) of this section at any time after the expiration of 73
whichever of the following is applicable: 74

(i) If the offense that resulted in the collateral 75

sanction for housing from which the individual seeks relief is a 76
felony, at any time after the expiration of one year from the 77
date of release of the individual from any period of 78
incarceration in a state or local correctional facility that was 79
imposed for that offense and all periods of supervision imposed 80
after release from the period of incarceration or, if the 81
individual was not incarcerated for that offense, at any time 82
after the expiration of one year from the date of the 83
individual's final release from all other sanctions imposed for 84
that offense; 85

(ii) If the offense that resulted in the collateral 86
sanction for housing from which the individual seeks relief is a 87
misdemeanor, at any time after the expiration of six months from 88
the date of release of the individual from any period of 89
incarceration in a local correctional facility that was imposed 90
for that offense and all periods of supervision imposed after 91
release from the period of incarceration or, if the individual 92
was not incarcerated for that offense, at any time after the 93
expiration of six months from the date of the final release of 94
the individual from all sanctions imposed for that offense 95
including any period of supervision. 96

(b) The department of rehabilitation and correction may 97
establish criteria by rule adopted under Chapter 119. of the 98
Revised Code that, if satisfied by an individual, would allow 99
the individual to file a petition before the expiration of six 100
months or one year from the date of final release, whichever is 101
applicable under division (B) (4) (a) of this section. 102

(5) (a) A designee that receives a petition for a 103
certificate of qualification for housing from an individual 104
under division (B) (1) or (2) of this section shall review the 105

petition to determine whether it is complete. If the petition is 106
complete, the designee shall forward the petition, the 107
application fee, and any other information the designee 108
possesses that relates to the petition, to the court of common 109
pleas of the county in which the individual resides if the 110
individual submitting the petition resides in this state or, if 111
the individual resides outside of this state, to the court of 112
common pleas of the county in which the conviction or plea of 113
guilty from which the individual seeks relief was entered. 114

(b) A court of common pleas that receives a petition for a 115
certificate of qualification for housing from an individual 116
under division (B) (2) of this section, or that is forwarded a 117
petition for such a certificate under division (B) (5) (a) of this 118
section, shall attempt to determine all other courts in this 119
state in which the individual was convicted of or pleaded guilty 120
to an offense other than the offense from which the individual 121
is seeking relief. The court that receives or is forwarded the 122
petition shall notify all other courts in this state that it 123
determines under this division were courts in which the 124
individual was convicted of or pleaded guilty to an offense 125
other than the offense from which the individual is seeking 126
relief that the individual has filed the petition and that the 127
court may send comments regarding the possible issuance of the 128
certificate. 129

A court of common pleas that receives a petition for a 130
certificate of qualification for housing under division (B) (2) 131
of this section shall notify the county's prosecuting attorney 132
that the individual has filed the petition. 133

A court of common pleas that receives a petition for a 134
certificate of qualification for housing under division (B) (2) 135

of this section, or that is forwarded a petition for 136
qualification under division (B) (5) (a) of this section may 137
direct the clerk of court to process and record all notices 138
required in or under this section. Except as provided in 139
division (B) (6) of this section, the court shall pay thirty 140
dollars of the application fee into the state treasury and 141
twenty dollars of the application fee into the county general 142
revenue fund. 143

(6) Upon receiving a petition for a certificate of 144
qualification for housing filed by an individual under division 145
(B) (1) or (2) of this section, a court of common pleas or the 146
designee of the deputy director of the division of parole and 147
community services who receives the petition may waive all or 148
part of the fifty-dollar-filing fee for an applicant who is 149
indigent. If an application fee is partially waived, the first 150
twenty dollars of the fee that is collected shall be paid into 151
the county general revenue fund. Any partial fee collected in 152
excess of twenty dollars shall be paid into the state treasury. 153

(C) (1) Upon receiving a petition for a certificate of 154
qualification for housing filed by an individual under division 155
(B) (2) of this section or being forwarded a petition for such a 156
certificate under division (B) (5) (a) of this section, the court 157
shall review the individual's petition, the individual's 158
criminal history, except for information contained in any record 159
that has been sealed under section 2953.32 of the Revised Code, 160
all filings submitted by the prosecutor or by the victim in 161
accordance with rules adopted by the division of parole and 162
community services, the applicant's military service record, if 163
applicable, and whether the applicant has an emotional, mental, 164
or physical condition that is traceable to the applicant's 165
military service in the armed forces of the United States and 166

that was a contributing factor in the commission of the offense 167
or offenses, and all other relevant evidence. The court may 168
order any report, investigation, or disclosure by the individual 169
that the court believes is necessary for the court to reach a 170
decision on whether to approve the individual's petition for a 171
certificate of qualification for housing, except that the court 172
shall not require an individual to disclose information about 173
any record sealed under section 2953.32 of the Revised Code. 174

(2) Upon receiving a petition for a certificate of 175
qualification for housing filed by an individual under division 176
(B) (2) of this section or being forwarded a petition for such a 177
certificate under division (B) (5) (a) of this section, except as 178
otherwise provided in this division, the court shall decide 179
whether to issue the certificate within sixty days after the 180
court receives or is forwarded the completed petition and all 181
information requested for the court to make that decision. Upon 182
request of the individual who filed the petition, the court may 183
extend the sixty-day period specified in this division. 184

(3) Except as provided in division (C) (5) of this section 185
and subject to division (C) (7) of this section, a court that 186
receives an individual's petition for a certificate of 187
qualification for housing under division (B) (2) of this section 188
or that is forwarded a petition for such a certificate under 189
division (B) (5) (a) of this section may issue a certificate of 190
qualification for housing, at the court's discretion, if the 191
court finds that the individual has established all of the 192
following by a preponderance of the evidence: 193

(a) Granting the petition will materially assist the 194
individual in obtaining housing. 195

(b) The individual has a substantial need for the relief 196

requested in order to live a law-abiding life. 197

(c) Granting the petition would not pose an unreasonable 198
risk to the safety of the public or any individual. 199

(4) The submission of an incomplete petition by an 200
individual shall not be grounds for the designee or court to 201
deny the petition. 202

(5) Subject to division (C) (6) of this section, an 203
individual is rebuttably presumed to be eligible for a 204
certificate of qualification for housing if the court that 205
receives the individual's petition under division (B) (2) of this 206
section or that is forwarded a petition under division (B) (5) (a) 207
of this section finds all of the following: 208

(a) The application was filed after the expiration of the 209
applicable waiting period prescribed in division (B) (4) of this 210
section. 211

(b) If the offense that resulted in the collateral 212
sanction for housing from which the individual seeks relief is a 213
felony, at least three years have elapsed since the date of 214
release of the individual from any period of incarceration in a 215
state or local correctional facility that was imposed for that 216
offense and all periods of supervision imposed after release 217
from the period of incarceration or, if the individual was not 218
incarcerated for that offense, at least three years have elapsed 219
since the date of the individual's final release from all other 220
sanctions imposed for that offense; 221

(c) If the offense that resulted in the collateral 222
sanction for housing from which the individual seeks relief is a 223
misdemeanor, at least one year has elapsed since the date of 224
release of the individual from any period of incarceration in a 225

local correctional facility that was imposed for that offense 226
and all periods of supervision imposed after release from the 227
period of incarceration or, if the individual was not 228
incarcerated for that offense, at least one year has elapsed 229
since the date of the final release of the individual from all 230
sanctions imposed for that offense including any period of 231
supervision. 232

(6) An application that meets all of the requirements for 233
the presumption under division (C) (5) of this section shall be 234
denied only if the court that receives the petition finds that 235
the evidence reviewed under division (C) (1) of this section 236
rebutts the presumption of eligibility for issuance by 237
establishing, by clear and convincing evidence, that the 238
applicant has not been rehabilitated. 239

(7) A certificate of qualification for housing does not 240
create relief from requirements imposed by Chapter 2950. of the 241
Revised Code and rules adopted under sections 2950.13 and 242
2950.132 of the Revised Code. 243

(8) If a court that receives an individual's petition for 244
a certificate of qualification for housing under division (B) (2) 245
of this section or that is forwarded a petition for such a 246
certificate under division (B) (5) (a) of this section denies the 247
petition, the court shall provide written notice to the 248
individual of the court's denial. The court may place conditions 249
on the individual regarding the individual's filing of any 250
subsequent petition for a certificate of qualification for 251
housing. The written notice must notify the individual of any 252
conditions placed on the individual's filing of a subsequent 253
petition for a certificate of qualification for housing. 254

If a court of common pleas that receives an individual's 255

petition for a certificate of qualification for housing under 256
division (B) (2) of this section or that is forwarded a petition 257
for such a certificate under division (B) (5) (a) of this section 258
denies the petition, the individual may appeal the decision to 259
the court of appeals only if the individual alleges that the 260
denial was an abuse of discretion on the part of the court of 261
common pleas. 262

(D) (1) A certificate of qualification for housing issued 263
to an individual lifts the automatic bar of a collateral 264
sanction for housing and a decision-maker shall consider on a 265
case-by-case basis whether to provide or deny housing, 266
notwithstanding the individual's possession of the certificate, 267
without, however, reconsidering or rejecting any finding made by 268
a designee or court under division (C) (3) of this section. 269

(2) The certificate constitutes a rebuttable presumption 270
that the person's criminal convictions are insufficient evidence 271
that the person is unfit for the housing in question. 272
Notwithstanding the presumption established under this division, 273
the decision-maker may deny the housing to the person if it 274
determines that the person is unfit for the housing. 275

(E) A petition for a certificate of qualification for 276
housing filed by an individual under division (B) (1) or (2) of 277
this section shall include all of the following: 278

(1) The individual's name, date of birth, and social 279
security number; 280

(2) All aliases of the individual and all social security 281
numbers associated with those aliases; 282

(3) The individual's current residential address, 283
including the length of time that the individual has resided in 284

the current residence, expressed in years and months, and the 285
city, county, state, and zip code of the residence; 286

(4) A history of the individual's residential address or 287
addresses for the past ten years, including the length of time 288
that the individual has resided at the address, expressed in 289
years and months of residence, and the city, county, state, and 290
zip code of residence; 291

(5) A general statement as to why the individual has filed 292
the petition and how the certificate of qualification for 293
housing would assist the individual; 294

(6) A summary of the individual's criminal history, except 295
for information contained in any record that has been sealed 296
under section 2953.32 of the Revised Code, with respect to each 297
offense that is a disqualification from housing, including the 298
years of each conviction or plea of guilty for each of those 299
offenses; 300

(7) A summary of the individual's employment history, 301
specifying the name of, and dates of employment with, each 302
employer; 303

(8) Verifiable references and endorsements; 304

(9) The name of one or more immediate family members of 305
the individual, or other persons with whom the individual has a 306
close relationship, who support the individual's reentry plan; 307

(10) A summary of the reason the individual believes the 308
certificate of qualification for housing should be granted; 309

(11) Any other information required by rule by the 310
department of rehabilitation and correction. 311

(F) In a judicial proceeding alleging negligence or other 312

fault, a certificate of qualification for housing issued to an 313
individual under this section may be introduced as evidence of a 314
decision-maker's due care in leasing to or otherwise transacting 315
business with the individual to whom the certificate of 316
qualification for housing was issued if the decision-maker knew 317
of the certificate at the time of the alleged negligence or 318
other fault. 319

(G) A certificate of qualification for housing issued 320
under this section shall be revoked if the individual to whom 321
the certificate of qualification for housing was issued is 322
convicted of or pleads guilty to a felony offense committed 323
subsequent to the issuance of the certificate of qualification 324
for housing. 325

(H) A designee's forwarding, or failure to forward, a 326
petition for a certificate of qualification for housing to a 327
court or a court's issuance, or failure to issue, a petition for 328
a certificate of qualification for housing to an individual 329
under division (B) of this section does not give rise to a claim 330
for damages against the department of rehabilitation and 331
correction or court. 332

(I) The division of parole and community services shall 333
adopt rules in accordance with Chapter 119. of the Revised Code 334
for the implementation and administration of this section and 335
shall prescribe the form for the petition to be used under 336
division (B)(1) or (2) of this section. The form for the 337
petition shall include places for all of the information 338
specified in division (E) of this section. 339