



Ohio Revised Code

Section 2953.26 Petition for certificate of qualification for housing.

Effective: September 20, 2024

Legislation: House Bill 50 - 135th General Assembly

(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.

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

(3) "Division of parole and community services" means the division of parole and community services of the department of rehabilitation and correction.

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

(5) "Tort action" means a civil action for injury, death, or loss to person or property.

(B)(1) An individual who is subject to one or more collateral sanctions for housing as a result of being convicted of or pleading guilty to an offense and who has not already received a certificate of qualification for housing under section 2961.25 of the Revised Code may file for a certificate of qualification for housing by doing either of the following:

(a) In the case of an individual who resides in this state, filing a petition with the court of common



pleas of the county in which the person resides;

(b) In the case of an individual who resides outside of this state, filing a petition with the court of common pleas of any county in which any conviction or plea of guilty from which the individual seeks relief was entered.

(2) A petition under division (B)(1) of this section shall be made on a copy of the form prescribed by the division of parole and community services under division (I) of this section, shall contain all of the information described in division (E) of this section, and, except as provided in division (B)(5) of this section, shall be accompanied by an application fee of fifty dollars.

(3) An individual may file a petition under division (B)(1) of this section at any time after the expiration of whichever of the following is applicable:

(a) If the offense that resulted in the collateral sanction for housing from which the individual seeks relief is a felony, at any time after the expiration of one year from the date of release of the individual from any period of incarceration in a state or local correctional facility that was imposed for that offense or, if the individual was not incarcerated for that offense, at any time after the expiration of one year from the date of the individual's final release from all other sanctions imposed for that offense;

(b) If the offense that resulted in the collateral sanction for housing from which the individual seeks relief is a misdemeanor, at any time after the expiration of six months from the date of release of the individual from any period of incarceration in a local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at any time after the expiration of six months from the date of the final release of the individual from all sanctions imposed for that offense including any period of supervision.

(4) A court of common pleas that receives a petition for a certificate of qualification for housing from an individual shall attempt to determine all other courts in this state in which the individual was convicted of or pleaded guilty to an offense other than the offense from which the individual is seeking relief. The court shall notify all other courts in this state that it determines under this division



were courts in which the individual was convicted of or pleaded guilty to an offense other than the offense from which the individual is seeking relief that the individual has filed the petition and that the court may send comments regarding the possible issuance of the certificate, and shall notify the county's prosecuting attorney that the individual has filed the petition.

A court of common pleas that receives a petition for a certificate of qualification for housing may direct the clerk of court to process and record all notices required in or under this section. Except as provided in division (B)(5) of this section, the court shall pay thirty dollars of the application fee into the state treasury and twenty dollars of the application fee into the county general revenue fund.

(5) Upon receiving a petition for a certificate of qualification for housing, a court of common pleas may waive all or part of the fifty-dollar-filing fee for an applicant who is indigent. If an application fee is partially waived, the first twenty dollars of the fee that is collected shall be paid into the county general revenue fund. Any partial fee collected in excess of twenty dollars shall be paid into the state treasury.

(C)(1) Upon receiving a petition for a certificate of qualification for housing, the court shall review the individual's petition, the individual's criminal history, except for information contained in any record that has been sealed under section 2953.32 of the Revised Code, all filings submitted by the prosecutor or by the victim in accordance with rules adopted by the division of parole and community services, the applicant's military service record, if applicable, and whether the applicant has an emotional, mental, or physical condition that is traceable to the applicant's military service in the armed forces of the United States and that was a contributing factor in the commission of the offense or offenses, and all other relevant evidence. The court may order any report, investigation, or disclosure by the individual that the court believes is necessary for the court to reach a decision on whether to approve the individual's petition for a certificate of qualification for housing, except that the court shall not require an individual to disclose information about any record sealed under section 2953.32 of the Revised Code.

(2) Upon receiving a petition for a certificate of qualification for housing, except as otherwise provided in this division, the court shall decide whether to issue the certificate within sixty days after the court receives the completed petition and all information requested for the court to make that decision. Upon request of the individual who filed the petition, the court may extend the sixty-day



period specified in this division.

(3) Except as provided in division (C)(5) of this section and subject to division (D)(3) of this section, a court that receives an individual's petition for a certificate of qualification for housing may issue a certificate of qualification for housing, at the court's discretion, if the court finds that the individual has established all of the following by a preponderance of the evidence:

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

(b) The individual has a substantial need for the relief requested in order to live a law-abiding life.

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

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

(5) Subject to division (C)(6) of this section, an individual is rebuttably presumed to be eligible for a certificate of qualification for housing if the court that receives the individual's petition finds all of the following:

(a) The application was filed after the expiration of the applicable waiting period prescribed in division (B)(3) of this section.

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

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



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

(6) An application that meets all of the requirements for the presumption under division (C)(5) of this section shall be denied only if the court that receives the petition finds that the evidence reviewed under division (C)(1) of this section rebuts the presumption of eligibility for issuance by establishing, by a preponderance of the evidence, that the applicant has not been rehabilitated.

(7) If a court that receives an individual's petition for a certificate of qualification for housing denies the petition, the court shall provide written notice to the individual of the court's denial. The court may place conditions on the individual regarding the individual's filing of any subsequent petition for a certificate of qualification for housing. The written notice must notify the individual of any conditions placed on the individual's filing of a subsequent petition for a certificate of qualification for housing.

If a court of common pleas that receives an individual's petition for a certificate of qualification for housing denies the petition, the individual may appeal the decision to the court of appeals only if the individual alleges that the denial was an abuse of discretion on the part of the court of common pleas.

(D)(1) A certificate of qualification for housing issued to an individual under this section or section 2961.25 of the Revised Code lifts the automatic bar of a collateral sanction for housing and a decision-maker shall consider on a case-by-case basis whether to provide or deny housing, notwithstanding the individual's possession of the certificate, without, however, reconsidering or rejecting any finding made by a court under division (C)(3) of this section.

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

(3) A certificate of qualification for housing issued to an individual under this section or section



2961.25 of the Revised Code does not create relief from requirements imposed by Chapter 2950. of the Revised Code and rules adopted under sections 2950.13 and 2950.132 of the Revised Code.

(E) A petition for a certificate of qualification for housing filed by an individual under division

(B)(1) of this section shall include all of the following:

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

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

(3) The individual's current residential address, including the length of time that the individual has resided in the current residence, expressed in years and months, and the city, county, state, and zip code of the residence;

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

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

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

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

(8) Verifiable references and endorsements;

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



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

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

(F)(1) In a tort action, a certificate of qualification for housing issued to an individual under this section or section 2961.25 of the Revised Code may be introduced as evidence of a decision-maker's due care in leasing to the individual to whom the certificate of qualification for housing was issued if the decision-maker knew of the certificate at the time of the alleged negligence or other fault.

(2) In a tort action against a decision-maker for negligent leasing, a certificate of qualification for housing issued to an individual under this section or section 2961.25 of the Revised Code provides immunity for the decision-maker as to the claim if the decision-maker knew of the certificate at the time of the alleged negligence.

(3) If a decision-maker leases to an individual who has been issued a certificate of qualification for housing under this section or section 2961.25 of the Revised Code, if the individual, after being leased to, subsequently demonstrates dangerousness or is convicted of or pleads guilty to a felony or a misdemeanor offense of violence, and if the decision-maker retains the individual as a lessee after the demonstration of dangerousness or the conviction or guilty plea, the decision-maker may be held liable in a tort action that is based on or relates to the retention of the individual as a lessee only if it is proved by a preponderance of the evidence that both of the following apply:

(a) The decision-maker had actual knowledge that the lessee was dangerous or had been convicted of or pleaded guilty to the felony or the misdemeanor offense of violence.

(b) The decision-maker was willful in retaining the individual as a lessee after the demonstration of dangerousness or the conviction or guilty plea of which the decision-maker has actual knowledge.

(G) A certificate of qualification for housing issued under this section or section 2961.25 of the Revised Code shall be revoked if the individual to whom the certificate of qualification for housing was issued is convicted of or pleads guilty to a felony or a misdemeanor offense of violence



committed subsequent to the issuance of the certificate of qualification for housing.

(H) A court's issuance, or failure to issue, under this section, or the department of rehabilitation and correction's or adult parole authority's issuance, or failure to issue, under section 2961.25 of the Revised Code, a certificate of qualification for housing to an individual does not give rise to a claim for damages against the department of rehabilitation and correction or court.

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

(J) Nothing in this section shall be construed to create or provide a private right of action.