



# ENACTMENT NEWS

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## House Bill 50 Certificate of Qualification for Housing Effective September 20, 2024

On June 21, 2024, Governor DeWine signed House Bill 50 (Reps. Humphrey, Seitz) into law.

HB 50 creates a process by which an individual with a criminal record can file a petition for a CQH, or Certificate of Qualification for Housing, similar to the CQE in current law. A person's eligibility for filing such a petition is based on a waiting period. If the conviction in question is a felony, an individual can file for a CQH after 1 year has passed from the individual's release from incarceration (or, if the individual was not incarcerated, 1 year has passed since final disposition of the case). If the conviction in question is a misdemeanor, the waiting period is 6 months.

There is a rebuttable presumption that an individual petitioning for a CQH is eligible to get one. That presumption is rebutted if the court finds the individual is not rehabilitated. After notifying the county prosecutor and any other courts in which the petitioner was convicted, the court is to issue a CQH if it finds by a preponderance of the evidence that: (1) granting the petition will materially assist the individual in obtaining housing, (2) the individual has a substantial need for the CQH to live a law-abiding life, and (3) granting the petition would not pose an unreasonable risk to the safety of the public or to any individual. If a court denies a petition for a CQH, it must provide that denial in writing.

The bill requires that the CQH form be created by the Division of Parole and Community Services (PCS Division) of the Department of Rehabilitation and Correction (ODRC). A CQH petition costs \$50, but all or part of that cost can be waived by the court.

ODRC and the APA are required under the bill to issue a CQH to every individual to whom they issue a CAE (certificate of achievement and employability) and who completes tenant education. A person who has already received a CQH is not eligible to petition for a CQH again.

A landlord who rents to a tenant with a CQH is provided immunity in negligent leasing tort actions involving that tenant. In other tort actions, a CQH may be introduced into evidence of a decision-maker's due care in leasing to a particular individual. If an individual with a CQH subsequently is convicted of a felony or a misdemeanor offense of violence, the individual's CQH is revoked. A landlord that retains an individual with a CQH as a tenant loses the immunity previously conferred by the CQH if the tenant demonstrates dangerousness or is convicted of a felony or a misdemeanor offense of violence.

The Ohio House passed the bill by a vote of 81-8 on May 24, 2023 and the Senate passed the bill by a vote of 29-1 on May 8, 2024. The bill had been amended in the Senate and required a concurrence vote; the House concurred by a vote of 85-8 on May 22, 2024.