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H.B. 20
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Leland and Crossman

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SUMMARY

- Places a moratorium on eviction orders during the state of emergency declared due to COVID-19.
- Places a moratorium on foreclosure actions and foreclosure sales during the state of emergency declared due to COVID-19.
- Requires eviction actions and foreclosure actions filed within 60 days after the state of emergency declared due to COVID-19, and that are filed for monetary default that occurred during the emergency, to be referred to mediation.
- Declares an emergency.

DETAILED ANALYSIS

The bill places a moratorium on eviction orders and foreclosure actions during the state of emergency declared by Governor DeWine on March 9, 2020, to address COVID-19, and requires mediation of certain eviction and foreclosure actions after the emergency ends. The bill also declares an emergency, which will result in it taking immediate effect if it becomes law.¹

Evictions

The bill prohibits courts from issuing eviction orders for any property, whether residential or commercial, during the state of emergency. It also prohibits law enforcement

¹ Sections 1, 2, 3, and 4 and Executive Order 2020-01D, available at <https://governor.ohio.gov/wps/portal/gov/governor/media/executive-orders/executive-order-2020-01-d>, accessed February 8, 2021.

officers who would normally enforce eviction orders from doing so during the state of emergency.

The bill does not prohibit landlords from filing eviction actions during the state of emergency. It does, however, state that plaintiffs who file complaints for eviction during the emergency, and receive eviction orders after the emergency terminates, will not be entitled to rent that went unpaid during the emergency.²

Foreclosures

Moratorium on foreclosure actions

The bill prohibits courts during the state of emergency from conducting any business pertaining to residential or commercial foreclosures, except when complying with the bill's provisions, as described below. Under the bill, courts must:

- Refuse to accept complaints and other pleadings seeking to commence foreclosure actions;
- Stay all pending foreclosure actions;
- Refuse to accept motions or other pleadings that seeks writs of execution (orders allowing the sale of foreclosed property) in cases that have resulted in foreclosure judgments;
- Stay all judicial sales and sales by private selling officers;
- Defer confirming any pending or completed judicial sales.³

Pause in deadlines and statutes of limitations

To go along with the moratorium on foreclosure actions, the bill places a pause on all statutes of limitation related to foreclosure actions during the state of emergency. It also places a pause on deadlines in foreclosure actions that have already been filed.⁴

Eviction and foreclosure mediation

The bill requires that, for 60 days after the state of emergency ends, any eviction and foreclosure actions that are filed as a result of a mortgage default or nonpayment of rent that occurred during the emergency must be stayed and referred to mediation. The costs of mediation are to be paid by the courts, and the required mediations are to be concluded at the courts' discretion.⁵

² Section 1.

³ Section 2(B).

⁴ Section 2(C).

⁵ Section 3.

Federal law

Currently, the Centers for Disease Control and Prevention (CDC) has in place a nationwide moratorium on residential evictions due to nonpayment of rent. This moratorium is in effect until March 31, 2021. The CDC Order does not apply in any state, local, territorial, or tribal area with a moratorium on residential evictions that provides the same or greater level of public health protection than the requirements listed in the Order.⁶

In addition, the Federal Housing Administration (FHA) has in place a moratorium on foreclosures of FHA-insured single family mortgages and evictions from properties secured by FHA-insured single family mortgages until February 28, 2021. This moratorium excludes vacant or abandoned properties. The moratorium applies to the initiation of foreclosures and to foreclosures in process.⁷

HISTORY

Action	Date
Introduced	02-03-21

H0020-I-134/ks

⁶ Centers for Disease Control Eviction Moratorium extension order, <https://www.cdc.gov/coronavirus/2019-ncov/more/pdf/CDC-Eviction-Moratorium-01292021.pdf>, accessed February 8, 2021.

⁷ U.S. Department of Housing and Urban Development, “Extension of Foreclosure and Eviction Moratorium in Connection with the Presidentially-Declared COVID-19 National Emergency,” <https://www.hud.gov/sites/dfiles/OCHCO/documents/2020-43hsgml.pdf>, accessed February 8, 2021.