

TO: Senate Judiciary Committee

FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio

DATE: December 4, 2024

RE: Sub. House Bill 289 - Opponent Testimony

To Chairman Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson, and members of the Senate Judiciary Committee, thank you for this opportunity to provide opponent testimony on Substitute House Bill 289.

I wish to testify on particular provisions of HB 289 directly aimed at homeless and transient Ohioans. As someone who often interacted with and got to know homeless individuals as part of our legal work, and as a past board member/volunteer for the Northeast Ohio Coalition for the Homeless, I have gained some insight into the daily lives and struggles of many unhoused individuals. I hope this perspective proves valuable to this committee as it considers the harsh aspects and counterproductive parts of this bill.

Simply put, House Bill 289 requires people without a “a fixed residence address” to formally report to the proper authorities a “detailed description” of their housing/living situations every 30 days for as long as they remain without a fixed residence. (In addition, under existing law, these same individuals, among others, are required to provide written notice to relevant authorities 20 days before they make a change to their residence).

In other words, HB 289 demands your homeless constituents accurately forecast and report where they will be spending their next 30 nights when many often do not know where they will be tonight or for the coming week.

At its core, to be “homeless” is a simple concept to understand. But the realities of homelessness are much more complex. For example, a person in a bigger city may fully intend to spend the next month at a local homeless shelter. That is, assuming one exists in their area, assuming it is not full, and assuming they do not have any issues that disqualify them from staying there.

However, after arriving at a homeless shelter, some will not last there long. Homeless shelters can be a place where your last remaining possessions are stolen. Shelters can be a place where various communicable illnesses can easily be spread. In a larger shelter, it can also mean not only dealing with their own (if any) mental health, addiction, and behavioral issues but also those of everyone else at that shelter, unavoidable in close quarters. For those reasons and more, a fair amount of people make a not irrational decision to no longer stay at a homeless shelter.



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Another very real example is the people who shuttle back and forth with a variety of accommodations and locations. Over the course of 30 days, they may stay some nights at a shelter, some with a family member(s), some with friend(s), and some on the streets. Or any mix of those possibilities, and more. Indeed, to be truly homeless is to so often be frustratingly unaware of what the future brings on a day-to-day basis and with little stability.

Yet, HB 289 demands these same people accurately predict their futures every 30 days for the entire 30 days, report that to the authorities, and be prepared for criminal prosecution or additional sanctions for failure to comply with Ohio's SORN laws if they fail to, or are unable to, comply. In short, the unrealistic, unfair, and counterproductive provisions of HB 289, and current law, quite predictably set up homeless individuals for failure and cycling through the criminal legal system. And as this committee knows, and has heard so many times before, people in legal trouble lacking a steady foundation of any combination of housing, employment, health care, and more will cause some to run further afoul of Ohio's extensive criminal code.

In fact, these are the same types of reasons why Ohio should consider altogether eliminating the SORN and its reporting requirements. This system causes more problems than it solves, it makes Ohioans less safe rather than more, and it is a waste of resources. To be clear, this is not just the opinion of the ACLU of Ohio. These are thoughts and declarations of law enforcement, elected officials, and professionals within the criminal legal system that have been repeatedly voiced before, in committees such as this, on bills like HB 289.

Finally, please be aware past bills passed by the General Assembly have directly exacerbated these problems via a list of places and locations many people with sex offenses are forbidden to live. This causes people trying to be productive members of society to be homeless temporarily and/or for much longer periods.

That said, I know eliminating, or at least significantly modifying, Ohio's SORN laws for the better are not on today's agenda. However, the ACLU of Ohio does encourage the members of this committee to be cognizant of the unrealistic demands HB 289 places on your homeless constituents and the various ways it encourages, rather than minimizes, failure of various types. For these reasons, we encourage your rejection of Substitute House Bill 289.