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Ohio Administrative Code

Rule 5120-18-02 Court petition process for qualification for housing.

Effective: October 8, 2026

(A) 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:

(1) 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.

(2) 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.

(B) A petition under paragraph (A) of this rule will be made on a copy of the form prescribed by the division of parole and community services, and, except as provided in paragraph (E) of this rule, will be accompanied by an application fee of fifty dollars.

(C)) An individual may file a petition under paragraph (A) of this rule at any time after the expiration of whichever of the following is applicable:

(1) 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;

(2) 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.

(D) A court of common pleas that receives a petition for a certificate of qualification for housing from an individual will 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 will notify all other courts in this state that it determines under this paragraph were courts in which the individual was convicted of or pleaded guilty to an offense other than the offense from

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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 will 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 paragraph (E) of this rule, the court will pay thirty dollars of the application fee into the state treasury and twenty dollars of the application fee into the county general revenue fund.

(E) 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 will be paid into the county general revenue fund. Any partial fee collected in excess of twenty dollars will be paid into the state treasury.

(F) Upon receiving a petition for a certificate of qualification for housing, the court will 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 will not require an individual to disclose information about any record sealed under section 2953.32 of the Revised Code.

(G) Upon receiving a petition for a certificate of qualification for housing, except as otherwise provided in this paragraph, the court will 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 paragraph.

(H) Except as provided in paragraph (J) of this rule and subject to paragraph (L) of this rule, 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:

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

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

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

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

(J) Subject to paragraph (K) of this rule, 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:

(1) The application was filed after the expiration of the applicable waiting period prescribed in paragraph (C) of this rule.

(2) 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;

(3) 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.

(K) An application that meets all of the requirements for the presumption under paragraph (J) of this rule shall be denied only if the court that receives the petition finds that the evidence reviewed under paragraph (F) of this rule rebuts the presumption of eligibility for issuance by establishing, by a preponderance of the evidence, that the applicant has not been rehabilitated.

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(L) A certificate of qualification for housing issued to an individual 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.

(M) If a court that receives an individual's petition for a certificate of qualification for housing denies the petition, the court will 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 will 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.

(N) A certificate of qualification for housing issued under section 2953.26 of the Revised Code will be revoked by the court 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 after the issuance of the certificate of qualification for housing.