

The ALERT



The Legal Aid Society
of Cleveland
Since 1905

V. 29, NO. 1 SPRING 2013

IN THIS ISSUE:

Get Your Landlord
to Make Repairs
1

Homestead Exemption
Reduces Property Taxes
2

Poverty Affidavits Help
with Court Fees
2

Right to an Interpreter
3

Filing for Bankruptcy
Risky On Your Own
3

Volunteer
Attorney Clinics
4

Handling a
Criminal Record
5

Beware of Phone Scams
5

Legal Aid Help
6

Rent Deposit: an option to get your landlord to make repairs

By Peter Iskin

If you are a tenant, your landlord is required to make certain repairs to your rental unit, when they are needed, including:

- Repairs to keep the property in a livable condition;
- Repairs to meet housing and building codes that affect health and safety; and
- Repairs required by the terms of the lease.

In Ohio, a rent deposit (or rent escrow) process allows tenants to pay their rent to a court, instead of the landlord, to get the landlord to make these repairs.

Before a tenant may rent deposit, the tenant generally must:

- Be current in rent;
- Give the landlord written notice of the repairs needed, by sending the notice to the person or place where the rent is normally paid; and
- Then give the landlord a reasonable time (usually 30 days) to make the repairs.

If the landlord does not make the repairs during this reasonable time, the tenant generally may rent deposit. This means the tenant may deposit the monthly rent with the Clerk of Court of the municipal court for the tenant's community. Each month, the tenant must continue to deposit the rent with the Clerk of Court by the date the rent is due. The Clerk of Court may have rules for depositing the rent, which the tenant must follow.

Some non-profit groups help tenants with the rent deposit process, at no charge to the tenant, such as:

- In Ohio (all counties): Rental Housing Information Network in Ohio, 888.485.7999.
- In Cuyahoga County: Rental Information Center of the Cleveland Tenants Organization, 216.432.0609.
- In Lake County: Fair Housing Resource Center, Inc., 440.392.0147.

Also, some courts help tenants with the rent deposit process. For example, Cleveland Housing Court specialists explain the rent deposit process to tenants. The specialists are located on the 13th Floor of the Justice Center, 1200 Ontario Street, Cleveland, OH 44113. They are available for drop-in visits, Monday through Friday, 8:30 a.m. to 3:30 p.m. The Cleveland Housing Court phone number is 216.664.4295.



Ohio's Homestead Exemption Reduces Property Taxes for Older Adults and the Disabled

By Marley Eiger

Ohio's Homestead Exemption program exempts the first \$25,000 of the value of your home from being taxed. For example, a home that is worth \$100,000 will be taxed as if it were worth \$75,000. On average people who qualify save \$400 a year.

Who is eligible? Homeowners who:

1. Are 65 years old or will turn 65 this year, or
2. Were permanently and totally disabled on or before the 1st day of the year in which they file, or
3. Are the surviving spouse of a person who was already enrolled in Homestead, and the survivor was at least 59 years old when the spouse died.

What property is eligible for the exemption?

1. The property must be the place where you live most of the time, and
2. You must have been living there as of January 1st, and
3. Your name must be on the deed; if the property is held in a trust, you must have a copy of the trust.

You must apply for the exemption by June 3, 2013. (A late application can also be filed for last year.)

If you apply based on your AGE, you must have PROOF OF AGE. For proof, you can use things like a driver's license (current or expired), State of Ohio ID card, birth certificate or passport (current or expired).

If you apply based on DISABILITY, you must have PROOF OF DISABILITY. For proof, you can give things like the Auditor's Certificate of Disability form signed by your doctor OR a statement from Social Security, the Department of Veterans Affairs, the Railroad Retirement Board, or the Ohio Bureau of Workers' Compensation finding you to be totally and permanently disabled.

If you are found to be eligible, you do not have to re-apply in future years.

To get an application form, more information and help, call your county Auditor's Homestead Department:

In Cuyahoga County, call 216.443.7101
In Ashtabula County, call 440.576.3793
In Lake County, call 440.350.2536
In Geauga County, call 440.279.1617
In Lorain County, call 440.329.5207

Don't Let Fees Stop you from Being Heard in Court – File a Poverty Affidavit

By Anne Sweeney

When a person wants to file a civil case, the court requires that person to pay a filing fee to start the legal process. Also, a person who is a party to a case and wants to ask the court to do something by filing a "motion" or a "counterclaim" must also pay a fee. In order to fully participate in a legal proceeding, courts often require payment of many different costs and fees.

In many situations, you can file your documents in court without payment or with a lower payment if you also file a "poverty affidavit." A poverty affidavit is a written, sworn statement that you are low income and do not have enough money to pay the fees. You will need to list your income, assets and dependents on the affidavit. Once you file a poverty affidavit in a case, the clerk will either not charge you any money or will only charge a small fraction of the normal fee to file most other documents in the same case.

You can complete a poverty affidavit at The Legal Aid Society of Cleveland, even if you are not represented by an attorney from Legal Aid. If you need a poverty affidavit, go to any Legal Aid office during normal business hours (note recent changes) and request the form from the receptionist. Be sure you also have the form notarized, which Legal Aid can do as well. You will need photo identification to have the poverty affidavit notarized.

After you complete a poverty affidavit, you must take it to the clerk of courts where your case is being heard. The poverty affidavit will only apply to that specific case. If you have another case at the same or a later time, you will need a second poverty affidavit. Also, in Ohio, the poverty affidavit allows you to file documents in a case without payment or with lesser payment but does not eliminate all fees. At the end of the case, you might still be responsible for some fees such as court costs.

Your Right to an Interpreter

By John Kirn

Do you or someone you know speak a language other than English (including American Sign Language)? Do you or they have trouble understanding and speaking English? If you answered yes to these questions, you have a right to an interpreter if you have to go to court. Persons with limited English skills should tell court staff right away that they need an interpreter. Once the court knows an interpreter is needed, then the court must provide one.

On January 1, 2013, the Ohio Supreme Court began following Rule 88. This rule requires the court to provide certified interpreters who know how to interpret in civil and criminal cases for non-English speakers. Not all bilingual persons are qualified to interpret in court; special skills are needed.

Other agencies that get federal funding must provide interpreters according to the law. Some of them are:

- Hospitals;
- Legal aid, public defender, prosecutor and law enforcement;
- Public and charter schools;
- Public housing authorities;
- Federal agencies such as SSA, VA, and IRS;
- State agencies such as Department of Job and Family Services, Child Support Enforcement Agency, and Bureau of Motor Vehicles.

If you ask for an interpreter in court or at these agencies and you do not get one, you should ask to speak with a supervisor or ask where you can file a complaint. If an interpreter is still not provided, you may file a complaint with the U.S. Department of Justice (DOJ) by sending a letter or using the DOJ's complaint form. In the letter or on the complaint form explain when and how they did not speak to you in your language or provide you an interpreter. Make a copy of the complaint or letter for your records. Send the complaint or letter to:

Federal Coordination and Compliance Section - NWB
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

You may also contact the US Department of Justice at:

888.848.5306
English and Spanish (ingles y español)

202.307.2222
(voice)

202.307.2678
(TDD)

Filing a Bankruptcy by Yourself: Tempting but Risky

By Michael Attali

Many people are tempted to file bankruptcy without a lawyer because of the high cost of a bankruptcy attorney. The process of self filing, however, is sometimes scary, often confusing, and full of potential pitfalls. If you cannot afford to hire an attorney but think you are a candidate for bankruptcy, apply to Legal Aid or attend a free legal Brief Advice Clinic before filing on your own.

In 2005, bankruptcy law changed to make it more difficult for people to file a bankruptcy. Attorney fees increased dramatically. As a result, fewer people can afford to hire an attorney but the need for counsel in the bankruptcy process is even greater.

Changes to the law include a requirement to file specific documents, taking financial management classes, and testing your level of income to make sure you qualify for a bankruptcy. All these barriers are designed to make your bankruptcy harder and create greater risk for someone filing on their own.

The bankruptcy trustee (who administers the bankruptcy for the Court) will tell you that he or she cannot give you any legal advice if something goes wrong, and will not likely sympathize with you just because you don't have a lawyer. If you misunderstand the rules, you could accidentally lose your house or your car. If your bankruptcy fails entirely, you may lose your filing fee and have to start again. Worst of all, (where you do not follow a Court order), you may not be able to ever discharge your debts, even if you file a new bankruptcy.

You should also be cautious about using "petition preparers." They are not attorneys, cannot give legal advice, and likely charge too much for simply typing the forms.

Before you decide to file for bankruptcy on your own, contact Legal Aid at 888.817.3777 to see if you qualify for our bankruptcy assistance. You can also find out the date and location of the next free brief advice clinic.



The
Legal Aid Society
 of Cleveland
Since 1905



Volunteer Lawyers Program
[vlp]

free
 LEGAL ADVICE

2013 Brief Advice and Referral Clinics
Civil Matters Only (*Not Criminal*)

Legal Aid provides services in the areas of consumer rights, disability, domestic violence, education, employment, family law, health, housing, foreclosure, immigration, public benefits, utilities, and tax.

First-come, first-served. Bring important papers with you!

Questions? Call 216-687-1900 or visit www.lasclev.org for updated clinic listing.

APRIL 27, 2013

9:30 - 11:30 AM

Fatima Family Center
 6600 Lexington Avenue
 Cleveland

MAY 11, 2013

9:30 - 11:30 AM

Cleveland Public Library –
 Woodland Branch
 5806 Woodland Avenue
 Cleveland

MAY 18, 2013

9:30 - 11:30 AM

Spanish American Committee
 4407 Lorain Avenue
 Cleveland

MAY 21, 2013

1:00 - 3:00 PM

Salvation Army
 716 Broad Street
 Elyria
*General Brief Advice Clinic
 with Focus on Elder Law*

MAY 22, 2013

KeyBank Neighbors
 Make a Difference Day
 TBD clinic location and time
 Check www.lasclev.org
 for details!

MAY 23, 2013

5:30 - 7:00 PM

Fatima Family Center
 6600 Lexington Avenue
 Cleveland

JUNE 8, 2013

9:30 - 11:30 AM

Cleveland Public Library –
 Fleet Branch
 7224 Broadway Avenue
 Cleveland

JUNE 28, 2013

10:00 AM - 1:00 PM

Madison Public Library
 6111 Middle Ridge Road
 Madison

JUNE 29, 2013

9:30 - 11:30 AM

Stephanie Tubbs Jones Health Center
 13944 Euclid Avenue, East Cleveland

JULY 13, 2013

9:30 - 11:30 AM

Cleveland Public Library –
 Rice Branch
 11535 Shaker Boulevard
 Cleveland

JULY 17, 2013

5:30 - 7:00 PM

West Side Catholic Center
 3135 Lorain Avenue
 Cleveland

JULY 27, 2013

9:30 - 11:30 AM

Langston Hughes Center –
 Senior Outreach Services
 2390 East 79th Street
 Cleveland

*Attorneys available for brief advice and referral only. Clinic attorneys do NOT represent you.

If you need legal representation you may be referred to The Legal Aid Society of Cleveland or another service provider.

New Options for Handling a Criminal Record

By Camille Gill

Many Ohioans struggle to find a job or housing after being convicted of a crime. Ohio's lawmakers saw the difficulties faced by people with criminal records and passed a law (SB 337) in 2012 that allows more people to have their criminal records sealed.

When you seal an adult criminal record in Ohio, the record is not erased. Instead, the criminal record is hidden from the public and most employers. Some employers, such as those that hire nurses, nursing assistants, or child care providers, will still be able to see the record after it is sealed. It will always be available to judges and police officers.

Ohio's new law generally allows people with the following number of convictions to seal their records:

- **If you have one misdemeanor conviction**
- **If you have two misdemeanor convictions**
- **If you have one felony and one misdemeanor conviction**
- **If you have one felony**

Some felony and misdemeanor convictions, such as DUIs, cannot be sealed. If you want to know if you are likely able to have your record sealed, you can answer the questions at:

http://www.ohiolegalservices.org/public/legal_problem/reentry/expungement-eligibility-template/qandact_view.

Many people also have non-convictions that cause problems when looking for work or housing. Examples of non-convictions include cases that were dismissed, cases where you were found not guilty, cases that were "nolled," or cases where the grand jury entered a "no bill." **Most people should be able to seal any non-conviction even if they have convictions that they cannot seal.**

Some people who cannot seal their criminal conviction might want to apply for a "Certificate of Qualification for Employment" which gives employers and licensing boards the option of hiring a person previously barred from certain jobs. Your county court of common pleas and the Ohio Department of Rehabilitation and Corrections will have information about the application process soon.

The Legal Aid Society of Cleveland offers services for people who would like to seal their criminal convictions or non-convictions. If you want help sealing a record, you can call Legal Aid to find out if you are eligible for services at 888.817.3777.



Beware!

A new telephone scam is sweeping throughout Northeast Ohio and is targeting members of the Hispanic community, though everyone should be on guard. Those affected by this scam report that they received a phone call and were told that a close family member of theirs had been kidnapped, and in some instances, the scammer was able to provide that family member's name. The scammer then asks for a sum of money to be wired or the family member will be killed. Please be aware of this scam and immediately contact the police if you receive one of these calls.





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Since 1905

1223 West Sixth Street
Cleveland, OH 44113

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RETURN SERVICE REQUESTED

Legal Aid has improved its intake system to better serve the Northeast Ohio community.
Please share this information with your constituents:

**If you need legal assistance,
you can contact Legal Aid any weekday for help.**

New intakes are processed via phone:
888-817-3777 (toll-free)

Monday, Wednesday, Friday: 9 a.m. – 4 p.m.

Tuesday, Thursday: 9 a.m. – 2 p.m.

If you prefer an in-person intake application, those are handled:

Tuesday, Thursday: 9 a.m. – 1 p.m.

at any of our four Northeast Ohio offices (Cleveland, Elyria, Jefferson & Painesville).

Visit www.lasclev.org for more information!



This newsletter is meant to give you general information and not to give you specific legal advice. This information cannot take the place of advice from a lawyer. Each case is different and needs individual legal advice. You should contact a lawyer if you need representation or if you have questions.

If you have a communications limitation, contact us through the Ohio Relay Service. Interpretation services are available so that anyone can communicate with us in his or her dominant and/or preferable language.

Publication of The Alert is made possible, in part, by a grant from the Ohio Department of Aging through the Western Reserve Area Agency on Aging and District XI Area Agency on Aging.