

documents prior to instituting eviction proceedings in state court. Furthermore, in sustaining the Referee's original ruling, the Court was affirming the Referee's justification for dismissal on the basis that the notice of termination of the lease must inform the tenant of her right to examine documents related to the termination (see 24 C.F.R. 966.4(1)(3)(c)(ii) effective 11-12-91) and in this case Plaintiff's notice to Defendant did not apprise Defendant of her right.

The Motion to Vacate is denied, but the Order is modified as set forth above.

IT IS SO ORDERED.

Monte E. Mack
Judge

The Clerk of this Court shall comply with Civ. R. 58(B) and serve notice on all of the parties of this judgment and its date of entry upon the journal.

Monte E. Mack
Judge

cc: Mr. John B. Schomer, Attorney for Plaintiff
Mr. James E. Brown, Attorney for Defendant

AKRON MUNICIPAL COURT
IN THE MUNICIPAL COURT OF AKRON
SUMMIT COUNTY, OHIO

AUG 14 8 20 AM '92

AKRON METROPOLITAN HOUSING)
AUTHORITY)
FILED)
PLAINTIFF)
v.)
SHARICE HAMMONDS)
DEFENDANT)

CASE NO. 92 CVG 803

JUDGE MACK

JUDGMENT ENTRY

This cause came before the Court by agreement of the parties for consideration of the Objection to the Referee's Report.

Having reviewed all the reply and response briefs filed by the parties, the Court finds Akron Metropolitan Housing Authority's argument concerning lax due process standards in expedited eviction actions to be invalid.

Finding no binding Ohio case law on point, the Court relies on Housing Authority of the City of Jersey City v. Jackson (D.N.J. 1990), 749 F. Supp. 622. In Jackson, the Jersey City housing authority brought summary eviction proceedings against the defendant, a public housing tenant, without first affording her an administrative grievance hearing. The district judge held that housing authorities must afford their tenants administrative grievance hearings prior to instituting eviction proceedings in state court. The Court in Jackson further held that the summary landlord-tenant proceedings that are heard on an expedited basis simply do not meet the due process requirements of 24 C.F.R. §966.

This Court thus finds that Defendant, Sharice Hammonds, was entitled as of right to a grievance hearing prior to

institution of eviction proceedings in this Court. Because Akron Metropolitan Housing Authority has failed to afford the Defendant her rights, the Court finds that this cause must be dismissed.

The Court finds that the Referee ruled correctly upon the motion to dismiss. Therefore, the Order of the Court adopting the Referee's recommendation and denying the writ of restitution is correct and should stand.

Therefore, this matter is dismissed without prejudice.

IT IS SO ORDERED.

Monte E. Mack
Judge

The Clerk of this Court shall comply with Civ. R. 58(B) and serve notice on all of the parties of this judgment and its date of entry upon the journal.

Monte E. Mack
Judge

cc: Mr. Robert Gippin, Attorney for Plaintiff
Mr. James E. Brown, Attorney for Defendant

IN THE MUNICIPAL COURT OF AKRON
SUMMIT COUNTY, OHIO

A.M.H.A.

PLAINTIFF

v.

Sharice Hammonds &

DEFENDANT Occ.

CASE NO. 92 CVG 803

REFEREE'S REPORT

AKRON MUNICIPAL COURT
JUDITH B. HUNTER
CLERK
NOV 11 9 20 AM '92

FILED

The following facts were determined:

1. Plaintiff was not found to have a possessory interest in the premises set forth in the complaint, as owner/lessor/lessees/Agent for: 140 E. Lods St., Apt. D
other: _____

2. A lawful statutory notice was not properly served on the defendant(s) on _____, 19____, which was not at least three (3) days before the complaint was filed.

3. Facts entitling plaintiff/defendant to judgment:
Both parties present with counsel.
Notice of termination of lease must inform the tenant of her right to examine documents related to the termination and the right to reply to the termination. (See 24 C.F.R. 966.4(1)(3)(C)(ii) effective 11-12-91). Notice served on Deft. does not contain this provision.

It is my recommendation that a writ NOT BE allowed.

~~It is my further recommendation that the second cause be continued.~~

Linda Meece (Signature)
Referee

JUDGMENT ENTRY

The report of the Referee is hereby approved.

It is the judgment of the Court that a writ of restitution MAY NOT issue.

JUDGMENT ENTRY

The report of the Referee is hereby approved.

It is the judgment of the Court that a writ of restitution **MAY NOT** issue.

Costs to be paid by **PLAINTIFF/DEFENDANT**.

Date:

3/10/92

W. H. Hunter
Judge

APR 11 9 20 AM '92
CLERK
FILED
MAY 11 9 20 AM '92
CLERK