

The ALERT



The Legal Aid Society
of Cleveland
Since 1905

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Cleveland Tenants

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The Housing Justice Alliance Works for a "Right to Counsel" for Cleveland Tenants

By Hazel Remesch

"You have the right to an attorney." We have all heard this familiar phrase on TV and in the movies when someone is arrested by police. In real life, the United States constitution promises people a right to an attorney when they are accused of a serious crime and cannot afford an attorney. Many people do not realize that in most civil legal cases, for example when a person is being evicted, they do not have a right to an attorney. There is no constitutional right to legal counsel in housing cases – even if the cases lead to homelessness.

The Housing Justice Alliance is working to create a right to counsel for tenants in Cleveland. The Housing Justice Alliance will ensure that all low-income tenants in Cleveland who face eviction have legal representation in civil housing court. By establishing a right to free, high-quality legal representation, the Housing Justice Alliance will secure safe, affordable, and stable housing for low income Cleveland tenants.

In the City of Cleveland, between 9,000 and 10,000 evictions are filed every year. Tenants are represented by an attorney in only 1% to 2% of cases.¹ In contrast, landlords have attorneys in approximately 90% of cases, according to national estimates.² Eviction hearings typically last less than five minutes and tenants often lose.

Research shows that evictions lead to devastating consequences, such as:

- Employment loss (e.g., missed work due to attending trial and moving);
- Health problems (e.g., hospitalizations, depression, other illnesses);
- Lower achievement and higher drop-out rates for school-aged children and youth;
- Increased use of all social service systems;
- Problems finding housing in the future;
- Less stable, less safe neighborhoods.

Cleveland is one of the cities leading national efforts to protect tenants through a right to counsel. In the summer of 2017, New York City became the first U.S. city to pass historic "right to counsel" legislation, guaranteeing tenants under 200% of poverty guidelines facing eviction the right to have legal representation.³ As a result, New York City is expected to save \$320 million annually.⁴ Evictions in New York City have dropped by 34% and, in the first year since implementation, 84% of households represented in court by lawyers were able to avoid displacement.⁵

In Phase I, the Housing Justice Alliance will aim to increase legal representation for Cleveland tenants from 1-2% to 10%. The program is scheduled to launch later in 2019.

¹<http://www.supremecourt.ohio.gov/Publications/annrep/17OCSR/2017OCSR.pdf>

²Engler, "Connecting Self-Representation to Civil Gideon," Fordham Urban Law Review (2010): 38-92

³http://civilrighttocounsel.org/uploaded_files/225/NCCRC_press_release_re_Intro_214-a.pdf

⁴https://www2.nycbar.org/pdf/report/uploads/SRR_Report_Financial_Cost_and_Benefits_of_Establishing_a_Right_to_Counsel_in_Eviction_Proceedings.pdf

⁵<https://www1.nyc.gov/assets/hra/downloads/pdf/services/civiljustice/OCL-UA-2018-Report.pdf>

Preserve Wealth with Accurate Home Ownership Records

By Chloé Sudduth

Homeownership is a big investment and should be protected. Whether you inherited your home, plan to leave the property to someone, or want to sell the house, your ownership records must be accurate and up to date.

Buying or selling a home requires a clear title. "Title" refers to ownership of property. The person named on the deed has title to or owns the property. Usually when a home is being sold, a title search confirms that the property has "clear title" for the new owner. A "clear title" is a title without any restrictions, such as a lien.

A "lien" is a notice attached to the property indicating that the owner owes some money. A property may have a tax lien for unpaid taxes or a mechanics lien for money owed to a contractor for repairs. This is important information for a buyer to know before purchasing a home.

Problems sometimes occur when someone inherits property without properly transferring the title. For example, sometimes a home passes through a family for generations without anyone recording transfer of title. A sign that a property may have a title problem is if a prior owner's name is on the deed, water bill or property tax bill. Outdated ownership records will cause problems if you plan to sell your home, leave your home to someone, access repair programs, or negotiate property tax payment plans.

The Legal Aid Society of Cleveland is partnering with Slavic Village Development Corporation and Burten, Bell, Carr Development to help people preserve wealth by resolving issues related to home ownership records. Call 216.861.5019 for free information and help ensuring current and future ownership of your home is properly documented.

Tips When Applying for Subsidized Housing

By Dani Lachina



Rental housing where a tenant pays a portion of the rent and a government subsidy covers the rest of the rent is known as "subsidized housing."

There are many types of subsidized programs. A common example is housing subsidized by the U.S. Department of Housing and Urban Development (HUD) but owned and managed by a private company. Subsidized housing is enormously helpful to people with low income because it allows them to pay less for rent and have more money for other living expenses. As a result, many subsidized buildings have waiting lists. When applying for subsidized housing, tenants should apply to several different places to improve their chances of getting into a unit as quickly as possible.

Here are some helpful tips:

Identify the neighborhoods where you want to live and apply at the subsidized developments in those communities. You can get a list of federally subsidized housing developments by calling the U.S. Department of Housing and Urban Development (HUD) at: 800.955.2232 or visiting HUD's Subsidized Apartment Search at <https://apps.hud.gov/apps/section8/index.cfm>.

Request an application from each housing development separately. You may have to pick up the application at the building.

Collect birth certificates, Social Security cards, and income information for all household members. You will need to submit this documentation with your application. Return your completed application with supporting documents to the same place where you got it. Be sure to keep a copy and ask for a receipt that shows the date you delivered it.

Complete the application truthfully. For example, if you have a criminal record that has not been sealed, you must say so if asked on your application. Housing providers cannot automatically deny your application based on having a criminal record. However, they can deny your application if you provide false information. In addition, be honest about the last 3-5 places you have lived, even if you did not get along with a prior landlord. Landlords are not allowed to tell another potential landlord their opinion of you as a tenant; rather, the prior landlord should just confirm you rented from them in the past.

Keep track of all the places you apply, the dates you apply, and any additional steps required to complete their application process. You can also ask the housing provider to notify another person who is helping you (e.g. friend, family, case worker) about your application.

If your application for subsidized housing is denied, read the notice carefully. You will usually have the option to appeal the decision, but must do so by the deadline given in the notice. If your application for subsidized housing is denied because of past criminal history, you may apply for help from Legal Aid by calling 1.888.817.3777.

Sealing an Eviction Record

By Mike Russell



A new Rule at the Cleveland Housing Court may give tenants with past evictions a new start.

When an eviction is filed against a tenant in court, the case becomes part of the court's public record. No matter what happens at the end of the case, even if the court rules in favor of the

tenant and against the landlord, the case

typically remains visible to the public. Because most landlords screen renters by searching their eviction case history, an old eviction case - no matter the outcome - can make it very difficult for a tenant to find housing.

Under a new Rule (Local Rule 6.13), which became effective on December 31, 2018, a tenant in Cleveland can now ask the court to seal some eviction records so they no longer appear on the tenant's public case history.

Not all eviction records can be sealed under the new rule. If the court dismisses the eviction or rules in favor of the tenant, the case should qualify for sealing immediately. However, if a landlord wins an eviction judgment against a tenant, the tenant must wait at least five years from the date of the judgment (or any later eviction judgment) to seal the record.

Also, the tenant must show that "extenuating" (or unusual) circumstances led to the eviction. The new rule only applies to evictions in the Cleveland Housing Court on the 13th floor of the Justice Center.

A tenant who wants to seal an eviction case must file a "Motion to Seal Eviction Record" with the court. The tenant may have to pay a \$25 filing fee. Tenants can download a fill-in-the-blank motion and filing instructions from the "Forms" section of the court's website (<http://clevelandhousingcourt.org>). Most tenants should be able to complete and file the motion without help from a lawyer. The Cleveland Housing Court Specialists can answer questions about how to complete and file the form.

After a tenant files a motion to seal an eviction record, the court will decide whether to grant or deny the request. The court will consider a variety of factors in each case, including whether the landlord opposes the motion and whether the tenant still owes the landlord money.

Even if a record is sealed, it does not go away completely. The Court Clerk will still have access to the record, which can be retrieved and unsealed if ordered by a judge.

The new Rule 6.13 is a powerful tool that should help many Clevelanders struggling to find housing. For more information about the eviction sealing process, contact a Housing Court Specialist at the Cleveland Housing Court on the 13th Floor of the Justice Center, 1200 Ontario Street, Cleveland, OH 44113, or call 216.664.4295. Specialists are available for drop-in visits Monday through Friday, 8:30 a.m. to 3:30 p.m.

Tenant Information Line - Here to Answer your Housing Questions!

Do you rent your home? Do you have questions about tenant rights and responsibilities? Tenants can call Legal Aid's Tenant Information Line at 216.861.5955 for information about Ohio housing law. Some examples of common questions are:

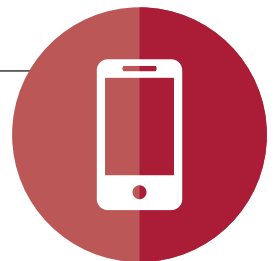
- Am I allowed to break my lease?
- How can I get my landlord to make repairs?
- What do I need to do to get back my security deposit?
- Can I keep my service animal if my new building does not allow pets?
- Do I have to keep paying rent if my landlord is not paying utilities that are his responsibility?
- I received a 3-day notice; do I need to move?
- How much can my landlord charge for late fees?

Tenants can call and leave a message at any time. Callers should clearly

state their name, phone number, and a brief description of their housing question. A housing specialist will return the call between 9AM and 5PM, Monday through Friday. Calls are returned within 1-2 business days.

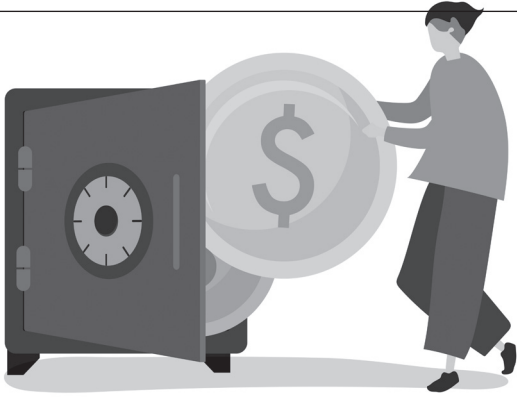
This number is for information only. Callers will get answers to their questions and will also receive information about their rights. Some callers may be referred to other organizations for additional help. Callers who need legal assistance may be referred to Legal Aid's intake or a neighborhood brief advice clinic.

If you are a tenant in Ashtabula, Cuyahoga, Geauga, Lake, or Lorain county, we look forward to answering your questions! Call us today at 216.861.5955.



How a Tenant can get their Security Deposit

By: Dinola E. Phillips, Esq.



Under Ohio Law, tenants have the right to request the return of their security deposit after they have moved out of the rental property.

When should a tenant ask for the return of their security deposit?

1. After the tenant has cleaned the unit and moved out, and
2. After the tenant has returned the keys to the landlord.

How should a tenant request the return of their security deposit?

1. Write a letter to the landlord which includes the tenant's name, the tenant's new mailing address, the address of the rental property, and if known, the amount paid for the security deposit. Online tools can help tenants prepare a letter requesting return of their security deposit. Go to <http://ohiolegalhelp.org/self-help-forms/> and look for "Return of Security Deposit."
2. The tenant should keep a copy of the letter for their record.
3. Send the letter to the landlord by certified mail or by other delivery method that allows for proving the letter was delivered.

What must a landlord do in response to a tenant's request for return of their security deposit?

The landlord has 30 days to respond to the tenant's request for the return of the security deposit. The landlord may respond in three (3) ways:

1. Mail the tenant the full amount of the security deposit;
2. Mail the tenant a partial amount of the security deposit with an itemized list of deductions for damages or unpaid rent, fees, or utilities; or
3. Withhold the security deposit and mail an itemized list of deductions that equals or exceeds the security deposit.

What happens if the landlord does not respond within 30 days?

If the landlord does not respond to the request for the return of the security deposit within 30 days, the tenant may sue to recover twice the amount of the security deposit's value in the Small Claims Court in the city where the rental property is located.

Online tools can help tenants prepare court documents to sue a former landlord for return of the tenant's security deposit. Go to <http://ohiolegalhelp.org/self-help-forms/> and look for "Return of Security Deposit."

After a tenant files a complaint in court against a former landlord, the court will schedule a hearing to decide if the landlord improperly withheld the security deposit and how much money, if any, the landlord owes the tenant.

Fair Housing is Your Right!

By Carrie Pleasants, Fair Housing Center for Rights and Research

What is fair housing?

Fair housing is the right to live in your home free from discrimination. Fair housing is protected by national, state and local laws. Unfortunately, housing discrimination is still common.

Examples of unlawful housing discrimination could be:

- A landlord telling parents "We don't take kids here."
- A landlord denying housing to anyone with a felony.
- A landlord telling a person of color that the apartments have all been rented.
- A landlord telling a person with a disability that they cannot have their service dog live with them.

How can you make sure your housing is fair?

Start by knowing your rights. Fair housing laws say landlords cannot deny housing or treat tenants differently based on certain "protected"

characteristics. "Protected classes" are based on things like race, religion, sex, or disability.

Ohio law also protects people based on ancestry or military status. Cuyahoga County law protects LGBTQ+ persons. Fair housing laws in different cities and suburbs could also include protections for other groups based on age, marital status or having a housing voucher, to name a few.

What can you do about unfair treatment related to housing?

Call The Fair Housing Center at 216.361.9240 and ask for help.

The Fair Housing Center helps people every day to fight for their right to choose where they want to live. We can help you by talking to your landlord about fair housing laws. We can gather evidence of unfair treatment. We can help you file a complaint against your landlord.

How Unpaid Water Bills May Increase Property Tax Bills

By Katherine Hollingsworth

Water and sewer bills have doubled in the last 10 years and will continue to increase.¹ These increased costs make paying the bills hard for families with low and fixed incomes. When a water bill is not paid for several months, the amount owed may show up on a homeowner's property tax bill. As a result, the property tax bill is much higher than expected.

How can that happen? Ohio law allows a city water department, like the Cleveland Water Department, to send the overdue amount on a water account to the county treasurer's office. The treasurer then adds an "assessment" (charge) on the tax bill for the property. This process is sometimes called "liening" the water account or placing a water lien on the property. When the homeowner next pays their property tax bill, some of that money will be sent to the water department to pay off the amount owed and clear the lien from the property.

The "water lien" process is typically a last resort after the water department has tried all other ways to collect the amount owed, including stopping the water service. Before the water department can place a lien on a property, it must give notice to the account holder. The Cleveland

Water Department sends two (2) letters to the homeowner to let them know of their plan to add the water charges onto the property tax bill. The first notice is sent to the homeowner four (4) months before the charge is applied to the property tax bill and a final notice is sent one (1) month before the charge is applied.

If a homeowner gets a notice from the water department about the plan to assess unpaid water charges onto the property tax bill, the homeowner should take action! To avoid the assessment, homeowners will typically need to make a lump sum payment of 25% of the amount owed and then enter into a payment plan with the water department for the rest of the amount owed on the account. Once the homeowner is on a payment plan, the water department will reconnect the water service and will not place a lien on the property as long as the homeowner continues to make payments.

More information about water bills can be found at <https://lasclv.org/delinquent-cleveland-water-department-bills-and-property-taxes/>.

¹See <https://www.cleveland.com/metro/2019/02/why-have-cleveland-area-water-sewer-bills-doubled-in-a-decade.html>



The Legal Aid Society
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} **free**
LEGAL ADVICE

2019 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.lasclv.org for updated clinic listing.

TUESDAY, MAY 21, 2:00 P.M. – 3:30 P.M. El Centro, 2800 Pearl Avenue, Lorain

WEDNESDAY, JUNE 5, 2:30 P.M. – 4:00 P.M. For U.S. Veterans only VA Community Referral and Resource Center, 7000 Euclid Avenue, Call 216-391-0264 for an appointment

SATURDAY, JUNE 8, 9:30 A.M. – 11:00 A.M. Cleveland Clinic - Stephanie Tubbs Jones Health Center, 13944 Euclid Avenue, East Cleveland

SATURDAY, JUNE 8, 10:00 A.M. – 11:00 A.M. Cleveland Public Library – Hough Branch, 1566 Crawford Road

TUESDAY, JUNE 11, 2:00 P.M. – 3:30 P.M. Oberlin Depot – Oberlin Community Services, 240 South Main Street, Oberlin, Call 440-774-6579 for an appointment

WEDNESDAY, JUNE 12, 2:00 P.M. – 3:30 P.M. Catholic Charities Ashtabula, 4200 Park Avenue, Third Floor, Call 440-992-2121 for an appointment

TUESDAY, JULY 9, 2:00 P.M. – 3:30 P.M. Oberlin Depot – Oberlin Community Services, 240 South Main Street, Oberlin, Call 440-774-6579 for an appointment

WEDNESDAY, JULY 10, 2:00 P.M. – 3:30 P.M. Catholic Charities Ashtabula, 4200 Park Avenue, Third Floor, Call 440-992-2121 for an appointment

WEDNESDAY, JULY 10, 2:30 P.M. – 4:00 P.M. For US Veterans only VA Community Referral and Resource Center, 7000 Euclid Avenue, Call 216-391-0264 for an appointment

SATURDAY, JULY 13, 10:00 A.M. – 11:00 A.M. Cleveland Public Library – Harvard Lee Branch, 16918 Harvard Avenue

SATURDAY, JULY 20, 9:30 A.M. – 11:00 A.M. Fairhill Partners, 12200 Fairhill Road, Cleveland

TUESDAY, JULY 23, 2:00 P.M. – 3:30 P.M. El Centro, 2800 Pearl Avenue, Lorain

*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.



The
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of Cleveland
Since 1905

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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.

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