

# A the ALERT



The Legal Aid Society  
of Cleveland  
Since 1905

V.37, NO.2 WINTER 2021

## The Benefits of Cooperative Ownership

By Cleveland Owns

### IN THIS ISSUE:

Cooperative Ownership  
1

What Neighbors Can Do  
About Abandoned Homes  
2

Eligible Groups, Non-Profit,  
and Entrepreneur Help  
2

Community Land Trusts  
3-4

Board of Zoning Appeals  
and Development  
3

Ashtabula Land Bank  
Revitalizes Properties  
4

Public Records  
5

Additional Information  
5

Legal Aid Help  
6



Have you ever thought, “my job would be better if the workers made the decisions, not the bosses”? There’s a name for that: it’s called a cooperative.

A cooperative is a business owned by the people who operate it, or the people who use its services, or both. It might be a housing cooperative, where tenants own a building together; or a worker cooperative, like a restaurant where the employees share ownership and management of the company. Most importantly, power and profits are shared by everyone in the co-op. Most cooperatives follow a set of values called the “cooperative principles<sup>1</sup>,” which state that a co-op should be inclusive, democratic, and community-focused.

Cooperatives help people come together and solve problems. For example, housing co-ops can help keep rents affordable. If a landlord wants to sell an apartment building to a developer, the tenants can form a cooperative and pool their money to buy it themselves. Together, the tenants manage the building and decide when to raise the rent.

Cooperatives help workers build wealth. For example, many worker cooperatives offer ownership shares to workers. Many also distribute profits to employees based on hours worked. This helps workers build savings, start retirement funds, and

access better loans for education and housing. This means when the business succeeds, the workers get paid more.

Cleveland Owns is a nonprofit that helps cooperatives get started. Right now, Cleveland Owns is supporting the Cleveland Solar Cooperative (CSC). “We’re frustrated that big companies aren’t doing more to stop climate change,” says CSC member Will Cuneo. “We want to see solar panels in our neighborhoods owned by residents, not corporations.” Solar panels are too expensive for most people to buy alone. By forming a cooperative, CSC members hope they can buy panels together.

“We’re fighting for collective ownership through projects like Cleveland Solar Cooperative to make our economy more democratic,” says Jonathan Welle, co-founder and Executive Director of Cleveland Owns. “We’ll achieve an equitable economy only when ownership is shared in an equitable way.” By sharing ownership, cooperatives help build an economy that works for everyone.

To find out more about Cleveland Owns and cooperatives, visit [www.clevelandowns.coop](http://www.clevelandowns.coop).

<sup>1</sup> <https://ncbaclusa.coop/resources/7-cooperative-principles/>

# Cleaning Up the Mess: What Neighbors Can Do About Abandoned Homes

By Z. Germaniuk, Esq.



Many Cleveland neighborhoods still suffer from the negative effects of the 2008 Housing Crisis. An urgent concern for many in low to moderate income neighborhoods is the large number of abandoned, condemned, and vacant residential properties.

Unfortunately, Cleveland's City Building and Housing Department does not have the resources to address every property in serious disrepair. Making matters worse, many of these properties are owned by out of town limited liability companies (LLCs). Some out of town LLCs allow their properties to fall into ruin, which lowers property values and increases criminal activity.

There is no easy solution to this issue. In many cases, rehabilitation costs are too high for individuals and neighborhood-based nonprofit organizations. However, there are things that residents can do to help eliminate these problem properties in their communities.

The first thing to do if there is a vacant, abandoned, or condemned property on your street is to note the property's address and take a few pictures of the property. Do this from the street on a cell phone camera. **DO NOT** attempt to go onto these properties or enter these structures. Once you have pictures and the property's address, call the City's Building & Housing Department at 216.664.2007 and make a complaint. Keep a record of when you called, who you spoke to, and your complaint number. Find out if the City is prosecuting the property owner in Housing Court. If so, ask for the case number and the name of the prosecutor assigned to the case. Then contact the prosecutor to see if you can help in the case. The more residents who call and complain about a property, the more likely the City will act to fix the problem.

The second thing you can do is reach out to your local community development corporation (CDC). CDC employees might be able to give you additional information about who owns the property, its tax status, any current code violations, and if the City is prosecuting the property owner in Housing Court. With this additional information, you can also call your City Councilperson and complain. Keep trying. Sometimes it takes more than one call to get an answer.

If you've taken all these steps but the problem still hasn't been solved, you may want to talk with an attorney about what else you can do. In some cases, you may be able to sue a property owner for "nuisance abatement." These cases can take a long time, and you may have to pay legal fees, but they are sometimes the last, best hope for successful, direct citizen action.

## Legal Aid Helps Eligible Group, Nonprofits and Entrepreneurs

Did you know that Legal Aid represents community groups in addition to individuals? Community groups include tenants and neighbors, nonprofits, collectives, and more.

Legal Aid helps groups with various legal issues. For example, Legal Aid helps groups understand what type of organization is best for their purpose - a nonprofit, LLC, cooperative, or something else. Legal Aid also helps draft and revise bylaws and other governing documents. Legal Aid can help groups apply for tax exemption, review contracts, comply with grant requirements, negotiate with other parties, and more.

Groups must be financially eligible for Legal Aid's services. Legal Aid represents groups that cannot afford to hire an attorney. Groups must also be made up mostly of people with low income or exist to support people with low income.

Clients and community members know the most about the challenges

facing their communities and how to solve them. Legal Aid support groups as one strategy to build equity and democracy in Northeast Ohio.

Also, Legal Aid represents entrepreneurs through the Legal Center for Low-Income Entrepreneurs. Low-income entrepreneurs often lack financial and social capital. Legal Aid provides legal assistance and referrals so that entrepreneurs can effectively grow their business.

Contact Legal Aid to apply for group or entrepreneur representation. You can apply by phone at 1.888.817.3777 on Monday, Wednesday, Friday from 9 am - 4 pm or on Tuesday and Thursday from 9am - 2 pm. Interpreters will be provided for callers who speak languages other than English. If you would like more information about our group representation and community economic development work before starting an application for legal assistance, please reach out to Natalie Ziegler, paralegal for Community Engagement, by email at [Natalie.Ziegler@laslev.org](mailto:Natalie.Ziegler@laslev.org) or by phone at 216.861.5019.

# Boards of Zoning Appeals – One Way Neighbors Can Impact Nearby Development Projects

When a real estate developer plans a project, like a mall, restaurant, or apartment building, they check if their plans match local zoning laws. If they do not, then the developer can ask for an exception. This exception is called a “zoning variance”. The developer asks for a zoning variance by applying to the Board of Zoning Appeals (BOZA).

Any city, county, or township that has its own zoning laws also has a BOZA. Cleveland has a BOZA with five members appointed by the mayor. The City of Lorain’s BOZA includes the City’s Safety Service Director and four residents appointed by the mayor. Painesville’s BOZA has five members appointed by Council.

BOZAs meet regularly to review zoning variance requests. The meetings are open to the public. At the meeting, the developer explains why they need the variance. Neighbors can tell the BOZA how the development affects them. The BOZA may deny the variance if it will hurt the neighborhood.

Neighbors can challenge a BOZA decision in court if they participated in the meeting. Participating means speaking about how the variance hurts them or writing letters for others to read. Right now, the Cleveland

BOZA holds meetings on WebEx. Those who want to speak must sign up in advance.

Neighbors can find out about variance requests for developments in at least two ways.

First, they can attend BOZA meetings or, if available, check the BOZA agenda. Under Ohio law, a BOZA must give the public advance notice of their meetings. BOZAs commonly provide this notice by publishing a meeting calendar on their website. The Cleveland and Lorain BOZAs publish their agendas on their websites. The agendas identify by address the variances the BOZA will discuss.

Second, neighbors who live next to the development should get a notice. BOZA must send notice to people who own property next to a project seeking a variance. The notice must give the date of the meeting about that variance. BOZA must send the notice at least seven days before the meeting.

The BOZA is open to all and should offer a place for local government to learn the opinions of both residents and developers about projects.



## Community Land Trusts<sup>1</sup>

Northeast Ohio does not have enough affordable housing. The same is true in many places around the country. One strategy that helps create more affordable housing is a community land trust, or CLT. There are about 277 CLTs across the United States today.

CLTs are non-profit organizations that own land and typically provide residential housing on that land. CLTs are different from most affordable housing projects for two reasons. First, CLTs help ensure that housing stays affordable permanently. Second, CLTs allow residents to build wealth by owning some of the value of their home. Homeowners buy their houses

but also sign a long-term lease with the CLT for the land. The leases usually last 30-90 years. When the homeowner sells, they earn a portion of the increased property value. The remaining value stays with the CLT to keep the housing affordable for low and moderate income families.

In addition to making housing affordable, CLTs provide other benefits to the community. Land trusts protect homeowners from spikes and drops in the market. For example, standard households are 10 times more likely to face a foreclosure than a CLT household. Land trusts help build community wealth. They make homeownership accessible to lower income residents

# How the Ashtabula County Land Bank Addresses Vacant Properties and Revitalizes Communities

By Eddy Eckart

The Ashtabula County Land Bank was created in 2013 in response to the foreclosure crisis that began in 2008. The wave of foreclosures led to many abandoned homes throughout the country. These dilapidated homes dragged down the value of neighboring houses. Abandoned homes also became locations for illegal activity, making neighborhoods less safe.

The federal government provided funding to demolish these vacant structures. The government used money from settlements with the banks that helped cause the foreclosure crisis to fund demolitions. To date, the Ashtabula County Land Bank has demolished over 240 blighted structures in the county. As a result, neighborhood property values have stabilized. Safety has increased.

The land bank also rebuilds and revitalizes communities. The land bank worked with Conneaut, Geneva, and Ashtabula to survey all the parcels in those cities. With the survey data, cities can identify neighborhood challenges and plan for the future. The survey also identified properties that may be eligible for grant funding to address roof or weatherization problems.

Also, the land bank promotes the redevelopment of quality housing at all price points. We performed a study to understand the residential market and its opportunities. Now, the land bank works with cities to assemble land for redevelopment in key areas to help address market gaps. Additionally, the land bank identified a need for quality affordable housing across the county. We applied for a grant to help build new housing to be sold to people who make 60-80% of Area Median Income. This will help people build equity. New housing will also increase the quality of housing stock in the community.

Finally, the land bank recently completed its second home renovation. The worst house in a neighborhood was completely remodeled. The first two house renovations were sold at a price similar to other renovated houses in the area. The land bank is planning future projects that will be affordable to buyers with lower incomes.

The Ashtabula County Landbank has gone from only demolition activities to a broad-based neighborhood stabilization strategy. We look forward to creating additional programs in the future.



who might not have other ways to build equity. CLTs are often governed by community residents. As a result, the decision-makers for the trust are the people directly impacted by the land trust. Lastly, CLTs can be involved in other community initiatives such as increased green space, commercial development projects, and transit advocacy.

A new CLT, the Near West Land Trust, was formed in 2020 to build and maintain affordable housing in Ohio City, Tremont and Clark-Fulton neighborhoods. Other CLTs in Ohio include Central Ohio Community Land Trust and Yellow Springs Home, Inc. For more information about

CLTs, visit [Community Land Trusts \(CLTs\) | Community-Wealth.org](#) and [Community Land Trusts | Grounded Solutions Network](#). Groups of low-income residents planning to create a CLT in northeast Ohio can call Legal Aid at 1.888.817.3777 to learn if they qualify for legal assistance with their project.

<sup>1</sup> See [Community Land Trusts \(CLTs\) | Community-Wealth.org](#) for facts and figures references in this article.

# Public Records Are Power

Have you ever wondered...

- Who owns the vacant lot on the corner of your street?
- How much money do government employees make?

This kind of information can be found in local public records available to anyone.

Public records help residents understand what local government is doing. Knowledge allows taxpayers to hold representatives accountable.

Public records are power.

A public record is any record – paper or electronic – that is kept by a government office to document its operation. City, county, and state offices keep records related to services, contracts, and budgets, for example. Some specific records are not publicly available. For example, records in an active criminal investigation, trade secrets of private businesses, medical records, sealed criminal convictions, and Social Security numbers are kept private. Learn which records Ohio law says are public and which are not by visiting <https://mbl.fyi/publicornot>.

You can find some public records online or in person. You may have to make a special request for other records.

## Tips for making a public-records request:

1. Ask for records that show the information you want. Don't ask only for the information. (For example: "Provide records that show the number of traffic stops in Cleveland for expired tags in 2020" instead of "How many traffic stops were made in Cleveland for expired tags in 2020?")
2. Be specific. Avoid asking for "any or all" records.
3. Use clear time frames.
4. Want records for a longer time frame? Make separate, smaller requests to get a faster response.
5. Do some detective work. If there is an online form that collects info, ask for what is on that form.

For any request to be successful, the records must already exist. The government doesn't have to create or gather information to meet your request.

Ohio doesn't set a deadline for handing over public records, but records must be "promptly prepared" in a "reasonable" amount of time. A simple record like a police report should be available within a day, but a completed police investigation file with hundreds of pages will take longer.

Want to learn more? The Northeast Ohio Solutions Journalism Collaborative and Cleveland Documenters created a free, 7-day, text-message course about accessing public records in Cleveland. You can register for that course by visiting [bit.ly/publicrecordscourse](http://bit.ly/publicrecordscourse).

For further information and for more resources about community and economic development initiatives written about in this edition of The Alert, please see:

### Ashtabula County Land Bank:

<https://www.co.ashtabula.oh.us/672/>

#### Ashtabula-County-Land-Bank

The Ashtabula County Land Bank works to effectively reintegrate vacant land and abandoned properties into our community in order to increase property values, reduce blight, support community goals and improve the quality of life of Ashtabula County residents.

### City of Lorain Planning & Zoning Commission:

<https://www.cityoflorain.org/225/>

#### Planning-Zoning-Commission

### City of Painesville Board of Zoning Appeals:

[www.painesville.com](http://www.painesville.com)

### Cleveland City Department of Building and Housing:

<https://www.clevelandohio.gov/CityofCleveland/Home/Government/CityAgencies/BuildingHousing>

The Department of Building and Housing registers building contractors, inspects all new and major rehabilitation construction, and provides nuisance abatement to condemned properties. The Director's office supervises and manages the Code Enforcement, Construction Permitting, and Records Administration Divisions.

### Cleveland Documenters:

<https://cleveland.documenters.org/>

Cleveland Documenters recruits, trains and pays Greater Clevelanders to document official committee meetings of the Cuyahoga County and City of Cleveland governments and contribute to a communal pool of public knowledge.

### Cleveland Owns:

<https://www.clevelandowns.coop/>

Cleveland Owns is a nonprofit incubator of cooperative enterprises. We organize multiracial, grassroots cooperatives that enable member owners to build wealth and power because we know that in racial capitalism, ownership matters. We believe we'll live in an equitable city only when ownership is distributed in an equitable way.

### Community-wealth.org – Community Land Trusts:

<https://community-wealth.org/strategies/panel/clts/index.html>

### Grounded Solutions Network – Community Land Trusts:

<https://groundedsolutions.org/strengthening-neighborhoods/community-land-trusts>



The  
Legal Aid Society  
of Cleveland  
*Since 1905*

1223 West Sixth Street  
Cleveland, OH 44113

Non Profit  
U.S. Postage  
**PAID**  
Cleveland, OH  
Permit No. 104

RETURN SERVICE REQUESTED

**Family, Health, Housing,  
Money or Work Problems?  
Need quick legal info?  
Want to know your rights?**

*Browse online Legal Aid  
information and resources*



**[www.tinyurl.com/  
InfoAndResources](http://www.tinyurl.com/InfoAndResources)**

---

***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.***

*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.*

