

The ALERT



The Legal Aid Society
of Cleveland
Since 1905

V.38, NO.2 SUMMER 2022

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What can be done about court costs and fines

By Royce Johnson

Are you struggling to pay money owed from an old criminal case? You are not alone - many people in Ohio have this problem! Unfortunately, this problem affects many people of color, who are disproportionately involved in the criminal process, and many people with disabilities, who have a fixed, limited income. If you are a person with a limited income, you may feel trapped by this debt. You may be afraid of what the Court will do if you can't pay. You may also be unable to seal your criminal record because of the debt and unable to find work because of this very record. Despite these burdens, you may have options. Courts must fairly assess fines and costs for defendants.

What is the difference between a fine and a cost?

Fines are a criminal penalty. When a person has not paid their court fines, the court may sentence that person to jail for refusing to pay the fine. The court should only use this method as a last resort. Before doing so, the court must conduct an ability-to-pay hearing, advise you of your right to counsel, and you must have willfully refused to pay the fines. In Ohio, a person cannot be ordered to serve additional days in jail for failure to pay a fine if the maximum jail sentence was already served. If you are jailed for failure to pay court fines, you will receive a credit towards the fine of \$50.00 per day spent incarcerated. However, this may not go beyond six months. A court may force the defendant to perform community service instead of paying court fines. Contempt of court may be issued if a defendant fails to appear for a court-ordered hearing, including a hearing for non-payment of fines. In addition, the court may issue a Driver's License Forfeiture (limited to Traffic cases only), a Driver's License Warrant Block, or an Extension of Probation (if within maximum allowable term of probation and if made a condition of probation).

Court costs and fees are civil, not criminal, requirements. A key difference from fines is that a court may not order a person to appear in court or issue a warrant for arrest because of unpaid court costs. Similar to fines, a court may order a person to perform community service and issue a registration block instead paying court costs. The court may not sentence a person to jail for failing to pay a cost though.

What can you do about court costs?

The courts can waive, suspend, or modify the payment of court costs. If at any time the court finds that an amount owed to the court is due and the defendant is unable to pay, the court can cancel all or part of the debt owed. If the court does not cancel the debt on its own, you can consult an attorney to file a motion requesting the court to waive, suspend, or modify the costs attached to a conviction. If granted, costs will not have to be paid to the court. Courts may also offer payment plans for defendants to pay a portion of the amount owed each month.

What can I do after my fines and costs are paid?

Once your costs and fines are paid, you may be eligible for record sealing after waiting the required amount of time from "final discharge". Final discharge means that all your obligations in your criminal case are met - this includes paying court costs and fines. The waiting periods are different depending on the conviction.

To apply for help sealing a criminal record, contact Legal Aid at 1.888.817.3777 or online at lasclev.org, and click "Apply for Free Legal Help."

Know Your Rights: sexual harassment in housing

By Nicholas Elrad

Did you know the law provides tenants with the right to be free from discrimination? Tenants are protected from sex discrimination and sexual harassment by their housing provider. If you believe you have experienced sexual harassment from a housing provider, you are not alone and you have rights!

Sexual Harassment in Housing:

What is it? Who Causes It? Who experiences it?

Unfortunately, sexual harassment happens regularly in the housing market to people looking for housing. Sexual harassment from a housing provider might include:

- 1) Sexual advances such as making inappropriate comments or touching you without consent;
- 2) Violating your personal space, privacy, or sense of safety by: spying on you, exposing themselves to you, showing you sexually explicit images, or entering your home without any notice or legitimate reason;
- 3) Demanding sexual activity from you in return for providing housing services, such as making needed repairs, accepting your rent, or reviewing your rental application;
- 4) Offering you a benefit in return for performing sexual favors, such as reducing your rent or waiving a late-payment fee.

Sexual harassment can occur at any stage in the rental process; whether you're already a tenant or if you're just applying for a rental unit or housing benefits. You may also experience sexual harassment from several different people who provide you housing services, such as your landlord, your property manager, housing authority employees, maintenance workers, or security guards.

What Can You Do if You Experienced Sexual Harassment in Housing?

If you have experienced sexual harassment by a housing provider, your right to fair housing may have been violated. You have several options. You can enforce your rights and seek protection even if you "went along with" the harassment, are behind on rent, or have had prior rental or criminal problems.

Local organizations such as the Fair Housing Center for Rights and Research can assist you in enforcing your rights, seeking protection, and reporting your discrimination or harassment. To report your experience of harassment to the Fair Housing Center, call their office at 216.361.9240 or visit thehousingcenter.org/report-housing-discrimination/.

You may also report your harassment directly to the federal government through the Department of Housing and Urban Development or the Department of Justice. These agencies share responsibility for enforcing your right to fair housing and accept complaints in the following ways:



By Phone:

Contact HUD at 1.800.669.9777 or 1.800.877.8339 (TTY for the deaf, hard-of-hearing, or speech-impaired)

Contact DOJ at 1.844.380.6178 or 202.514.0716 (TTY for the deaf, hard-of-hearing, or speech-impaired)



Online, By Email, or Mail:

For information on more ways you can file a sexual harassment complaint with HUD, visit the HUD website by visiting hud.gov/program_offices/fair_housing_equal_opp/online-complaint.

The Department of Justice also allows you to file complaints using their website. Visit justice.gov/crt/sexual-harassment-housing-initiative-how-report

Additionally, you may report your harassment to Ohio's state government through the Ohio Civil Rights Commission. This commission is authorized to investigate claims of housing discrimination and refer cases to the Attorney General for prosecution. For more information on reporting your experience of harassment to the Ohio Civil Rights Commission, visit crc.ohio.gov/FilingCharge/Housing.aspx.

Finally, you may bring your own lawsuit against your housing provider.

What Will Happen If I Report my Sexual Harassment?

When you report your experiences of sexual harassment, an investigation may be opened into your claims. Possible resolutions might include a transfer to new housing, or an order requiring your landlord to either stop harassing you or to take steps to prevent future harassment by other people. In some cases, a tenant may receive an award of money damages for enduring harm caused by sexual harassment

It is important to know that it is illegal for your landlord to retaliate against you for reporting your experiences of sexual harassment. Evidence of retaliation may lead to additional consequences for your landlord.

Tenants may call Legal Aid's Tenant Information Line to learn more about their rights at 440.210.4533 or 216.861.5955. Tenants facing eviction who have low income may apply for help by contacting Legal Aid's intake at 1.888.817.3777 or online at laslev.org, then click "Apply for Free Legal Help."

Pandemic lessons for addressing the digital divide

By Magda Phillips

The digital divide was brought to everyone's attention at the height of the global pandemic. In late March of 2020, many industries went virtual, from healthcare to education. In low-income cities like Cleveland, the transition to online life was not as easy as it was in affluent suburbs. Inner city school districts needed to act fast to address this crucial deficiency. The absence of computers and internet access causes barriers to information.

Districts across the country have received funding and/or technology from nonprofits to distribute to students in order to support online learning. But the technology alone did not address the divide. Students and families still need internet access and need to know how to use devices and online platforms.

Some groups are working to expand internet access. For example, DigitalC is a non-profit focused on improving Greater Cleveland's digital literacy and providing residents with an affordable, high-speed internet connection. Their mission is "to make our community's digital future equitable." Another group, ConnectedNEO, is working to set up

community-owned and managed broadband networks in Cleveland neighborhoods with low rates of connectivity.

Individuals can also access resources by reaching out to local nonprofits like PCs for People, who are working to supply families with high quality desktop or laptop computers for a low cost.

The Cleveland Public Library's TechCentral offers a variety of computer and technology-related services available at the Main Library and all 27 branch locations. CPL also offers computer courses to the community.

- DigitalC: digitalc.org
- ConnectedNEO: connectedneo.com
- PCs for People: pcsforpeople.org
- Cleveland Public Library tech services: cpl.org/aboutthelibrary/subjectscollections/techcentral/

How to keep your SNAP benefits active

By Paul Hergenroeder

During the COVID pandemic, if you received Supplemental Nutrition Assistance Program (SNAP) benefits, you did not have to submit interim reports. Interim reports are forms that a person getting SNAP submits to their county Job and Family Services office to show that they continue to be eligible for SNAP. Most SNAP households must submit interim reports every six months.

The Ohio Department of Job and Family Services (ODJFS) started requiring interim reports again on June 30, 2022. If you receive SNAP, you need to watch your mail for these forms. You must complete them by the required deadline to avoid losing your SNAP benefits.

If you moved during the pandemic, you need to be sure your contact information is up to date with ODJFS. Your mailing address, phone number, and household information must be up to date for you to receive important notices. You can call your County JFS Office (go to jfs.ohio.gov and click County Directory to find a phone number), call 1.844.640.6446, or log into your Ohio Benefits Self-Service Portal account at ssp.benefits.ohio.gov to update your information.

How do I know when I need to complete an interim report?

JFS will notify you by mail if you need to complete a report. Most SNAP households (excluding elderly/disabled households) must complete a report yearly, six months after their most recent application or recertification. JFS will send you a notice in the mail. They may also send phone call and/or text reminders.

What do I need to fill out on the interim report?

The interim report will include questions about people living in your

household, income changes, and change of address. You may need to provide proof of income. If you have no changes to report, you still need to turn in your report. Just check the "No Changes" box.

How do I submit the interim report?

You can either complete the report electronically on the Self-Service Portal at benefits.ohio.gov or turn in the printed report by mail or in person at your County Job and Family Services office.

What should I do if I do not get the interim report forms?

If your mailing address and phone number are up to date you should receive any interim report form sent to you. You can view your recent notices in the Ohio Benefits Self-Service Portal at ssp.benefits.ohio.gov.

What should I do if I get a notice that my SNAP benefits will stop?

If you think the agency was wrong to stop or lower your SNAP benefits, you can ask for a state hearing. You can request a State Hearing by calling the Ohio Bureau of State Hearings at 1.866.635.3748, by fax at 614.728.9574 or by email at bsh@jfs.ohio.gov. Even though you have 90 days to appeal, if you request a State Hearing within fifteen days of the date of the notice, your benefits will continue until the appeal is resolved.

If you need help appealing the termination of denial of your SNAP benefits, you can apply to the Legal Aid Society for assistance by calling 1.888.817.3777 or online at laslev.org, click on "Apply for Free Legal Help" then go to the Online Application.

What to expect from Domestic Relations Court

By Hanah Walker

Domestic Relations Courts help people with many family matters, including separation/divorce, spousal and child support, custody, and civil protection orders.

The Domestic Relations Court is a “court of equity.” This means that the court is designed to take the circumstances of all the parties into consideration when it makes a decision. The primary objective of Domestic Relations Court is to order a decision that is fair, just, and equitable.

The court can make an equitable decision by using “factors” that are listed in governing statutes. Spousal support decisions, for example, should be based on factors such as income of the spouses, duration of the marriage, and the education of the parties. By applying the factors set forth in the law, the judge can determine how much weight to give them based on the circumstances in a particular case.

For example, imagine a hypothetical couple, Charlie and Morgan, who file for divorce. They have been married for five years, have no kids, each have some college education, and they own a house together. Morgan

makes almost double Charlie’s salary, and Morgan has a substantial retirement savings in the form of a 401K account. However, Charlie cheated on Morgan, leading Morgan to feel hurt and angry. How would the court evaluate spousal support in this situation?

The court will focus more on fairness, rather than who wins or loses. The court will consider whether the house should be sold, and the profits split between the parties, or if a spouse can “buy out” the other person’s interest in the property. The court would look at the parties’ dual incomes to determine what should be done regarding spousal support with the goal of upholding the standard of living established during the marriage. Even though Charlie cheated on Morgan, the court would not likely give much weight to that fact in determining how to divide their income and assets. Morgan would likely be responsible for paying part of any marital debts, possibly paying Charlie spousal support, and may have to provide Charlie half of the retirement savings that Morgan earned during the marriage. This approach considers all of the factors listed in the law, and then render a judgement based on those factors that is fair, just, and equitable.

Grassroots journalism in Cleveland

By Malavika Khaitan

In recent years, Cleveland’s news scene has grown with the arrival of two innovative, grassroots journalism organizations: Cleveland Documenters and The Land. The development of grassroots journalism has been a boon to all of us, as many newsworthy events overlooked by mainstream media are captured by grassroots journalists.

Cleveland Documenters is a network of newsrooms and community organizations dedicated to civic media participation. They educate and pay individuals to attend unreported public meetings and publicize the outcomes. Every day, hundreds of public meetings are held by local governments, yet most of them receive no media coverage and produce few records. The Documenters Network is a national organization that was created in 2018 by City Bureau, a nonprofit civic journalism lab. The organization focuses on empowering individuals to access and create the knowledge required to stay informed on the current affairs in the area. It strives to make the work, processes, and tools as transparent and useful as possible.

Documenters are active people who are recruited, taught, and paid by the Documenters Network to participate in the news collecting process, ultimately contributing to a common pool of information. Anyone can become a Documenter by filling out a Documenters application and attending a Documenters Orientation in their area. **Documenters.org** compiles public meeting dates, hours, places, official documents, and original documentation from cities, counties, and states into a single searchable database. All Documenters content is published on their website and may be freely used under the Attribution 4.0 International Creative Commons license while giving them appropriate credit. Cleveland is one of several cities with a local chapter.

The Land is a local, nonprofit news outlet that focuses on Cleveland’s neighborhoods. Its mission is to encourage accountability, enlighten the community, and motivate people to act through in-depth solutions journalism.

When The Plain Dealer’s newsroom closed in May 2020, there were fewer reporters to serve the Cleveland community. The Land was created in response to this crisis with the goal of providing people trustworthy information, hope, and a sense of belonging during the COVID-19 pandemic.

Other organizational goals include:

- Inform the community through high-quality reporting on government, community and economic development, environment and health.
- Encourage civic involvement in Cleveland’s communities by providing individuals with the information and resources they need to take action.
- Increase the visibility of community voices via news coverage that represents the different populations served.
- Collaborate with other media outlets to develop Cleveland’s media ecosystem and provide equal access to information for everyone.

The Land publishes all their content on their website thelandcle.org. Readers can subscribe to their e-newsletter as well.

Grassroots journalism makes an impact for ordinary people by amplifying their stories that are sometimes ignored by the traditional press. When these narratives resonate with the community, journalism becomes a powerful tool for engagement and change.

What should tenants know about their landlords?

By Abigail McCoy

Why is it important to know information about your landlord?

Most people know that landlords research their tenants. Before you even move in, your landlord probably knows how much money you make, your credit history, if you have a criminal record, and how many people live with you. But tenants should research landlords, too. A little effort can save you from moving into a property that's likely to be foreclosed on, is in bad condition, or is managed by a landlord who files a lot of evictions.

What information are you entitled to know about your landlord?

Under Ohio's Landlord Tenant Act, a landlord is required to provide the tenant with the name and address of either the property owner or the property manager. This information should be in your written rental agreement. If there isn't a written agreement, the landlord should deliver this information to you in a written notice when you move into your apartment. If the landlord doesn't do this, you should ask for the information in writing. If a landlord does not provide this information, they may give up their rights if you have future disputes over conditions and rent deposit with the court. For more information, see laslev.org/get-help/housing/tenants-rights.

Also, owners of rental properties that are located in counties with a population over 200,000 people, like in Cuyahoga, Lake, and Lorain counties, are also required to file the owner's name, address, and telephone number with the county auditor. If they fail to do so, the landlord may be fined between \$50 and \$150. According to the Cuyahoga County Auditor, the fine is \$50 following each tax bill when the information is not filed.

What can public records tell me about a landlord?

Public records are a great place to learn information about a landlord. For example, you can check public records to see if your landlord is behind on property taxes. This is important to know because tax problems might mean the property is at risk of foreclosure. Most Ohio county auditors make property tax records available to the public on their websites.

In Cuyahoga County, the website is myplace.cuyahogacounty.us, where you can search the address of your building to find information on who owns your building and if past taxes are owed. For other counties, call the county auditor or search online for your county name, Ohio, and "property tax records."

You can also find out if your landlord files a lot of evictions by searching the docket of your local municipal court. Most courts now have online dockets you can search by entering the owner's name or company. For example, in Cleveland, you can go to portal.cmcoh.org/cmportal and do a smart search for the owner or property manager of your building.

How do I find out who my landlord actually is?

"Landlord" is a term that can refer to a property owner or a property manager (a person or company that is paid by the owner to deal with tenants and look after the property). Many renters know who manages their property. Fewer tenants know who owns their property. You can find who owns the property where you live by looking on your county auditor's website (in Cuyahoga County: myplace.cuyahogacounty.us). Sometimes the owner is not a person but is a corporation or a limited liability company (LLC). In order to find out who the person is that owns the business, you will have to do more research.

On the County Recorder's website, or in Cuyahoga County at the Fiscal Officer's website, recorder.cuyahogacounty.us, you should be able to search the database with the company name and find documents. The documents are usually a deed or mortgage and list the name of the owner or statutory agent.

What if I have more questions about my rights as a tenant?

You can call Legal Aid's Tenant Info Line at 216.861.5955 (Cuyahoga) or 440.210.4533 (Ashtabula, Lake, Geauga and Lorain Counties). You can also visit the Legal Aid Society of Cleveland's website at laslev.org.

THANK
you

to Legal Aid's
summer staff who
researched and drafted
the articles for this
edition of The Alert.



Cleveland City Council recently approved "pay to stay" protections for tenants at risk of eviction because they've fallen behind on rent

How does the Pay to Stay ordinance protect renters?

1. It provides protections for renters waiting on Emergency Rental Assistance Programs by creating provisions for approval letters that serve as vouchers for future payment to guarantee landlords get paid.
2. The ordinance limits the total amount of late fees that a landlord may charge in a rental agreement to not exceed the larger of \$25 or 5% of the monthly rent.

Learn more: laslev.org/PayToStayCleveland/



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Legal Aid serves people and groups with low-income in Ashtabula, Cuyahoga, Geauga, Lake and Lorain Counties.

Legal Aid atiende a personas de bajos ingresos en los condados de Ashtabula, Cuyahoga, Geauga, Lake y Lorain en el noreste de Ohio.



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888.817.3777


Have a quick question? ¿Tienes una pregunta rápida?

Tenant Info Line 440.210.4533 or 216.861.5955

for questions related to tenant's rights and rental housing
para preguntas relacionadas con los derechos del inquilino y la vivienda de alquiler

Worker Info Line 440.210.4532 or 216.861.5899

for questions related to employment, benefits, and unemployment
para preguntas relacionadas con empleo, beneficios y desempleo

Legal Aid provides interpreters and translation. Legal Aid proporciona intérpretes y traducción. 

Legal Aid uses Ohio Relay Service (800.750.0750) to support people who have a communication limitation.
Legal Aid utilizó el servicio de retransmisión de Ohio (800.750.0750) para ayudar a las personas que tienen una limitación de comunicación.

Request an outreach/education event or materials for your community group by email: outreach@lasclev.org.
Solicite un evento o materiales de divulgación / educación para su grupo comunitario por correo electrónico: outreach@lasclev.org.

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.

