

HAMILTON COUNTY MUNICIPAL COURT
CINCINNATI, OHIO



EZZARD CHARLES APARTMENTS : CASE NO.: 12 CV 22452
Plaintiff :
JUDGE BERNIE A. BOUCHARD
vs. :
JOHNNY COLLINS : DECISION
Defendant :

Matter tried. The court finds the following facts: Johnny Collins has been renting a HUD subsidized apartment at the Ezzard Charles apartments since 2008. Mr. Collins has a two bedroom apartment with Joshawn on the lease. Joshawn Collins is Johnny Collins biological son. At all relevant times Johnny Collin's mother has had custody of Joshawn and lives at another residence. Grandmother filed and received SSI benefits for Joshawn without telling her son Johnny Collins. Johnny Collins first learned of the SSI payments to Joshawn in July of 2012. Both Johnny Collins and Joshawn Collins have mental disability issues. Joshawn Collins spends approximately half the time at his fathers and half the time at his grandmothers. There is ~~no court order for this arrangement or shared parenting. Grandmother has custody.~~ After an audit was performed, Ezzard Charles Apartments became aware that Johnny Collin's son was getting SSI (Grandmother as payee) and included that in the calculation of rent. As a result Ezzard Charles is asking for back rent with the SSI from July of 2008 to July of 2012 in the amount of \$9,643.00. Testimony was also provided that a Mr. Clemmons had his name on the mailbox at Johnny Collins' address and was seen in the apartment one time.

This Court finds that the SSI benefits to his son, via Grandmother as payee, should be included as received income per *42 USC Section 143, et al.* This Court finds that Johnny Collins had no knowledge of his sons SSI benefits until July of 2012, therefore he did not fail to report this income to Ezzard Charles and is not liable for that amount of back rent (July of 2008 - July 2012). Once Johnny Collins became aware of the SSI payments to his son, his income increased and his rent increased. Per the calculation of Ezzard Charles Apartments, Johnny Collins owes \$1022.00 in back rent from July of 2012 to November 2013. His current rent is set at \$234.00. The Court finds that there was not sufficient evidence of another individual living in Johnny Collin's apartment.

Judgment on Count A is for the Defendant. Judgment on Count B is for the Plaintiff in the amount of \$1,022.00 to be paid in equal monthly installments over a two (2) year period. Judgment on Count C for Defendant. Judgment for the Defendant on violating the lease with another person living in the apartment.

Each party to bear its own costs.

It Is So Ordered.



JUDGE BERNIE A. BOUCHARD

December 5, 2013

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