



Rent Deposit: an Option to Get Your Landlord to Make Repairs

By the
Legal Aid Housing
Practice Group

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If you are a tenant, your landlord is required to make certain necessary repairs to your rental unit, including:

- Repairs to keep the property in a livable condition;
- Repairs to meet housing and building codes that affect your health and safety; and
- Repairs required by your lease.

In Ohio, a tenant can pay rent to a court, instead of the landlord, after a landlord has refused to make necessary repairs within a reasonable amount of time. This is called "rent deposit" or "rent escrow." However, the tenant must be very careful to follow certain rules in order to deposit rent to the court properly.

Before a tenant can deposit rent into the court, the tenant generally must:

- Be current on rent;
- Give the landlord written notice of the repairs needed by sending the notice to the person or place where the rent is normally paid (the tenant should keep a copy of this notice); and
- Give the landlord a reasonable time (usually 30 days, unless it's an emergency) to make the repairs.

If the landlord doesn't make the repairs during this reasonable time, the tenant generally may deposit the next month's rent with the Clerk of Court of the

municipal court for the tenant's community. Each month, the tenant must continue to deposit the rent with the Clerk of Court by the date the rent is due according to the tenant's lease. The Clerk of Court may have additional rules for depositing the rent, which the tenant must follow. The rent will remain on deposit with the court until the tenant and the landlord agree on how and when it should be released, or the court decides to release it.

Some non profit groups help tenants with the rent deposit process, at no charge to the tenant:

- In Ohio (all counties): Coalition on Homelessness and Housing in Ohio (COHHIO), (888) 485-7999.
- In Cuyahoga County: Rental Information Center of the Cleveland Tenants Organization, (216) 432-0609.
- In Lake County: Fair Housing Resource Center, Inc., (440) 392-0147.

Also, some courts help tenants with the rent deposit process. For example, Cleveland Housing Court specialists can explain the rent deposit process to tenants. The specialists are located on the 13th Floor of the Justice Center, 1200 Ontario Street, Cleveland, OH 44113, and are available for drop-in visits, Monday through Friday, 8:30 a.m. to 3:30 p.m. The Cleveland Housing Court phone number is (216) 664-4295.

Ohio's Homestead Exemption

By Kristen Nawrocki

Ohio has two types of Homestead Exemption: (1) senior and disabled persons homestead exemption and (2) disabled veterans enhanced homestead exemption.

Senior and Disabled Persons Homestead Exemption protects the first \$25,000 of your home's value from taxation. For example, if your home is worth \$100,000, you will be taxed as if the home were worth \$75,000.

Who is eligible?

- (1) A homeowner who owns and lives in the home as their primary residence as of January 1st of the year for which they apply **and**
 - is 65 years old (or who will turn 65 the year for which they apply) or
 - is permanently and totally disabled as of the 1st day of the year for which they apply.
- (2) The surviving spouse of a person who had been enrolled in Homestead who was at least 59 years of age when the spouse died.
- (3) Applicants must have a total gross income (applicant plus applicant's spouse, if any) below the amount set by law each year. The 2017 household income limit is \$31,800. See www.tax.ohio.gov for income limits in future years.

Disabled Veterans Enhanced Homestead Exemption protects the first \$50,000 of your home's value from taxation. For example, if your home is worth \$100,000, you will be taxed as if the home were worth \$50,000.

Who is eligible?

- A homeowner who owns and lives in the home as their primary residence as of January 1st of the year for which they apply **and**
- is a veteran of the Armed Forces of the United States (including Reserves and the National Guard) who was discharged or released from active duty under honorable conditions; **and**
 - has received a 100% disability rating for compensation based on individual un-employability for a service-connected disability or combination of service-connected disabilities.

What property is eligible?

For *both* exemptions:

The property must be where you usually live;

- (1) You must have been living there as of January 1st of the year for which you apply; **and**

- (2) You must be on the deed, or if the property is held in a trust, you must give the Auditor a copy of the trust.

How do you apply?

For *both* exemptions:

- (1) Fill out application form DTE105A—you can get the form at your county Auditor's office, at your county Auditor's website, or at the Ohio Department of Taxation's website (tax.ohio.gov).
- (2) File form DTE105A with your county Auditor—you must file the original form that has your ink signature (not a copy). You *cannot* electronically file the form.
- (3) If your eligibility is based on AGE, you must submit PROOF OF AGE with your application. You can prove your age with a copy of your driver's license (current or expired), State of Ohio ID card, birth certificate or passport (current or expired).
- (4) If your eligibility is based on DISABILITY, you must submit PROOF OF DISABILITY with your application. You can prove your disability by getting the Auditor's Certificate of Disability form signed by your doctor OR by giving the Auditor a copy of a statement from Social Security, the Department of Veterans Affairs, the Railroad Retirement Board, or the Ohio Bureau of Workers Compensation that says you are totally and permanently disabled.
- (5) If your eligibility is based on VETERANS DISABILITY, you must submit the letter you received from the U.S. Department of Veterans Affairs stating that your application for the status of individual un-employability has been granted (including percentage assigned) along with a copy of your DD-214.

When do you apply?

For *both* exemptions:

- (1) In September 2016, the law changed to allow *real property* (land and buildings attached to the land) applications to be filed any time before **December 31st**. If you are applying for the exemption on a *manufactured or mobile home*, you have to apply **on or before the first Monday in June**.
- (2) If you were eligible for the exemption last year, but did not apply, you can file a late application for the previous year at the same time that you file your application for the current year.
- (3) If you are approved for the Homestead Exemption, you *do not* need to re-apply in future years.

To get an application form, or if you need help or have questions, call your county Auditor's Homestead Department:

In Cuyahoga County, call 216.443.7010

In Ashtabula County, call 440.576.3445

In Lake County, call 440.350.2536

In Geauga County, call 440.279.1617

In Lorain County, call 440.329.5207

What to do about Blighted Properties?

By Rebecca Maurer

Is there a house on your street that nobody is taking care of? Is a house being used for criminal activity? Or maybe a neighbor is living in a house that isn't safe? There are things you can do to address a blighted house on your block.

The first step is to call the City of Cleveland (216-664-2000) and enter a complaint. (This article focuses on what to do in Cleveland, but you can take a similar approach in any city). When you call, have the address of the property and the full list of information you would like the City to know. When you call, ask for a reference number. The reference number will allow you to call back and check up on what the City has done in response to your complaint.

What the City does next (and how quickly) depends on the nature of the complaint. If nobody is living at the house, and the issue is related to the physical condition of the house, the Department of Building and Housing is called. Building and Housing tries to send an inspector within 2-4 weeks. The Inspector will inspect the property to see if the complaint is accurate. If so, the City will issue a violation notice. If the City has

to do anything – like cutting the grass or boarding up the house – the owner of the property will be charged the fees.

If the nature of the complaint involves the health and welfare of people, the City may send out the Health Department, the Police, and even emergency services.

If the owner of the property does not resolve the issue, the City of Cleveland can refer the case to the Law Department to begin legal proceedings against the owner.

Concerned neighbors have little control over this referral process. Your involvement may be limited to making the initial phone call and following up. Because of this, another good option is to call the Councilperson in your ward and work with them to resolve the issue.

There are a lot of blighted homes in Cleveland, so sometimes property issues take a long time to resolve. Persistent and creative engagement by you and your neighbors can help make your block better.

Consumer Protections for the PUCO Regulated Utilities

By Erin Przybylinski

The Public Utilities Commission of Ohio (PUCO) oversees companies and makes sure Ohioans have access to safe and reliable utilities. Common utility services include electric, natural gas, telephone, water and waste. As a utility user, you have certain rights and protections against having your service shut-off by utility providers that are regulated by PUCO. However, not all utility companies are regulated by PUCO. For example, some municipal utility providers like Cleveland Public Power and Cleveland Water Department are not PUCO regulated utilities. To find a list of companies that are regulated by PUCO go to www.puco.ohio.gov.

If you are unable to pay your utility bill, PUCO regulated companies must send you a shut-off notice at least 14 days before the disconnection. Utility companies are allowed to shut off services year-round. However, if an electric or natural gas utility company plans to shut off service during the winter months, between November 1 and April 15, the company must give you an extra 10 day shut-off notice in addition to the 14-day notice. Utility companies must also offer you a payment plan option to help you keep your services connected.

If a member of your household has a medical condition where shutting off the utility service would be dangerous to their health, you may qualify for a medical certification. The medical certification will delay a shut-off (or in some cases allow you to get your service turned back on) for an additional 30 days. For more information on medical certifications, you can call your utility company or visit the Office of the Ohio Consumer's Counsel website, at www.occ.ohio.gov (search "medical certification").

There are also programs like the Winter Reconnect Order, the Summer

Program, and the Home Energy Assistance Program, which help people who are having trouble paying their utility bills and may be at risk of utility shut-off. To find out more about these programs, call (800) 282-0880 or see the Legal Aid Brochure: "Utility Problems?" at <https://laslev.org/utility-problems/>.

If you are having problems with a utility provider, you may submit an informal complaint to PUCO. There are four ways to contact PUCO with a complaint:

1. Fill out the online complaint form located at www.puco.ohio.gov (under the "Contact Us" tab).
2. Call the PUCO Call Center at (800) 686-7826.
3. Fax your complaint to (614) 752-8351.
4. Mail your complaint to:
Public Utilities Commission of Ohio
Attn: IAD
180 Broad Street
Columbus, Ohio 43215-3793

If PUCO determines that they are not able to solve your problem or you are unhappy with the outcome, you may file a formal complaint with PUCO by calling (800) 686-7826. If you decide to file a formal complaint, PUCO will open an administrative law case, which will be similar to a court case.

Legal Aid assists consumers in some utility cases. To apply for help from Legal Aid with a utility related problem, call (888)-817-3777, or visit a neighborhood Brief Advice Clinic (see the schedule at www.laslev.org).

Pay Property Taxes on Time to Avoid Foreclosure

By Rebecca Maurer

Property taxes can be confusing to many people. But understanding them will make you a more secure homeowner.

You must pay your property taxes every year. Property taxes are usually split up into two bills that cover six months each. Many people do not realize they are paying property taxes. If you have a mortgage, your bank may be collecting what you owe for taxes each month and holding it "in escrow." The escrow money is included in your monthly mortgage bill. The bank then pays the bill for you every six months, which makes it easy for people to forget about property taxes. But it's important to remember them.

If you do not have a mortgage (or have paid off your mortgage), you have to pay your property taxes directly to your County Treasurer. (See the Homestead Exemption article that explains how you can lower your tax bill, if you are over 65 or disabled). It is important to set aside money each month to pay your twice-yearly property tax bills. Some County Treasurers have programs where you can pay your taxes over 12 monthly payments, instead of making larger payments twice per year.

Importantly, the County can take your home from you if you fail to pay your property taxes. This is called a property tax foreclosure. If you get notices that you are behind on your property taxes, start paying as much as you can right away! The longer you wait, the more late fees and additional charges you will owe. The longer you wait, the more at risk you are of losing your home.

You might be able to work out a payment plan if you talk to your **County Treasurer:**

Ashtabula County-(440) 576-3727

Cuyahoga County- (216) 443-7420 (Taxpayer Services)

Geauga County- (440) 279-2000

Lake County- (440) 350-2516

Lorain County- (440) 329-5787

Sometimes the county sells an overdue property tax debt to a private company such as Woods Cove or TaxEase. These private companies can also foreclose on your home if you do not pay the old property tax bills that they purchased.

If you are contacted by a private company about your property taxes, you should **always check with your County Treasurer** before paying a company that claims to own your old taxes. You want to make sure that the private company really does have the right to collect your property tax money. If a private company does own your old tax debt, you should ask that company about a payment plan to pay off the old taxes and avoid foreclosure.

Remember, even if you send money to a private company to pay off old taxes, you are still responsible for paying your current and future property taxes directly to your County Treasurer.

Paying your property taxes on time each year will help you keep your home and avoid foreclosure.

What Happens to Your Personal Property If You've Been Evicted?

By Sara Bird

Ohio law prohibits your landlord from taking or disposing of your property after an eviction, unless the court specifically gives the landlord permission to do so. Landlords also cannot take your belongings for the purpose of recovering unpaid rent unless the landlord gets a court order. If your landlord takes your property without a court order and will not release it to you until you have paid back owed rent, you have the right to sue your landlord under Ohio law, specifically Revised Code §§ 5321.15(B) and (C).

If you make these claims, your landlord may argue that you "abandoned" your property, which would give the landlord the right to take it. Your landlord must prove that you:

(1) gave up all rights to your personal property and

(2) demonstrated your **intent** to never again reclaim your property.

Ohio law does not specify what a landlord is required to do with property left behind by a tenant who was evicted. However, in order to avoid liability for damages, your landlord should not dispose of any personal property left behind after an eviction and should instead store it and make it available to you. Landlords may charge you a reasonable cost for moving and storing the property.

If you were evicted and left behind personal property that you want, your former landlord may not require you to pay back rent owed in order to get your belongings back unless the landlord has a court order. Remember you may have to pay for the moving and storage of your property.

Lead Poisoning – Know Your Rights!

Young Children at Risk

Children 6 years old and under are at most risk for damage from lead poisoning. Children may be at risk of lead poisoning if:

- They live in or visit a home built before 1978.
- Paint is peeling on windows or doors.
- Large patches of bare dirt are exposed around their home.

Child Testing

Have your child's doctor test your child's blood lead levels. If you are covered by Medicaid, the lead screening will be covered. If the blood lead level is above 5 µg/dl there is cause for concern.

If the blood lead level is above 10 µg/dl, Ohio law requires the Ohio Department of Health or a local health department to inspect the child's home for lead hazards. Update your contact information with the child's doctor to ensure the Department of Health can inspect.

Home Testing

Call the Ohio Department of Health at 877-532-3723 to get more information on having the place a child lives or visits tested for lead. Cleveland residents should call 216-664-2175. Other Cuyahoga County residents should call 216-201-2000.

Tenants

If you live in a rental unit built before 1978, notify your landlord in writing if there is any peeling paint, large patches of bare dirt on the premises, or if your child has lead poisoning and request that your landlord make repairs. Date the letter and keep a copy for your records. If your landlord fails to make repairs within 30 days, under Ohio law you may:

- Deposit your rent in escrow at the court. You must be current in rent payments to use this process. See step by step directions for rent depositing at: <https://tinyurl.com/LegalAidRentDeposit>.
- Apply to the court to order the landlord to make repairs to lead hazards.
- Terminate your lease and move.

Depositing rent may waive your rights to sue your landlord for any injury resulting from the lead poisoning. To consider any claims against your landlord, consult with an attorney before depositing rent.

Call Legal Aid if your landlord files an eviction or raises your rent after you have provided notice of a lead condition or because you have contacted the Health Department because of lead conditions.

Homeowners

Contact your local public health authorities for information on assistance programs to make your home lead-safe. Federal law requires disclosure of any known lead hazard at the time of sale.

Help Your Child

Lead poisoning may have long term effects including attention difficulties, behavior problems, or learning challenges. A nutritional diet early on may help. For more information see: www.epa.gov/lead.

Early Intervention

A child under the age of 3 years old that has been lead poisoned may qualify for early intervention Help Me Grow services, even if they are not showing signs of delay. Call Help Me Grow at 800-755-4769.

Special Education

If a child has learning or behavior problems in school, ask the school to evaluate the child for special education services. Let the school know the child was lead poisoned, and it is impacting the child's education.

- Put the request in writing.
- Date the request and keep a copy.
- If you are not given a written response within 30 days, contact Legal Aid.

Personal Injury Suit

You may have claims if your child has been lead poisoned. Lawsuits based on lead poisoning may be difficult to prove. Call your local bar association to consult with an attorney who handles personal injury claims.

Contact Legal Aid

Text Legal Aid @ 216-242-1544 with the message FAQ LEAD for a link to information and resources about lead poisoning. Call Legal Aid's intake line or visit your local Legal Aid office:

Phone Intake: 888-817-3777 or

In-person Intakes: Tuesdays and Thursdays, 9 a.m. – 1 p.m.

Legal Aid's Brief Advice Clinics:

Want to talk in-person with an attorney? In addition to in-person and phone intake, Legal Aid offers Brief Advice Clinics in neighborhoods throughout Northeast Ohio. At the Clinics you can talk in-person with an attorney and ask questions about your legal problem.

Text 216-242-1544 with the message LAS CLINIC for date and location of next clinic or visit www.lasclev.org for a complete schedule.

Contact your local bar association for a referral to a private attorney.

Cleveland Metropolitan Bar Association: 216-696-3532

Lorain County Bar Association: 440-323-8416

Lake County, Ohio Bar Association: 440-350-5800

Gauga County Bar Association: 440-286-7160

Ashtabula County Bar Association: 440-415-4503



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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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