

The ALERT



The Legal Aid Society
of Cleveland
Since 1905

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Tenant Information Line

Legal Aid now handles tenants' questions through our new Tenant Information Line: 216.861.5955. Tenants can call between 9 a.m. and 5 p.m. and leave a message with their name, phone number and brief description of their housing question. Someone will call back within 24 business hours.


For access to quick housing help, see the info below available by text message and online.


 **Tenant Information Line** →
Call 216.861.5955

 **Respond to eviction complaint** →
Text FAQ EVICTION to 216.242.1544

 **Return of security deposit** →
Text FAQ DEPOSIT to 216.242.1544

 **How to rent deposit** →
Text FAQ REPAIRS to 216.242.1544

 **Lead poisoning information** →
Text FAQ LEAD to 216.242.1544

 **For other housing information** →
Visit <https://laslev.org/category/faqs/housing-faqs/>



COMMON SENSE LEGAL

A new, free resource in Ohio to help with legal documents when you do not have a lawyer to assist you.

You can now create personalized legal documents over the internet at www.ohiolegalhelp.org. These FREE tools allow people to answer common sense questions about their situation and create legal documents at the end of the online "interview." Common Sense Legal tools can help people in many different legal situations, including: applying for a **protection order**, answering an **eviction complaint**, completing a **health care directive**, applying to **seal a criminal record**, requesting a return of a **security deposit**, answering a **credit card debt lawsuit**, applying for a **divorce** without children, answering a **foreclosure complaint**, or creating a **simple will**.

Ohio Considering Work Requirement for Medicaid Recipients

By Karla Perry and Deborah Dallmann

If you get Medicaid because of Medicaid “expansion” or “the Affordable Care Act,” you may have to meet new requirements this July. The Ohio Department of Medicaid wants to change the rules. Most people would either have to work or participate in a volunteer activity to continue their Medicaid. Ohio needs Federal approval to make these changes, but similar changes have already been approved for Indiana and Kentucky.

The proposed rules would require you to either work 20 hours a week or take part in “community engagement activities.” “Community engagement activities” might include volunteering at a state approved facility or participating in a job training or work program. It’s not clear whether transportation assistance will be available to help people get to their job, training or volunteer work. One concern about the proposed work requirements is that the additional burden may prevent some people from obtaining health insurance and health care.

These changes could take effect as early as July 2018. If you are already enrolled in Medicaid, you will not have to meet the new work requirements until you renew your enrollment. After July, if you enroll in Medicaid for the first time and are eligible due to the “expansion,” you will have to meet the new work requirements.

The proposed new rule has some exceptions. Some people may not have to work if they fall into one of these groups:

- 50 years of age or older;
- Physically or mentally unfit for employment;
- Participant in the Specialized Recovery Services Program;
- Caring for a disabled/incapacitated household member;
- Pregnant women;
- Parent/caretaker/residing in same house with minor child;
- Applied for or receiving Unemployment Compensation;
- In school at least half-time;
- Participating in drug or alcohol treatment;
- An assistance group member subject to and complying with any work requirement under the Ohio Works First (OWF) program; or
- Applicant for or recipient of Supplemental Security Income (SSI).

For more information about the proposed rule, visit http://www.cleveland.com/healthfit/index.ssf/2018/04/ohio_groups_officials_oppose_m_1.html. Applicants for Medicaid who are denied or recipients of Medicaid who are terminated may apply to Legal Aid for help by calling 1.888.817.3777

Enforcing Law Protecting LGBTQ Community Members from Discrimination

By Chloe Sudduth

In Ohio, 20 cities have laws protecting people who are lesbian, gay, bisexual, transgender or queer (“LGBTQ”) from discrimination. See <http://www.equalityohio.org/city-map/>. In many instances, the local ordinances create a board or committee charged with hearing complaints under the law. Unfortunately, the process for filing a complaint and addressing discrimination is not always clear.

In February 2016, the ACLU of Ohio learned about discrimination two transgender women faced at a store in Cleveland. The women were protected under Cleveland’s anti-discrimination ordinance.¹ Elizabeth Bonham, a Staff Attorney at the ACLU of Ohio, filed a complaint with the Fair Housing Board, as provided in the ordinance.² The Fair Housing Board issued its findings in favor of the women on December 12, 2016.

People who experience discrimination based on LGBTQ status in Cleveland, whether in housing or in public accommodations, can enforce

their rights through filing a complaint with the Fair Housing Board. For information about the process, call the Fair Housing Board at 216.664.4529. In other cities that have passed anti-discrimination or human rights ordinances protecting the LGBTQ community, individuals have to contact each city’s law department to learn the appropriate process for filing a complaint.

The ACLU of Ohio has provided trainings on, and continues to provide information on, LGBTQ anti-discrimination ordinances, including enforcement options. For more information visit <http://www.acluohio.org/archives/blog-posts/lgbt-advocacy-in-real-time> or call the ACLU of Ohio at 216.472.2200. For information on how to file a complaint with the Equal Employment Opportunity Commission or with the Ohio Civil Rights Commission contact Equality Ohio at 216.224.0400 or visit <http://www.equalityohio.org/ehea/>.

¹ See City of Cleveland, Code of Ordinances, Part Six, Title V – Discrimination, available at <http://www.clevelandcitycouncil.org/legislation-laws/charter-codified-ordinances>.

² ACLU case Doe vs. Family Dollar, Inc. and CityWide Protection (Administrative Complaint): <http://www.acluohio.org/archives/cases/doe-v-family-dollar-inc-and-citywide-protection>

How to Request a Change in Child Support

By Tracy Ferron

The Administrative Process

If you pay child support or receive child support, you may ask that the amount be reviewed and adjusted. Generally you must wait 36 months since the support order was established or was last reviewed before requesting review.

If you start this “administrative adjustment and review process,” the Child Support Enforcement Agency (CSEA) or Office of Child Support Services (OCSS) (these are the same agency, just different names in different counties), is required to consider your case. The agency recommends upward or downward adjustment to the court. However, the amount could stay the same, if neither parent’s financial or household situation has changed.

If you want your child support order adjusted, contact the child support worker assigned to your case at the agency in the county where the order was issued and request an administrative modification or review. See contact info below.

When the agency receives your request, first the caseworker will determine if your case is eligible for an administrative review and adjustment. Second, the agency will tell you if your request was approved or denied. Sometimes the caseworker will ask you for more information. You must provide documents or other verification requested from you, otherwise your request will be denied. If the agency decides your child support should be modified, it will file an order with the appropriate Court.

The Court Process

You can ask that your child support order be reviewed sooner than 36 months under certain circumstances. You will have to apply to the court for such review. Common reasons for requesting a review include:

- Either party has become employed or is earning more money
- Loss of employment for at least 30 days in a row
- Verified disability of either party
- Institutionalization or incarceration of either party (unless the crime was for child abuse or child neglect, or domestic violence against the child or other party to the support order)
- 30% change in gross income of either party for a period of six months
- One or more children emancipated
- To access availability of health insurance
- The reasons that supported an increase or reduction in the previous child support order have changed or no longer apply
- The obligor (person required to pay support) is departing for active armed service duty or is coming home from service in the armed forces

The document you will have to file with the court when requesting a modification of your child support order is called a “motion to modify.” Some courts have their own forms available on their websites. You may visit the Ohio Supreme Court website at www.supremecourt.ohio.gov for standardized forms. An affidavit is also required and must be signed in front of a notary; do not sign it until you are before a notary public.

Once the documents have been completed, signed and notarized, they must be filed with the Clerk of Court of the court that issued or enforced

the support order (Domestic Relations or Juvenile). You should bring multiple copies of the documents with you, as the clerk will need copies to serve on the other party and to the CSEA or OCSS.

A filing fee is charged by the court. If you are eligible, you may want to file a poverty affidavit so that you won’t have to pay the filing fee up front. The court will determine who should pay the filing fee at the conclusion of the case.

You will also want to retain a date and time-stamped copy of the documents for your records. The originals will remain with the clerk. The clerk may provide you with additional instructions about filing and obtaining a hearing date. Be sure to follow the clerk’s instructions.

After your documents have been filed, the case is assigned to a judge or magistrate. Then, you will be notified about a hearing. You must attend all scheduled court proceedings and keep the court informed of your current address and telephone number. Otherwise, your motion will be dismissed.

Keep in mind that the agency will continue to enforce the previous child support order until a decision is made on your motion to modify child support.

If you have questions about this process or need help with your forms, you may attend a free Brief Advice Clinic to talk to an attorney. The schedule and location for the Brief Advice Clinics is at <https://lasclev.org/events/category/brief-advice-clinics/>.

Ashtabula County Child Support Enforcement Agency
2924 Donahoe Drive
Ashtabula, Ohio 44004
440.998.1110

Cuyahoga Job and Family Services Office of Child Support Services
1640 Superior Avenue
Cleveland, Ohio 44114
216.698.2525

Department of Job and Family Services Gauga County Child Support Enforcement Division
12480 Ravenwood Drive
P.O. Box 309
Chardon, Ohio 44024
440.285.9141 or
toll-free 1.800.209.7590

The Lake County Department of Job and Family Services Child Support Enforcement Agency
177 Main Street
Painesville, Ohio 44077
440.918.4000, Option #5

Lorain County Job and Family Services Child Support Enforcement Agency
42485 N. Ridge Road
P.O. Box 4004
Elyria, Ohio 44036
440.284.4401

CQE: An Alternative to Record-Sealing

By Andrew Torres

A CQE or “Certificate of Qualification for Employment” can help someone with a criminal record by removing automatic or mandatory restrictions on the types of jobs or professional licenses they can have. Persons with a criminal record often experience these automatic or mandatory restrictions (also known as collateral sanctions/consequences) when they are denied a job or a professional license due to their criminal record.

A CQE does not guarantee a job or license. A CQE does not seal or erase the criminal record, so employers can still see a person’s conviction history. A CQE requires employers and state licensing boards to consider each applicant’s record individually instead of denying an applicant based on a blanket restriction. A CQE also benefits employers who hire someone with a CQE by providing immunity from negligent-hiring lawsuits if the person with the CQE re-offends.

Applicants for a CQE must meet the following eligibility requirements:

- If convicted of a misdemeanor, it must be more than 6 months since the individual has been released from all court supervision, including paying all fines and fees.
- If convicted of a felony, it must be more than 1 year since the individual has been released from all court supervision, including paying all fines and fees.

There are no limits on the number or type of convictions a person can have in order to be eligible, but some limitations exist for people convicted of violent crimes. Also, CQEs are not available for federal or out-of-state convictions or collateral sanctions.

Recent changes to Ohio law have made the process of applying for a CQE slightly easier. Now applicants only need to provide a general statement about how the CQE will assist them. Also, out-of-state residents with an Ohio criminal record can apply for a CQE in any Ohio county where they have a conviction. Current Ohio residents should still apply in the county where they live, even if their conviction is in a different Ohio county.

Lastly, the new law directs the Ohio Department of Rehabilitation and Corrections (ODRC) to make rules allowing CQE applications sooner than 6 months for misdemeanors and 1 year for felonies. ODRC must also keep track of CQEs granted and revoked, as well as employers where people with CQEs have been hired.

In order to apply for a CQE a person can complete an application online at www.drccqe.com or call Legal Aid at 1.888.817.3777 to apply for help.

Public Housing Smoke-Free Policies

By Abigail Staudt

By July 30, 2018, public housing providers will all be required to implement smoke-free policies in residential buildings. The smoke-free policies prohibit residents from smoking in their units or outside of designated smoking areas. The U.S. Department of Housing and Urban Development (“HUD”) supports these bans in the interest of residents’ health and minimizing repair costs.¹

Public housing authorities (PHAs) in Cuyahoga, Ashtabula, Geauga, Lake and Lorain counties have begun to implement smoking bans based on HUD’s proposed “Smoke-Free Public Housing” rule from November 2015.² Some PHAs may implement their smoke-free policies sooner than the July 30, 2018 requirement.

The smoking bans include all lit tobacco products, including cigarettes, cigars, and pipes. Smoking will be prohibited in all public housing residential units, common areas, offices and the first 25 feet from the outside of the building.³ Some housing providers may provide a Designated Smoking Area (DSA).⁴ However, this is not required and the housing providers may choose to make the entire property smoke-free. All leases must include the smoking policy by July 30, 2018.

If a resident has a disability, a reasonable accommodation may be made to make it easier for the resident to access the area where smoking is allowed (i.e., the DSA or 25 feet from the building). However, the reasonable accommodation cannot allow a resident to smoke in the residential unit.

The goal of the smoke-free policy is to provide residents and staff with a healthier and safer environment. PHAs are encouraged to partner with their local and state health departments and tobacco control organizations to help residents who want to quit.

Each PHA has discretion on how to enforce its smoke-free policy. HUD recommends gradually increasing the consequences for violations, starting with verbal warnings, then a written warning, followed by a final notice. After repeated violations, enforcement of smoke-free policies could result in evictions for tenants that do not adhere to the policy or continue to smoke in their unit.

PHAs should be providing notice to all tenants in advance of this change to policy and to lease agreements. Residents should speak with their property manager about any questions or concerns in advance.

¹Change Is In The Air: An Action Guide for Establishing Smoke-Free Public Housing and Multifamily Properties, Department of Housing and Urban Development, p. 10-17 (2014).

²Instituting Smoke-Free Public Housing, 80 Fed. Reg. 71,762 (Nov. 17, 2015)

³24 CFR §965.653(c)

⁴24 CFR §965.653(b)

What Changes are In Store with the New Tax Laws?

By Dennis Dobos

Congress recently approved a new tax law that cuts rates for corporations, provides new breaks for private businesses and reorganizes the individual tax code. The official name of the law is: An Act to Provide for Reconciliation Pursuant to Titles II and V of the Concurrent Resolution on the Budget for Fiscal Year 2018 (the Act).

The new tax law also removes the penalty for people who do not maintain health insurance coverage beginning January 2019. This means Americans will no longer be required to have health insurance starting in 2019. Many of the provisions in the bill for individuals end after 2025, but the health care provision continues indefinitely.

The Act retains seven tax brackets, but lowers the rates and increases the thresholds for taxable years 2018 through 2025 as follows:

Rate	Individuals	Married Filing Jointly
10%	Up to \$9,525	Up to \$19,050
12%	\$9,526 to \$38,700	\$19,051 to \$77,400
22%	38,701 to \$82,500	\$77,401 to \$165,000
24%	\$82,501 to \$157,500	\$165,001 to \$315,000
32%	\$157,501 to \$200,000	\$315,001 to \$400,000
35%	\$200,001 to \$500,000	\$400,001 to \$600,000
37%	over \$500,000	over \$600,000

The new law changes several individual income tax deductions for tax years 2018 through 2025.

- The standard deduction is doubled to \$24,000 for married couples (\$12,000 for individuals) and the personal exemption is eliminated.
- The overall limitation on itemized deductions is eliminated.
- Taxpayers can only deduct up to \$10,000 in total for property, income and sales tax.
- The child tax credit has increased to \$2,000 per child, refundable up to \$1,400.
- The mortgage interest deduction has been limited to \$750,000 (existing mortgages are grandfathered up to the current \$1,000,000 limit).
- Interest on home equity loans or home equity lines of credit (new or existing) is no longer deductible.
- For taxpayers who sign divorce agreements after December 31, 2018, alimony will no longer be deductible by the payor or taxable to the recipient.
- The medical expense deduction has been retained.
- The deduction for charitable gifts is retained and expanded to allow taxpayers to deduct up to 60% of their adjusted gross income for gifts of cash to public charities.

Remember to consult with your tax professional or one of the Volunteer Income Tax Assistances (VITA) sites in your community for help with the tax law changes affecting your 2018 federal tax return. For help resolving a dispute with the IRS, contact Legal Aid's Low Income Tax Payer Clinic by calling 1.888.817.3777. Please note Legal Aid does not prepare tax returns.



Volunteer Lawyers Program
[vlp]

} **free**
LEGAL ADVICE

2018 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.laslev.org for updated clinic listing.

SATURDAY, JUNE 2, 9:30 AM – 11:00 AM Cleveland Clinic's Stephanie Tubbs Jones Health Center, 13944 Euclid Avenue

WEDNESDAY, JUNE 6 U.S. Veterans Only 2:30 PM – 4:00 PM Call 216.391.0264 for an appointment

SATURDAY, JUNE 9, 10:00 AM – 11:00 AM Cleveland Public Library – Fleet Branch, 7224 Broadway Avenue

TUESDAY, JUNE 12, 2:00 PM – 3:30 PM Oberlin Depot – Oberlin Community Services, 240 South Main Street, Oberlin, Call 440.774.6579 for an appointment

WEDNESDAY, JUNE 13, 2:00 PM – 3:30 PM Catholic Charities Ashtabula, 4200 Park Avenue, Third Floor, Call 440.992.2121 for an appointment

SATURDAY, JUNE 30, 9:30 AM – 11:00 AM Fatima Family Center, 6600 Lexington Avenue

*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
Legal Aid Society
of Cleveland
Since 1905

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Cleveland, OH 44113

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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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