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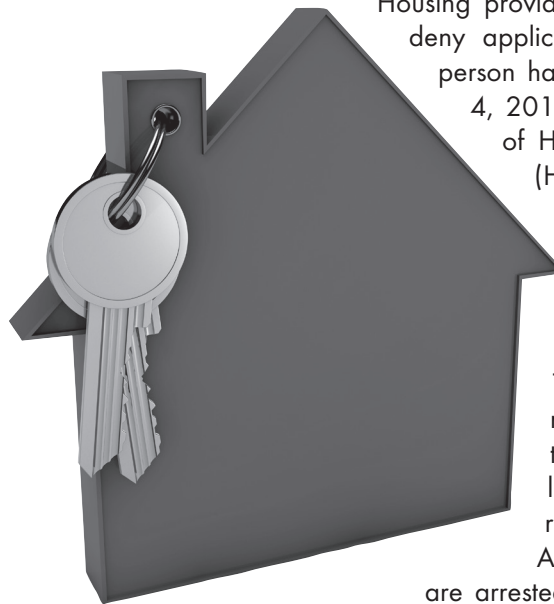
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Protection from Discrimination in Housing Applications for People with Criminal Records

By Maria Smith



Housing providers can no longer automatically deny applications for housing based on a person having a criminal record. On April 4, 2016, the United States Department of Housing and Urban Development (HUD) issued a decision saying that such practices can be discriminatory. This change should help more families get the housing that they need.

The US has the highest incarceration rate in the world. HUD observed that nearly one-third of all people living in the US have a criminal record. HUD observed that African Americans and Hispanic Americans are arrested, convicted and incarcerated at higher rates than the general population. Further, HUD found that many landlords will not allow people to rent if they have a criminal record—sometimes based only on an arrest record.

The Fair Housing Act prohibits discrimination based on: race or color; religion; national origin; familial status or age—includes families with children under the age of 18 and pregnant women; disability or handicap, or sex. HUD decided that using blanket rules that exclude tenants with criminal records has a discriminatory effect. Thus, HUD has decided that the discriminatory effect can violate Fair Housing Laws. A recent U. S. Supreme Court opinion supports this position, stating that a rule with a discriminatory effect (called “disparate impact”) can violate the Fair Housing Laws even if the landlord did not intend to discriminate.

Based on HUD’s decision, housing providers make individualized determinations about whether a person’s criminal record may disqualify him or her for housing, and cannot use blanket exclusions. A person denied admission to federally subsidized housing based on a criminal record should request a hearing to challenge the decision. People can also call Legal Aid to apply for help at 1-888-817-3777.

Options for Former Students at ITT Tech and Regency Beauty School

By Rebecca Maurer

Did you recently take classes at ITT Tech or Regency Beauty School? These two schools closed down in September 2016. The unexpected shut-downs left many students stranded. If you were stranded, ask yourself two questions. Do you want to keep studying in the same field? Or do you want to get rid of your student loans?

If you want to keep studying, you can **transfer your credits** to another school and continue taking classes there. If you transfer your credits, you will have to keep paying the student loans you took out at ITT Tech or Regency.

Be sure to research the school you are thinking of transferring to. For instance, is the school licensed? Does it successfully place graduates in the field you are studying? The Ohio State Board of Career Colleges and Schools has a list of schools that will accept transfer credits at <http://scr.ohio.gov/>. You can also call the State Board at 614-466-2752 for more information.

If you would rather get rid of your student loans, you can apply for a "**closed school loan discharge**." A loan discharge means your federal loans will be cancelled. You will not have to pay the loans back. In fact, if you already started making payments, you will get your money back. However, if you get the loan discharge, you will

not be able to keep your credits from ITT Tech or Regency.

Only recent ITT Tech and Regency Beauty School students can get these benefits, so how do you know if you are eligible? You are eligible if you were you enrolled at either ITT Tech or Regency when they closed in September 2016. You are also eligible if you withdrew from ITT Tech after May 6, 2016, or withdrew from Regency after May 31, 2016.

For more information about a closed school loan discharge, you can contact Legal Aid. You can also read more from the Department of Education at <https://studentaid.ed.gov/sa/repay-loans/forgiveness-cancellation/closed-school>. Or you can call the Department of Education at 1-800-433-3243.

What if you took out loans from a private bank rather than the federal government? Private loans cannot be discharged in the same way. If you have private loans, you will have to contact your lender to find out your options.

The closure of ITT Tech and Regency Beauty Schools may have been unexpected, but you have the option to either continue your education or get out of debt!

Information about a New Education Law

By Jessica Baaklini

The Every Student Succeeds Act (ESSA) is a new education law. It replaces the No Child Left Behind Act. President Obama signed this new law on December 10, 2015. ESSA gives state and local governments more control over education in their communities. The goal of ESSA is to create more opportunities for all students, close achievement gaps, improve teaching quality, and reach better outcomes for students.

The U.S. Department of Education and Ohio are working together to create a plan for how ESSA will work here. Ohio's plan must address help for struggling schools, standards and testing, and school and district accountability. Ohio has the 2016-2017 school year to create this plan. Ohio's plan is set to start in the 2017-2018 school year.

ESSA requires states to continue to follow the McKinney-Vento Act. This helps students stay in school if their family loses housing. Students who become homeless may either stay in their home school or attend the school closest to where they are temporarily living. Students who are homeless can also receive transportation to help them stay in school. ESSA increases the duties of the school district liaison. This person helps families that become homeless access services.

ESSA also protects children in foster care from having to move schools when they enter foster care or change foster homes. If it is in the child's best interest to stay in his or her home school, the child has a right to transportation to that school. If it is not in the child's best interest to stay in the same school, ESSA requires the child to be enrolled immediately in a new school.

Ohio is working to develop its plan. The Ohio Department of Education expects to have a draft plan open for public comments by the end of 2016. More information about ESSA in Ohio can be found at <http://education.ohio.gov/Topics/Every-Student-Succeeds-Act-ESSA>.

Changes to Disability Financial Assistance

By Melissa Bilancini

Ohioans who cannot work because of a disability can now more easily get financial help. The Disability Financial Assistance (DFA) application process has changed to make the assessment easier. Previously, the state of Ohio decided whether a person's disability qualified him for DFA based on a complex, lengthy process. Now, the determination process is shorter, and the decision made by county Job & Family Services (JFS) is based on a medical statement from a person's doctor, psychiatrist, or psychologist. Applicants for DFA can more easily complete this process successfully. A person unable to work because of a physical or mental disability, who does not receive help from other programs, may get \$115 per month in cash assistance.

DFA gives low-income Ohioans with disabilities financial support while they wait for disability income from other sources, such as Social Security.

To qualify for DFA, a person must:

1. Be unable to work because of a physical or mental impairment that is expected to last at least nine months or to result in death;
2. Have \$1,000 or less in resources (such as cash, savings, and stocks);
3. Be an Ohio resident; and
4. Not receive Social Security Insurance (SSI), Social Security Disability Insurance (SSDI), or Ohio Works First (OWF).

To apply for DFA:

1. Complete an online application at <https://odjfsbenefits.ohio.gov>, or contact the county JFS office. Contact information for county offices is online at http://jfs.ohio.gov/County/County_Directory.stm.
2. After applying, JFS will send the form for a doctor to fill out.
3. The county JFS office will help a person schedule a doctor's appointment if needed.

After applying for DFA, a person must apply for Medicaid within 30 days if she does not have it already, and provide proof of having applied for SSI or SSDI.

If SSDI and/or SSI is denied, suspended or terminated, a person must wait 180 days before re-applying for DFA. If an application for DFA is denied, call Legal Aid to apply for help at 1-888-817-3777.

Changes to Ohio's Medicaid Program

By Melissa Bilancini

On **August 1, 2016**, the Ohio Department of Medicaid implemented a new disability determination system. Some of the major changes for Ohioans with disabilities include:

1. **Individuals who qualify for SSI now automatically qualify for Medicaid.** Those who qualify for Social Security Insurance (SSI) no longer have to complete a separate disability determination to qualify for Medicaid under the "Aged, Blind or Disabled" (ADB) category.
2. **For Ohioans with disabilities, Medicaid income limits have increased to match SSI income limits.** Individuals receiving Medicaid under the ABD category can now make up to \$743 per month (up from \$634). Also for those with disabilities, the Medicaid asset limit increased to \$2,000 (up from \$1,500), excluding one's house and car.
3. **The Medicaid "spend down" has been eliminated for Ohioans with disabilities.** The "spend down" program allowed individuals to qualify for Medicaid under the ABD category by

paying for medical expenses with income exceeding the limit. Now, only those making up to \$743 per month will qualify for Medicaid.

4. **Ohioans with a serious and persistent mental illness (SPMI) may be eligible for a new program.** The Specialized Recovery Support program allows those with a SPMI to get support services through Medicaid. To be eligible, individuals must be at least 21 years old, make less than \$2,199 per month, meet diagnosis criteria, receive SSI or SSDI, and live at home or in a community-based setting.
5. **Access to long-term care has expanded.** Individuals who need long-term care services can qualify for Medicaid if they place income above the \$2,199 per month limit into a special trust, called a "Qualified Income Trust (QIT)." Funds deposited into the trust can be used to pay patient liability, medical expenses, personal allowance, and bank fees. More information is available online at www.medicaid.ohio.gov/ddr or by calling 1-844-265-4722.

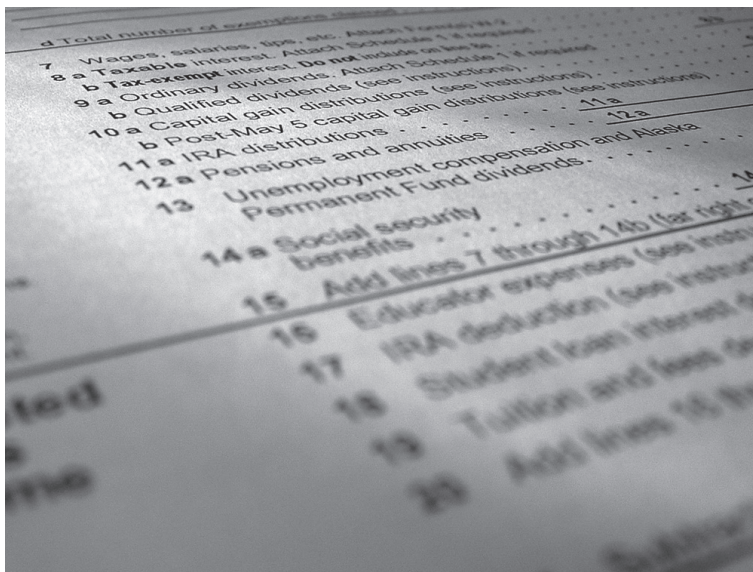
Changes to Medicaid continued on page 4...

Do you currently receive Medicaid benefits? Make sure that you:

1. Open all mail from your County Dept. of Job and Family Services and the Ohio Dept. of Medicaid, and take all steps outlined in letters.
2. Do not ignore deadlines. Read all notices carefully.
3. Check to see if the Disability Determination Redesign impacts you; visit <https://benefits.ohio.gov/ddr.html>.
4. Call the Ohio Medicaid Consumer Hotline with any questions: 1 (800) 324-8680.
5. If your Medicaid is terminated or an application denied, call Legal Aid to apply for help at 1-888-817-3777.

Tax Law Changes Delay Refunds that Include EITC

By Arcola Whatley



While the increase will be beneficial to many low to moderate income families, PATH includes anti-fraud language that places unexpected financial burdens on the same families the EITC was created to assist. Under PATH:

- (1) Individuals cannot file an original or amended tax return to claim the EITC for prior years that a qualifying child did not have a Social Security number or individual taxpayer identification number (ITIN).
- (2) The IRS can stop an individual from claiming the child tax credit, in addition to the EITC, for 10 years if the IRS finds the individual has fraudulently claimed either credit; and
- (3) The IRS will hold refunds due to a taxpayer who claims the EITC until February 15, 2016 in order to help prevent identity theft and refund fraud.

Changes to the federal tax law may affect when you will receive your federal income tax refund. On December 18, 2015, the federal government enacted a law, "Protecting Americans from Tax Hikes" or PATH. This law extends tax credits for most taxpayers; but, if you claim the Earned Income Tax Credit ("EITC"), PATH changes how and when the credit will be applied.

The EITC was introduced in 1975 as a bipartisan, anti-poverty law to assist those working, as well as to help low to moderate income families, stay above the poverty line. It has been largely successful. According to the National Taxpayer Advocate Service, during 2013, the Earned Income Tax Credit (EITC) lifted about 6.2 million people out of poverty nationwide¹.

PATH made permanent an increase in the EITC to \$6,242 for working families with three or more qualifying children who earn less than \$47,747 a year for the 2009 through 2017 tax years.

Most refunds will continue to process within 21 days, unless the refund is partially or completely based on the EITC. The IRS will not release partial refunds, so EITC recipients should anticipate their entire refund being held.

The Volunteer Income Tax Assistance (VITA) program offers free tax help to people who generally make \$54,000 or less, persons with disabilities and limited English speaking taxpayers who need assistance in preparing their own tax returns. IRS-certified volunteers provide free basic income tax return preparation with electronic filing to qualified individuals. Taxpayers should call 211 to find a convenient VITA site.

¹Drumbl, Michelle Lyon (2014) Beyond Polemics: Poverty, Taxes and Noncompliance (Washington & Lee Public Legal Studies Research Paper Series, Paper No. 9-2016) Retrieved from www.ssrn.com/abstract=2761083.

Save Money with Ohio's Homestead Exemption

By Kristen Nawrocki

Ohio's 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. On average, those who qualify for the exemption save \$400 a year.

Who is eligible? A homeowner who is:

1. 65 years old (or who will turn 65 this year), or
2. Permanently and totally disabled as of the 1st day of the year in which they file, or
3. The surviving spouse of a person previously enrolled in Homestead and who was at least 59 years of age when the spouse died.

What property is eligible for the exemption?

1. The property must be where you usually live, and
2. You must have been living there as of January 1st, and
3. 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?

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.

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**. 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.

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).

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.

If you are approved for the Homestead Exemption, you do not have to re-apply in future years.

If your application is denied, or you think the reduction amount is less than what you should get, you can file an appeal with the County Board of Revision using form DTE106B. Instructions for appealing the decision will be in the denial letter you receive.

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



Legal Aid at the Library

Saturday
January 21, 2017
Carnegie West Branch
1900 Fulton Road

Saturday
February 11, 2017
Memorial-Nottingham
17109 Lake Shore Blvd.

Saturday
March 11, 2017
Rice Branch
11535 Shaker Boulevard



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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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