

A the ALERT



The Legal Aid Society
of Cleveland
Since 1905

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What Owners Must Tell Tenants/Buyers about Lead Paint

By Luke Condon



Lead poisoning is one of the leading public health hazards in the U.S. today. The Ohio Department of Health recently tested Cleveland children under 6 and found almost 14% had elevated blood levels. One of the most common sources for child lead poisoning is lead paint hazards from homes built prior to 1978. Low-income individuals are especially vulnerable to having to live in old housing where lead paint is still an issue.

Some protections exist for those purchasing or leasing housing built before 1978. The Residential Lead-Based Paint Hazard Reduction Act of 1992, also known as Title X, covers all housing offered for sale or lease built prior to 1978. This includes private housing, public housing, federally owned housing, and all housing that receives federal assistance.

Under this act, a landlord must provide a tenant with an approved Environmental Protection Agency pamphlet on how to identify and control lead hazards. The landlord must disclose all known lead hazards in the unit and in all common areas

a tenant may use. A landlord must also provide a prospective tenant with any lead hazard reports related to the unit. Finally, the lease must include terms stating that the landlord has complied with all the notification requirements in Title X.

Renters and buyers who did not get the required information should call The National Lead Information Center hotline at 1-800-424-LEAD(5323). Callers can request a general information packet, and ask any questions concerning lead. If it turns out the home has a lead hazard, tenants should seek legal assistance. A tenant may sue a landlord if the landlord doesn't provide the required information. The City of Cleveland's lead hazard control ordinance declares lead hazards a public nuisance and the Commissioner of Health may order the landlord to abate, or clean up, the nuisance.

Lead poisoning can have long-term, irreversible effects on children. Homeowners and renters moving into a new dwelling should be sure that the seller or landlord provides all required information related to lead in the property.

*thank
- you*

to Legal Aid's 2017 summer associates who
helped create this issue of "The Alert."

“Unlawful Presence Waivers:” Important protection for those who have overstayed their visa while seeking a green card

By Cory Stevenson

Even green card-seekers who already have an approved alien relative petition may still have an immigration problem if they have overstayed their visas or illegally entered the United States before or while waiting for a green card. This situation is also known as “unlawful presence,” and it makes the application process more difficult and more likely to be denied. Immigrants in this situation may want to apply for a waiver to excuse the unlawful presence.

In the past, immigrants first had to interview at the consulate or U.S. embassy in their home countries for the green card application. In the case of an unlawful presence, the immigration officer would deny the application. These immigrants would be allowed to apply for the waiver. This process could take weeks or months and if the waiver was denied, could result in being banned from entering the U.S. for 3 or 10 years.

Since August 2016, some people may be eligible for a provisional waiver. The person applying for the waiver must be the spouse or child of a citizen or green card holder and at least 17 years old. They cannot be in removal proceedings. The only reason for denying their green card application is the unlawful presence. Finally, the applicant must prove that



it would be an extreme hardship for the citizen or green card holder to live without the applicant or to relocate with the applicant.

Immigrants may apply for the waiver while in the U.S., even if they are unsure all the requirements are met. This way, they will know if their waiver applications are approved before needing to leave the country. If a waiver is approved, the process for getting a green card is much easier. However, it still requires returning to a person’s home country and interviewing with the consulate. Although the U.S. will initially deny the application, the waiver will allow the person to receive a green card.

Used Cars Sold “As Is”

In Ohio, a used car dealer can sell a car “as is.” “As is” usually appears together with the term “no warranty.” It means that the dealer will not be responsible for any problem with a used car once the buyer drives it off the lot. The buyer takes the risk as to the quality of the car and must pay for all repairs after the purchase, even if he or she is financing the purchase with the dealer. The buyer’s duty to make the car payments is not related to the working condition of the car.

Buyers should pay attention to the terms in the retail agreement before signing it. Terms like “as is,” “as they stand,” and “with all faults,” give up all express or implied warranties that would otherwise protect a buyer. A window sticker stating that the car is sold “as is” is also enough to alert the buyer that there is no warranty.

Some consumers are not aware of the legal effect of an “as is” clause when they buy used cars. They think they are only accepting defects of which they actually know. This understanding is wrong and is not an exception to the “as is” disclaimer. Moreover, consumers should be aware that used cars are not protected by the Lemon Law in Ohio. Ohio’s Lemon Law only protects cars from problems for the first year or 18,000 miles.

Buyers should not purchase a used car “as is” unless they are prepared to pay for anything that goes wrong with it. A dealer will not pay for repairs to a car sold “as is,” even if the car breaks down a few blocks



from the dealership as the owner is driving it home. Buyers should ask the dealer if they can have a mechanic inspect the car before purchasing, and try to find the car’s repair history. To avoid big surprises when buying a used car, buyers should get at least a 30-day warranty on the major components or include a short return period in the agreement during which they can get their money back for the car if they change their mind for any reason.

Problem related to money, housing, health, work or family? Legal Aid may be able to help.

Has your landlord threatened to evict you? Is your criminal record making it hard to get a job? Does the IRS claim you owe taxes? Have your food stamps, child care voucher or Medicaid been terminated? Does your debt keep you from putting utilities in your name? Free legal help is available to solve problems like these.

The Legal Aid Society of Cleveland provides free civil (not criminal) legal services to low-income people in Cuyahoga and surrounding counties. Attorneys represent clients, provide advice, explain forms and give legal information to eligible clients on problems related to money, housing, employment, health, and family. Unfortunately, Legal Aid cannot help everyone who needs assistance due to our limited resources.

You may apply for help by calling 1-888-817-3777 or walking-in to an office Tuesday and Thursday from 9:00 a.m. to 1:00 p.m. (The Cleveland office is located at 1223 West 6th Street, 2nd Floor.) Help is also available at neighborhood Brief Advice Clinics where attorneys answer questions and provide advice. When attending a Brief Advice Clinic, be sure to bring all papers related to your problem. Also, arrive

early to the clinic as clients are seen on a first come, first served basis. The schedule and location for the clinics are at www.lasclev.org.

Legal assistance is also available to local groups and organizations helping low-income neighborhoods. **Residents in Central, Kinsman, Hough, and Broadway/Slavic Village who are working together on issues impacting the vitality of their community are invited to contact Legal Aid to learn more about the Community Revitalization Project.**



Through this project, Legal Aid can provide legal education and advice, representation and advocacy in partnership with community groups. Call Legal Aid's main line at 1-216-861-5500 and ask to speak with a member of the Community Engagement Group regarding questions and requests.

For People with Criminal Records, JRAP Helps Break Barriers

By Zachary Frye

The problems associated with having a criminal record do not end with the penalties imposed by the court. Numerous collateral consequences – including the inability to secure affordable housing, obtain gainful employment, or seek higher education – often harm those with a criminal record. The Juvenile Reentry Assistance Project (JRAP) helps people with criminal records that live in or used to live in Cuyahoga Metropolitan Housing Authority (CMHA) public housing avoid these collateral consequences.

If you or someone in your household:

- Has a criminal record that is causing problems with housing, employment, or other issues;
- Lives in CMHA public housing, participates in the Housing Choice Voucher Program (HCVP), or used to live in CMHA public housing and can no longer live in CMHA public housing due to a criminal record;
- And is under 25 years old

Then you may be eligible for assistance through JRAP.

One of the main ways that the Legal Aid Society of Cleveland helps

clients who qualify for JRAP is by assisting them in filing an application to seal their criminal records. In general, a person may be eligible to seal an adult criminal conviction if they have no more than one felony conviction, two misdemeanor convictions, or one felony and one misdemeanor conviction. The law requires a person to wait three years after final disposition in the case of a felony and one year in the case of a misdemeanor before applying. A person may not have any criminal cases pending, and must have been rehabilitated to the satisfaction of the court. For more information about sealing criminal records, see www.lasclev.org/wp-content/uploads/FINAL-Expungement-Brochure-ENGLISH-2016.pdf

Legal Aid may also be able to assist in the sealing of juvenile criminal convictions. For juvenile cases, a person must wait six months from the end of the court proceedings if under 18 years old, or at any time after turning 18 years old if no longer under an order from the juvenile court. In addition, Legal Aid may be able to assist in the sealing of adult and juvenile cases that were dismissed. For more information about sealing juvenile records, see www.lasclev.org/i-have-a-juvenile-criminal-record-which-offenses-can-be-sealed/

To apply for assistance through Legal Aid's JRAP program in having your criminal record sealed or addressing other barriers you may be experiencing, please call 1-888-817-3777.

Understanding the “Immigration Ban:” What is it?

What is it?

The Executive Orders issued this year related to immigration and the court cases that followed them have created a new maze of regulations for people entering the United States. Most recently, Executive Order 13780 (EO-2) barred the entry of nationals of Iran, Libya, Somalia, Sudan, Syria, and Yemen from entering the United States for 90 days. It also barred all refugees from entering the U.S. for 120 days, and barred Syrian refugees indefinitely.ⁱ EO-2 does not apply to the following groups of people:

- Lawful permanent residents,
- Dual nationals traveling on a passport issued by a non-designed country,
- Individuals admitted to United States on or after June 29, 2017 (effective date of EO-2),
- Diplomatic visas holders,
- Asylees/refugees already admitted into the U.S., and
- Those granted withholding of removal, and protection under the Convention Against Torture or advance parole.ⁱⁱ

EO-2 did not reference individuals seeking to enter the U.S. to apply for asylum. Two federal district courts delayed implementation of EO-2 when they issued injunctions. Then, on June 26, 2017, the United States Supreme Court partially lifted the injunctions on the ban. The Court limited the ban so that nationals from the affected countries who have a credible claim of a “bona fide relationship” with a U.S. person or entity may still enter.ⁱⁱⁱ

ⁱHarris, Gardiner, and Ron Nixon. “Stepsister, Yes; Grandma, No: U.S. Sets Guidelines for Revised Travel Ban.” *The New York Times*. (June 28, 2017), 5).

ⁱⁱKenney, Mary, Aaron Reichlin-Melnick, and Leslie Dellon. “The Muslim Travel Ban: What is the Impact of the Supreme Court’s June 26, 2017 Decision.” *American Immigration Council*. (July 3, 2017), 2).

ⁱⁱⁱ*Id.* at 3

^{iv}*Id.*

^v*Id.* at 6

What Constitutes a “Bona fide” Relationship?

The Court did not define “bona fide relationship” but required a “close familial” relationship with respect to persons. The Department of State interpreted “close familial,” to include:

- Parents,
- Mothers- and fathers-in-law,
- Spouses,
- Fiancés,
- Children,
- Adult sons, daughters and siblings and
- Half-siblings.

Initially, grandparents, grand-children, aunts, uncles, nephews, cousins, brothers- and sisters-in-law and any other family member were not considered to be “close” family members.^{iv} However, on July 20, 2017, the Court denied the government’s motion seeking clarification and failed to overrule a Hawaii District Court decision, suggesting such people are considered as having a “close familial relationship.”

The Court also provided that one’s relationship to a U.S. entity must be formal, documented, and formed in the “ordinary course” – not with the purpose of evading EO-2.^v In addition to close family connections, other “bona fide” relationships that exempt a person from the ban exist for workers who have been offered employment with a U.S. company, students accepted into a U.S. university, and academic lecturers from the affected countries invited to speak at a U.S. institution as long they provide documents to prove the relationships.

What can be done about illegal dumping and other environmental problems?

By Cinnamon Williams and Anne Sweeney

Illegal dumping of waste is one example of an environmental violation. Other violations may include burning garbage, foul smelling drinking water, and the demolition of buildings containing asbestos. Ohio’s Environmental Protection Agency (EPA) is responsible for enforcing laws that protect Ohio’s environment from pollution and maintain healthy air, water, and surroundings. Other problems that relate to maintaining a healthy environment may be the responsibility of other agencies. For example, mold and lead contamination is managed by the health department. To learn about Ohio’s EPA, visit <http://www.epa.state.oh.us>.

When residents are concerned about a problem such as illegal dumping or another environmental hazard, they can file a complaint with the Ohio EPA district office. The district office helps citizens report alleged violations and then investigates the complaint. Complaints can be filed by calling a hotline (Northeast District 1-800-686-6330) or sending an email to web.requests@epa.ohio.gov. Complaints may

be made anonymously. Alternatively, a person can make a verified complaint to the EPA which requires a written, sworn statement as to the facts about the violation and identification of the specific law, rule, or order that is being violated.

A person filing a complaint should provide as much detail as possible about the situation. Following the complaint, the EPA will investigate or direct the complaint to another appropriate agency. Depending on the results of the investigation, enforcement action may follow or the matter may be referred to the Attorney General to pursue legal action.

Groups of neighbors or residents who have common concerns about current environmental violations in their community may contact Legal Aid to find out if additional help is available on their issue. When calling Legal Aid, ask to speak with a member of the Community Engagement Group.



The Legal Aid Society
of Cleveland
Since 1905

Volunteer Lawyers Program
[vlp]



free
LEGAL ADVICE

**2017 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.lasclev.org for updated clinic listing.

SATURDAY, SEPTEMBER 30

10:00 AM – 11:00 AM
West Side Catholic Center
3135 Lorain Avenue, Cleveland

WEDNESDAY, OCTOBER 4

2:30 PM – 4:00 PM
Special Clinic for U.S. Veterans
Call 216-391-0264
for an appointment

TUESDAY, OCTOBER 10

2:00 PM – 3:30 PM
Oberlin Depot -
Oberlin Community Services
240 South Main Street, Oberlin
Call 440-774-6579
for an appointment

WEDNESDAY, OCTOBER 11

2:00 PM – 3:30 PM
Catholic Charities Ashtabula
4200 Park Avenue, Third Floor,
Ashtabula
Call 440-992-2121
for an appointment

SATURDAY, OCTOBER 14

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

SATURDAY, OCTOBER 14

9:30 AM – 11:00 AM
University Hospitals'
Otis Moss Jr. Health Center
8819 Quincy Avenue, Cleveland

SATURDAY, OCTOBER 21

10:00 AM – 11:00 AM
Cleveland Public Library -
Fulton Branch
3545 Fulton Road, Cleveland

TUESDAY, OCTOBER 24

2:30 PM – 4:00 PM
Cleveland Public Library -
Main Branch
325 Superior Avenue, Cleveland

WEDNESDAY, NOVEMBER 1

2:30 PM – 4:00 PM
Special Clinic for U.S. Veterans
Call 216-391-0264
for an appointment

SATURDAY, NOVEMBER 4

10:00 AM – 11:00 AM
Cleveland Public Library -
Union Branch
3463 East 93rd Street, Cleveland

WEDNESDAY, NOVEMBER 8

2:00 PM – 3:30 PM
Catholic Charities Ashtabula
4200 Park Avenue, Third Floor
Call 440-992-2121
for an appointment

TUESDAY, NOVEMBER 14

2:00 PM – 3:30 PM
Oberlin Depot -
Oberlin Community Services
240 South Main Street, Oberlin
Call 440-774-6579
for an appointment

WEDNESDAY, DECEMBER 6

2:30 PM – 4:00 PM
Special Clinic for U.S. Veterans
Call 216-391-0264
for an appointment

SATURDAY, DECEMBER 9

10:00 AM – 11:00 AM
Cleveland Public Library -
Rice Branch
11535 Shaker Boulevard, Cleveland

TUESDAY, DECEMBER 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, DECEMBER 13

2:00 PM – 3:30 PM
Catholic Charities Ashtabula
4200 Park Avenue, Third Floor,
Ashtabula
Call 440-992-2121
for an appointment

Legal Aid also hosts special clinics for people who need help with a divorce, immigration, expungement or child support. These special clinics are by appointment only. Please call 888-817-3777 for details.

*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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