



Memorandum

Date: 6/2/2021

To: Judges of Municipal Courts in Cuyahoga County

From: Abigail Staudt

Subject: Free Eviction Help for Tenants

Cuyahoga County will distribute \$1 million in federal funding to The Legal Aid Society of Cleveland (Legal Aid) to provide legal assistance to County tenants who are facing eviction due to lost income from COVID-19. The funding will come from federal aid provided to the County through the U.S. Treasury Emergency Rental Assistance program, which is part of the Covid-19 relief package passed by Congress in December.

With this funding, eligible residents will receive legal services when facing eviction, and help courts ensure fairness, equity and an efficient judicial process. This is a significant undertaking. Beginning July 1, 2021, Legal Aid will begin to provide legal services for eligible tenants.

The municipal courts play an important role in ensuring access to justice. In the coming months, policymakers and national media will follow our progress and look to us as an example for ensuring housing stability through the civil justice system. Based on our experience and those of colleagues around the country, we believe that a few changes to court procedures will create efficiencies for all involved. We ask that each Court consider adopting the procedures described below.

1. Outreach. Adequate time to prepare for an eviction case is essential to providing high quality representation. It is important that tenants know of this new resource as early in the eviction process as possible. Legal Aid is partnering with United Way of Greater Cleveland to educate the community about this available resource. We request that the Court encourage tenants to contact Legal Aid and assist with outreach in the following ways.
 - a. *Insert in summons:* Legal Aid requests that the Court include a flyer insert with information about Free Eviction Help in every summons for eviction. The information will encourage tenants to contact Legal Aid as soon as they get the summons and hopefully ensure that the court process is not disrupted. United Way will provide the inserts for the summons to the Court.
 - b. *List of eviction filings:* Legal Aid requests that the Court provide the names and mailing addresses of defendants in FEDs. If these are provided weekly via email in an Excel, each defendant will receive a letter informing them that they may be eligible for free legal services.
 - c. *Referrals by the Court:* Some tenants will appear in court on the day of their eviction hearing and be unaware that they may be eligible for legal services. We hope to work with you to develop a system in which the court can conduct a quick screening for tenants on the day

of their hearing. If possible, it would be helpful for court staff to do a quick screening and refer potentially eligible tenants to Legal Aid. This can be accomplished by:

- i. The magistrate asking one or two brief questions at the start of each hearing (Legal Aid can provide the content); and
- ii. Providing a self-attestation form to tenants (Legal Aid can provide the form). If the tenant responds affirmatively to the questions or the attestation, they are likely eligible for representation.

If a tenant appearing at an FED hearing appears to be eligible (by the Court's screening or by self-attestation), Legal Aid requests that the Court refer the tenants to Legal Aid and grant a one-week continuance so that the tenant can contact Legal Aid for representation. Final eligibility screening will be conducted by Legal Aid.

- d. *Court's website and signage.* Legal Aid requests that the Court add information about this program and how to contact Legal Aid to the website. Legal Aid can supply the content and include links to online screening and other helpful information. Additionally, signage posted in court houses will also be helpful to inform tenants of legal services that may be available.
 - e. *Outreach to area city council people.* Legal Aid requests that the Court help to inform city council people of these increased services so they can inform their constituents.
2. Promote housing stability and help landlords get rental assistance from tenants. Connecting landlords to rent assistance has been an equitable resolution to many FED cases. The application process for rental assistance can take some time. For tenants represented by Legal Aid, the attorney will assist in the rental application process, and collaborate with partners administering the rental assistance. The Court can give landlords and tenants an opportunity to go through the rental application process, in the following ways.
- a. *Schedule eviction hearing at least 30 days from filing:* In order to have enough time to begin representing and connecting the tenant to services that will likely resolve their case, Legal Aid asks that evictions be scheduled 30 days from the date of filing.
 - b. *Beyond Legal Aid staff- recruiting volunteers:* Volunteer attorneys familiar with the various courts can provide additional representation to address the volume of eligible tenants. Legal Aid asks the Court support our efforts to recruit volunteers.
3. Procedural efficiencies. Certain changes will allow Legal Aid to represent higher numbers of tenants facing eviction and may also provide additional efficiencies for the Court. Legal Aid requests the following:
- a. *Separate the filing of the eviction and damages claim or increase the filing fee for cases with a damages claim:*
 - i. Separating the FED and the damages claim will allow Legal Aid to represent more tenants for the FED portion of the case. Several municipal courts do this, including Bedford Municipal Court and Lyndhurst Municipal Court.
 - ii. Alternatively, raising the filing fee for cases with a damages claim has been shown to be a disincentive to landlords to file the damages claim. This reduces the number of second claims in cases on the Court's docket. Also, the increase in fees may allow set of Court expenses. Several municipal courts do this, including Euclid and Garfield Heights.

- b. *Email or electronic access to pleadings:* Legal Aid will have a very quick turn-around in many cases from first contact with FED client to hearing. Legal Aid requests that the Court send requested pleadings to Legal Aid electronically. This will enable the attorneys to more efficiently work on the case prior to the hearing, in the hopes of resolution or limiting the issues before the Court.
 - c. *Automatic fee waiver (i.e. no poverty affidavit needed):* Notarizing documents has been extremely difficult with the pandemic. Legal Aid requests that the Court accept filings without requiring either the fee or a poverty affidavit when Legal Aid is representing FED defendants. Because these clients are eligible for Legal Aid's services, they will also be covered by the poverty affidavit. This may be accomplished by having Legal Aid provide an attestation from Legal Aid of the client's eligibility or via a court entry accepting the filing.
 - d. *Designate certain docket days for evictions:* In order to increase efficiencies and use County resources well, Legal Aid requests that the Court schedule FEDs on designated days of the week.
4. Working towards sustainability: continued conversations with County and data collection needed. The increase in representation of tenants facing eviction will likely have positive outcomes on both the individual households represented and the community. Understanding these outcomes will inform the community on the efficacy of this investment.
- a. *Data collection:* Legal Aid is working with an evaluator, Neil Steinkamp from Stout Risius Ross, LLC, to collect data about evictions in Cuyahoga County. Analyzing this data will help illuminate how evictions impact the County and our communities. Legal Aid requests that each Court work with the evaluator to provide requested data.
 - i. Neil Steinkamp will be reaching out to discuss the data request. He can be reached by email at nsteinkamp@stout.com or by phone at (646)807-4229.
 - ii. The data requested will include the following for each eviction filing:
 - o Docket number (unique identifier)
 - o Eviction Filing Date
 - o Plaintiff Name
 - o Plaintiff Attorney Name
 - o Property Address
 - o Defendant Attorney Name
 - o Status or Disposition
 - o Disposition Date
 - b. *Court contact for data:* In addition, it would be helpful if the Court provided a contact for data requests.

Legal Aid and United Way are honored to have your Court's partnership in this exciting initiative. If you have questions about any of these request, please contact me at: Abigail.Staudt@lasclev.org or at (216)861-5147.