

The Cleveland Eviction Study: Observations in Eviction Court and the Stories of People Facing Eviction

Report by the Center on Urban Poverty and Community Development
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About the Center on Urban Poverty and Community Development

The Center on Urban Poverty and Community Development (the Poverty Center) works to inform public policy and program planning through data and analysis to address urban poverty, its causes, and its impact on communities and their residents.

Since our founding in 1988, our mission has broadened to understand and address poverty by delving into its human, social, and economic implications as experienced at the levels of the family and community.

About the Legal Aid Society of Cleveland

Legal Aid's mission is to secure justice and resolve fundamental problems for those who are low income and vulnerable by providing high quality legal services and working for systemic solutions. Founded in 1905, Legal Aid is the fifth oldest legal aid organization in the United States. Legal Aid's 40 staff attorneys, 25 other staff members, and 2900 volunteer lawyers ensure access to justice for low income people.

Legal Aid has four offices and serves clients in Ashtabula, Cuyahoga, Geauga, Lake, and Lorain counties.

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EXECUTIVE SUMMARY

In the summer of 2018, the Legal Aid Society of Cleveland contracted with the Center on Urban Poverty and Community Development (the Poverty Center) to better understand the population facing eviction in Greater Cleveland as well as the downstream outcomes of eviction, in anticipation of proposing a right to counsel program. This study, henceforth referred to as The Cleveland Eviction Study, relied on three methods of data collection: (1) an in-person observation and recording of key eviction case attributes in eviction court, (2) an in-person interview of tenants appearing in eviction court, and (3) an analysis of eviction filing records alone, as well as linked with other health and human service administrative data facilitated by the Poverty Center's CHILD integrated data system.¹

This report includes findings of trends in eviction filings from eviction court records and detailed findings from the first two methods of the study. Our analysis sheds light on the eviction process in Cleveland: who faces eviction, how the court process works and what tenants facing eviction experience. We then discuss our findings and their relevance to community efforts and policies aimed to increase housing affordability and stability.

A full report of the findings from the third component of the study can be found in *The Cleveland Eviction Study: Downstream Paths of Evictions into Homelessness and Loss of Human Capital*.

Key Findings

Evictions have been on the decline since 2013, even as the city is experiencing an increase in rental housing units. Eviction filing rates in Cleveland have decreased from 10.9% in 2013 to 8.11% in 2017, while the number of rental housing units in Cleveland have increased 8.2%. This trend differs neighborhood by neighborhood. One of the neighborhoods with the highest rates of filings, the Central neighborhood, has seen significant declines in eviction filing rates, from their peak in 2015 at 21.2% to their low in 2017 at 12.1%.

Most tenants in eviction court are low-income, minority, female head of households with children, and are highly housing-cost burdened. The majority of eviction interview participants were African-American women, with an average age of 41.5. Nearly 60% had children in the household, with an average of 2.6 children per household. Their median income was \$1,200 per month, and 71% of interview participants paid 30% or more of their income towards housing monthly. Over half held a job and about a quarter stated being unable to work.

Most evictions are filed for one or two months of delinquent rent. Most evictions are filed for nonpayment of rent. In 70% of the observed hearings tenants were three months delinquent or less, and most of those, 49%, were 2 months delinquent or less. For many cases observed, the eviction was filed

¹ The Poverty Center's ChildHood Integrated Longitudinal Data (CHILD) system is a comprehensive integrated data system that is used to carry out research and evaluation in order to improve child health and wellbeing in Cuyahoga County, Ohio. Our system is nationally recognized as among the oldest and most comprehensive in the country and includes continually updated administrative data from 1989 to the present from 35 administrative systems on more than 640,000 children, for a total of nearly 200 million records in the system. Funding for CHILD comes via grants from Cuyahoga County, The Gund Foundation, the City of Cleveland, and others. The CHILD system is used by Poverty Center researchers for research and evaluation of over a dozen projects. See more information about the CHILD data system at <https://case.edu/socialwork/povertycenter/data-systems/child-data-system>

after only a single month of delinquent rent, and the second month lapsed awaiting the eviction hearing. The average debt owed to landlords was nearly \$1,200 for our interview participants and roughly \$1,800 for court hearings observed.

The first hearing in eviction court happens quickly and most often ends in the requirement that the family move. The average case lasted three minutes and 21 seconds. Fifty-nine percent of first hearings resulted in a judgment for the plaintiff, the consequence of which is most often the family moving. Fourteen percent were dismissed and 11% were sent to mediation.

The tenant's presence in court makes a difference in the length of the case and the outcome of the case. When the tenant attended the eviction court hearing, the average case length increased to 5 minutes and 54 seconds. Forty-seven percent of cases resulted in a judgment for the plaintiff when the tenant was present at the hearing, compared to 61% when the tenant was absent.

Many factors contribute to tenants being behind on rent and the eviction filing. In interviews with tenants and in court observations, tenants explained attempting to make full or partial payments that were refused by their landlords, withholding rent due to housing condition issues, and employment and health issues leading to financial instability and missed rent payments.

Most tenants live in substandard housing, even if they did not state this as an important contributor to the eviction. Among all participants, 69% reported water leakage, 67% reported the presence of rodents or other pests, 48% reported mold issues, and 28% reported lead paint or dust. Three respondents specifically mentioned the lead poisoning of children or the discovery of lead hazards as contributing to the eviction.

Assistance with landlord-tenant relationships is most cited prevention recommendation by tenants. Tenants suggested (1) additional flexibility in making payments, and (2) assistance with communication, especially across property ownership, management, and other parties related to maintaining the property and collecting rent (3) needing rent receipts, (4) landlords being flexible in remedying issues with subsidies, and (5) reducing violence in the neighborhood (specifically in the public housing context).

Program and Policy Recommendations

The findings above highlight the potential for the eviction filing to be a key marker of distress and point of intervention for families and individuals in distress. Intervening at the point of eviction may help avoid further family displacement and instability. Given the relationship between eviction and the rental market in Cleveland, especially the low-cost rental market, we should consider the impact of points of intervention and intervention strategies on not just individuals and families facing eviction, but also the housing market, with the overarching goal of ensuring interventions work towards improving family housing stability and the quality of housing in the low-cost rental market.

There are multiple points of intervention for consideration, as outlined below. We relate the points of intervention with program and policy improvements aimed at preventing eviction or avoiding disruptive displacement, informed by that we heard from tenants and observed in court.

It is important to note that different actors, community agencies, legal agencies, courts and law enforcement working in this space have very different tools and abilities at their disposal. It is beyond the scope of this study to determine what actors are appropriate for which intervention points. As mentioned

in the accompanying report, Cleveland's only tenants' rights advocacy organization, the Cleveland Tenant's Organization (CTO), closed in 2018, leaving some tenants' services formerly carried out by this organization unfulfilled.

Pre-eviction filing. Program and policy interventions that may be useful before eviction filing:

- Landlord and tenant education, focusing on the rights and responsibilities of landlords and tenants, existing tools like rent deposit and rent receipts, existing resources for tenants having trouble paying for their rent.
- Specialized training for landlords and tenants in the public and subsidized housing context.
- Other means of remedying conflict between landlords and tenants before resorting to an eviction filing, outside of the court process.
- Special training and resources for low-income landlords to develop business models that have greater flexibility in rent payment timing and terms.

Eviction filing. It may be difficult to engage landlords and tenants before a given conflict escalates to the point of the eviction filing. It is worth considering whether some pre-eviction filing interventions may also be relevant at the point of eviction filing. Additional program and policy interventions that may be useful at the point of eviction filing:

- Connecting with individuals and families at the time of eviction filing and providing basic information about the court process and all available resources, encouraging tenants to appear in court.

Eviction hearing. The court hearing constitutes a third and important point of intervention, provided the tenant appears in court. Program and policy interventions for consideration at the point of the eviction hearing:

- Expanding the Housing Court social work role that connects tenants to additional resources to help resolve underlying housing instability.
- Expanding the Housing Court mediation program that focuses on creating agreements between landlords and tenants to ease or reduce disruptive displacement.

Providing legal representation for tenants. Legal representation of tenants in court is an important intervention for consideration at this stage. Tenants had legal representation in only 5 cases (1.1%) we observed, while landlords had representation in 65.6% of cases, creating at least an optical disadvantage for tenants in the courtroom. Almost half of interview participants (45.5%) reported that they did not share their side of the case and their experiences leading up to eviction in court. Legal counsel offered free of charge to low-income tenants facing eviction could (1) increase the potential for tenants to come to amenable agreements with landlords and avoid disruptive displacement, (2) increase the likelihood of defendants appearing in court and further connecting to resources to assist with underlying housing instability, (3) deter or eliminate exploitative business practices of landlords, especially those practices that work against the goals of improving housing conditions, and (4) create a pathway to connect disparate client services, especially in rectifying issues related to housing subsidies.

Avoiding disruptive displacement. As an intervention, legal representation of defendants in court has the potential to increase the opportunity for tenants to win their case or otherwise have more favorable moving time frames, thus avoiding a disruptive displacement that might lead to additional family or personal instability. In our observations of court cases and interviews with tenants following their hearings, we heard cases with defensible elements, where legal representation may have been able to negotiate more favorable terms to the eviction or avoid eviction altogether.

Increase tenant appearance in court and connection to resources. We found that, in many cases, the eviction filing is an indicator of deeper housing instability. In these instances, there is value to connecting the tenant to additional social services to aid in improving housing stability. Providing legal counsel in eviction cases may create additional incentive for the tenant to appear in court, creating an opportunity to engage with the tenant and family, and connect them to additional resources.

Deter or eliminated exploitative business practices. In our interviews with tenants, we heard about exploitative business practices carried out by some landlords. For example, some tenants claimed their landlord took in their security deposits and filed for eviction shortly after, in order to profit from the security deposit and take in a new renter. Others discussed paying rent even while the property was not up to suitable health and safety codes, or that the landlord filed for eviction to retaliate against complaints. There are existing processes in place aimed at preventing this type of exploitative behavior, like the court's rent deposit program² and "clean hands" docket,³ and providing legal representation would be an additional deterrent. Given current community focus at improving housing conditions, especially related to lead exposure and childhood lead poisoning, this area of intervention would prove particularly beneficial, as it has the potential to positively impact the low-cost rental market as a whole.

Connect disparate client services/systems. In our court observations and interviews with tenants, we heard how disconnects between assistance systems, such as public housing and housing voucher systems, contributed to an eviction. Providing representation may offer a useful way to understand, communicate, and rectify these system disconnects.

This report outlines the experience of real people facing eviction in Cleveland. We are limited to telling the stories of people who appeared in court. They are often families with children, and they are often employed. They carry a high housing-cost burden, and often eviction is filed when they are 1 or 2 months delinquent in rent. Some report attempting to make payments and seeking ways to better work out reasonable solutions with their landlords. Most tenants report significant issues with the condition of their properties. The intervention points described above all have some potential to positively impact individuals' and families' abilities to understand and enforce their rights. They also, thereby, have the potential to impact the whole of the low-cost rental housing market positively, and improve housing conditions for all of Cleveland.

1. Introduction

Cleveland is routinely listed among the most impoverished and disadvantaged cities in the United States. Though Cleveland's housing market is considerably more affordable than the housing market in other major U.S. cities, affordable, quality housing remains out of reach for most. Fifty-eight percent of households in Cleveland rent, and the cost of housing remains a very large expenditure in a family's

² The rent deposit program allows tenants to place rent in a court-controlled account if a landlord fails to perform the duties required by the lease. See the Cleveland Municipal Court of Housing's rent deposit pamphlet for more information on the program: https://clevelandmunicipalcourt.org/docs/default-source/cleveland-housing-court/housing-court-clinic-flyers/rent-deposit-pamphlet1-rev.pdf?sfvrsn=4849483d_0

³ The "clean hands" docket prevents a landlord with an open criminal case (housing health and safety code violation) from being able to file an eviction while the criminal case is open. For more information see: <https://www.ncsc.org/sitecore/content/microsites/future-trends-2012/home/Courts-and-the-Community/3-3-Cleveland-Housing-Court.aspx>

household budget⁴. Just over half (51 percent) of all renters spend 30 percent or more of their income towards rental housing and are considered rent-burdened. Nearly a third face an even greater burden, paying 50 percent or more of their income towards rental housing.⁵

In addition to facing financial barriers to housing, low income families in Cleveland are highly mobile; 27 percent of people living below the poverty level have moved within the last year, compared with an approximately 11 percent yearly move rate for the population as a whole in the United States.⁶ As previously noted, over half of Cleveland households are renters, and households occupying rental properties have less control over some key components of housing maintenance and quality. Rental households are also subject to their rental agreement, occupying housing at the whim of the property owner, further potentially increasing mobility.

A growing body of work recognizes the essential role stable, quality housing plays in the lives of families. Likewise, community agencies in Cleveland and Cuyahoga County are making quality, affordable housing a central component of other programmatic aid, intervention, and policy.

At the same time, little is known about the role eviction plays in the rental housing market in Cleveland. This paper aims to shed light on the eviction process in Cleveland: who faces eviction, how the court process works and what the experience is like for tenants facing eviction, with the goal of informing community efforts of key points for intervention to increase housing affordability and stability. Commissioned by the Legal Aid Society of Greater Cleveland, this paper has a secondary focus of understanding, specifically, the potential role of tenant representation in eviction court.

2. The Eviction Process in Cleveland and Community Resources

In this section, we explain the eviction process in Cleveland. Figure 1 on page 9 illustrates the key points in the eviction process. In Cleveland, a tenant may be evicted for reasons including, but not limited to, non-payment of rent, violation of the lease, illegal activity, non-compliance with health and safety codes, denying the landlord access after required 24 hour notice, and the lease term ending.

Landlords are required to give tenants notice to vacate in order to start the eviction process. If the tenant moves out, or resolves the lease violations before the three-day deadline, no further action is needed, and the tenant may continue to occupy the property. If the tenant does not comply with the notice, the landlord may file an eviction complaint to begin the process of having an eviction hearing in court.

⁴ Renter-occupied housing units, Cleveland, 2013-2017 American Community Survey. Accessed May 1, 2019 at https://factfinder.census.gov/bkmk/table/1.0/en/ACS/17_5YR/DP04/1600000US3916000

⁵ Renter occupied housing units, housing cost burden >30% of income, housing cost burden >50% of income, Cleveland, 2010-2014, HUD/ACS. Analysis by Center on Urban Poverty and Community Development, Jack, Joseph and Morton Mandel School of Applied Social Sciences, Case Western Reserve University. Accessed through the Progress Index information system, accessed April 5, 2018. <http://progressindexcle.org>.

⁶ Persons aged 1+ living below poverty level in a different house 1 year ago, Cleveland, 2011-2015, ACS. Analysis by Center on Urban Poverty and Community Development, Jack, Joseph and Morton Mandel School of Applied Social Sciences, Case Western Reserve University. Accessed through the Progress Index information system, accessed April 5, 2018. <http://progressindexcle.org>.

U.S. Census Bureau. (2016) *Americans Moving at Historically Low Rates, Census Bureau Reports*. Accessed April 5, 2018. <https://www.census.gov/newsroom/press-releases/2016/cb16-189.html>

THE EVICTION PROCESS

IN CLEVELAND

1. EVICTION NOTICE



Landlords are required to give a tenant a **notice to vacate** in order to start the eviction process. A notice may be given because of a violation of the lease or when the lease has ended. Violations include, but are not limited to, nonpayment of rent, illegal activity, non-compliance with health and safety codes, and denying landlord access to the unit.

2. EVICTION HEARING



The eviction hearing seeks to resolve whether the tenant has a right to continue to occupy the property. It is presided over by a magistrate. The landlord must prove that the tenant has violated some part of the lease.

3. MEDIATION



The landlord and tenant may be referred to mediation. If they can not come to an agreement in mediation, the case will be sent back to the eviction hearing.

4. JUDGMENT



If judgment is in favor of the defendant, the tenant may stay. If judgment is in favor of the plaintiff, the tenant must move out in 7 to 10 days.

Figure 1: The Eviction Process in Cleveland

The eviction hearing date is set three weeks after the eviction complaint has been filed. This initial hearing seeks to resolve the question of possession of the property (whether the tenant has a right to continue to occupy the property), and is called the First Cause hearing. For ease of interpretation, we refer to this hearing as the eviction hearing. A Second Cause hearing is scheduled following the eviction hearing if the landlord is seeking money damages from the tenant, such as unpaid rent, utilities, cost of the repair of damage to the unit and the cost of moving the tenant out. In Cleveland, all eviction cases are heard by the Cleveland Municipal Court of Housing, a special jurisdiction court with one single judge, and where cases are heard by magistrates.

A tenant can counter the eviction complaint in writing or in person up until and during the eviction hearing. During the hearing, the landlord must prove that the tenant has not paid the overdue rent, or has violated some component of the lease. The tenant must prove that the landlord did not abide by the lease, did not serve the eviction notice properly, or that they have since come into compliance with the lease.

During the eviction hearing, the magistrate may refer the landlord and tenant to mediation. Mediation is led by a housing court mediation coordinator. In mediation, the landlord and tenant aim to work out a settlement that both parties find agreeable. If the parties cannot come to an agreement, the case will be sent back to court for a hearing with the magistrate.

Eviction hearings can have a variety of outcomes. A judgment can be made in favor of the landlord, in favor of the tenant, or the case can be dismissed, among other potential outcomes. If the judgment is in favor of the landlord, the tenant is given 7 to 10 days to move out. If the judgment is in favor of the tenant, the tenant may stay. In addition, a case may be continued, which postpones the eviction hearing to a later date. The right to possession of the property is remedied if a tenant moves out, regardless of whether or not that tenant participates in the court process.⁷

Unfortunately there are very limited resources available in Cleveland where tenants can get help when they are facing eviction. Since eviction is a civil procedure in Ohio, even though it is resolved through a court process there is no right to representation (as there is when someone faces criminal charges). In the past, people facing eviction could receive some assistance from the Cleveland Tenants Organization (CTO), a non-profit organization that served as a resource for low and middle income renters, advocated for tenant rights, and helped resolve disputes between landlords and tenants. However, in February 2018 the Cleveland Tenants Organization closed its doors due to lack of funding.

The Legal Aid Society of Greater Cleveland, an organization that provides legal services to low-income people, took over what was formerly the Cleveland Tenant Organization's tenant information hotline. The Legal Aid Society of Greater Cleveland is also currently able to provide representation for a small subset of eviction cases.

The Cleveland Municipal Court of Housing also provides some resources, referring some eviction cases to the court's social worker and to the court's housing court specialists. Through these resources, tenants can get additional referrals to services that may be able to assist them with emergency housing and other needs.

⁷ "Evictions FAQ." Cleveland Municipal Court, Housing Division. Accessed March 25, 2019. <http://clevelandhousingcourt.org/en-US/Evictions.aspx>.

3. Methods and Limitations

In the summer of 2018, the Legal Aid Society of Greater Cleveland contracted with the Center on Urban Poverty and Community Development (the Poverty Center) to better understand the population facing eviction in Greater Cleveland as well as the downstream outcomes of eviction, in anticipation of proposing a right to counsel program. This study, henceforth referred to as The Cleveland Eviction Study, relied on three methods of data collection: (1) an in-person observation and recording of key eviction case attributes in eviction court, (2) an in-person interview of tenants appearing in eviction court, and (3) an analysis of eviction filing records alone, as well as linked with other health and human service administrative data facilitated by the Poverty Center's CHILD integrated data system.⁸ This report includes findings of trends in eviction filings from eviction court records and detailed findings from the first two methods of the study. A full report of the findings from the third component of the study can be found in *The Cleveland Eviction Study: Downstream Paths of Evictions into Homelessness and Loss of Human Capital*.

Observation of court cases and in-person interviews of tenants occurred on Tuesday and Thursday mornings at the 9 am, 10 am and 11 am dockets between September 20th, 2018 and November 13th, 2018. September 20th, 25th, and 27th served as our piloting and testing phase, in which we conducted court observations and interviews and made subsequent changes to the protocol. Information presented in this report was gathered from October 2nd onward.

Given the newly forming role of the Legal Aid Society in working with Cleveland tenants, Legal Aid lawyers and CWRU staff participated in the research as court observers and interviewers. Interviewers were all subject to Case Western Reserve University human subjects' protection certification and conflict of interest disclosure. All observation and interview protocols and procedures were reviewed and approved by the Case Western Reserve University Institutional Review Board.

The interview recruitment procedures were carefully designed together with the Cleveland Municipal Court of Housing to ensure that tenants met their court obligations before participating in research, and did not become confused in the process.

For each case on the docket, the researcher filled out a court observation protocol in the order that the cases were heard. During the study period, we observed 450 unique first hearings of eviction cases.⁹ The court observation protocol collected basic information that pertained to the case, such as case number and attendance of plaintiff and defendant. The form also allowed the researcher to note if either the landlord or tenants had an attorney present. In addition, the court observation form collected information about the reasoning behind the eviction filing, as well as the tenant's defense. Lastly, the outcome of the case was recorded. The court observation protocol is attached in its entirety in Appendix A- Court Observation Protocol.

⁸ The Poverty Center's ChildHood Integrated Longitudinal Data (CHILD) system is a comprehensive integrated data system that is used to carry out research and evaluation in order to improve child health and wellbeing in Cuyahoga County, Ohio. Our system is nationally recognized as among the oldest and most comprehensive in the country and includes continually updated administrative data from 1989 to the present from 35 administrative systems on more than 640,000 children, for a total of nearly 200 million records in the system. Funding for CHILD comes via grants from Cuyahoga County, the Gund Foundation, the City of Cleveland, and others. The CHILD system is used by Poverty Center researchers for research and evaluation of over a dozen projects. See more information about the CHILD data system at <https://case.edu/socialwork/povertycenter/data-systems/child-data-system>

⁹ In our analysis, we consider only the observation of the first hearing of the first cause of the eviction, and cases where the presence of the plaintiff, defendant, and any legal representation are recorded.

Interviews were conducted with tenants following the first hearing of the first cause of their eviction case and after speaking to court social workers, mediators, and housing court specialists, if referred. Tenants were notified of the opportunity to participate in research following their court case through three avenues: 1. At the beginning of each docket, the magistrate read a script describing the study, 2. Interviewers approached individuals sitting outside of the courtroom before the start of each docket, informing them of the opportunity to participate in the research following their case, 3. Interviewers also approached tenants following their hearing if they appeared to be leaving the court building. Signs advertising the study were also strategically placed directly outside the courtroom and behind the table where interviews were taking place.

All tenants listed on the court docket were eligible to participate in the study. Tenants were asked to provide their case number and name. The information provided was then matched to the names and case numbers on court dockets to ensure eligibility. A total of 88 tenants were interviewed out of 177 cases at which tenants appeared in court, for an interview response rate of 49.7%.

The interview consisted of multiple choice and open ended questions. The interview was divided into three sections. The first section, entitled “Court Case” included questions about the reasons behind the eviction filing from the perspective of the tenant and the landlord, the outcome of the case, and what the tenant told the court. The second section, entitled “Your Home, Household Members”, included questions regarding rent, number of people living in their home and any health issues and hazards existing within the home, such as lead paint and mold. The final section, entitled “Health, Employment and Income”, included demographic questions regarding race, gender, age, employment status and military status. In this section, tenants were also asked about how this eviction case has impacted their family. The interview is attached in its entirety in Appendix B- In-person Interview Protocol.

Study data were collected and managed using REDCap electronic data capture tools hosted at Case Western Reserve University.^{10,11} REDCap (Research Electronic Data Capture) is a secure, web-based software platform designed to support data capture for research studies, providing 1) an intuitive interface for validated data capture; 2) audit trails for tracking data manipulation and export procedures; 3) automated export procedures for seamless data downloads to common statistical packages; and 4) procedures for data integration and interoperability with external sources.

One significant problem in understanding who is impacted by eviction is the difficulty in reaching all people potentially affected by eviction. Eviction can occur by legal and illegal means. In Ohio, it is illegal for a landlord of residential premises to physically remove a tenant from the premises, terminate utilities, or change the locks to encourage a tenant to move from the premises. It is difficult to quantify the extent to which this type of illegal eviction happens. In addition, not everyone facing eviction chooses to appear in court. Since for this study we interviewed tenants who appeared in court, we can only draw conclusions about this population.

¹⁰ PA Harris, R Taylor, R Thielke, J Payne, N Gonzalez, JG. Conde, Research electronic data capture (REDCap) – A metadata-driven methodology and workflow process for providing translational research informatics support, *J Biomed Inform.* 2009 Apr;42(2):377-81.

¹¹ PA Harris, R Taylor, BL Minor, V Elliott, M Fernandez, L O’Neal, L McLeod, G Delacqua, F Delacqua, J Kirby, SN Duda, REDCap Consortium, The REDCap consortium: Building an international community of software partners, *J Biomed Inform.* 2019 May 9 [doi: 10.1016/j.jbi.2019.103208]

4. Findings

We begin this section with a brief overview of eviction filings in Cleveland to provide context about geographic patterns and eviction trends over time. Then, in *The Face of Eviction in Cleveland*, we examine demographic, income, and household characteristics of our in-person interview participants.

Next, in *The Typical Eviction Case*, we describe what we learned about the proceedings of eviction cases. We report the reason for the case filing, case outcomes and length of the first hearing. We also examine case outcomes and first hearing lengths by the presence or absence of the tenant. In the following section, *The Defendant's Case and Experience in Court*, we report what we heard from tenants in terms of the circumstances that led to the eviction filing, and their perceptions of their experiences in court.

In *What Happens Next*, we report tenants' thoughts on their housing prospects, the impact the eviction filing has had on their mental and emotional state, as well as their financial well-being. In the final section, *Preventing Eviction*, we report eviction interview participants' thoughts on ways eviction could be prevented.

4.1 Eviction Trends, 2013-2017

In comparison with other large cities in the United States, Cleveland's eviction rate in 2016 ranks 53 out of the top 100.¹² Examining eviction filing records provided by the Cleveland Municipal Court of Housing, we found that filings have been on a downward trend since at least 2013. At the same time, move-out orders, the date by which the tenant must leave the property, have remained relatively steady. See Figure 2 on page 14 for a chart of these trends.

Eviction filing rates have decreased from 10.9% to 8.11% from 2013 to 2017, even as the number of rental housing units have increased 8.2%. Eviction move-out order rates (move-out orders per rental units) have decreased slightly in that time period, from 4.7% in 2013 to 4.2% in 2017.

Eviction rates differ from neighborhood to neighborhood in Cleveland. Overall during the 2013 to 2017 time period, the Central neighborhood outpaced other Cleveland neighborhoods in eviction filing counts and rates per rental housing units. A number of public housing developments are located in the Central neighborhood and generate numerous eviction actions, which is the main reason why this neighborhood in particular outpaces the city-wide average. However, the eviction filing rates in the Central neighborhood have declined significantly from their peak in 2015 at 21.2% to their low in 2017 at 12.1%.

In 2017, the top five neighborhoods with the highest rates of eviction filing are Brooklyn Centre (15.5%), Collinwood-Nottingham (13.6%), St. Clair-Superior (12.8%), Central (12.1%), and Buckeye-Woodhill (11.8%). See Appendix C- Eviction Filings by Cleveland Neighborhood, 2013-2017 for a full table of eviction rates by Cleveland neighborhood.

¹² Eviction Lab, Top Evicting Large Cities in the United States. Accessed April 25, 2019 at <https://evictionlab.org/rankings/#/evictions?r=United%20States&a=0&d=evictionRate&l=52>.

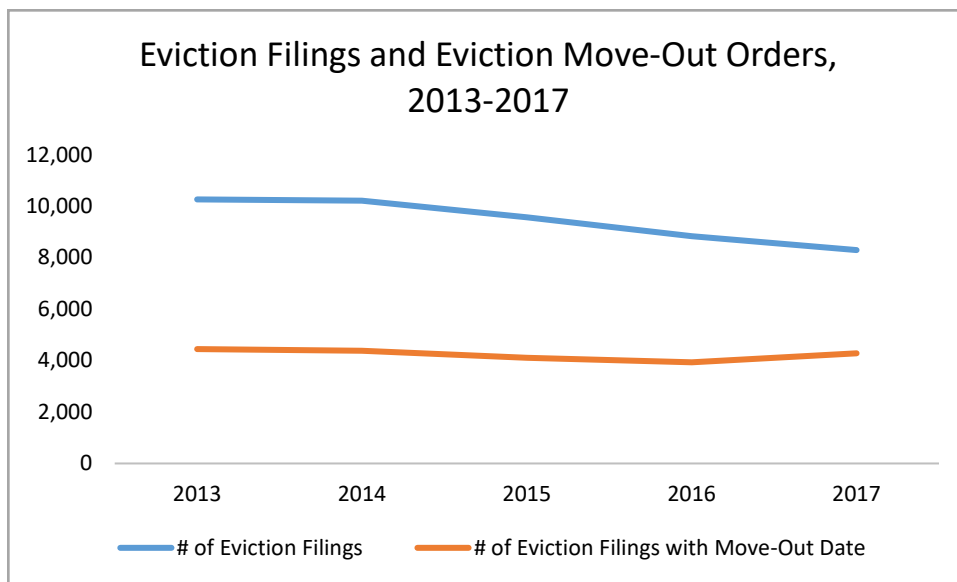


Figure 2: Eviction Filings and Move-Out Orders, Cleveland, 2013-2017

Data Source: Cleveland Municipal Court of Housing, eviction filings, move-outs, and move-out results. Processed and analyzed by the Center on Urban Poverty and Community Development, Jack, Joseph and Morton Mandel School of Applied Social Sciences, Case Western Reserve University.

Data Notes: Only eviction filings that could be geolocated to a neighborhood in Cleveland are included.

4.2 The Face of Eviction in Cleveland

During the study period, we observed 450 unique eviction case hearings in court. As described in greater detail later in the report, the tenant was present in 177 of these cases. We were able to conduct in-person interviews with 88 tenants following their eviction court hearing, for a survey response rate of 49.7%. We gained insight into many attributes of the court case and the people involved in both the court observation data collection and the in-person interview, and are reporting on this in the following sections. Whether the information provided is obtained from the court observation or the in-person interview is noted in the table headers, data source notes, and column headers (when applicable) in the accompanying tables and figures.

In our in-person interviews, we captured key demographic information about the people and families facing eviction so that we could better understand and describe this population (see Table 1).¹³ Previous research on eviction in Milwaukee found that already disadvantaged populations, especially low-income mothers, are at the greatest risk for eviction.¹⁴ We found the same to be true in Cleveland. The majority of eviction interview participants were African-American women, with an average age of 41.5. Nearly 60% had children in the household, with an average of 2.6 children per household. Half had experienced a prior eviction.

¹³ We also obtained demographic information through the third method of data collection in our study, the linking of administrative court filing records with other health and human services administrative data. The two methods yielded very similar results, despite the relatively small sample of our in-person interview. See the report *The Cleveland Eviction Study: Downstream Paths of Evictions into Homelessness and Loss of Human Capital*, for additional information.

¹⁴ Desmond, M, and Kimbro, R. 2015. "Eviction's Fallout: Housing, Hardship, and Health." *Social Forces* 94 (1): 295–324.

Characteristics of Eviction Interview Participants		
Age (average) (N=87)		41.5
	N	%
Had Previous Eviction Filing (N=87)	44	50.6
Only adult (over 18) in household (N=87)	48	55.2
Children (under 18) present in household (N=87)	51	58.6
Average number of children in household N=51)		2.6
Gender of Interview Participant (N=87)	Female	71
	Male	16
Race of Interview Participant (N=87)	African American	68
	White	17

Table 1: Demographics of eviction interview respondents

Data Source: The Cleveland Eviction Study, in-person interview. Processed and analyzed by the Center on Urban Poverty and Community Development, Jack, Joseph and Morton Mandel School of Applied Social Sciences, Case Western Reserve University.

We also examined employment status, income, monthly rent, residential mobility, and self-reported health. Over half (52.3%) of tenants interviewed are currently employed either full-time, part-time, or self-employed. Twenty-three percent reported that they were unable to work, and 14% reported that they were unemployed and looking for work. In a separate question, 6% stated that they were veterans.

The median monthly income of tenants interviewed is \$1,200 per month, below the poverty level for a family of three.¹⁵ Three-quarters have monthly income below \$2,000 per month (\$24,000 per year) (Table 2).

Employment and Income (Eviction Interview Participants)		
Employment Status (N=88)	N	%
Employed full time (40 or more hours per week)	33	37.5
Employed part time (up to 39 hours per week)	8	9.1
Homemaker	1	1.1
Retired	4	4.5
Self-employed	5	5.7
Unable to work	20	22.7
Unemployed and currently looking for work	12	13.6
Unemployed and not currently looking for work	4	4.5
Missing	1	1.1
Monthly Income (N=81)		\$
Median		1,200.00
Average		1,429.85

Table 2: Employment and Income

Data Source: The Cleveland Eviction Study, in-person interview. Processed and analyzed by the Center on Urban Poverty and Community Development, Jack, Joseph and Morton Mandel School of Applied Social Sciences, Case Western Reserve University.

¹⁵ Ohio Jobs and Family Services. "2018 Poverty Guidelines for the 48 Contiguous States and the District of Columbia. Ohio Department of Jobs and Family Services. 2018. https://jfs.ohio.gov/owd/workforceprof/docs/poverty-income-guidelines-and-llsil_pdf.stm.

Information on rent costs were captured in both the eviction interview and the eviction court observation. Rent information is missing for more than half (54%) of court observation records. Still, reported median monthly rent is very similar across the two data collection methods, i.e. \$600 for interview participants and \$575 for cases observed in court (Table 3). Three-quarters of participants have monthly rent payments of \$700 or less.

Monthly Rent, Eviction Interview and Eviction Court Observation		
Monthly	Eviction Interview (N=87)	Eviction Court Observation (N=207)
Median	600.00	575.00
Average	579.97	573.51

Table 3: Monthly Rent

Data Source: The Cleveland Eviction Study, in-person interview and court observation. Processed and analyzed by the Center on Urban Poverty and Community Development, Jack, Joseph and Morton Mandel School of Applied Social Sciences, Case Western Reserve University.

Using reported income and rent amounts of tenants interviewed, we can calculate their housing cost burden. We excluded tenants who reported \$0 income or \$0 rent from this analysis. Seventy-one percent of respondents paid more than 30% of their income on rent and 40.6% paid 50% or more of their income towards housing (Table 4).

Housing Cost Burden (N=69)		
Rent to Income Ratio	N	%
0-30%	20	29.0
30-50%	21	30.4
50% and above	28	40.6

Table 4: Housing Cost Burden

Data Source: The Cleveland Eviction Study, in-person interview. Processed and analyzed by the Center on Urban Poverty and Community Development, Jack, Joseph and Morton Mandel School of Applied Social Sciences, Case Western Reserve University. Data Notes: Interview participants reporting \$0 income or \$0 rent are removed from this analysis.

We also asked tenants how many times they had moved in the past three years. On average, tenants moved 1.3 times in the past three year; 20.7% reported no moves (Table 5).

How many times have you moved in the past three years? (N=87)		
Number of Moves	N	%
0	18	20.7
1	40	46.0
2	19	21.8
3	7	8.0
4	3	3.4

Table 5: Residential Mobility

Data Source: The Cleveland Eviction Study, in-person interview. Processed and analyzed by the Center on Urban Poverty and Community Development, Jack, Joseph and Morton Mandel School of Applied Social Sciences, Case Western Reserve University.

We asked tenants to rate their general health status, and the impact of physical or emotional problems on normal social activities. Most, 45%, described their general state of health as fair. Thirty-six percent indicated that their physical health or emotional problems interfered with their normal social activities (Table 6).

Self-Reported Measures of Health		
In general, would you say that your health is: (N=87)		
	N	%
Excellent	13	14.9
Very good	17	19.5
Fair	39	44.8
Poor	18	20.7
During the past 4 weeks, to what extent has your physical health or emotional problems interfered with your normal social activities with family, friends, neighbors, or groups? (N=87)		
	N	%
Extremely	31	35.6
Quite a bit	19	21.8
Moderately	7	8.0
Slightly	11	12.6
Not at all	19	21.8

Table 6: Self-reported health status

Data Source: The Cleveland Eviction Study, in-person interview. Processed and analyzed by the Center on Urban Poverty and Community Development, Jack, Joseph and Morton Mandel School of Applied Social Sciences, Case Western Reserve University.

4.2.1 Differences Between Evicted and Non-Evicted Interview Participants

We compared demographic and socioeconomic factors for tenants that were evicted to those that were not evicted. To classify tenant interview participants as ‘evicted’ or ‘not evicted’, we linked the court case number recorded during the interview process with eviction filing and move-out records kept by the court. Cases with records of a move-out date, an indicator that the plaintiff in the case purchased a writ of restitution, are considered ‘evicted’; cases without records of a move-out date are considered ‘not evicted’. It is important to note that cases without a move-out date are also likely to have moved, even though we’re not considering them evicted. The tenant may have moved out prior to the eviction hearing, may have come to an agreement to move during the court hearing, or experience many other scenarios resulting in a move. A table of all demographics by the participants’ eviction status is included in Appendix D- Demographics of Evicted and Not Evicted Participants.

We found that tenant interview participants who were evicted were also:

More likely to have a previous eviction filing: 52.7% of evicted tenants have a previous eviction filing, compared with 46.9% of non-evicted tenants.

More likely to have children under the age of 18 in the household: 61.8% of evicted tenants have children under 18 in the household, compared with 53.1% of non-evicted tenants.

More likely to be female: 83.6% of evicted tenants are female, compared with 78.1% of non-evicted tenants.

More likely to be unemployed and looking for work: 18.2% of evicted tenants are unemployed and looking for work, compared with 6.3% of non-evicted tenants.

More likely to report worse general health status: 21.8% of evicted tenants reported their health status, in general, is poor, compared with 18.8% of non-evicted tenants.

4.3 The Typical Eviction Case

As discussed in the previous section, we can see that most people facing eviction are already experiencing significant economic disadvantages. Through the eviction interview and court observation, we gained further insight into the details of the eviction cases. We found that most people are evicted for nonpayment of rent, that court cases happen very quickly, and are most often found in favor of the landlord. We documented the tenants’ stories of what lead to the eviction filing, often including accounts of substandard housing and conflicts between landlords and tenants leading to the eviction.

In the following section, we first outline the reason for the eviction filing. We then describe the court proceedings of a typical eviction case, including the presence of either parties, the presence of legal representation, and case outcomes.

4.3.1 Reason for Eviction Filing

We captured information about the reason for the eviction filing in both the court observation and interview methods of data collection. Multiple reasons could be recorded for the eviction filing. Nonpayment of rent was the most common reason for eviction, with nearly 86% of interviews and 91% of court observations reporting that reason for the eviction filing. These findings are outlined in Table 7.

	Reason for Eviction Filing			
	In-person Interview		Court Observation	
	N	%	N	%
Nonpayment	71	85.5	284	90.7
Criminal	0	0.0	8	2.6
Other lease	24	28.9	29	9.3
Tenant is	5	6.0	--	--

Table 7: Reason for eviction filing

Data Notes: 137 court observation cases are missing the reason for the eviction filing.

Data Source: The Cleveland Eviction Study, in-person interview and court observation. Processed and analyzed by the Center on Urban Poverty and Community Development, Jack, Joseph and Morton Mandel School of Applied Social Sciences, Case Western Reserve University.

We also captured the amount of rent owed in both the eviction interview and court observation methods of data collection. The two yielded slightly different results, with the court observation data indicating higher amounts of rent owed. The average debt owed to landlords was nearly \$1,200 as reported by tenant interviewees and roughly \$1,800 for all court cases observed (Table 8).

	Amount of Rent Owed	
	In-person Interview (N=65)	Court Observation N=204)
Median	925.00	1,427.50
Average	1,197.49	1,806.57
Min	150.00	10.00
Max	6,000.00	11,400.00
1st quartile	568.50	1,010.25
3rd quartile	1,467.50	2,025.00

Table 8: Amount of Rent Owed

Data Notes: 246 court observation cases are missing the amount of rent owed.

Data Source: The Cleveland Eviction Study, in-person interview and court observation. Processed and analyzed by the Center on Urban Poverty and Community Development, Jack, Joseph and Morton Mandel School of Applied Social Sciences, Case Western Reserve University.

We find that evictions are filed for short periods of rent delinquency (Table 9). Seventy percent of hearings observed showed tenants were three months delinquent or less, with the majority (49%), being 2 months delinquent on rent or less. For many cases observed, the eviction was filed after only a single month of delinquent rent, and the second month lapsed awaiting the eviction hearing.

Months Delinquent in Rent (n=262)			
Months Delinquent	N	%	Cumulative %
1	15	5.7	5.7
2	112	42.7	48.5
3	56	21.4	69.8
4-5	46	17.6	87.4
6-12	25	9.5	96.9
Over one year	8	3.1	100.0

Table 9: Months Delinquent on Rent

Data Notes: 188 court observation cases are missing the months delinquent in rent.

Data Source: The Cleveland Eviction Study, court observation. Processed and analyzed by the Center on Urban Poverty and Community Development, Jack, Joseph and Morton Mandel School of Applied Social Sciences, Case Western Reserve University.

4.3.2 Court Proceedings and Legal Representation

Most often, tenants do not attend the court hearing of their eviction case, and when they do attend, most are without representation. In contrast, most landlords attend the court hearing for the eviction case. During the study period, we observed 450 unique eviction cases. Of the cases we observed, tenants were present in 39.3% of cases, and landlords were present at 86.9% of cases. Tenants had legal representation in 5 cases (1.1%) we observed, while landlords had representation at 65.6% of cases (Table 10).

	Presence of the Tenant and Landlord in Court (N=450)			
	Present in court?			
	Yes		No	
	N	%	N	%
Tenant	177	39.3	273	60.7
Landlord	391	86.9	59	13.1

Table 10- Presence of the Tenant and Landlord in Court

Data Source: The Cleveland Eviction Study, court observation. Processed and analyzed by the Center on Urban Poverty and Community Development, Jack, Joseph and Morton Mandel School of Applied Social Sciences, Case Western Reserve University.

There are several ways that legal procedure affects who appears in court. As a matter of court procedure, landlords who file the eviction filing under a corporate entity are *required* to have representation in court. This is not true of tenants, they may appear with or without representation. In instances where tenants have representation, their representation may file for a “bench trial” instead of appearing at a hearing. This has the potential to reduce the number of tenants with representation that we can observe in court hearings. However, conversations with the Cleveland Municipal Court of Housing indicate that in less than 5 cases represented tenants filed for a bench trial during our court observation time period.

We asked tenants if they had any assistance preparing for their court case. Only 17% reported receiving assistance from a variety of sources, such as Legal Aid; friends; a social worker; the Veteran’s Administration and housing court specialists. We asked tenants if they would have used legal services if they were available free of charge, and 87.4% responded positively.

Of the 450 observed eviction court cases, the case outcome was recorded for 446 cases, as outlined in Table 11. We see that most cases, nearly 60%, are found for the plaintiff.

Court Observation- Case Outcome (N=446)		
Case Outcome	N	%
Judgment in favor of plaintiff	261	58.5
Continuance	70	15.7
Dismissal	61	13.7
Mediation	47	10.5
Written decision to be issued	5	1.1
Judgment in favor of defendant	2	0.4

Table 11: Court observation- case outcome

Data Notes: 4 court observation cases are missing the case outcome.

Data Source: The Cleveland Eviction Study, court observation. Processed and analyzed by the Center on Urban Poverty and Community Development, Jack, Joseph and Morton Mandel School of Applied Social Sciences, Case Western Reserve University.

The case outcome categories in the table above follow the formal legal process. For some of the categories, it is difficult to determine whether or not the tenant moved from the property based on the case outcome. In some instances, researchers took additional notes during the court observation, explaining the case outcome. Below we describe what each category may mean in terms of implications for the tenant leaving the property:

Judgment in favor of the plaintiff is the clearest case outcome and indicates that the landlord won the case, and the tenant must move from the property.

Continuance means the case will have another hearing on another day. In 28 of the 70 cases with continuances, researchers noted reasons for the continuance that involved the court allowing more time for the landlord to meet court paperwork obligations; for example, bringing in needed materials to prove notice was given, or registering the property as a rental.

Dismissal includes both instances where the tenant has already moved out of the property and returned keys to the landlord and instances where the landlord asks to dismiss the case because the tenant has paid the rent that was due. It also includes instances where the landlord does not appear at the hearing.

Mediation means the landlord and tenant met with a mediator in court, which helped them work out some kind of agreement. This includes instances where the tenant agrees to move out of the property as well as instances where a repayment plan is made and the tenant is able to remain in the property.

Written decision to be issued indicates that the magistrate is taking additional time to make a determination about the case outside of scheduling another hearing.

Judgment in favor of the defendant means that the tenant won the case and is able to remain in the home.

We also asked tenants to tell us about the outcome of their case (Table 12). We phrased the case outcome options in terms of whether the tenant had to leave the property or not. Most, about 52%, indicated that they had to leave the home by a certain date. Nearly 22% indicated they were able to stay in the home through an agreement with the landlord, and almost 15% indicated their case was dismissed. In 6 of the dismissals, the tenants had already left the property, in one case the tenant was in the process of leaving. In another six of the dismissed cases the tenant had not left and did not indicate plans to leave. In three dismissed cases, it is unclear whether the tenant is staying or leaving. Ten percent indicated the case was continued. In one single case, categorized as ‘other’ in the table, the tenant indicated that the case was found in their favor, but also stated that they intended to leave the home despite that outcome.

Eviction Interview- Case Outcome (n=87)		
Case Outcome	N	%
I will leave the home by a certain date	45	51.7
My landlord and I worked out an agreement and I am staying in the home	19	21.8
My case was dismissed	13	14.9
My landlord and I have to come back and see the judge on a later date	9	10.3
Other	1	1.1

Table 12: Eviction Interview, Case Outcome

Data Notes: 1 eviction interview case is missing the case outcome.

Data Source: The Cleveland Eviction Study, in-person interview. Processed and analyzed by the Center on Urban Poverty and Community Development, Jack, Joseph and Morton Mandel School of Applied Social Sciences, Case Western Reserve University.

In linking interview participant records with court records, we were also able to gain insight into the final resolution of the case. We found that in 63.6% of interview participants’ eviction cases, a writ of restitution was purchased by the landlord, as indicated by the presence of an eviction move-out date. This means that it is likely that these cases resulted in a judgment for the landlord and the tenant vacating the property. The numbers of cases with and without move-out dates are shown in Appendix D- Demographics of Evicted and Not Evicted Participants.

As noted earlier, the tenant attends the eviction court hearing in 39% of cases. Below we compare two attributes of court cases, i.e. the average length of the court case and the outcome of the case, by the presence of the tenant. We find that when the tenant attends the hearing, the length of time of the case

in court increases substantially, and there is more often a favorable outcome for the tenant, as compared to when tenants are absent (Figure 3).

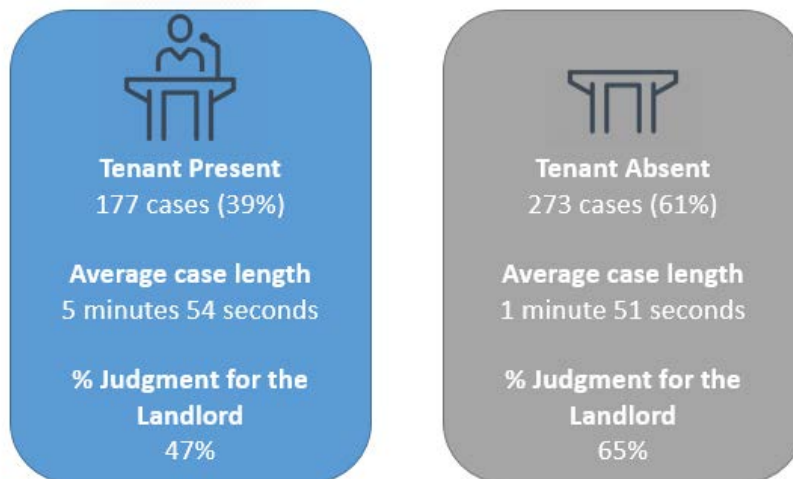


Figure 3: Average case length and case outcome by the presence of the defendant

Data Source: The Cleveland Eviction Study, court observation. Processed and analyzed by the Center on Urban Poverty and Community Development, Jack, Joseph and Morton Mandel School of Applied Social Sciences, Case Western Reserve University.

Eviction cases proceed very quickly. During the time of our study, the average case lasted three minutes and 21 seconds. When the tenant attended the eviction court hearing, the average case length increased to 5 minutes and 54 seconds. As previously reported, overall 59% of cases were found in favor of the landlord. However, when the tenant is present at the hearing, this decreases to 47%, and when the tenant is absent from the hearing, this increases to 61%.

As noted earlier in this report, there were only 5 instances where tenants had legal representation. Though the number of cases meeting this scenario is too small to draw any conclusions about the impact of legal counsel on the case proceedings, it is worth noting that in each of these instances, the outcome of the first hearing was not a judgment for the landlord.

4.4 The Tenant's Case and Experience in Court

As described above, we found that in most eviction cases, tenants did not appear in court to plead their case. In this section, we report what we heard from tenants in terms of their defense in the eviction case, based on both our eviction court observations and our in-person interviews. In the eviction court observation, researchers took brief notes on the defense presented in the case in front of the magistrate. In the in-person interviews, researchers asked tenants to describe why they were in eviction court today, and to tell us "their side" of the case. We examined notes from both methods of data collection for common themes, coded the themes using qualitative analysis software, and present the themes below.

Most tenants who appear in eviction court present some kind of defense. In our eviction court observation, of the 177 tenants who appeared in court, researchers took notes on the defense that was made in 123 cases (69.5%). In the other cases, the researcher taking notes was either uncertain whether a defense was being made in the case (24.9%), there was no defense presented (4.5%), or any information about whether a defense was present was missing (1.1%) (Table 13).

Eviction Court Observation- Defense Made or Absent (n=177)		
	N	%
Defense made	123	69.5
Uncertain	44	24.9
No defense	8	4.5
Missing	2	1.1

Table 13: Eviction court observation, defense made or absent

Data Source: The Cleveland Eviction Study, court observation. Processed and analyzed by the Center on Urban Poverty and Community Development, Jack, Joseph and Morton Mandel School of Applied Social Sciences, Case Western Reserve University.

While the eviction court observation notes were more focused on a tenant’s defense in the eviction case, the interview question brought forth more contextual information contributing to the eviction. Notes from interviews and eviction court observations reveal similar themes.

The defense presented most often is that the tenant made or attempted to make a full or partial payment of the money due to the landlord. This thematically was often tied with many other issues, including problems with rent subsidies, the loss of income, finances, or employment, as well as themes of illness, disability, and death. Second, issues with the condition of the rental housing came up frequently as a defense. This was often tied to landlord retaliation, with the eviction being filed as a way to retaliate against some action by the tenant, and other illegal strategies being used to encourage the tenant to vacate. Third, we focus on the theme of financial instability, which again was often tied with other traumatic circumstances and events. Finally, we briefly describe additional themes that were present to a lesser extent.

In the following sections, we outline the themes we heard from tenants during in-person interviews and court observations through key illustrative notes and quotes.

4.4.1 Attempted Payments

We heard many tenants describe attempting to make full or partial rent payments that were not accepted. Of the court case observations with notes about the defense presented, tenants described making or attempting to make full or partial rent payments in 31% of cases. In one case example:

“Tenant is in the process of vacating. She also attempted to make partial payment in Oct. 2018 through the Department of Aging, but [the] landlord sent it back.”

In another example, an interview participant described miscommunication with the landlord and property management companies:

The landlord said I didn't pay the September rent but I did and I called. The landlord got sick and this management company is helping them but they aren't on the same page...[The] management company is taking over. The landlord is taking the tenants money but allegedly isn't giving the management the money to pay the bills.

Sometimes notes would include reasons for refusal by the landlord, usually referring to some underlying additional conflict with the landlord:

“Landlord refused to accept his September rent due to an incident between the landlord and the tenant’s son.”

Often notes would reflect some kind of delay or untimeliness in the payment of a subsidy, usually some kind of emergency rental assistance:

“Landlord wouldn’t take money. [Tenant] tried to get rental assistance for the months of July and August, but because it was only going to be available one day after the three day notice, they let her stay on the property, but still served her with another 10 day notice and another three day notice. She couldn’t find a place so she’s still there.”

Notes on another court case present a similar scenario:

“Defendant applied for and was approved for [Pretention, Retention and Contingency funds], but landlord refused to accept the funds for September and October 2018 rent. She would like to stay in order to re-apply... She was also approved for Ohio Works First funds, which she should receive within the week.”

4.4.2 Housing Condition Issues

When asked about circumstances surrounding the eviction, nearly one-third (32.5%) of tenants noted some type of issue with the conditions at the property as reason why the rent went unpaid. Nearly one-quarter (24%) of court observation records noted some type of property condition issue as well. Tenants described issues with water leaks, mold, pests (bed bugs, mice, rats and cockroaches), holes in the ceiling and collapsing ceilings, a lack of basic utility functions (water, gas, electricity), and exposure to lead hazards.

One interview participant recounted in detail the home’s lead hazard issues:

“The public housing department shut down the house because of toxic levels of lead. All of the kids were tested for lead. We had to leave for a couple of months. Then we came back because the landlord said everything was ok. But nothing was fixed. He just put carpet over the paint.”

A number of interview participants reporting housing condition issues also described reporting the issues to authorities, and their landlords retaliating for reporting these issues.

“In a case a month ago, my landlord filed for nonpayment of rent. The judge ruled in my favor. My landlord wouldn’t come fix things in my house so I reported him to building and housing and they came and inspected it and found that there were toxic levels of lead. They delivered a notice that said that my landlord has until November 11th to fix the lead issue or the City of Cleveland will be taking him to court. After this, he gave me a three day notice for having my cats. He knew the whole time that there were cats. There were many problems with the home.”

Another interview participant describes the housing conditions, reporting these issues to the city, and the health issues of his or her children:

“I’m here because I didn’t feel like it was fair. He collected all our money and didn’t to the work on the house. My mother’s unit is on the 1st floor, I live above, and when we took showers it caused my bathroom floor and her ceiling to collapse. The pipes were rusted and

moldy; you could see through the collapsed ceiling. We went to city hall. They inspected and cited him for everything that was wrong—it's a long list. He got upset and then really wanted us out. I didn't pay the rent because I was waiting for him to come do the work, but he didn't. The city told us to stop paying rent, because the house wasn't supposed to be rented out. Because he wasn't registered with the city. He lost his license a long time ago. And one of the units isn't even listed but he turned it into one, with a space heater with no other heat source. I have asthma, haven't had issues with it before, but now it's bad. And my son has had three asthma attacks this year and went to the ICU three times because of them. I explain to the hospital about where we're living, it's creating health issues. I showed them pictures of the place, and they think that is why he was having the attacks. He has to use a pill daily and the inhaler two times a day. This last time, his oxygen wouldn't go over 90, I was freaking out. I've had to miss work because he needs treatment every three hours."

Later in the interview, we specifically asked tenant interview participants if they encountered any of the following property maintenance issues in the homes they were being evicted from: 69% reported water leakage, 67% reported the presence of rodents or other pests, nearly half (48%) reported mold issues, and over a quarter (28%) reported lead paint or dust, as shown in Figure 4 below.

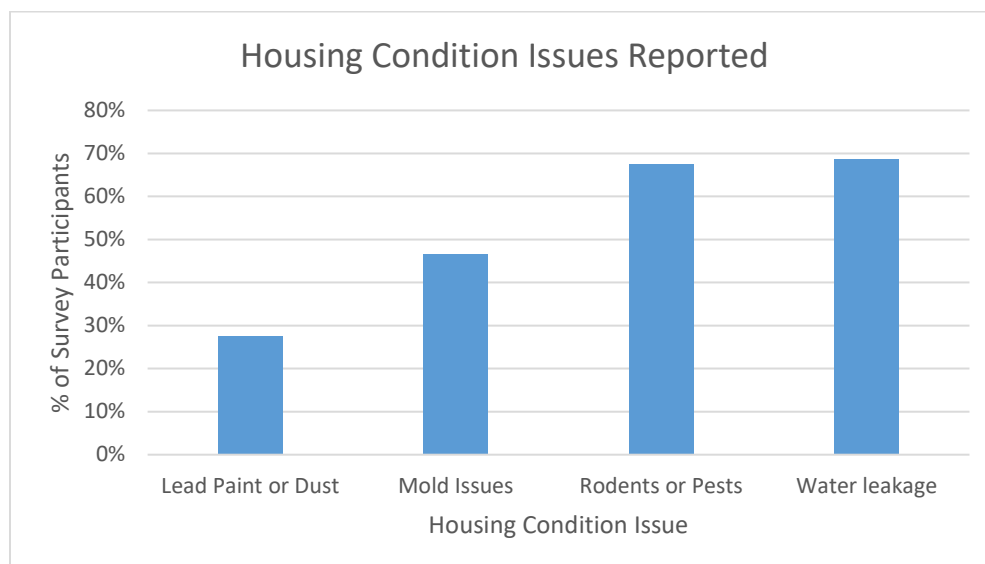


Figure 3: Housing Condition Issues Reported by Eviction Interview Participants
 Data Source: *The Cleveland Eviction Study, in-person interview. Processed and analyzed by the Center on Urban Poverty and Community Development, Jack, Joseph and Morton Mandel School of Applied Social Sciences, Case Western Reserve University.*

In Cleveland, if a tenant is unhappy with the conditions of their rental unit, they must deliver a written notice of defective conditions or repairs requested to their landlord. If the landlord does not make repairs in a timely fashion, tenants can deposit their rent to the housing court. Eviction interview participants described misunderstanding this process, not paying their rent to their landlord, and the landlord filing the eviction as a result. One participant stated that:

"[I] stopped paying rent because the housing court specialist told [me] to save [my] money and move. The city sent an inspector who told [me] not to pay rent and told [me] to file a counterclaim because conditions are bad"

We also heard stories of housing conditions complicating or confusing issues with housing subsidies:

"I am a senior citizen in retirement and I am disabled but I still try to stay active and drive a truck and am often gone for days. I came back to my apartment in late June, I notice that water was dripping... right near the chandelier which is electrical... I waited a month and it was not fixed... By the end of July it still was not fixed, it was only getting worse...It went on for another month and continued into August...I went to Section 8 and explained what happened and showed them pictures. They came to see it and said it was not done properly... I held my rent because they were not fixing it. I was not familiar with the protocol because I had never been on Section 8 before... I didn't know what to do."

Five respondents reported being evicted because of the property failing inspections related to housing subsidies:

"I didn't even know that I was being evicted, my neighbor asked me if I was getting evicted. I don't know how they knew. I was already planning on moving and had gotten a U-Haul. My landlord failed Section 8 inspections three times and he lost his license."

4.4.3 Financial Instability

As stated earlier, most tenants are evicted for the nonpayment of rent, and it is logical to expect tenants to describe financial issues in explaining the reasons behind the eviction case. Nearly half reported financial hardships preceding their eviction. These stories were often tightly wound with other issues, including loss of employment, reduced work hours, medical issues/illness and death of an income contributor.

One tenant interview participant describes how searching for new housing led to issues with her current housing:

"I was trying to move out, I paid the first month rent and deposit of a new place, but the new apartment has been having many problems such as copper pipes being stolen, so then I asked for my money back. They have been giving me the run around about getting my money back, this has caused me to stay in my current place two months longer than anticipated."

Another described how an unavoidable temporary change in employment, and therefore family finances, lead to eviction:

"[My] boyfriend's job got shut down for remodeling, so it was just [my] job... hard to pay for rent, bills, a child... he goes back to work tomorrow."

Ten tenant interview participants mentioned medical illnesses contributing to financial instability. Three of the ten mentioned pregnancy, birth, and lack of income while caring for a newborn as a contributing factor. The interviewer took notes on one participant with these medical issues:

"She has congestive heart failure, high blood pressure and she was pregnant so she needed to resign from her job. She was going back and forth from the hospital, had the baby early, was hospitalized for two weeks. She was in communication with her [property] manager to try and pay her back owed rent."

Five participants mentioned death of an income contributor:

"[The tenant], [his] sister, and [his] aunt moved in together and split [the rent] three ways. But both died last year and he was trying to make it work alone, the landlord was understanding but [the tenant] couldn't catch up. [Tenant] owes four month, got \$500 from the Department of Aging, but [it's] not enough. He knows he will have to ask family for help with the rest, they'll be angry.

Some described additional unexpected costs that resulted from a death, like funeral expenses, that put them financially behind. Others mentioned the stress surrounding death impacting their employment and earnings.

4.4.4 Other Contributing Factors

In addition to attempted payments, housing condition issues, and financial instability, tenant interviewees shared with us other factors contributing to the eviction. These include illnesses and disabilities of the tenant, the tenant's children, and other family members (often complicating employment and financial issues), dealing with violence and safety concerns, disagreements with the landlord and inappropriate behavior by the landlord, and the property being under new ownership.

Dealing with violence and safety concerns. Eleven tenant interviewees mentioned issues relating to violence and safety concerns intersecting the eviction. Three tenants mentioned homicide and gun violence. One recounted her brother being murdered in the driveway of the property, and needing additional time to deal with the murder. Another was shot on the property and reported moving shortly after. The third tenant discussed the murder of her brother and "not [being] in [her] right mind; not being responsible" following the murder.

Three of the eleven tenant interviewees mentioned being robbed. Another two mentioned dealing with other threatening behavior; one reported a brick being thrown through a window (and the landlord charging the tenant for that property damage), another interviewee described how issues with their former neighbor led to falling behind on rent:

"I fell behind because I started to rent the whole house up. The previous tenant rented downstairs, he was a paranoid schizophrenic and was physically removed from the property. He physically threatened me. I asked that I have the house alone for a while. "

Three other tenant interviewees described feeling threatened by their landlord. One described threatening behavior by friends of the landlord:

"[The landlord] has now had her friends who live behind me try to bully us into leaving. They have pulled guns on me and my kids. They are making false reports to police so they can kick us out."

Like the respondent quoted above, two others described inappropriate behavior on the part of the landlord that they found threatening. One described the landlord removing the stove, the microwave, then all the doorknobs and locks from the unit and other strange behavior that scared the interviewee. Another also described inappropriate and frightening behavior:

"Multiple times he [the landlord] came in drunk. [In] September, I woke up and he was standing over me drunk. I left and stayed with my dad because of it, for most of the month. I think he's staying there because my electric and gas were still being used. I jumped up with a knife, because I sleep with one and said "get out of my house!" He said "I guess I'll have to

come strapped next time." ... I've been paying rent for a home I'm not staying in. Then, maybe one week ago, he started saying the same thing - he was going to come to remove fridge and stove. I advised they're covered by my lease, and I'd call police if he came. He said once they see it's non-payment of rent anything I have to say would be thrown out. But because he didn't have his paperwork in court today, they continued it to next week... My children are not with me, [they're] staying at a separate home because I don't feel good about them being there."

Disagreements with the landlord and inappropriate behavior. In the section above outlining violence and safety concerns described by interview participants, three of the stories also involve inappropriate actions of the landlord. In addition, three more tenant interviewees describe disagreements with and inappropriate behavior on the part of the landlord. One participant described the landlord not giving appropriate notice before entering the property. Another described menacing behavior by the relatives of the landlord, who were beginning to take over for the landlord as the landlord was becoming older and incapacitated. The third described miscalculation of the rent payment in the public housing context.

Properties under new ownership. Four tenant interviewees described a change in the ownership of the property contributing to the eviction filing. They described not knowing who to make payments to after the property transferred to new ownership, new owners not accepting payments because they wanted the property vacated for renovation, and new owners changing the rent amounts making the property unaffordable for the current tenant.

Illnesses and disabilities. A few tenants described caring for children with illnesses and disabilities impacting their ability to keep steady employment and pay rent. One tenant described quitting a few jobs because of her daughter's disability, and another described losing her job when her daughter had an illness. Two mentioned waiting on subsidies related to their own disabilities or disabilities of their children to help pay rent.

4.4.5 Experience in Court

After asking for their explanation of why the eviction was happening, we asked tenants if the experiences they shared with us were shared with the court at the hearing. Just over half (54.5%) indicated that they did relay this information to the court. The rest (45.5%) reported that they did not share their side of the case and their experiences leading up to eviction in court. Court observers recorded that defenses were not present (no defense was made, the observer wasn't certain whether a defense was made, or any information was missing) in about 30% of cases where the tenant appeared in court, which is substantially less than the 45.5% reported by the interview participants (see Table 13).

For those that indicated they did not share this information in court, we followed-up by asking why. Most tenant interviewees felt that they were not given the opportunity to tell their side of the story. They mentioned that the court "didn't ask" them about their experiences or that the court "didn't have time" to hear their side of the case. In other instances, tenants said that they went to mediation, the case was dismissed, or the case was continued and that's why they didn't relay this information in court. In a few cases, tenants indicated that it was easier to settle and move on than to relay their defense to the court, that they either missed the hearing, that they didn't know how to relay this information to the court, or that they were going to bring it up at another hearing.

We also asked tenant interviewees if there was anything else they wanted to tell us about how the court process went. Overall, almost half (42 interview participants in total) either relayed additional details of the case or had nothing additional to say. Others reflected on their experience in court, the subject of our interest in this section. Overall, 24 tenants had something positive to say about the experience, in spite of the circumstances. In these instances, these positive comments should not be construed as positive comments about the eviction case itself; rather, the interview participant often had many negative comments about circumstances surrounding the case, but relayed some positive comments about the court process specifically. In some instances, the positive statements focused on the result of the case being favorable to the interviewee or workable by the interviewee in some way. One participant stated:

“I am satisfied with how it went today. I was scared for a minute because I don’t have any friends or family here.”

Other times, the positive statements were about the court process overall. They noted that the process went smoothly, seemed quick, fair, and/or was informative. Interview participants also discussed having positive experiences with court mediators, magistrates, and other court staff. One participant stated:

“My mediator was helpful. I like the fact that they had a mediator. It made me feel at ease. The mediator made sure I knew my rights.”

Another set of tenants, 20 in total, indicated that they felt that the court process was unfair, a waste of time, that they felt unheard, or indicated that they were confused by the process. One interviewee describes feeling like the court process is very one-sided:

“They don’t give you time to plead your case. I felt like it was one-sided. I have been living in the property for 46 years, and the judge didn’t even let me go into mediation.”

Similar feelings were expressed by another interviewee, who commented that:

“It seems like whatever the landlord says or decides, they go with that.”

One tenant interviewee expressed frustration with the court process and the overall lack of ways of resolving the issue, stating:

“It was a waste of my time. I missed work and money to be here. The process and the eviction was a waste of time. Tenants have rights. I communicated with his people and they did not listen and I ended up here. And it could have been resolved way before this point if they would have communicated and listened better.”

During our court observations, we recorded whether or not a case was referred to the Housing Court social work staff for additional assistance. Of the defendants who appeared in court, half were referred to social services, and half were not.

4.4.6 Illegal Evictions

We asked tenants if their landlord employed any illegal eviction strategies prior to filing their eviction. We listed specific actions that could be considered illegal evictions and, item-by-item, asked the interviewee whether the landlord engaged in that action. Most (60%) reported that their landlord did not employ any illegal eviction strategies. The rest reported experiencing an illegal eviction strategy: 24% reported that they believe that their landlord filed their eviction in response to a complaint the tenant made about the

condition of the property; 13% reported their landlord changed the terms of their lease; 10% reported that their landlord turned off their utilities; and 7% reported their landlord had changed their locks.

4.5 What Happens Next

In this section, we describe what we heard from tenants in terms of where they're planning on living, as well as their thoughts on the impact the case has had on them emotionally and financially.

We asked tenants who indicated that they had to move as a result of the eviction case where they plan to stay: 40.5% indicated that they plan to stay in another apartment or rental home, 26.2% reported that they did not know where they would stay after their eviction; 16.7% reported that they planned to stay with a family member or boyfriend/girlfriend, 9.5% said they would stay at a homeless shelter, and 7.1% described that they would stay somewhere else.

One-fifth (20.7%) had worked out an agreement with their landlord in mediation. We asked the tenants who had worked out an agreement if they believed they would be able to comply with the agreement and 94% believed that they would be able to comply.

Even after going through the court processes surrounding eviction, 30% of tenant interviewees were unaware that evictions are registered in public records accessible to landlords.

4.5.1 Emotional/Mental Impact

Over 45% of tenants reported that they had been mentally or emotionally impacted by their eviction. For example, one interviewee reported "It's affected me a lot- I can't eat that good, because I'm worried about this eviction. I came from homelessness, and I don't want to be there again". Depression and anxiety were the most commonly mentioned mental/emotional impacts. One tenant reported that she was "mentally disturbed by the eviction process", and that she "felt like she let her ancestors down". Three interviewees reported that they began to see a counselor or a therapist due to the anxiety and depression from their eviction.

Tenants reported that their children were also mentally and emotionally impacted by eviction. Several reported that their children were "acting out" due to the stress of the eviction. One interviewee reported that the children were depressed and anxious about not having a home, and moving schools.

4.5.2 Economic/Financial Impact

Twenty percent of tenants reported that the eviction had impacted them financially. Two interviewees reported that taking time off from work to attend court had caused them financial stress: "It is nerve-racking. I had to take off work which is stressful, because I don't make money when I'm not working. The other said: "I'm losing money today to be here. I had to pay for parking".

Some reported that the conditions of the rental properties led to damaged furniture that now needed to be replaced. For example, one tenant reported that all their furniture was damaged due to mold in the property.

Nearly a quarter reported difficulty in finding housing. Some reported that in part this was due to depleted financial resources as a result of their eviction. As one interviewee stated, “I’m looking for another house and I have no deposit money to pay for a new deposit.”

4.6 Preventing Eviction

Tenants were asked if they thought that there was any way their eviction case could have been prevented. A few (4) had nothing to relay to us, a number of others (9) relayed that, in their particular circumstances, they believed nothing could have been done any differently. Other interviewees described ways they thought their eviction case could have been prevented. Themes within their responses were again often interrelated, and often mirrored themes brought up when discussing the circumstances surrounding the eviction. Tenants mentioned needing help with landlord tenant relations, especially communication, needing financial and social services assistance, and stricter housing code enforcement as areas where assistance may have helped prevent the eviction.

4.6.1 Assistance with Landlord-Tenant Relations

The most prevalent theme we heard from eviction interview participants was that assistance with landlord-tenant relations could have prevented the eviction. This theme is very broad and includes many secondary themes, including (1) additional flexibility in making payments, and (2) assistance with communication, especially across property ownership, management, and other parties related to maintaining the property and collecting rent. To a lesser extent, they also discussed (3) needing rent receipts, (4) landlords being flexible in remedying issues with subsidies, and (5) reducing violence in the neighborhood (specifically in the public housing context).

In discussing their thoughts on whether there were any ways their eviction could have been prevented, many tenants described how more flexibility in making rent payments could be helpful. This meant a few different things; accepting partial payments, making arrangements to accept smaller payments multiple times throughout the month, and accepting late payments. A number of interview participants mentioned issues with subsidy payments being late or being cancelled when a property failed an inspection. One tenant described reporting an income change to CMHA, which led to a delay in the rent payment and resulted in the eviction. Another tenant described rental assistance not being accepted by the property manager because it would come one day late. One interview participant suggested only considering rental payments late after a 30 day period of delinquency:

“If landlords had to wait 30 days to consider a payment late... before an eviction could be filed, this could be avoided. Paychecks and security checks don't always come when expected. [Interview participant] had asked LL to pay rent on 24th because that's when her social security checks come. “

Many tenants discussed improving communication with their landlord in relaying their thoughts about how eviction could be prevented. In some cases, interview participants discussed communication as a means to negotiate more flexibility in paying rent. Other times, communication was central to the issue, and interview participants described logistical difficulties communicating with the landlords, messages being lost in translation across landlords, property management, and other related parties, and difficulties in communicating around vacating the property. One interviewee described a property frequently changing hands and not being sure who to pay rent to:

“We tried to find out who the new landlord was and we couldn't. The property changed hands twice before this landlord bought it so we were in confusion about who owned the property”

Another tenant described a similar scenario where the landlord was newly engaging the services of a property management company. The interviewee described paying rent to the landlord, but the landlord not recording the rent payment, and communication with the property management complicating the matter. It may be worth noting, both the first and second cause were dismissed after the first hearing in this particular case. The interview participant describes:

“If they would have communicated-- when I was served the 3 day notice and I called them and the management company said they would contact the landlord and follow up with me if there was any other issues, but they didn't.”

A few tenants specifically mentioned having rent receipts as a way to prevent eviction. This mirrors the themes discussed earlier in that many tenants described the eviction being filed despite full or partial rent payments being made. In a few cases, interview participants described having brought proof of rent payments made to the hearing, and the case appeared to be dismissed or found in the favor of the defendant in many of these instances.

As stated earlier, a few tenants described how violence in the neighborhood contributed to the circumstances surrounding the eviction. One interview participant mentioned neighborhood improvement as a way to help prevent eviction:

“If [the landlord] would have helped with more of the community, [it's] so rough and messed up. Conditions are so bad at Old Cedar. [It] feels unsafe, living conditions not up to par. [There's] no support to help folks get on their feet.”

4.6.2 Financial Assistance and Social Services

A quarter of tenants felt that some kind of financial assistance could have prevented their eviction. Many of these suggestions centered around emergency rental payment assistance. Some interview participants described needing the emergency rental payment assistance to happen more quickly, than is current practice, in order for it to be helpful. One participant suggested creating a payment plan option to help people facing eviction come current on their rent and avoid being evicted.

Other suggestions related to financial assistance included desiring assistance with money management, the interviewee creating more of a financial safety net for themselves in the case of emergency, and more job availability and assistance finding employment potentially being helpful.

Nearly 16% of tenants described ways social services could have helped to prevent their eviction. One key theme, touched on above, was the need for social services to be accessible more expediently. One other key theme was around the point of referral to social services. One tenant suggested that landlords could provide referrals to social service agencies when tenants became delinquent in their rent payments. Another interviewee pointed out the need for social service referrals before becoming delinquent on their rent, stating:

“If I had been aware of the social services and resources that would have been available to me, then I wouldn't have let it get to that point”.

Interview participants described social service needs in a number of different areas, including: dealing with grief and loss, assistance with health issues (especially pregnancy and children’s health), other programs and assistance targeted at single mothers, domestic violence, human trafficking, assistance with the needs of the elderly, assistance with hoarding cases, and assistance with correcting housing case management mistakes.

4.6.3 Resolving Property Condition Issues

When asked if they thought there were any ways that the eviction case could have been prevented, many tenants reiterated that issues with the condition of the home were at the center of the case, and that if the landlord would fix issues in a timely manner, eviction could be avoided. Most interviewees phrased their thoughts on prevention in terms of things the landlord should have done to avoid the court process, namely, fixing housing condition issues that the interview participant complained about or otherwise made the landlord aware of. As one interview participant stated:

“No more slum lords. [We need] landlords that are willing to fix up their properties. Called the housing authority and a week later, was served the eviction notice.”

A few others discussed ways the court process or housing code enforcement process could aid in resolving these housing conditions issues. As one tenant stated:

“If there were stricter punishment on violations of housing codes. Families should not live in the conditions that my family has been living in. I believe that they should get their licenses revoked.”

Another tenant discussed withholding rent as a helpful tool in mitigating disputes about property conditions between tenants and landlords, a tool that they only learned about through the court process. A second tenant interviewee felt there was a gap in the process of withholding rent as it relates to eviction, suggesting if rent deposits were in place, mediation should occur if an eviction case is filed:

“First of all the court should set up a system that if a landlord comes down to file an eviction after the tenant has rent deposited - they should require a mediation hearing before the eviction can be filed.”

A few interview participants expressed that they thought if they had a chance to explain their side of the case in court, the eviction could be prevented. As one tenant stated:

“I think that the court should let the tenant explain everything before they make their decision. Before an eviction goes on somebodies name, they should be able to tell what led up to this point.”

5. Conclusions

Below we outline three key findings from our study that point to the need for additional intervention. Based on what we learned about the eviction process and the experiences of individuals and families, we then outline potential areas of intervention, focusing on intervention points related to the eviction process. It is beyond the scope of this study to understand the full extent of existing resources related to eviction, homelessness, and broader housing affordability strategies. Instead, the goal of this section is to help community agencies seeking to aid this population understand potential useful points of

intervention, based on what we learned from observing the process and listening to tenants facing eviction.

5.1 Key Findings

Eviction filings are often an indicator of socioeconomic disadvantage. The majority of tenant interview participants were African-American women, with an average age of 41.5. Nearly 60% had children in the household, with an average of 2.6 children per household. Their median income is \$1,200 per month. They are housing-cost burdened. The majority of tenant interview participants (71%) pay 30% or more of their income towards housing monthly.

Eviction filings are an indicator of the cycle of housing instability faced by our sample. Half of the tenants we spoke to reported having had one or more evictions in the past. We found that in 63.6% of tenant interview participants' eviction cases, a writ of restitution was purchased by the landlord, an indicator that the eviction filing resulted in a move. When asked where they would live next, 26.2% of the tenants said they didn't know where they'd live next, and 9.5% said they planned to go to a homeless shelter.

Housing condition issues, housing subsidies, and home health issues appear to have complex interplay with eviction and the low-cost rental housing market. When asked about the circumstances surrounding the eviction, nearly one-third of tenant interview participants noted some type of issue with the conditions at the property. When specifically asked about property condition issues, 69% reported water leakage, 67% reported the presence of rodents or other pests, nearly half (48%) reported mold issues, and over a quarter (28%) reported lead paint or dust. Five tenants discussed how complaints about housing conditions and housing choice voucher inspections (section 8) lead to properties failing inspection and subsequent eviction. Three tenant interview participants provided detailed accounts of their experiences with lead poisoning and subsequent eviction from the property.

5.2 Program and Policy Recommendations

The findings above point to the potential for the eviction filing to be a key marker of distress and point of intervention for families and individuals in distress. Intervening at the point of eviction may help avoid further family displacement and instability. Given the relationship between eviction and the rental market in Cleveland, especially the low-cost rental market, we should consider the impact of points of intervention and intervention strategies on not just individuals and families facing eviction, but also the housing market, with the overarching goal of ensuring interventions work towards improving family housing stability and the quality of housing in the low-cost rental market.

There are multiple points of intervention for consideration, as outlined below, and we relate these points with program and policy improvements aimed at preventing eviction or avoiding disruptive displacement, informed by that we heard from tenants and observed in court.

It is important to note that various actors, i.e. community agencies, legal agencies, courts and law enforcement, working in this space have very different tools and abilities at their disposal. It is beyond the scope of this study to determine what actors are appropriate for which intervention points. As mentioned previously in this report, Cleveland's only tenants' rights advocacy organization, the Cleveland Tenant's

Organization (CTO), closed in 2018, leaving some tenants' services formerly carried out by this organization unfulfilled.

Pre-eviction filing. Prior to the eviction, landlord and tenant education could help improve the understanding of the rights and responsibilities of all parties, as well as available community resources for remedying conflicts or other issues. This could be especially helpful in instances where existing processes or resources are underutilized or misunderstood. For example, rent deposit as a tool was misunderstood by some of our interview participants. Some tenants were unfamiliar with available resources for emergency rent payment aid. The rights and responsibilities of landlords and tenants relating to public housing and subsidized housing also seemed to be a space where misinformation and misaligned process caused difficulties for families, and may be another specific point for intervention and additional resources. Working with tenants to understand the importance of rent receipts and other proof of payments may prove to be another effective point of intervention. Working with low-income landlords to develop business models that allow for more flexible rent payment terms may be another potential strategy, mentioned by our interview participants, though it may be a loftier one.

Eviction filing. A second point of intervention falls around the eviction filing date. Connecting with individuals and families, providing some basic information about the court process and potential resources to tenants at the time they are notified of the eviction filing would almost certainly prove helpful to tenants. Interview participants had little understanding of the court process and the information they could offer as evidence in their case. The majority (82.8%) also reported not getting any help in preparing for their cases. Mailing information to parties upon eviction filing may be an easy and cost-effective way to inform case parties of their rights and responsibilities and to encourage tenants to appear in court. It also may be the case that it is difficult to engage landlords and tenants before a given conflict escalates to the point of the eviction filing. In that instance, it is worth considering whether some pre-eviction filing interventions may also be relevant at the point of eviction filing.

Eviction Hearing. The court hearing constitutes a third point of intervention provided the tenant appears in court. In observing the court process, we learned about some existing processes already in place at this stage, carried out through the court, that aim to work towards finding the most amicable solution possible in a given eviction case. Cleveland Housing Court has recently created a social work role and a referral process. Some cases are referred to a social worker; during our study, half of the cases where defendants appeared in court were referred to the social worker. The court also has a mediation process that focuses on creating agreements between two parties in order to resolve the case. Based on our conversations with tenants, expanding these roles with the goal of better understanding the circumstances surrounding the eviction filing and connecting tenants to resources to help resolve the instability underlying the eviction, is an intervention point worth consideration.

Legal representation of tenants in court is an important intervention at this stage to consider as well. Tenants had legal representation in only 5 cases (1.1%) we observed, while landlords had representation at 65.6% of cases, creating at least an optical disadvantage for tenants in the courtroom. Almost half of interview participants (45.5%) reported that they did not share their side of the case and their experiences leading up to eviction in court. Legal counsel offered free of charge to low-income tenants facing eviction could (1) increase the opportunity for tenants to win their eviction case, or otherwise avoid disruptive forced displacement, (2) increase the likelihood of tenants appearing in court and further connecting to resources to assist with underlying housing instability, (3) deter or eliminate exploitative business practices of landlords as they related to eviction, especially those practices that work against the goals of improving housing

conditions, and (4) create a pathway to connect disparate client services, especially in rectifying issues related to housing subsidies.

Avoiding disruptive displacement. As an intervention, legal representation of defendants in court has the potential to increase the opportunity for tenants to win their case or otherwise have more favorable moving time frames, avoiding a disruptive displacement that might lead to additional family or personal instability. In our observations of court cases and interviews with tenants following their hearings, we heard cases with defensible elements, where legal representation may have been able to negotiate more favorable terms to the eviction or avoid eviction altogether.

Increase tenant appearance in court and connecting to resources. We found that in many cases, the eviction filing is an indicator of deeper housing instability. In these instances, there is value to connecting further with the tenant, and connect the tenant to additional resources to aid in improving housing stability. Providing legal counsel in eviction cases may create additional incentive for the tenant to appear in court, creating an opportunity to engage with the tenant and family, and connect them to additional resources.

Deter or eliminate exploitative business practices. In our interviews with tenants, we heard about exploitative business practices carried out by some landlords. For example, some tenants claimed their landlord took in their security deposits and filed for eviction shortly after, in order to profit from the security deposit and take in a new renter. Others discussed paying rent but the property not being up to suitable health and safety codes, or the landlord filing for eviction to retaliate against complaints. There are existing processes in place aimed at preventing this type of exploitative behavior, like the court's rent deposit program¹⁶ and "clean hands" docket,¹⁷ and providing legal representation would be an additional deterrent. Given current community focus at improving housing conditions, especially related to lead exposure and childhood lead poisoning, this area of intervention would prove particularly beneficial, as it has the potential to positively impact the low-cost rental market as a whole.

Connect disparate client services/systems. In our court observations and interviews with tenants, we heard ways that disconnects between assistance systems, usually public housing and housing voucher systems, contributed to an eviction. Providing representation may offer a useful way to understand, communicate, and rectify these system disconnects.

This report outlines the stories of real people facing eviction in Cleveland. We are limited mostly to telling the stories of people who appeared in court. They are often families with children and they are often employed. They are highly housing-cost burden, and often eviction is filed when they are 1 or 2 months delinquent in rent. Some report attempting to make payments and seeking ways to better work out reasonable solutions with their landlords. Most tenants report significant issues with the condition of their properties. The intervention points described above all have some potential to positively impact individuals' and families' abilities to understand and enforce their rights. They also, thereby, have the potential to impact the whole of the low-cost rental housing market positively, and improve housing conditions for all of Cleveland.

¹⁶ The rent deposit program allows tenants to place rent in a court-controlled account if a landlord fails to perform the duties required by the lease. See the Cleveland Municipal Court of Housing's rent deposit pamphlet for more information on the program: https://clevelandmunicipalcourt.org/docs/default-source/cleveland-housing-court/housing-court-clinic-flyers/rent-deposit-pamphlet1-rev.pdf?sfvrsn=4849483d_0

¹⁷ The "clean hands" docket prevents a landlord with an open criminal case (housing health and safety code violation) from being able to file an eviction while the criminal case is open. For more information see: <https://www.ncsc.org/sitecore/content/microsites/future-trends-2012/home/Courts-and-the-Community/3-3-Cleveland-Housing-Court.aspx>

Appendix A- Court Observation Protocol

Confidential

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Court Observation

Please use this web form to enter any court observation data taken on paper instruments.

Enter today's date

Case number

Magistrate

Was the plaintiff present?

- Yes
 No
 Uncertain

Did the plaintiff have a lawyer?

- Yes
 No
 Uncertain

Was the defendant present?

- Yes
 No
 Uncertain

Did the defendant have a lawyer?

- Yes
 No
 Uncertain

Is the tenant currently living in the property?

- Yes
 No
 Uncertain

Housing type

- Public (CMHA owned)
 Private
 Voucher
 Project-based section 8
 LIHTC
 Uncertain

Lease type

- Written
 Oral
 Uncertain

Months left on lease

Did the landlord provide a three day notice?

- Yes
 No
 Uncertain

Reason for eviction noted by landlord

- Nonpayment
 Nuisance or neglect
 Criminal activity
 Other breach of lease
 Uncertain

Months behind on rent _____

Dollar amount monthly rent _____

Dollar amount behind on rent _____

Describe reason for eviction noted by landlord _____

Tenants defense Payment made (paid rent)
 Habitability (living conditions)
 Retaliation (tenant complained about something or reported something and landlord evicted them as a response)
 Landlord did not follow proper eviction process (landlord tried to kick them out by locking them out/turning off utilities/did not post the required three day notice)
 Discrimination
 Change in a pattern of practice
 No defense
 Other
 Uncertain

Describe tenant's defense _____

Tenant referred to social services? Yes
 No
 Uncertain

Case outcome Judgment in favor of plaintiff
 Judgment in favor of defendant
 Dismissal
 Default
 Continuance
 Mediation
 Written decision to be issued
 Uncertain

Case outcome description (if needed) _____

Days given to move out _____

\$____ given to move out _____

Length of case (in minutes and seconds, formatted MM:SS) _____

Interviewer notes

(Additional notes from interviewer (if needed))

Eviction Interview

Please complete the survey below.

Thank you!

SURVEYOR: APPROACH EVICTION CASE DEFENDANT

HELLO, MY NAME IS _____. I AM CONDUCTING A SURVEY WITH CASE WESTERN RESERVE UNIVERSITY TO UNDERSTAND THE EXPERIENCE OF TENANTS FACING EVICTION. THE SURVEY IS COMPLETELY VOLUNTARY, CONFIDENTIAL, AND WILL TAKE ABOUT 30 MINUTES.

WOULD YOU BE WILLING TO PARTICIPATE IN THE SURVEY TODAY? TO COMPENSATE YOU FOR YOUR TIME, YOU WILL BE PROVIDED WITH A GIFT CARD. IF YOU CANNOT PARTICIPATE TODAY, WE CAN WORK WITH YOU TO FIND A TIME THAT SUITS YOUR SCHEDULE.

HAVE YOU ALREADY MET WITH ANY COURT EMPLOYEES YOU MUST SEE FOLLOWING YOUR HEARING? YOU MAY HAVE BEEN REFERRED TO COURT MEDIATION OR TO THE SOCIAL WORKER AND SHOULD TALK TO THEM BEFORE SPENDING TIME WITH US.

**IF ANSWER YES, PROCEED WITH SURVEY.
IF ANSWER NO, STOP.**

GREAT. WE'RE GOING TO GO DOWNSTAIRS WHERE WE CAN SIT DOWN FOR THE INTERVIEW.

ONCE DOWNSTAIRS, PROCEED WITH INFORMED CONSENT.

THANK YOU FOR AGREEING TO SPEAK WITH ME TODAY. BEFORE WE BEGIN, I'M GOING TO REVIEW YOUR RIGHTS AS A PARTICIPANT IN THIS STUDY.

[HAND CONSENT FORM TO PARTICIPANT]

The information you share with me will help inform research aiming to provide legal representation to those facing eviction.

All efforts will be made to keep everything you tell me in the strictest confidentiality. I will not link your name to anything you say in the text of any publications.

There are no other expected risks of participation but if any of these questions make you feel uncomfortable you may skip the question or opt out of the survey at any time.

Do you have any questions about this research?

This consent form contains our contact information if you have any further questions. If so, let's begin....

PLEASE ANSWER MY QUESTIONS TO THE BEST OF YOUR ABILITY. LET ME KNOW IF YOU DO NOT FEEL COMFORTABLE ANSWERING ANY OF THE QUESTIONS. MANY OF THE QUESTIONS ARE MULTIPLE CHOICE; I'LL READ THE QUESTION AND THE RESPONSE OPTIONS OUT LOUD TO YOU. THERE ARE A FEW QUESTIONS THAT ARE OPEN-ENDED WHERE WILL YOU HAVE THE OPPORTUNITY TO RESPOND IN YOUR OWN WORDS.

FIRST, I'M GOING TO GET YOUR NAME AND COURT CASE NUMBER.

Name

Case Number

Interviewer Initials

Date of Consent to research

Section 1: Court Case

NEXT, I'M GOING TO ASK YOU SOME QUESTIONS ABOUT YOUR COURT CASE. PLEASE ANSWER AS BEST YOU CAN, ACCORDING TO YOUR UNDERSTANDING OF THE CASE. LET ME KNOW IF YOU DO NOT UNDERSTAND THE QUESTION, OR IF YOU ARE NOT SURE ABOUT THE ANSWERS TO ANY OF THE QUESTIONS.

I'm going to list some common reasons why people are served an eviction notice. Please tell me whether or not each of these reasons applies to you.

INTERVIEWER: CHECK "YES" OR "NO" FOR EACH OPTION

I owed the landlord money

- Yes, \$ ____
- No
- Don't Know
- Refused

How much owed to landlord?

I, or someone who lives with me, was accused of violating the lease in some way

- Yes
- No
- Don't know
- Refused

My landlord received a nuisance property or drug activity letter from the Police Department

- Yes
- No
- Don't know
- Refused

I received a 30-day eviction notice, but I didn't owe the landlord money and I didn't violate the lease

- Yes
- No
- Don't know
- Refused

PLEASE ANSWER THESE NEXT FEW QUESTIONS IN YOUR OWN WORDS. I WILL SUMMARIZE YOUR RESPONSE IN MY NOTES AND READ IT BACK TO YOU TO ENSURE I'VE GOT IT RIGHT.

In your own words, tell me about why you're here today, according to your landlord.

Now, please tell me your version of why you're here today.

[Prompt] Tell me about your side of this case.

Did you tell the court about the things you just discussed with me; the circumstances surrounding this eviction?

- Yes
- No
- Don't Know
- Refused

Why didn't you bring any of this up in court today?

What was the outcome of your eviction hearing today?

- I will leave the home by a certain date
- My landlord and I worked out an agreement and I am staying in the home
- My landlord and I have to come back and see the judge on a later date
- My case was dismissed
- Other _____
- Don't know
- Refused

Other (please specify)

Do you believe you will be able to comply with the agreement reached with your landlord today?

- Yes
- No
- Don't Know
- Refused

Is there anything else you'd like to say about how the court case went today?

Where are you planning on staying immediately after you have to leave?

INTERVIEWER: CIRCLE ONLY ONE. IF RESPONDENT NAMES SEVERAL POSSIBILITIES, CIRCLE "DON'T KNOW"

- With a friend
- With a family member
- With a boyfriend/girlfriend
- Another apartment/rental home
- At a homeless shelter
- Other (please specify)
- Don't know
- Refused

Other (please specify) _____

We're trying to learn about ways that eviction could be prevented. In your case, is there anything you can think of that could have helped prevent this from happening? _____

Did you get any help preparing for your court case today?

- Yes
- No
- Don't know
- Refused

Who or where did you get help from?

[IF INTERVIEWEE DISCUSSES HELP FROM A LAWYER, ASK QUESTIONS TO FIND OUT IF IT WAS THE LANDLORD'S LAWYER] _____

Would you have used legal services if they were available to you for free?

- Yes
- No
- Don't Know
- Refused

Did your landlord do any of the following around the time of the eviction filing:

- Turn off your utilities while you still lived in the home
- Change the locks while you still lived in the home
- Change the terms of your lease (on paper or in practice)
- File the eviction in response to a complaint you had about the home
- None of the above
- Don't know
- Refused

Have you ever received an eviction notice before (not including the eviction notice related to this case)?

- Yes
- No
- Don't know
- Refused

Before today, were you aware that an eviction filing is registered in public records, accessible to future landlords?

- Yes
- No
- Don't know
- Refused

Section 2: Your Home, Household Members

DURING THIS PART OF THE INTERVIEW, PLEASE THINK ABOUT THE PLACE WHERE YOU RECEIVED THE EVICTION NOTICE.

How often is the rent for this place due?

- Once a week
- Once a month
- Some other way (please specify)
- Don't know
- Refused

Some other way (please specify)

What is the total rent you and other people living with you pay each [WEEK / MONTH / OTHER]? Do not include amount of rent assistance, or any additional utility costs, if applicable.

What utilities, if any, are covered by the rent you pay?

- Water
- Sewer
- Gas
- Electric
- Other
- None
- Don't know
- Refused

Other (please specify)

What is the name of your landlord?

DOES THIS HOME HAVE ANY OF THE FOLLOWING HEALTH ISSUES?

Lead in Water

- Yes
- No
- Don't know
- Refused

Lead paint/dust in the home

- Yes
- No
- Don't know
- Refused

Lead in the soil

- Yes
- No
- Don't know
- Refused

Rodents or other pests

- Yes
- No
- Don't know
- Refused

Water leakage

- Yes
- No
- Don't know
- Refused

Mold Issues

- Yes
- No
- Don't know
- Refused

Other (please specify) _____

Thank you. The next question is about the adults that live or stay with you. Sometimes, people live or stay at a place and the landlord knows about them. Other times, people live or stay at a place and the landlord doesn't know about them. I'm interested in ALL adults that live or stay with you.

Besides yourself, how many adults (over age 18) live or stay with you in this home? _____ (answer in whole numbers)

Do any children under the age of 18 live or stay with you? Include all children, even those not legally or biologically related to you. (answer in whole numbers)

- Yes
- No
- Don't Know
- Refused

Number of Children _____

Section 3: Health, Employment, Income
THIS LAST SET OF QUESTIONS IS ABOUT YOU.

How many times have you moved in the past three years? _____ (answer in whole numbers)

In general, would you say that your health is:

- Excellent
- Very good
- Fair
- Poor
- Don't know
- Refused

During the past 4 weeks, to what extent has your physical health or emotional problems interfered with your normal social activities with family, friends, neighbors, or groups?

- Not at all
- Slightly
- Moderately
- Quite a bit
- Extremely
- Don't know
- Refused

How old are you? (answer in whole numbers) _____

Are you Hispanic?

- Yes
- No
- Don't Know
- Refused

What is your race?

[INTERVIEWER: MARK ALL MENTIONS BY THE RESPONDENT. IF THE RESPONDENT SAYS "MIXED-RACE" FOLLOW-UP WITH:

I can circle more than one race if you like.

- Black or African American
- White
- Hispanic
- Asian
- American Indian or Alaska Native
- Native Hawaiian or other Pacific Islander
- Other (please specify)
- Don't Know
- Refused

Other (please specify) _____

What is the primary language spoken at your home?

- English
- Spanish
- Other (please specify)
- Don't know
- Refused

Other (please specify) _____

What is your military status?

- Active military duty
- Veteran
- Not a veteran
- Don't know
- Refused

What is your employment status?

- Employed full time (40 or more hours per week)
- Employed part time (up to 39 hours per week)
- Unemployed and currently looking for work
- Unemployed and not currently looking for work
- Student
- Retired
- Homemaker
- Self-employed
- Unable to work
- Don't know
- Refused

41. What is the total monthly income of your household? This amount includes the income you take home after taxes and the income other adults that live with you take home after taxes.

INTERVIEWER: SELECT RESPONDENT'S GENDER

- Female
- Male
- Don't know

THIS LAST QUESTION IS OPEN ENDED FOR YOU TO ANSWER IN YOUR OWN WORDS.

Are there other ways that the eviction case has affected you or your family that we haven't already discussed? Please tell me about them.

THANK YOU FOR SHARING YOUR EXPERIENCES WITH ME TODAY.

[NAME] CAN HELP YOU WITH YOUR GIFT CARD.

I WANT TO REMIND YOU ONE LAST TIME TO MAKE SURE YOU'VE SEEN EVERYONE YOU NEED TO AT THE COURT. YOU MAY HAVE BEEN REFERRED TO SEE A HOUSING COURT SPECIALIST ON THE THIRTEENTH FLOOR. LET ME KNOW IF I CAN HELP YOU FIND YOUR NEXT APPOINTMENT.

OTHER NOTES FROM INTERVIEWER

Appendix C- Eviction Filings by Cleveland Neighborhood, 2013-2017

Eviction Filing Rate per Rental Housing Units by Cleveland Neighborhood, 2013-2017						
Neighborhood	2013	2014	2015	2016	2017	Average 2013-2017
Brooklyn Centre	12.9	14.6	13.0	16.5	15.5	14.5
Collinwood-Nottingham	14.3	16.2	15.0	13.1	13.6	14.4
St.Clair-Superior	12.5	12.5	13.4	12.6	12.8	12.8
Central	18.1	19.1	21.2	14.2	12.1	16.9
Buckeye-Woodhill	16.0	17.8	19.1	13.5	11.8	15.6
Mount Pleasant	13.2	12.3	12.0	11.7	11.7	12.2
Clark-Fulton	11.9	13.2	13.3	13.3	11.6	12.7
Union-Miles	11.8	12.2	11.5	10.2	11.6	11.4
West Boulevard	13.1	13.2	12.7	10.5	11.4	12.2
Cudell	15.1	13.1	13.1	10.8	11.3	12.7
Stockyards	14.0	14.1	12.0	13.5	11.2	12.9
Broadway-Slavic Village	14.6	13.4	12.3	12.3	11.1	12.7
Glenville	11.6	13.5	12.5	10.8	10.6	11.8
Bellaire-Puritas	12.0	12.7	11.1	9.8	10.6	11.2
Lee-Harvard	10.0	10.3	9.0	10.0	10.4	9.9
Hough	12.6	13.1	12.3	8.5	9.7	11.2
Kinsman	8.4	9.2	7.6	10.6	9.6	9.1
Lee-Seville	9.0	10.0	9.8	7.8	9.3	9.2
North Shore Collinwood	10.4	10.7	9.1	9.5	8.7	9.7
Jefferson	8.6	8.7	7.9	8.4	8.7	8.5
Detroit Shoreway	9.2	9.3	7.9	9.7	8.7	8.9
Fairfax	9.1	6.6	7.2	6.9	8.6	7.7
Buckeye-Shaker Square	9.4	8.7	9.0	8.9	8.4	8.9
Euclid-Green	10.8	8.3	8.5	8.0	8.1	8.7
Old Brooklyn	10.2	9.5	9.6	9.3	8.1	9.3
Edgewater	9.9	10.2	9.6	7.7	8.0	9.1
Ohio City	13.5	13.3	11.1	10.0	6.0	10.8
Goodrich-Kirtland Pk	7.6	6.9	6.7	7.2	5.4	6.7
Kamm's	8.0	7.5	6.3	4.8	4.9	6.3
Cuyahoga Valley	1.0	2.3	0.9	3.5	4.6	2.5
Downtown	6.6	5.8	4.0	5.9	4.3	5.3
Tremont	5.3	4.8	3.8	4.9	4.0	4.6
University	2.5	3.5	3.6	3.7	3.4	3.3
Hopkins	16.3	10.8	16.0	2.6	0.0	9.2

Data Source: Cleveland Municipal Court of Housing, eviction filings, move-outs, and move-out results; Rental unit estimates from the American Community Survey, U.S. Census Bureau. Processed and analyzed by the Center on Urban Poverty and Community Development, Jack, Joseph and Morton Mandel School of Applied Social Sciences, Case Western Reserve University.

<https://case.edu/socialwork/povertycenter/>

Data Notes: Hopkins and Cuyahoga Valley neighborhoods have few housing units and as a result may be outliers.

Appendix D- Demographics of Evicted and Not Evicted Participants

	Evicted (move-out date) n = 56		Not Evicted (No move-out date) n= 32	
	N	%	N	%
Demographics				
Average age		41.7		41.4
Had previous eviction filing	29	52.7	15	46.9
Only adult (over 18) in household	30	54.6	18	56.3
Children (under 18) present in household	34	61.8	17	53.1
Average number of children in household		2.74		2.47
Gender of interview participant				
Female	46	83.6	25	78.1
Male	9	16.4	7	21.9
Race of Interview Participant				
African American	42	75.0	26	81.3
White	11	19.6	6	18.8
Employment Status				
Employed full time (40 or more hours per week)	19	34.6	14	43.8
Employed part time (up to 39 hours per week)	4	7.3	4	12.5
Homemaker	0	0.0	1	3.1
Retired	4	7.3	0	0.0
Self-employed	3	5.5	2	6.3
Unable to work	13	23.6	7	21.9
Unemployed and currently looking for work	10	18.2	2	6.3
Unemployed and not currently looking for work	2	3.6	2	6.3
Income				
Median monthly income	\$	1,163.00	\$	1,485.00
Average monthly income	\$	1,420.46	\$	1,446.69
Rent				
Median monthly rent	\$	600.00	\$	612.50
Average monthly rent	\$	557.64	\$	618.34
Housing Cost Burden (Rent to Income Ratio)				
Median housing cost burden		42.0		50.0
Average housing cost burden		6749.0		2837.0
Average Moves in the Past 3 Years				
Median number of moves		1.0		1.0
Average number of moves		1.2		1.4
Self-Reported Health				
In general, would you say that your health is:				
Excellent	7	12.7	6	18.8
Very good	11	20.0	6	18.8

Fair	25	45.5	14	43.8
Poor	12	21.8	6	18.8
During the past 4 weeks, to what extent has your physical health or emotional problems interfered with your normal social activities with family, friends, neighbors, or groups?				
Extremely	19	34.6	12	37.5
Quite a bit	12	21.8	7	21.9
Moderately	4	7.3	3	9.4
Slightly	6	10.9	5	15.6
Not at all	14	25.5	5	15.6