



## Housing and Eviction Guidance

### *Supporting Survivors During Public Health Crisis in the Courts*

Survivors facing financial instability due to the pandemic may find themselves falling behind in paying rent. Before considering any other options, survivors should first seek accommodations directly from their landlord/housing company.

As long as Survivors feel safe in approaching their landlord, they should reach out to the landlord or leasing agency directly. Survivors may request arrangements where they cannot pay the rent on time or in full. For example, a landlord may allow a tenant to pay less rent in the coming months, or to spread rent payments for the next couple of months over the next year. While an informal arrangement is typically best for all, Survivors should not accept excessive demands or unreasonable conditions or terms from a landlord. If the landlord refuses to agree to a reasonable solution, then the survivor should consider other options.

Survivors who are unable to pay rent during the pandemic may qualify for protection from being evicted from their homes.

Tenants should seek rent assistance through local government or community organizations. Financial assistance programs have been created in many locations, specifically intended to keep people in their homes.

The CDC issued a Federal Eviction Moratorium, banning landlords from evicting tenants through 2020, *if* the tenant is unable to pay rent because they have been impacted by the pandemic. At present, landlords cannot evict tenants for nonpayment of rent until after 12/31/20. The expiration date of the eviction ban may be extended further into 2021.

Some local municipalities/states have issued their own eviction bans that may offer even more protection to tenants unable to pay rent. Check with local Housing Court.

Before applying for eviction protection, tenants must try to avoid eviction on their own. Tenants must try to find financial assistance for rent and they must try to pay what rent they can.

If a survivor has fallen behind on rent, they should follow the steps below to apply for eviction protection by the Federal Eviction Moratorium.

1. Obtain a Declaration Form. Review the form to determine whether they qualify for eviction protection. The tenant will have to meet all of the conditions (listed below) to qualify.
2. Tenants should collect any documents they can to support the application (bank statements, etc.). The tenant will need these items as proof of eligibility should the matter result in a Housing Court hearing.
3. In order to qualify, all of the following must be true:
  - The tenant cannot pay the full rent amount owed because they have lost income or they have incurred extraordinary medical expenses due to the pandemic.
  - The tenant has tried to look for financial assistance.
  - The tenant does not expect to earn more than \$99,000 in 2020.
  - The tenant has tried to pay as much rent on time as possible.
  - If evicted, the tenant would likely become homeless and have to live in a shelter or other crowded place.
  - The tenant expects to earn less than \$99,000 in 2020.
4. If all of the qualifications are met, the tenant should sign the Declaration Form.
5. The tenant should submit the signed Declaration Form to the landlord.

After the tenant submits the form to their landlord, the landlord will either accept or challenge the request to halt eviction.

If the landlord accepts the application, the landlord will stay the eviction. The landlord agrees that they will not seek to evict the tenant for nonpayment until after the moratorium expires.

If the landlord chooses instead to challenge the application, the local Housing Court will determine whether the tenant qualifies for protection from being evicted. The Housing Court will hold a hearing where the tenant provides evidence proving their eligibility and/or the landlord provides evidence that the tenant does not qualify and should not avoid eviction.

The eviction ban only applies to evictions for not paying rent. Tenants can still be evicted on other grounds, such as criminal conduct, nuisance activity, etc. Additionally, the Ohio Supreme Court has suggested that Eviction cases should proceed instances, such as those in which a victim/landlord is attempting to evict an abuser for their safety. If a court refuses to immediately process an eviction matter in a situation akin to this, Survivors should contact Legal Aide or otherwise seek legal assistance.

## Local Housing Resources

The Department of Housing and Urban Development created a listing of housing organizations. These resources may be available to survivors facing homelessness.

All Counties	Ohio Development Services Agency – Supportive Housing Program	614-466-9357 <a href="mailto:Scott.gary@development.ohio.gov">Scott.gary@development.ohio.gov</a>
All Counties	Nonprofit211 <i>(Help for trouble finding food, paying housing bills, etc.)</i>	<a href="http://www.211.org">www.211.org</a>
Cuyahoga County	FrontLine Service	216-339-8694 <a href="mailto:Latonya.murray@frontlineservice.org">Latonya.murray@frontlineservice.org</a>
Franklin County	Community Shelter Board	614-715-2541 <a href="mailto:emaus@csb.org">emaus@csb.org</a>
Hamilton County	Strategies to End Homelessness	513-263-2788 <a href="mailto:kfinn@end-homelessness.org">kfinn@end-homelessness.org</a>

Lucas County	United Way of Cleveland	216-436-2035 <a href="mailto:nfdobens@unitedwaycleveland.org">nfdobens@unitedwaycleveland.org</a>
Stark County	Canton/Massillon/Alliance/ Stark County CoC	330-430-3964 <a href="mailto:Jennifer.keaton@starkmhar.org">Jennifer.keaton@starkmhar.org</a>