

**Testimony in Support of HB 20**  
**House Civil Justice Committee**  
**March 23, 2021**  
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Chair Hillyer, Vice-Chair Grendell, Ranking Minority Member Galonski, and members of the committee, thank you for the opportunity to provide testimony in support of HB 20.

Thank you for inviting me to testify. My name is Jyoshu Tsushima, and I am a staff attorney at the Legal Aid Society of Columbus Ohio, a non-profit that provides free legal assistance to low-income clients. Through our eviction prevention clinic, the Tenant Advocacy Project (TAP), my team and I represent tenants in eviction trials at Franklin County Municipal Court.

Thousands of Ohioan families have been evicted during this pandemic, and thousands more will be evicted if we do not act. Evictions are undermining our recovery from the pandemic and will hamper our return to normalcy and economic recovery. It is a painful irony for us to constantly remind everyone to stay home and socially distance to fight the spread of COVID-19, while hundreds of families are being evicted from their homes every week through court proceedings just up the road from our Statehouse.

Every morning, Monday through Friday, my team and I watch tenants and landlords check in for eviction court. About 90 to 100 trials are scheduled per day, all for 9 AM, before one magistrate. Our court uses a “cattle call” system, where tenants, their families, landlords, and attorneys wait in an atrium for cases to be called one at a time. We try to help as many families as we can before cases get called. We quickly assess cases for legal defenses and scramble to seek solutions that will keep them housed. Other agencies are also at eviction court trying to connect tenants and landlords with rental assistance. Every landlord and attorney works differently. Some are mom and pop landlords that genuinely care about keeping their tenants housed and will bear a loss, while some corporate landlords prioritize collecting on tenants’ back balances. Every morning is chaotic and so many tenants fall through the cracks, leaving court knowing they have to move their families elsewhere in the middle of a pandemic.

Over 1900 evictions were filed in Franklin County in the last 30 days.<sup>1</sup> If extrapolated, Franklin County could see over 22,800 evictions in the next year, or in other words, 1 in every 12 renter households could face eviction.<sup>2</sup> These numbers do not account for the tenants who have moved upon a mere threat of an eviction, or the tenants who have not been evicted because of the soon to expire CDC eviction moratorium.<sup>3</sup> 272,000 to 552,000 of all Ohio families are substantially likely to fall behind on rent, and therefore are at risk of being evicted without decisive intervention.<sup>4</sup>

The vast majority of tenants are facing eviction for falling behind on rent. Even before the pandemic hit, over 54,000 low- and moderate-income households in Central Ohio spent more than half of their income towards housing.<sup>5</sup> Many were surviving by living paycheck to paycheck. When these renters lost their jobs, or their hours were cut due to the pandemic, they were forced to rely on erratic spurts of stimulus checks, unemployment, and rental assistance, with little certainty about how much would come or when it would arrive. At one point Columbus was so short on rental assistance that our distributor, IMPACT Community Action, only dispersed funds to tenants that were being evicted while others were told to reapply when funds were replenished. When funds were depleted after that, IMPACT ceased new applications altogether. And even when assistance arrives, it is mostly used to pay off debts that were already owed, leaving nothing to for next month's rent. Many landlords are also taking rental assistance in addition to forcing tenants to move out since the landlords cannot predict if the tenant can pay rent moving forward, which completely undermines the purpose of providing rental assistance to keep tenants housed during the pandemic. So many of our clients live this cycle month-to-month.

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<sup>1</sup> Number of eviction filings from February 22 to March 19, 2021. Data available at <http://www.fcmcclerk.com/reports/evictions>.

<sup>2</sup> Franklin County has about 262,975 rental housing units. 2019 U.S. Census Data, <https://www.census.gov/quickfacts/fact/table/franklincountyohio/HSG010219>

<sup>3</sup> Study found that in Milwaukee, WI, 34% of tenants moved out once they received a notice to leave from their landlord. <https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/DVN/BLUU3U>

<sup>4</sup> National Council of State Housing Agencies, STOUT Data: Estimation of Households Experiencing Rental Shortfall and Potentially Facing Eviction (8/19/20 – 11/23/20). <https://www.ncsha.org/resource/stout-rental-and-eviction-live-data/>

<sup>5</sup> Affordable Housing Alliance Central Ohio, The Columbus and Franklin County Affordable Housing Challenge: Needs, Resources, and Funding Models. February 2017 <https://static1.squarespace.com/static/55dcbb61e4b04de53492b533/t/58b9c43f9de4bb2be93071b2/1489074761352/AHACO+Research+Report+FINAL+February+2017.pdf>

They are not hanging by a thread; they are constantly waiting for one to be thrown down to save them.

Even with recent increases and better distribution of rental assistance, tenants are still terrified of losing their homes, and current law does not ease those fears. Landlords are not legally required to work out payment plans to give tenants a chance to catch up. Evictions are also often processed quicker than it takes for tenants to obtain rental assistance, so tenants are evicted before assistance arrives. We have had tenants who cannot even attend court because they are hospitalized by COVID-19, and when we ask some of the landlords' attorneys to reschedule a case until the tenant is well enough to return, they decline and reply that, although unfortunate, they will still evict these tenants because that is the right of the property owner. When a landlord owns your home, being infected with COVID-19 does not stop an eviction. Neither does job loss, family death, mental illness, crippling accidents, nor any other misfortune. Evictions take less than a month to process in Ohio. Imposing an eviction moratorium would slow down evictions and create stronger incentives for landlords to work out payment agreements with their tenants.

Eviction moratoriums are effective in keeping people housed and preventing the spread of COVID19.<sup>6</sup> However, enforcement of moratoriums under the CARES Act and CDC has been excruciatingly difficult. Under the CARES Act moratorium it was nearly impossible for attorneys to determine if rental properties met the requirement of having a federally backed mortgage since such information was not publicly available. Unrepresented tenants did not even know what the moratorium requirements were. Ultimately, enforcement was left to the self-regulation of landlords.

When the CDC announced its moratorium, we were hopeful that it would be easier to enforce; however, too many tenants are slipping through the cracks due to several loopholes. Current CDC guidance allows landlords to challenge tenants' eligibility for the moratorium in court. Since there is no consequence to making such a challenge, many landlords and their attorneys

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<sup>6</sup> Leifhert et al., *Expiring Eviction Moratoriums and COVID-19 Incidence and Mortality*.  
[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3739576](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3739576)

advise tenants that they are not protected and will challenge the moratorium by filing an eviction, which is often enough to pressure tenants to move.

In Columbus if a tenant seeks protection under the moratorium through our court, the tenant then has to attend a “truthfulness” hearing, where the landlord or their attorney quizzes the tenant on whether they are really poor enough to qualify. One of our clients lost his job due to the pandemic and was supporting himself and his two kids on \$100 weekly unemployment checks. His landlord filed an eviction against him for failing to pay rent. At trial the landlords’ attorney grilled him on why he couldn’t spend any of his unemployment towards rent. Our client responded that it all went to food and utilities. The attorney argued to the court that since our client spent nothing on rent the CDC moratorium should not apply. The court declined this argument and stayed the eviction; however, the landlord filed a new eviction against our client, claiming he was a holdover tenant. Tenants are already scared and humiliated to be at court. To have to be cross-examined in open court on how they are trying to keep their children alive on \$100 per week demeans them even further, and they cannot even be guaranteed that the moratorium will keep them safe. Over 4000 evictions were filed in our court between September and December 2020. Less than 20 of these evictions were stayed under the CDC moratorium.

Evictions and COVID-19 are also hitting our Black communities the hardest. While 60% of my clients at Columbus eviction court are Black, Black residents make up only 24% of Columbus’ population. CDC’s data shows that if you are Black then you are twice as likely to die from COVID-19 than if you are white.<sup>7</sup> Even though Black victims are more likely to die, they have greater barriers to vaccinations compared to White people.<sup>8</sup> In other words, a disproportionate number of Black tenants are being evicted, leading them to greater exposure of COVID-19 when they move into shelters or another family’s home.

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<sup>7</sup> Center for Disease Control and Prevention, COVID-19 Hospitalization and Death by Race/Ethnicity, <https://www.cdc.gov/coronavirus/2019-ncov/covid-data/investigations-discovery/hospitalization-death-by-race-ethnicity.html>

<sup>8</sup> Bloomberg News, Not One U.S. State Has Vaccinated 20% of Its Black Population: Covid-19 Tracker (March 17, 2021). <https://www.bloomberg.com/graphics/covid-vaccine-tracker-global-distribution/us-vaccine-demographics.html>

We need more aggressive intervention. That means adequate rental assistance that tenants and landlords can rely on, and an effective eviction moratorium to keep families housed as they get back on their feet. When a family is displaced, our Ohio communities suffer as well. We must do more to ensure everyone has a home, not just because it is right, but because it is necessary.

Thank you for the opportunity to testify in support of HB 20 and I am available to answer any questions members of the committee may have. I also may be contacted at

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