

March 2021: OH HB 20 Informational Testimony  
*invited by Representative Jeff Crossman  
from The Legal Aid Society of Cleveland*

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The Problem:

Home is the heart of all life, but thousands of Ohioans risk losing their homes due to evictions and foreclosures precipitated by the effects of COVID-19. A housing crisis existed prior to COVID-19, but the pandemic cast a spotlight on the issue and exacerbated problems for Ohioans with low incomes.

Housing instability has been linked to negative health outcomes including maternal depression, increased child lifetime hospitalizations, and poor overall health. Children miss nearly 30% of school days for up to two years after an eviction filing, and workers are 11-22% more likely to lose their job if they were recently evicted or otherwise forced from their home. Since March of 2020, Legal Aid has seen a significant spike in requests for help with housing-related issues such as eviction and other landlord-tenant disputes. Mortgage account and property tax delinquencies are also on the rise, so we expect to see a spike in foreclosure cases in the coming months. COVID-19 continues to impact Ohioans financially.

For example, the "Smith Family" we helped last year own a home in Ashtabula and lost income due to diminished work hours and an exposure to COVID-19 that took the father out of the workforce for 14 days. A Legal Aid attorney submitted a forbearance request to the couple's bank, which explained that their hardship was related to the pandemic. The request was approved quickly, which allowed the family to remain housed and defer home payments to a later date, giving them time to save. Additional protections in 2021 would greatly help a family in similar circumstances.

Another client we helped is a "Keisha" - single mother in her 20s whose hours as a Certified Nursing Assistant were cut in the spring of 2020. When she missed a month's rent payment, her landlord filed for eviction. A Legal Aid attorney filed a Motion to Dismiss based on a three-day notice that should not have been served during the initial Federal Eviction Moratorium. Once the CDC Eviction Moratorium took effect, she helped her client make a declaration to receive that protection and worked with partners for rent assistance for the client. Thanks to Legal Aid's representation at the virtual hearing, this hardworking mother's eviction was dismissed. In 2021 others like Keisha need similar protections.

The Solution:

Tenant and homeowner protections established in response to COVID-19 have already helped many Ohioans. However, these protections are temporary and not broad enough to apply to everyone in need of assistance.

The Legal Aid Society of Cleveland sees daily the incredible community need: through direct representation, education, and advocacy work, Legal Aid provides a lifeline for families facing eviction, foreclosure, and other threats to housing stability. In 2020, Legal Aid handled 6,037 cases, assisting 14,551 people. Our clients need more time to remain in their current residences in order to prevent exposure to the virus, remain out of homeless shelters, recover employment, and utilize the rent assistance and other resources made available to address the impacts of COVID-19 on our state. More protections would provide an additional tool in the civil justice attorney's toolkit to help:

- Negotiate a settlement with a bank or landlord, so these opposing parties can become whole through rent or mortgage assistance funds;
- Ensure an easier transition for homeowners or tenants who want to move;
- Settle a case quickly (in the best interest of our clients) so courts are not overburdened by *pro se* tenants and homeowners; and
- Address conditions in rental housing to protect tenants who have nowhere else to go.

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Civil legal aid organizations are crucial to helping Ohioans overcome the housing instability caused by COVID-19. For instance, we recently helped “Nina” who was diagnosed with breast cancer at the end of 2019 and had to leave her job as she underwent medical treatment. Just a few months later, her husband lost his job as COVID-19 hit. With young children to support, the couple prioritized spending on food and home supplies. When they couldn’t afford rent, their landlord filed for eviction. A Legal Aid attorney helped Nina secure rent assistance to pay all of her back-owed rent and help with future payments. Next, the attorney helped Nina submit an affidavit for the CDC’s Eviction Moratorium and filed a motion to stay the case in Housing Court. Once the landlord received the rent assistance check, his attorney filed a voluntary dismissal, and the eviction was dropped.

A recent foreclosure case we handled also highlights the importance of further financial assistance for Ohioans: “James” lives alone in Conneaut in a house he has owned for 17 years. His hours at a factory were cut significantly due to COVID-19, and he was afraid he’d lose his home to foreclosure without help. The attorney secured a 90-day forbearance for James at the beginning of April and proceeded to extend the forbearance throughout the year. Thanks to this attorney’s expert skills, care, and commitment to his case, James remains in his home and has peace of mind about his finances as the pandemic continues. But, additional mortgage assistance programming in 2021 would greatly help someone like James.

Legal aid lawyers secure safe, stable, affordable housing for individuals and families who are experiencing crises that threaten their basic human need of shelter. A brief stay in evictions and foreclosures will help Ohioans remain safely housed as our region collectively recovers from the coronavirus pandemic.

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