

IWAO
Legal Aid of
Western Ohio, Inc.

*Using Legal Resources as an
Eviction Prevention Strategy*

Veronica Martinez
Managing Attorney
Legal Aid of Western Ohio, Inc.

LAWO's Mission



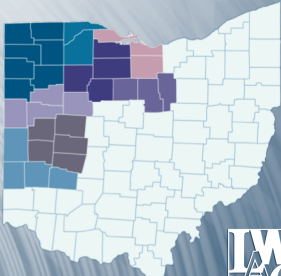
Legal Aid of Western Ohio, Inc. (LAWO) is a non-profit regional law firm that provides free high-quality legal assistance in civil matters to help eligible low-income individuals and groups in western Ohio achieve self-reliance, equal justice and economic opportunity.

IWAO
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LAWO's Service Area

Seven LAWO offices serving 32 counties in northwest and west-central Ohio

- Dayton
- Defiance
- Findlay
- Lima
- Sandusky
- Springfield
- Toledo



IWAO
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Western Ohio, Inc.

Apply through Legal Aid Line


BY PHONE:

- ❖ (419) 724-0460 (in Lucas County)
- ❖ (888) 534-1432 (outside Lucas County)


ON THE INTERNET:

- ❖ www.legalaidline.org

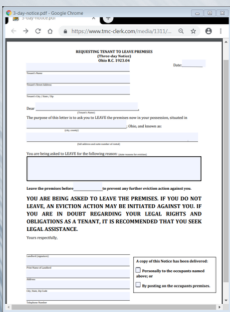
For general info, visit us on the internet at:
www.lawolaw.org




Overview of Eviction Process



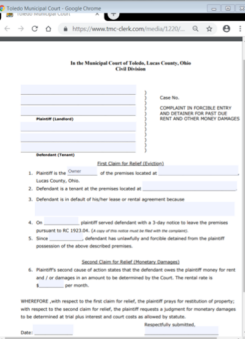
3-Day Notice




- ❖ ORC 1923.04 governs
- ❖ Must be served by landlord to start eviction process
- ❖ Cannot lock tenant out after three day period
- ❖ Note: Other notices may be required first or combined with this notice



Landlord's Complaint




- ❖ Filed with Clerk's Office
- ❖ Expedited Hearing on First Cause (claim for possession of property)
- ❖ May include Second Cause for money damages
- ❖ Served on tenant

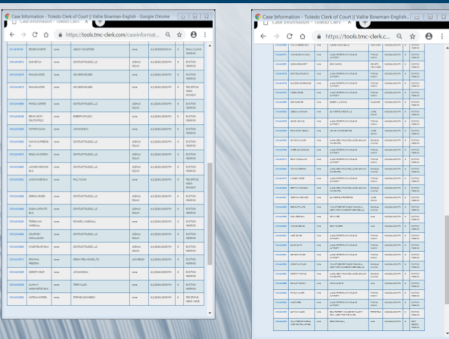


Eviction Hearing

- ❖ Heard before Judge or Magistrate
- ❖ First time in court can be the "trial"
- ❖ Must be prepared to present defenses
- ❖ May negotiate or mediate a settlement
 - ❖ Agree to Move
 - ❖ Landlord agrees to accept rent so tenant can stay (Note: landlord does not have to agree to take late rent and court cannot force landlord to do so!)
- ❖ If judgment granted for landlord, then a writ can be purchased for the set-out of the tenant and tenant's belongings




Evictions in Toledo Municipal Court




Evictions in Toledo – First Cause

- ❖ On average, 15 – 30 hearings
- ❖ Monday through Friday at 1:30 p.m.
- ❖ Heard by the Housing Magistrate
- ❖ Tenants frequently unrepresented
- ❖ Mediators present, but do not give legal advice




***Civil Legal Assistance Services
at Toledo Municipal Court***



History of project

- ❖ Joint project of the Toledo Bar Association, Municipal Court Committee, LAWO, and Judges at Toledo Municipal Court
- ❖ Add on filing fee of \$10 to all civil filings (current revenue is about \$150,000 annually)
- ❖ Approved by City Council
- ❖ Started November 2005
- ❖ Provides for 2 attorneys and a paralegal
- ❖ Handle housing and consumer matters in the Toledo Municipal Court




Legal Aid Offices in Toledo Municipal Court

- ❖ Full service satellite office
 - ❖ Staffed 8:30 a.m. to 4:30 p.m., Monday-Friday
 - ❖ Immediate applications for assistance
 - ❖ Immediate legal information and referrals
 - ❖ Rent Escrow
 - ❖ Tenant's Rights
 - ❖ Steps to stabilize housing situation
 - ❖ Attorneys available for limited scope assistance




Eviction Prevention Strategies

- ❖ Request Continuance under ORC 1923.08
- ❖ Negotiate with landlord
 - ❖ Dismiss eviction proceedings
 - ❖ Accept late rent
 - ❖ "Move in Lieu of Eviction"
 - ❖ Neutral landlord reference
- ❖ Motions to Dismiss
 - ❖ Procedural defects




Eviction Prevention Strategies

- ❖ Represent tenant in trial
 - ❖ Balance the scales
 - ❖ Cross examine landlord, managers
 - ❖ Call witnesses on behalf of tenant
 - ❖ Introduce documents, photos, videos, text messages, etc.
- ❖ File Objections to Magistrate's Decision
 - ❖ Obtain stay pending ruling on objections
- ❖ File appeals as needed
- ❖ Ensure evictions are dismissed if part of agreement



Impact of project

- ❖ Referrals by clerks, magistrates, and judges
 - ❖ Partnership with court
 - ❖ Address concerns about specific landlords or practices
- ❖ Additional information available to tenants
- ❖ Increased access for tenants to legal representation
- ❖ Standing order waiving filing fees for LAWO clients



Contact Information



Veronica L. Martinez

Managing Attorney
525 Jefferson Ave., Ste. 400 | Toledo, OH 43604
Direct: (419) 930-2349 | Fax: (419) 321-1582
vmartinez@lawolaw.org
