

Ronald J.H. O’Leary, Judge
 Cleveland Housing Court
 1200 Ontario Street—Courtroom 13B
 Cleveland, OH 44113

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Cleveland Housing Court

Ronald J.H. O’Leary, Judge

Spring 2019 Issue

A Message from Judge O’Leary



**Housing Court Judge
 Ronald J.H. O’LEARY**

Imagine driving past a property on your street every week. The first week you see some trash in the front yard. The next week, a toilet appears. Then tires. Followed by construction debris. You wonder who owns the property and why they don’t seem to care. You wonder what kind of person would do this in your community. Most importantly, you wonder what can be done to stop it.

Enter the Cleveland-Cuyahoga County Environmental Crimes Task Force. The task force is a partnership of public agencies working to end the open-dumping problem in Cleveland and Cuyahoga County. The Cleveland Health Department and Division of Police, the Cuyahoga County Prosecutor, Sheriff, Board of Health, and Solid Waste District work together to investigate and prosecute open dumping complaints in our neighborhoods.

Illegal dumping of scrap tires, solid waste, and construction debris is a crime against our community and the environment. The cost to taxpayers to clean up illegal dumping is in the millions. If you see someone dumping, call 9-1-1 and report it immediately. If you find an area where illegal dumping has already occurred, call 216.664.DUMP (3867) to report it. Crime Stoppers (216.252.7463) pays a cash reward up to \$2,500 for information leading to the arrest and indictment of a suspected illegal dumper. The penalty for illegal dumping can be a fine up to \$25,000 or a prison sentence from two to four years.

The Cleveland Housing Court can hear civil cases against illegal dumpers in cases where the City asks for an injunction. And the Housing Court can hear misdemeanor criminal cases filed against the property owner where the dumping occurred. But felony charges against the dumpers themselves cannot be filed in the Cleveland Housing Court under current law. Instead, dumping cases are filed by the County Prosecutor in the Cuyahoga County Court of Common Pleas.

I believe that Cleveland can address illegal dumping faster and more efficiently if the Environmental Crimes Task Force can file felony environmental charges in Housing Court. We routinely get calls and visits from residents about neighborhood dumping problems. That makes sense because dumping is an issue which affects housing and the quality of life in our neighborhoods. Residents can feel frustrated when we tell them that we can handle everything BUT that dumping problem in their neighborhood.

In Franklin County, the county prosecutor can file felony charges in the Franklin County Municipal Court’s Environmental Court. It is a specialized court, like the Housing Court, that has been granted authority to hear felony dumping cases. I believe it would make sense for the Housing Court to have the same jurisdiction as its sister court in Franklin County. The Housing Court then could apply the expertise of its staff and our knowledge of the City’s neighborhoods to these cases. And, we then could hear *all* of the cases related to an environmental crime—civil and criminal against the owner and the alleged dumper—together in one court.

For this reason, I have asked state representatives and senators to amend Ohio law so that Cleveland Housing Court can hear these cases. I have spoken with and received letters of support for this change from many of the agencies that enforce the law against illegal dumping.

I will continue working with our state representatives and senators to make this much-needed change so that our court can help address illegal dumping. The Cleveland Housing Court takes pride in its reputation as a problem-solving court. We are doing our part to ensure that if the problem is housing-related, it is one that we can help solve. Please check our Facebook page and website for updates as this proposal moves along.

Ronald J.H. O’Leary



Housing Court Contact Information

Housing Court Judge
216-664-4989

Housing Specialists
216-664-4295

Evictions/Bailiffs
216-664-4765

Justice Center
 Courtroom 13B
 1200 Ontario Street
 Cleveland, OH 44113

Neighborhood Housing Clinic

Bring Your Housing Issues...

- Landlord rights
- Tenant rights
- Eviction procedures
- Assistance for homeowners
- Purchasing lots/vacant houses
- Unsafe illegal/utilities
- Aging programs
- Bed bugs
- Lead issues
- Legal questions
- Home repairs
- Problem landlords
- Nuisance neighbors
- Health conditions
- Foreclosures
- Voter registration
- Financial counseling
- Utility questions

APR. 24, 2019
 6:00 p.m. to 8:00 p.m.

Bethany English Lutheran Church
 15460 Triskett Rd., Cleveland, Ohio

Participants May Include:

- City of Cleveland:
 - Community Dev.
 - Building & Housing
 - Dept. of Aging
 - Public Health
 - Energy Services Dept.
 - Water Pollution Control
- CHN Housing Partners
- Legal Aid Society
- Pest Control Expert
- Neighborhood Housing Services
- Volunteer Attorneys
- Cleveland Restoration Society
- Cleveland Housing Network
- Greater Cleveland Food Bank
- Habitat for Humanity
- County Land Bank
- Housing Research Advocacy
- Court Community Service
- Home Repair Resource Ctr.
- ESOP

MAY 29, 2019
 6:00 p.m. to 8:00 p.m.

Mary Queen of Peace Catholic Church
 4423 Pearl Rd., Cleveland, Ohio

Answering the Call(s)



On February 4, 2019, Housing Court Judge [Ron O'Leary](#) and his staff participated in Channel 5's [Landlords and Tenants](#) phone bank, part of the station's "A Better Land" initiative.

Judge O'Leary and the Housing Court's magistrates, bailiffs, specialists, along with volunteers from the Legal Aid Society of Cleveland and Case Western Reserve University fielded phone calls regarding security deposits, leases, parking, utilities, rent deposits, and problem neighbors. Interested landlords and tenants phoned in from around the state of Ohio. The station arranged to take questions via the internet as well. Nearly 1000 callers received valuable information about the rights and responsibilities associated with being landlords and tenants.

Did you miss the phone bank? Don't worry, the Housing Specialists are available to answer your questions and provide you with information all year long!

Housing Specialists are court employees with expertise and training in state and local landlord/tenant laws and ordinances, as well as Housing Court's policies and procedures. They can connect you with mediation services, as well, to help you resolve landlord-tenant disputes. While the Specialists are not attorneys, and cannot represent you in your case, their backgrounds are varied and their experience is extensive. For example, in addition to landlord-tenant issues, Specialists can talk with you about home renovation, City code requirements, utility issues, and abandoned properties.

Housing Specialists are available to see residents on a walk-in basis from 8:00 a.m. until 4:00 p.m., Monday through Friday, in the Housing Clinic on the 13th floor of the Justice Center. If you would like to file a document with the Clerk, and want to obtain information from a Specialist before doing so, please arrive at the Clinic before 3:30 p.m.

Specialists also can provide information by telephone, at 216-664-4295. The Specialists receive many telephone calls each day, so please allow 24 hours for them to return your call. If your problem is urgent, please visit the Clinic to speak to a Specialist in person.

Best of all? The Housing Specialists provide their assistance to residents and property owners in Cleveland and Bratenahl **free of charge**, as a service of your Housing Court.

Recent Law Expands Criminal Record Sealing in Ohio

Are you having difficulty being approved for housing or getting a job because of a criminal record? While you cannot have the record completely erased ("expunged"), you may be able to have your record sealed.

A recent change to the law allows most misdemeanors and fourth or fifth degree felonies, other than violent crimes and sexual offenses, to be sealed. You can apply to have the record sealed after your sentence is fully discharged, which means you have served all jail time, completed community control (probation), and paid any fine or restitution ordered. For misdemeanor convictions, you can apply one year after discharge. For one felony, you can apply after three years. For two felonies, you must wait four years; for three to five felonies, you can apply after five years. People with more than five felony convictions do not qualify for record sealing.

To begin the process, the applicant pays a filing fee and files a motion with the Clerk of Court where the conviction occurred. After the motion is filed, the Prosecutor's office will be notified and can object to the record being sealed. In ruling on the motion, the Court will weigh the interest of the person wanting to seal the record against the interest of the government and the public in keeping the record open.

The rules for sealing records vary depending upon the type of criminal convictions. If you'd like some help with sealing records but cannot afford a private attorney, you may be able to get help with misdemeanor records from the Legal Aid Society of Cleveland (216-687-1900 or www.lasclev.org), and felony records from the Cuyahoga County Public Defender (216-443-7223 or www.publicdefender.cuyahogacounty.us).

The Problem with Problem Properties



The house at the end of your street is dilapidated. The gutters are hanging, and there are broken windows. It doesn't even look like anyone lives there! You work hard to keep your house and yard neat—shouldn't the owner of that house have to, also?

The short answer is yes. The City of Cleveland Codified Ordinances list the maintenance requirements for buildings in which people live. For example, the Code requires properties to have gutters and downspouts connected to a public storm sewer. It also requires owners to keep the yard free of high grass and weeds, debris, and junk vehicles.

So, what happens when an owner doesn't meet these standards? For less serious violations, like high grass and weeds, the City can issue a ticket. For more serious conditions, the City can issue a Notice of Violation to the owner, describing the problems, and giving the owner a date by which to make repairs. After that date, the City re-inspects, and if the owner has not corrected the violations, can file a criminal complaint in Housing Court.

Residents can feel frustrated when properties remain in disrepair for months or years, and wonder why the Court doesn't order the owner to answer for their property, or send the owner to jail.

In order to take action, the Court first must have a case before it. Judge O'Leary cannot initiate cases; that is the job of the City of Cleveland. The Department of Building and Housing, along with the prosecutor, determines which cases to file with the Court.

Even after a case is filed, the Court cannot take action until that person or business appears. Unlike other criminal cases, neither the City nor the Court has personal information or "vital statistics" for most defendants, because the charges are based on the property address. This can make it tough to locate the person if they are not an owner-occupant. Businesses pose similar difficulties. Although they are required to register with the Secretary of State, many do not. The Court can issue a warrant and try to arrest an individual, or issue contempt sanctions for businesses. The Court uses sophisticated law enforcement databases, and all legally permitted measures, to bring defendants before it.

If there's a problem property in your neighborhood, and you'd like to make a complaint, call the City of Cleveland's Department of Building and Housing at 216-664-2007. If you want to know the status of a Housing Court case, contact a Housing Specialist on the 13th floor of the Justice Center, or by telephone at 216-664-4295.

You can also help to bring defendants who failed to appear into Court: Visit www.clevelandmunicipalcourt.org, and click on the "Capias List" tab. If you know the whereabouts of any of the defendants, please contact our Warrant Capias Coordinator, Shelby Player, at 216-664-6167.

What Every Tenant Should Know

Wed., May 8, 2019
3:30 p.m. – 5:30 p.m.
Gunning Park Recreation Center
16700 Puritas Ave., Cleveland, OH 44135

Housing Court staff will provide tenants with information about their rights, and responsibilities, under state and local laws. Additionally, the Court will provide information about circumstances under which a tenant may be able to seal eviction records.

To register, call: 216-664-6927 or email:
gonzalezj@cmcoh.org

What Every Landlord Should Know

Wed., June 12, 2019
3:00 p.m. – 6:00 p.m.
Polish American Cultural Center
6501 Lansing Road, Cleveland, OH 44105

This free seminar will provide landlords (and aspiring landlords) with information and techniques to help them manage properties efficiently, create positive landlord-tenant relationships, and navigate the legal system effectively should an eviction action become necessary.

To register, call: 216-664-6927 or
email: gonzalezj@cmcoh.org