

CLEVELAND HOUSING COURT JUDGE W. MONÁ SCOTT

ATTENTION LANDLORDS

New local court rules may impact your eviction filings!

The Housing Division of the Cleveland Municipal Court has issued new local court rules that may change the way you file some of your court cases. The complete text of the rules is available on the Court's website: www.clevelandhousingcourt.org

****TWO IMPORTANT NEW RULES BECOME EFFECTIVE MARCH 15, 2011****

The first applies to complaints brought in the name of business entities:

3.011 EVIDENCE OF STATUS TO BE FILED WITH COMPLAINT BY DOMESTIC, FOREIGN AND FICTITIOUS ENTITIES

Complaints brought by domestic or foreign business entities, including, but not limited to a corporation, nonprofit corporation, professional corporation, limited liability company, limited partnership, limited liability partnership, or fictitious entity (including "doing business as" names), must include, at the time of filing, documentary evidence of the entity's good standing or active registration or active license with the Ohio Secretary of State. Failure to include sufficient documentation may result in dismissal of the complaint without prejudice.

The second requires the filing of evidence of ownership of the property that is the subject of the eviction action:

3.012 EVIDENCE OF CURRENT OWNERSHIP TO BE FILED WITH COMPLAINT

When filing a forcible entry and detainer complaint, plaintiff must attach proof of current ownership of the premises that is the subject of a forcible entry and detainer action. Proof of current ownership may include, but is not limited to, a print-out of the "General Information" tab for the premises from the Cuyahoga County Auditor's ("Auditor") website: www.cuyahogacounty.us.

These rules were designed and implemented to ensure fair and accurate decisions, and to minimize continuances.

If you have questions about these or any other of the Housing Court's local rules, please feel free to contact one of the Court's Housing Specialists at (216) 664-4295. If you need legal advice, please contact your attorney, or the Cleveland metropolitan Bar Association at (216) 696-3532.

ATTENTION PARTIES FILING EVICTIONS!!!

Cleveland Housing Court has adopted a new local rule related to the City of Cleveland's new Rental Registration program. Local Rule 3.013, effective for evictions filed after July 1, 2017 reads as follows:

3.013 Evidence of Current Cleveland Residential Rental Registration Status to be filed with Complaint

A. Complaints in forcible entry and detainer must include, at the time of filing, documentary evidence from the City of Cleveland Department of Building and Housing verifying the active registration of the premises with the City's Rental Registration Program. See CCO Chapter 365.

B. CCO §365.01(a) states that:

“... a rental unit is defined as any part of a building being used, designed or intended to be used as an individual’s private residence. A rental unit includes a unit occupied by one (1) or more persons regardless of whether the occupant pays rent or provides anything else of value to the titled owner in consideration for occupying the structure. A unit is not considered a rental unit if the titled owner is one (1) of the occupants.”
(2)

C. Failure to include sufficient documentation may result in sanctions, up to the dismissal of the complaint without prejudice.

Please note that under the newly enacted Cleveland Codified Ordinance Chapter 365, Rental Registration, registration is required of **all** residential properties, except owner occupied residential units. Check the text of the ordinance for fee exemptions.