

IN THE CLEVELAND MUNICIPAL COURT
HOUSING DIVISION
CUYAHOGA COUNTY, OHIO

STATE OF OHIO
CUYAHOGA COUNTY

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ADMINISTRATIVE ORDER
NO. 2020-003

**IN RE: CASE MANAGEMENT AND CONTINUATION OF DECLARATION OF
JUDICIAL EMERGENCY IN RESPONSE TO THE COVID-19 PANDEMIC**

The Administrative Judge of Cleveland Municipal Court – Housing Division makes the following findings of fact:

1. The Center for Disease Control and Prevention (CDC) is responding to an outbreak of respiratory disease caused by a new coronavirus. The virus has been named "SARS-CoV-2" and the disease it causes has been named coronavirus disease 2019 (abbreviated "COVID-19").
2. On March 9, 2020, in response to the growing COVID-19 public health crisis, Ohio Governor Mike DeWine issued Executive Order 2020-01 D, "Declaring a State of Emergency
3. On March 11, 2020, the World Health Organization publicly characterized COVID-19 as a global "pandemic" requiring urgent and aggressive action to control the spread of the virus.
4. On March 13, 2020, The President of the United States declared a National Emergency.
5. On March 27, 2020 the Governor of Ohio signed into law Am. Sub. H.B. 197, which immediately tolled, retroactive to March 9, 2020, all statutes of limitations, time limitations and deadlines in the Ohio Revised Code and the Ohio Administrative Code until the expiration of Executive Order 2020-01D or July 30, 2020, whichever is sooner.
6. On March 27, 2020, the Supreme Court of Ohio issued an order tolling of time requirements imposed by rules promulgated by the Supreme Court and use of technology, which was meant to complement the Governor's Executive Order.
7. On March 27, 2020, The President of The United States signed into law the Coronavirus Aid, Relief, and Economic Security Act (abbreviated CARES), that prevents some landlords from bringing legal causes of action to recover possession from a tenant for nonpayment of rent or other fees or charges for 120 days if the dwelling is a property insured, guaranteed, supplemented, protected, or assisted in any way by the U.S.

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Department of Housing, Fannie Mae, Freddie Mac, the rural housing voucher program or the Violence Against Women Act of 1994.

8. On April 2, 2020, the Director of the Ohio Department of Health issued an "Amended Director's Stay at Home Order", extending the previously issued stay at home order until May 1, 2020.
9. Cleveland Housing Court has consulted with all the major stakeholders and entities that utilize the Court and upon recommendations obtained, hereby declares an emergency and makes the following orders regarding the continuity of operations of the court.
10. This Order supersedes and replaces all prior Cleveland Housing Court Orders addressing this issue and is effective until further order of this Court.

Based upon these finding of fact, Cleveland Housing Court has developed a continuum of flexible responses to this public health crises. The continuum of responses is intended to ensure the safety and health of citizens and staff, maintain essential court functions, protect the rights and public health of all individuals subject to the authority of the Court and prevent the spread of COVID-19.

THEREFORE, IT IS HEREBY ORDERED:

1. The local rules of court for Cleveland Housing Court may be temporarily adapted to allow court flexibility, within constitutional limits, in response to the public health emergency.
2. Cleveland Housing Court's security policies may be temporarily amended or supplemented to protect public health while maintaining essential court functions.
3. The Court authorizes the use of audio-visual devices and technologies for all actions and proceedings including interpreter services.
4. In an effort to prevent the spread of COVID-19, comply with social distancing, the stay at home order and make justice accessible, Housing Court will install and make available upon request or order of this court a "Virtual Courtroom" using videoconferencing software system including ZOOM, and any available audio-visual devices & technologies to conduct its criminal and civil proceedings.
5. To ensure the safety of citizens and staff and prevent the spread of COVID-19, Cleveland Housing Court **ORDERS** that all criminal cases on the arraignment and personal dockets of Judge W. Moná Scott that were rescheduled to begin 30 days from Monday, March 16, 2020 through Friday, April 17, 2020, are hereby cancelled. No cases are to be scheduled for hearings before June 15, 2020. This **ORDER** includes all non-jail misdemeanor arraignments, sentencing, community control status and violation hearings, pre-sentence investigations, rent deposits, mediations, court supervised pre-trials, skype hearings, selective intervention program (SIP) and corporate docket. Pursuant to RC 2945.72(H), speedy trial time is tolled for a reasonable period of time as the COVID-19 pandemic is an

active threat to the safety, protection and health of the community. The Court will evaluate the effectiveness of the reduced dockets and may issue further orders if the COVID-19 pandemic remains.

6. While the right to a speedy trial is a fundamental guarantee, we cannot ignore the actions required by everyone at this time to prevent the spread of the COVID-19 disease, which, inter alia, includes the rescheduling of all court hearings until the likelihood of transmitting the disease is no longer a threat. Therefore, speedy trial requirements of R.C. 2945.71 for all criminal cases, scheduled for on the personal docket of Judge W. Moná Scott, that were rescheduled pursuant to Administrative Order 2020-001, Addendum to Administrative Order 2020-002 or this Administrative Order are extended to dates no earlier than June 15, 2020, pursuant to R.C. 2945.72(H). It is reasonable to continue these cases without violating the Sixth Amendment's speedy trial guarantee. (See, 2020 Op. Att'y Gen. No. 2020-002).
7. The Clerk is **ORDERED** to initiate a summons, via ordinary United States Postal Service, to all defendants whose appearances are required for the new dates. The summons shall order each defendant to appear in accordance with the personal docket of Judge W. Moná Scott. No defendant shall be assessed costs for the court date notification as a result of the rescheduling of the cases.

NOTE: A virtual hearing can be requested for criminal cases *no sooner* than Tuesday, May 26, 2020, and must be requested by doing the following:

- Send an email to housingcourtinfo@cmcoh.org with your current and valid email address, full name, Housing Court case number, property address, and valid telephone number.
- **YOU MUST** contact the City Prosecutor @ (216) 664-3640 and inform them of your desire to have a virtual hearing.

CIVIL PROCEEDINGS


8. All previously filed civil actions, except for evictions, that were previously stayed shall be rescheduled to a virtual hearing beginning Monday, May 18, 2020, in the order they were received.
9. Parties shall receive notice of their virtual hearing and the necessary steps to ensure attendance. Those parties that do not have access to a computer or a compatible device will be given instructions for a phone-in option.
10. All previously filed eviction actions shall be scheduled or rescheduled, in the order of filing, for in person hearings beginning June 15, 2020.

11. All newly filed civil actions, **except** those of an emergency nature, are hereby stayed an additional 60 days and will not be accepted for filing until June 15, 2020.
12. **Local rule 6.04 is hereby amended to read:** unless otherwise permitted by the Court, no plaintiff may file more than (25) eviction cases, including no more than (5) cases based upon grounds other than non-payment of rent, to be heard on any given call.
13. The Clerk is **ORDERED** to accept not more than 125 eviction cases per day.
14. **Local rule 6.05 (A) is hereby amended to read:** the eviction shall be set for hearing at 9:00am **AND** 1:00pm, thirty (30) days from the filing date, unless otherwise ordered by the Court for a period of thirty (30) days, beginning June 15, 2020 ending July 15, 2020.
15. Anyone involved in a civil case, in the Cleveland Housing Court, shall be sent a new notice via ordinary U.S. Postal Service for the newly assigned date.
16. Writs of Restitution may not be purchased until further order of the Court.
17. All court supervised move-outs are suspended until further order of the Court.
18. This "Temporary Order" is **ORDERED** to be served on the Supreme Court of Ohio, Ohio Judicial Conference, Cleveland Municipal Clerk of Courts, Cleveland Metropolitan Bar Association, Cleveland Mayor Frank Jackson, Cleveland City Council, Cuyahoga County Prosecutor's Office, Cuyahoga County Public Defender's Office, Cuyahoga County Criminal Defense Lawyers Association, Cuyahoga County Sheriff, Cuyahoga County Board of Health, Cuyahoga County Executive, the website of this Court, and distributed to the media.

All dates are tentative and all amendments to the local rules are subject to change based on the status of the public health crisis.

IT IS SO ORDERED.

CLEVELAND MUNICIPAL COURT – HOUSING DIVISION



W. Moná Scott
Administrative & Housing Court Judge

Date: 04/14/2020