



IN THE CLEVELAND MUNICIPAL COURT
HOUSING DIVISION
CUYAHOGA COUNTY, OHIO

STATE OF OHIO
CUYAHOGA COUNTY

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ADMINISTRATIVE ORDER
NO. 2020-005

**IN RE: ORDER REGARDING CONTINUITY OF OPERATIONS TO
MAXIMIZE SOCIAL DISTANCING DUE TO COVID-19 PANDEMIC AND
CASE MANAGEMENT**

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

1. Whereas, On April 27, 2020, Governor Mike DeWine announced the Responsible Restart Ohio Plan to which protects the health of employees, customers and their families, supports community efforts to control the spread of COVID-19, and gets Ohioans back to work;
2. Whereas, On April 30, 2020, Dr. Amy Acton, Director of the Ohio Department of Health signed the Director’s Order that reopens businesses, with exceptions and continues a Stay Healthy and Safe at Home Order;
3. Whereas to continue court operations in a safe manner for the Court’s employees, other interested parties and the citizens of Cleveland, Ohio;

THEREFORE, IT IS HEREBY ORDERED:

1. This Order supplement all prior Cleveland Housing Court Administrative Orders addressing these issues and is effective until further order of this Court;
2. The Local Rules for Cleveland Housing Court has been supplemented and may be temporarily adapted to allow for court flexibility, within constitutional limits, in response to the public emergency;
3. The Court’s security policies may be temporarily amended or supplemented to protect public health while maintaining essential court functions;
4. In an effort to prevent the spread of COVID-19, comply with social distancing, 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 any available audio-visual devices & technologies available to the court in an effort to conduct its criminal and civil proceedings;
5. Continued remote work will be encouraged when possible and feasible with the continued operations of the court;
6. The following measures will be taken to reduce the spread of COVID-19:
 - a. All persons entering the Justice Center must wear a mask covering both their nose and mouth at all times except when they are alone in their designated work areas;

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- b. All persons shall maintain the recommended 6 foot distance from others, to the extent possible, while in the building;
 - c. Health screening will continue at each Justice Center entrance which is open for employee or public use;
 - d. To comply with social distancing guidelines, the maximum occupancy for persons in an elevator is limited to two. Those people visiting the 1st through 4th floors must use the escalator, unless unable to do so;
 - e. All individuals must follow signage to maintain proper 6 foot distancing and directional signage in hallways and/or high-traffic areas;
 - f. All high-traffic areas will be thoroughly disinfected on a daily basis;
 - g. All high-touch areas will be disinfected once per hour during the hours of 8:30 am to 4:30 pm;
 - h. Courtrooms will be sanitized between each hearing during the day and thoroughly cleaned in the evening;
 - i. The Café on 4 will remain closed for business; (or open for take-out only, no self-serve stations);
 - j. The 4th Floor outdoor patio will be closed until further notice;
 - k. Restrooms will be limited to a max occupancy of one person at a time;
 - l. Staff and parties are not permitted to congregate in the “back hallways” near the Judicial Bailiff desk area. Parties must call bailiffs to handle all scheduling matters.
7. All persons entering the Justice Center will be required to state their business in the building, and will be directed to the appropriate location using a COVID-19 Awareness Card.
- a. Because the Court is attempting to follow social distancing and in an effort to maintain the health and safety of all individuals and to limit community spread of COVID-19, persons whose appearance is not required by the Court should attempt to limit their visits to the Justice Center;
 - b. For the health and safety of all individuals, children will not be permitted on the courtroom floors. It is strongly encouraged that children wait outside of the Justice Center with another caregiver adult;
 - c. Queues will be established using proper social distancing;
 - d. Persons accessing floors 1-4 will be directed to use the escalators, or those needing an ADA accommodation, the lower level elevators may be used;
 - e. Elevators will be limited to two occupants per ride to accommodate social distancing;
 - f. Elevator access will be regulated by county/court employees to ensure 50% or less of maximum occupancy is maintained on each floor;
 - g. All persons accessing any floor after the first floor will be required to sign in so that a record is maintained for contact tracing purposes;

CRIMINAL PROCEEDINGS

To ensure the safety of citizens and staff, and maintain social distancing requirements as prescribed by the Director of the Ohio Department of Health, and in conjunction with Cleveland Municipal Court – General Division, the Cleveland Municipal Court - Housing

Division will continue limited in-person disposition of its criminal cases and shall proceed as follows:

- a. Courtroom 13B (Cleveland Housing Court) will schedule in-person events on Tuesdays and Fridays.
- b. Only one event may be scheduled per time-slot to allow for proper social distancing on the courtroom floors.
- c. Beginning Tuesday, June 16, 2020, all non-jail misdemeanor arraignments will be conducted in-person on Tuesdays 9:30am until 4:30pm; and Fridays 9:00 am to 12:00pm
- d. All minor misdemeanor in-person hearings will take place on Fridays between 1:00 pm until 4:00 p.m.
- e. It may take up to 15 minutes to access your destination. Arrive early enough to be present for your hearing time slot.
- f. All times will be staggered for social distancing. The specific time for defendant's hearing will appear on the summons. Each case will be given a specific dedicated time-slot to allow for proper sanitizing of courtroom, social distancing in the courtroom and other common areas.

NOTE: A virtual hearing should be requested (7) days prior to the scheduled in-person hearing for criminal cases AND must be requested by doing the following:

1. Send an email to housingcourtinfo@cmcoh.org with your full name, Housing Court case number, current and valid email address the property address in question, and a valid telephone number.
2. **YOU MUST** contact the City Prosecutor (216) 664-2237 or email them at codeenforcement@clevelandohio.gov to inform them of your desire to have a virtual hearing.
3. Once scheduled, you will receive a confirmation email with the hearing date with instructions on how to participate. As in all court proceedings, you must prepared for court and follow all procedures as required.

The Clerk is **ORDERED** to initiate a summons for the rescheduled court dates beginning June 16, 2020, using ordinary United States Postal Service, to all defendants whose appearances are required for the new dates. The summons shall order each defendant(s) to appear in accordance with the personal docket of Judge W. Moná Scott. No defendant(s) shall be assessed costs for the court date notification as a result of the rescheduling of the cases.

1. Until further notice and by order of this Court, all criminal cases assigned to the personal docket of Judge Scott, including case managements and hearings of the following criminal dockets cases such as sentencing, community control status, probation violation hearings, pre-sentence investigations (PSI), court supervised pre-trials, skype hearings, selective intervention program (SIP) and corporate docket will be conducted remotely shall follow the procedures listed below;

- a. All non-jail misdemeanors post arraignment will be set for an attorney conference between counsel and prosecutors, who will then submit a "Pretrial Status and Virtual Hearing Request Form to the court via email;
- b. The Court will set a pretrial with counsel, with defendant's presence waived, by remote access as determined by the Court to establish a case management schedule. A Housing Court Specialist will be in contact with the parties to determine how the case should proceed with the Court;
- c. Appearance by criminal defendant will only be required when it is necessary to conduct an on the record hearing or sentencing; The Court will determine whether an appearance will be in-person in the courtroom or remote with the consent of all parties;
- d. If there is any speedy trial issue, it will be discussed on a case-by case basis with the judge.
- e. Zoom arraignment hearings with incarcerated individuals should be scheduled immediately with the Court.

CIVIL PROCEEDINGS

To ensure the safety of citizens and staff, and maintain social distancing requirements as prescribed by the Director of the Ohio Department of Health, the housing division civil docket shall proceed as follows:

1. The Court's previously scheduled and cancelled forcible entry and detainer actions (evictions) shall be set for virtual hearings beginning June 15, 2020 in the order of filing. All parties shall receive notice of the rescheduled hearings via ordinary U.S. mail.
2. New forcible entry and detainer actions (evictions), and all other civil matters will be accepted for filing beginning June 15, 2020 and shall be set for virtual hearings.
3. Those parties that do not possess a compatible device to enable a virtual hearing or request an in-person hearing shall be scheduled for an in-person hearing.
4. Upon receipt of a new summons and complaint, or receipt of a scheduled or rescheduled notice, all parties shall immediately send an email to housingcourtinfo@cmcoh.org or call the staff attorney at 216-664-3845, and provide a valid email address and phone number. Parties shall also include their full name, property address and case number.
5. The resolution of some cases may require in-person hearings. The Court, at its discretion, may remove cases from the virtual court docket and set for in-person hearings in accordance with spacing and social distancing requirements.

LOCAL RULE ADDITIONS AND AMENDMENTS

RULE 3.016 AFFIDAVIT OF FEDERAL MORTGAGE - CARES ACT (ADDITION)

- a. When filing an eviction complaint, which includes a ground for nonpayment of rent, fees or charges, Plaintiff must attach to the complaint an affidavit attesting to whether the property that is the subject of the eviction action is secured by or has a federally backed mortgage loan.
- b. At the discretion of the Court, Plaintiff may be required to provide the Court with a copy of the mortgage agreement at any time prior to or during the eviction action. A sample affidavit can be found on the housing court website under forms. Failure to provide the documentation pursuant to this Rule may result in sanctions, including but not limited to dismissal of the complaint without prejudice.

RULE 6.04 LIMITS ON FILINGS (AMENDMENT)

- a. Unless otherwise permitted by the Court, no individual plaintiff or no individual firm representing multiple clients, 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 day.

RULE 6.05 SCHEDULING EVICTION HEARINGS (AMENDMENT)

- a. The eviction shall be set for hearing beginning at 9:00 a.m. and beginning at 1:00 p.m. thirty (30) days from the filing date, unless otherwise ordered by the Court.
- b. If the thirtieth day from the filing date is a Court holiday, the eviction shall be set for hearing on the next business day, unless otherwise ordered by the Court.
- c. Where any one plaintiff files ten (10) or more eviction cases on any one day, such cases will be scheduled for trial at 10:30 a.m. or 2:30 p.m. on the appropriate call day, unless otherwise ordered by the Court.
- d. All new second cause (money damages claims) will be scheduled for hearing ninety (90) days from the date of filing, unless otherwise ordered by the Court.
- e. **The Clerk is ORDERED to accept NOT MORE THAN 125 EVICTION CASES PER DAY.** All cases over the 125 limit shall be held for filing on the next business day, unless otherwise ordered by the Court.
- f. Parties may begin purchasing writs of restitution on June 15, 2020.
- g. All Court supervised move-outs previously scheduled and cancelled shall be rescheduled beginning June 15, 2020. In that the Writ of Restitution may have expired, through no fault of plaintiff, the Clerk is ordered to reissue the Writ at no additional cost to plaintiff, if necessary.

RULE 8.0 RENT DEPOSITS shall be accepted for filing in the normal course beginning June 15, 2020.

- a. All rent deposits shall be referred to Alternative Dispute Resolution Services and may be mediated by a housing court specialist or staff attorney, for the

purpose of providing the landlord and tenant an opportunity to resolve the dispute.

- b. Rent deposit ADR conferences are to be scheduled within twenty-one (21) days after the tenant initially deposits rent. When the tenant deposits rent with the Clerk, the date, time and place where the conference will be held will be assigned. The conference may be converted to a virtual hearing at the Court's discretion. The Clerk will notify the landlord and tenant promptly of the scheduled conferences.

This Order shall be provided to the Supreme Court of Ohio, Cleveland Municipal Court General Division, City Of Cleveland Law Department Code Enforcement, Ohio Judicial Conference, Cleveland Municipal Clerk of Courts, Cleveland Metropolitan Bar Association, Cleveland Mayor Frank Jackson, Cleveland City Council, Cuyahoga County Court of Common Pleas General Division, 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.

IT IS SO ORDERED.

CLEVELAND MUNICIPAL COURT -- HOUSING DIVISION



HON. W. MONÁ SCOTT
ADMINISTRATIVE & HOUSING COURT JUDGE

06-04-2020
DATE