

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

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Ronald J.H. O’Leary, Judge

Winter 2019 Issue

A Message from Judge O’Leary



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

Sentencing offenders is one of the most challenging aspects of my job as a judge.

I hear several thousand criminal cases each year. Some are tickets for less-serious issues like high grass. Defendants may pay a small fine to resolve those cases. Cleveland’s Building and Housing and Health Departments both file additional cases involving serious, ongoing violations, including vandalized, vacant homes and condemnations. In those cases, I can sentence a defendant to a \$1,000 fine per day, plus six months in jail and five years of probation.

As a judge, when sentencing defendants, one of the primary factors I must consider is protecting the community from future harm. In housing matters, that means doing our best to ensure that the property is brought up to code—either by the offender, through repair or demolition, or through transfer to a new owner who will do the necessary work.

I need detailed information to determine an appropriate sentence. To obtain that information, I assign a Housing Specialist to prepare a pre-sentence report for me. Housing Specialists have extensive experience and training in issues related to Housing Court, City codes, construction, and property maintenance. They interview the property owner, go to the property that is the subject of the court case, visit other properties that the defendant owns, and check public records. They also talk with neighbors about how the property is affecting the neighborhood.

The best way to obtain current code compliance and ensure future compliance is by imposing probation, which we now call community control sanctions. In a

probation order, I consider issues that may make it harder for the property to stay code compliant. I may order a defendant to attend Housing Court’s landlord classes so that the landlord can better deal with problem tenants. I may order the defendant to prepare a written property-maintenance plan and permit City inspectors access to inspect so that all items in need of repair are being addressed. I may order the defendant to enter into a payment plan for delinquent property taxes to keep the property from slipping into foreclosure.

One important consideration in sentencing is how the defendant’s property impacts the neighborhood. Your input as a neighbor is a crucial part of the information that I need to achieve this goal. The Housing Specialists knock on doors and try to speak with neighbors when preparing their reports. Beginning in November 2018, the Specialists are also leaving written notice at nearby properties, telling neighbors that the owner of a property in their neighborhood is coming before the Court for sentencing. The cards have the date of the sentencing hearing, as well as contact information for the Housing Specialists.

Whenever there are cases in Housing Court that affect your neighborhood, please let Housing Court staff know so that they can include that information in their report to me. Or you can come to Court on the day of sentencing and tell me in person what you would like me to know. Every property before the Court is unique, as is the neighborhood in which it stands. Your participation in sentencing gives your neighborhood a voice in how problem properties are addressed.

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

FEB. 6, 2019
 6:00 p.m. to 8:00 p.m.

Collinwood Recreation Center
 16300 Lakeshore Blvd., 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

MAR. 20, 2019
 6:00 p.m. to 8:00 p.m.

Olivet Institutional Baptist Church
 8712 Quincy Ave., Cleveland, Ohio

Property Initiative Helps Homeowners Who Owe Back Taxes

Property taxes fund many vital services in Cuyahoga County. But, paying property taxes is a struggle for many property owners. In Cleveland and Bratenahl alone, the owners of more than 35,000 properties are behind in property taxes, with over \$200,000,000 in back taxes owed; county-wide the amount is closer to one half billion dollars! For many people, owing back taxes is a serious source of stress, and catching up on them can feel like an insurmountable task.

Fortunately, help is available. Cuyahoga County Prosecutor Michael O’Malley, in collaboration with Fiscal Officer Dennis Kennedy, has created a new initiative in the Prosecutor’s Tax Foreclosure Unit to work with property owners to establish payment plans to whittle down past due property taxes and become current.

The County has the authority to collect property taxes by filing foreclosures, or assigning the debt to collection agencies, and still may use those methods in some instances. But, Prosecutor O’Malley’s office has found that they can create a win-win situation with property owners by working with the owners in a less formal process to address and resolve tax delinquencies.

The new initiative uses a combination of telephone calls and letters to contact owners who are behind on their taxes. Staff members then work with the owners to set up payment plans to address back taxes over an agreed-upon time period. The owner makes their current payment, plus pays something each month toward the back taxes. By making and keeping the payment plan, the owners avoid additional charges and even foreclosure or the sale of tax lien certificates to third parties (who often are unwilling to enter into payment plans). The County waives additional interest during the plan period, for owners who complete payment under their plan.

Since February 2018, this initiative has resulted in the payment of approximately \$8,500,000 in delinquent property taxes throughout Cuyahoga County!

The best news? You don’t have to wait for the County to contact you. If you are behind on your property taxes, or even think you may be, you can contact Prosecutor O’Malley’s office and request help setting up a payment plan. To get started, call either Michael Sweeney at 216-443-5872, or Wendy Litteral at 216-698-5021, Monday through Friday, from 8:30 a.m. to 4:30 p.m. The sooner you call, the sooner you can get this worry off your mind.

Rental Registration Renewal

The City of Cleveland will begin mailing rental registration renewals in mid-January. Current registrations expire in March. You must renew the registration even if you do not receive the renewal notice

The rental registration requirement applies to more than just apartment buildings. CCO§365.01(a) requires an owner to register any units that are “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 or more persons *whether or not* that person pays rent. A unit is not considered a rental unit if the titled owner is one of the occupants.

Rental registration costs \$35 per unit. You must register and pay by March 1 to avoid a late fee and penalties. For more information, call the Cleveland Department of Building and Housing Rental Registration Unit at 216-664-2827.

Your Housing Court is Available Any Time On Line

The Housing Court’s Walk-In Clinic on the 13th floor of the Justice Center is open Monday through Friday from 8:00 a.m. until 4:00 p.m. But what if you need assistance when the Court is closed? If you can’t make it to the Clinic in person, many of the Housing Court’s resources are just a mouse click away. Judge O’Leary has stocked the Court’s website with answers to frequently asked questions, videos of court hearings, and many of the forms used in the Court, including the three day notice, answer and counterclaim, motion for relief from judgment, and, a new addition, an eviction complaint! The Court even provides a sample lease. Visit us any time at www.clevelandhousingcourt.org!

Oh, the Weather Outside is Frightful...



Returning to a warm home is something many people look forward to during the long, cold Cleveland winters. Unfortunately, winter brings with it heating issues for many residents. Fortunately, resources are available for homeowners and tenants who have problems with heat.

The Home Energy Assistance Winter Crisis Program helps low-income residents—homeowners and tenants—whose service is disconnected, or may be disconnected, to maintain or reestablish service. The program runs from November 1 until March 31. Households must sign up for the Percentage of Income Payment Plan Plus (PIPP Plus) or another payment plan to receive emergency benefits. For information, call 216-350-8008.

In Cleveland, landlords are required to supply enough heat to maintain an inside temperature of 70° when it is below 50° outside. Tenants whose landlords don’t meet this requirement first should notify their landlord in writing. If this does not remedy the issue, the tenant can contact the City of Cleveland Department of Building and Housing at 216-664-2007 to make a complaint. A tenant also may deposit their rent with the Housing Court, file a Motion to Compel Repairs, or request a court order to require the landlord to restore the heat. Judge O’Leary’s staff of Housing Specialists can provide tenants with information about this process, and are available on the 13th floor of the Justice Center on a walk-in basis Monday through Friday, 8:00 a.m. to 4:00 p.m., or by telephone at 216-664-4295.

The Home Weatherization Assistance Program (HWAP), administered by Cleveland Housing Network, provides weatherization assistance to income-eligible homeowners and tenants, to help lower energy bills. Interested residents can contact Cleveland Housing Network at 216-574-7100 for information or to apply.

Additional resources for heating help for Cleveland residents include the City’s Department of Aging, 216-664-2833, and the Ohio Development Services Agency, 800-282-0880.

What Every Landlord Should Know

Wed., March 6, 2019
3:00 p.m. – 6:00 p.m.
Cleveland Public Library—Fulton Branch
3545 Fulton Road, Cleveland, Ohio 44109

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

Space Heater Safety

When it’s cold outside it can be tempting to use space heaters in your home. Though helpful, space heaters cause thousands of home fires each year. The safest option? Don’t use space heaters. But, if you must, the Cleveland Fire Department recommends keeping three feet of clearance around the space heater, and turning it off when you leave the house. The Consumer Products Safety Commission also suggests: inspect the heater’s cord to make sure it is not damaged or frayed; never use an extension cord or power strip with a space heater; and do not run the heater while you are sleeping. For more information, contact the Products Safety Commission at 800-638-2772, or www.cpsc.gov.