



Welcome to



Eviction:
Myths vs. **FACTS**.

Presented by:
Community Mediation Services
of Central Ohio

Community
Mediation
Services



Helping People
Build Solutions
since 1989

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Eviction: Myths vs. *Facts*

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should not be relied upon for, legal advice in any particular circumstance or
fact situation. An attorney should be contacted for advice on specific legal
issues.

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Professionals on-Line
Course Introduction

- **Keep Camera On**
- **Keep Self on Mute until you need to comment or ask question**
- **Raise hand using reactions button and ask questions out loud rather than using CHAT)**

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Community Mediation Services of Central Ohio (CMS)

- Has served Franklin County residents for 35 plus years
- Helps people resolve conflicts with others in peaceful and respectful manner and teaches others these skills
- CMS mediators serve as impartial facilitators to help people in conflict discuss their concerns and work out an *voluntary* agreement acceptable to all parties involved in the dispute
- Mediation helps disputing parties avoid the need to use other more time-consuming, expensive and aggravating approaches for resolving their conflicts.. i.e., like using the courts, calling the police, etc.

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Community Mediation Services of Central Ohio (CMS)

- CMS focuses on helping to resolve ~~four~~ major categories of conflict:
 - 1) Neighborhood/Community Disputes (involving individuals and groups)
 - 2) Family Problems- divorcing/separating couples—(child custody, visitation, support;) parents and teens; elder-care; or "doubled-up" living arrangements)
 - 3) Workplace or Other Organizational Conflicts
 - 4) Tenant/Landlord Disputes

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Community Mediation Services of Central Ohio (CMS)

- Types of Tenant/Landlord Conflicts handled by CMS *at no cost* to tenants or landlords
 - 1) Unresolved Maintenance Problems
 - 2) Landlord Assessments for unpaid rent, late fees, alleged property damage, etc.
 - 3) Security Deposit Return Concerns
 - 4) Eviction Actions

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Community Mediation Services
of Central Ohio (CMS)

- Regarding Eviction Actions:
 - Most (96%) result from late/or non payment of rent; CMS helps landlords and tenants negotiate either a **"pay and stay"** agreement so tenants can get caught up on past due back rent and remain in their current housing OR
 - A "voluntary **move out**" agreement that often provides extra tenant time to find another stable place to live as well as the dismissal of the eviction complaint in tenant's court record if he/she complies w/the move-out agreement

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Accessing CMS'
Eviction Prevention Services

- For help Tenants and Landlords may call CMS' main # Mon-Fri 8:30-5 and leave call back # & message (614-228-7191 ex 13)
- May also access CMS mediators at court on the day of their eviction hearing
- CMS Mediators will educate unrepresented tenants and landlords about the eviction process and help link tenants in-need to emergency rental & utility assistance as well as to a host of other helpful community resources to address their housing crisis and its underlying causes.

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Accessing
CMS' Services

- CMS offers Franklin County TEHANTS a 2.5 Hr FREE Housing Stability/Eviction Prevention Workshop. Classes are hosted by multi agency sponsors in community each month and is offered for FREE by 6:00 on-line 1x per month. (4th Thursday 1:30-4pm) Tenants may register on Eventbrite.
- Agencies wishing to sponsor workshops for groups of 10-30 tenants may call: 614-228-7193 ex 11 or send email to info@communitymediation.com

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Today's Workshop Overview

- Complete Warm-up Questions
- Review 10 Eviction Myths vs the Facts and Related Tenant Tips
- Review of Community Resources Info
- Complete Quiz to test your learning
- Participant Course Evaluation

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Warm UP Questions

•Please Complete 9 Participant Warm Up Questions

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What would you do??

As a tenant, if money were to get tight in your household and you could only afford one of these expenses, which one would you be most tempted to choose?

- a. Buying your children Christmas gifts
- b. Making your car payment
- c. Buying groceries
- d. Paying your monthly rent

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Tenant Tip

Always *pay the rent first* before any other bill.

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The question is

1. What is the **worst** thing that can happen if a tenant is late on his/her rent?


- a) Has to pay landlord late fees
- b) May lose his/her apartment
- c) Has to pay landlord legal fees
- d) Has to pay landlord court filing fees

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The answer is


Answer: b) Lose his/her apartment

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MYTH ONE 

A tenant being a little late paying his/her rent is no big deal.

This is NOT true!

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Here's the facts

Being just 1 day late paying rent can ultimately lead to an eviction judgement being granted against a tenant in court which in turn can:

- Keep a tenant from being able to get another apartment.
- Keep a tenant from being able to get a credit card or buy a car.
- Result in tenant paying a much higher interest rate on a loan/or credit card.
- Keep a tenant from being able to get a job.

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Tenant Tip

- "Fabco" is tenant screening service that many landlords check before they rent to a tenant. Rental Report shows past "3 day notices", eviction filings and rental collections record; can also include credit and criminal records
- For a copy of a Tenant's Fabco Report, tenant should send *one dollar money order* and a *written request* for Rental Report: Fabco 4640 Executive Dr., Cols. Ohio 43220. With request include copy of ss card and Id card that reflects a birth date along with a self addressed stamped envelope.) Once report is received, tenant may call Fabco w/questions at: (614) 538-5600 or (800) 669-5010.

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Tenant Tip

- Get Credit Report
- Different from a Fabco Rental Report
- Go to www.annualcreditreport.com once a year for free annual credit report from all 3 bureaus (Experian, Trans Union, Equifax;)

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The question is

2. *Before filing* an eviction action against a tenant for non-payment of rent, which one of the following payment types does the law say a landlord must accept for a tenant living in a rental property located in Cols?

- a) Late payments, as long as tenant pays any late charges
- b) Partial rent payments
- c) Emergency rental assistance payments from outside 3rd parties like PRC/or Vet Assist. payments, **AFTER** the rent due date has already passed.
- d) None of the above


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The answer is

Answer: d) None of the above


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MYTH TWO



Prior to filing an eviction action for non-payment of rent against a tenant, a landlord *must accept* a late or partial rent payment or a 3rd party rent payment made on behalf of a tenant

This is NOT true!



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Here's the facts

- Per new 2023 city "3rd Party Pay Ordinance" a landlord is required to accept rental assistance payment from a 3rd party on behalf of a tenant (like JFS PRC assistance or Veterans' Assistance payments, etc.) only if rent is NOT yet late. After rent is past due, this is no longer required
- Per new 2023 "Pay and Stay Ordinance" Prior to filing an eviction, a landlord is NOT required to accept late or partial rent payments on properties located in Columbus. But after an eviction action is filed, a Columbus landlord is now required to accept a late payment from a tenant (not a 3rd party) if the payment can be made before an eviction judgement is issued by the Court.

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Tenant Tip

- Landlords can issue a tenant " a 3 day notice" of their intent to evict when a tenant is just one day late on his/her rent; while some landlords will voluntarily accept late rent if the tenant pays a late fee, many issue tenants a "3-day notice" to vacate their rental property if late rent w/late fee is not paid in full by at least by 10th of the month.
- Generally, once landlord issues "3 day notice", if tenant has not worked out some kind of written payment arrangement or moved out of the rental unit within those 3 days, landlord is allowed to file an eviction action in court. Eviction request by landlord is NOT final until court approves the landlord's request.

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Tenant Tip

- To prevent an eviction filing, when attempting to make any *late* rent payment, tenant should always pay full amount due to landlord **including all late fees.**
- Once an eviction is filed by a LL in court, to get a landlord to agree to ask a court to dismiss it, tenant will likely also need to pay landlord **late fees, court fees and legal fees** (atty fees of approximately \$200, plus minimum of \$123 regular ct. is filing fee in Franklin County)

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Tenant Tips

Three 2021 *Columbus* City Ordinances:

- Landlords must give tenant **written receipt** for rent and security deposit payments for *Cols.* properties
- Columbus Landlords can not discriminate against a tenant based on his/her source of income (e.g. disability, child support, spousal support, public assistance, voucher etc.)
- Columbus Landlords must now, if requested, allow tenants to pay deposits over 3 or 6 installments as preferred by the tenant

Violations can now be reported to:
Columbus Legal Aid - 614-224-8374

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Tenant Tip

Some landlords will **voluntarily** agree to accept 3rd party assistance on behalf of a tenant before an eviction is filed. A landlord may be more willing to wait for money if tenant **gets a provisional approval letter** from the 3rd party program and gives it to landlord while landlord is waiting on \$.

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The Question is

3. What is the *first thing* a tenant should do when he/she has a maintenance problem in an rental property?

- a) Refuse to pay rent
- b) Do the repairs himself, and deduct the costs from the next rent payment
- c) Call Code Enforcement
- d) None of the above

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The answer is

Answer: d) None of the above

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MYTH THREE

If a tenant has a maintenance problem, or has some other special circumstances like being pregnant or a vet or unemployed through no fault of his/her own, tenant WON'T be evicted for not paying the rent on time. This is NOT true!

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Tenant Tip

Tenant should **NEVER** just withhold rent payments because of a maintenance problem (or because they believe they have experienced some other special circumstances that justify' s their non payment of rent).
 Tenants can and often are evicted for late or non payment of rent...*even when* there is a maintenance problem or special circumstances present

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Tenant Tips For Handling Maintenance Concerns

1. Notify landlord immediately in writing about specific concerns (make copy of dated letter to LL & keep copy for tenant records Send to LL certified mail if possible)
2. Unless maintenance problem is very serious, give landlord 30 days to correct. If it's an emergency, give LL 5 days to correct; (emergency is anything dangerous to people or property; e.g. winter-time no heat/water lead etc.)
3. If landlord does not fix problem or return tenant's call, Tenant may call CMS for follow-up help. Then, if no LL response, tenant may pay future rent on time and in full but to the court rather than to LL by using the court's rent escrow process.

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Tenant Tip

•Rent Escrow

- Pay rent directly to the court (Payment must be made in full and on time. Tenant's rent cannot be PAST DUE with the landlord at time of escrow)
- Rent Escrow Desk in Franklin County
 - 375 S. High Street, 3rd Floor
 - Monday-Friday, 8:30am-4:30pm

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Here's the fact

Maintenance or repairs that a landlord has NOT made will generally NOT be a factor in a tenant avoiding eviction.

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3 questions magistrate will focus on

1. Is Tenant still living in the home? (are tenant's belongings there and/or does tenant still have the keys?)
2. Is Tenant behind in his/her rent? (bring receipts if tenant is not behind)
3. Did tenant receive a proper "3 day written notice to vacate" prior to receiving the court summons?

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Tenant Tip

Tenants should avoid acting the way they feel when a maintenance problem has not been taken care of promptly by the landlord.


For the tenant's own benefit, even if tenant feels angry/frustrated, should still continue to act respectful.

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Here's the fact


Remember, special circumstances (like being pregnant, a veteran, experiencing loss of employment through no fault of their own, etc.) will NOT allow a tenant to pay rent beyond its due date or protect tenant from being evicted.

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MYTH FOUR 

When tenant is behind in his/her rent and there are maintenance problems at a property, Calling Code Enforcement or the Health Department is a good *first* step to take to fight an eviction.

This is NOT true!

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Tenant Tip

- When a tenant is behind on rent, they are vulnerable to eviction; so this is NOT a good time to **aggravate** their landlord by calling Code Enforcement or Health Dept (best to wait until *after* any late rent issue is resolved before reporting a maintenance problem to authorities)

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The question is

4. What is the **WORST** way for a tenant to pay rent?

- a) Put cash in an envelope and leave it in the drop box
- b) Use a money order and keep its receipt
- c) Deposit cash directly to the landlord's bank account that provides tenant an electronic receipt
- d) None of the above


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The answer is

Answer: a) Put cash in an envelope and leave it in the drop box


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MYTH FIVE



When a tenant pays the rent with a money order, he/she does NOT need to get an receipt from the landlord.

This is NOT true!

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Here's the fact

- Money order receipt does **NOT** indicate to whom the money order was made payable so it does **NOT** prove landlord received rent payment
- A money order receipt is useful however to trace it if it is lost.
- Also, if **cashed**, money order receipt may later be used to trace to whom it was made payable

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Tenant Tip

Tenant should **get a receipt for rent/utility payments** from landlord when paying by money order or when **NOT** using a check or other traceable electronic payment method

- Dated and signed by landlord
- Tenant can create own receipt for landlord to sign if necessary
- Keep track of **original** receipts

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The Question is

5. What is the approximate amount of time (from 3 day notice to set out) that it takes for a landlord to evict a tenant?


- a. Approx One Month
- b. 6 weeks
- c. 22 days
- d. None of the above

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The answer is


Answer: c) About ONE MONTH

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MYTH SIX 

It takes a very long time for a tenant to be legally “set out” of his/her apartment by the landlord.

This is NOT true!

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Five Steps in the FC Eviction Process

1. 3 day written notice given to tenant by LL
2. When 3 days expire, Eviction may be filed in court by LL (\$123) and court sends tenant court summons in mail and may also be hand delivered to tenant's door by court balliff
3. Eviction court hearing held and eviction judgment issued by court against tenant
4. Red Tag (Writ of Restitution)(\$35) is purchased at court by landlord and posted by court balliff on Tenant's door
5. If tenant is not out after 5 days, the LL may then ask service balliff to schedule a Set Out (\$45)

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Time for Eviction To Occur

- +3 day written notice issued to tenant by LL
- +1 day for landlord to file eviction at court
- +2 days for court to issue & post tenant court summons
- +15 approx. days for court hearing to occur and landlord to purchase red tag
- +2 days for bailiff to post "red tag" on tenant's door
- +5 days for red tag (Writ of Restitution) to expire
- +2 days for landlord to schedule a "set out"
- +5 days for "set out" to occur

= 35 days

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The question is

6. What is the best thing for tenant to do at court the day of an eviction hearing?

- a) Tell the bailiff he/she wants to be the first case called
- b) Plan to be there for at least 3 hours
- c) Tell their kids it's a good place to run and play
- d) Storm out if their demands are not met


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The answer is

Answer: b) Plan to be there for at least 3 hours


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MYTH SEVEN



Eviction court hearings take about one hour.

This is NOT true!



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Here's the fact

- Eviction hearings are done in the order in which the landlord (or the landlord's attorney) checks in with the bailiff
- There is no guarantee the Magistrate will hear a case early in the morning
- It can take up to 3 hours

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Tenant Tip

- Tenants should look at their court summons to confirm whether their hearing is at 8:30am or 10:30am
- Arrive downtown at least 30 minutes early to allow time for parking and security line
- Immediately check-in with Bailiff in the court room;
- Plan to be at court for up to 3 hrs.

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The question is

7. What should tenant do immediately when he/she receives a 3 day notice?

- a) Move out and throw the notice away
- b) Make a list of everything wrong with the property
- c) Call the landlord and cuss him out
- d) Contact the landlord or CMS immediately to calmly discuss the situation

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The answer is

Answer: d) Contact the landlord or CMS immediately to discuss the situation

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MYTH EIGHT



If a tenant is not out of the apartment by the time the “3-day notice” expires, the landlord can legally change the locks or remove the tenant’s property.

This is NOT true!



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Here's the facts

- A landlord must give tenant a 3-day written notice before beginning the court eviction filing process.
- A landlord cannot legally change locks or remove personal items from apartment until after a court has ordered an eviction judgment against tenant (note: not every landlord may know or follow this legal guideline).

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Tenant Tip

- Three things tenant can do if he/she is behind in their rent and receives 3-day notice from LL

Decide if he/she wants to "pay and stay" or voluntarily move out and tell landlord their decision

- If they want to pay and stay, let landlord know what they are doing to get the money that they need, how soon they can get caught up, and ask the landlord to not file an eviction with the court.
- If they are ok with moving-out, tell the landlord the earliest date they can be out, ask landlord not to file an eviction if they move by agreed date and leave the apartment in good condition.

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Tenant Tip

2. If necessary, apply for emergency financial assistance (e.g., see Rentful614.com) or apply for PRC (through Franklin County Job & Family Services) or make arrangements to move personal items to home of a trusted family member or friend or into a storage unit ASAP.
3. Contact CMS and let them help tenant develop a plan and communicate it to the landlord CMS (614-228-7191 ext. 13).

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Tenant Tip

Two types of voluntary plans that can be created by a tenant with a landlord to avoid having an eviction judgment issued against tenant by the court:

1. Pay and Stay Plan:

- Plan must be specific and should say how much tenant can pay, by what date and time, and where the money will be exchanged with the landlord.
- NOTE: It can be very difficult to persuade a landlord to accept a "pay and stay" plan unless tenant has a job or steady income coming into the household).

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Tenant Tip

The second type of VOLUNTARY plan that can be created with a landlord to avoid having an eviction judgment issued against a tenant by the court:

2. Voluntary Move Out Plan

The plan must be specific and state the date and time tenant will leave the property and return the keys to the landlord.

- Tenant should get a receipt when they give the landlord the keys.

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The Question is

8. When does tenant have good reason to NOT attend their court eviction hearing?

- a) They already have prior evictions in their record
- b) They have already moved or plan to move out
- c) They have already made a pay and stay plan with their landlord
- d) None of the above


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The answer is...

Answer: d) None of the above


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MYTH NINE



If a tenant has or plans to move out, or has already reached an agreement w/ the landlord there's no reason for him/her to attend the eviction hearing.

This is NOT true!



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Reasons tenant should never miss an eviction hearing:

1. To prove to the court he/she has already moved out so their eviction can be dismissed.
2. To talk to the landlord about a "pay and stay plan" that would allow tenant to get caught up on late back rent and maintain their current housing or a "move out plan" that could provide tenant more time to move out and a dismissal of the eviction action

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Reasons tenant should never miss an eviction hearing

3. To confirm that landlord has dropped the eviction action against the tenant.

4. To challenge the eviction by showing the court receipts tenant has for paying the rent the landlord says tenant didn't pay.

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Tenant Tips

- If tenant plans on moving out, if possible, they should try to **BE OUT by their court hearing date** so the eviction can be dismissed by the landlord or the court at the hearing. This includes removal of tenant's personal property
- Plan to hand over apartment keys to landlord at eviction hearing or to show the court a receipt (signed by the landlord) that indicates landlord has already received keys.

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The question is

9. When can tenant get the landlord to drop (dismiss) an eviction action after it's already been filed in court?

- Tenant **verbally** promises to get caught up on back due rent quickly
- Tenant threatens to call Code Enforcement
- Tenant yells at the landlord
- None of the above


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The answer is

Answer: d) None of the above

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MYTH TEN



A tenant can usually get the landlord (or the court) to drop (dismiss) an eviction complaint after it's filed in court if tenant verbally promises to get caught up on back rent quickly.

This is NOT true!



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What is needed to get a landlord to not file or *dismiss* an already filed eviction action

- Tenant on his/her own works out a written "forbearance" agreement with landlord to get caught up on back rent
- At Eviction Court Tenant on his/her own works out a "pay and stay" or "move out" agreement entry with their landlord's attorney
- By phone or at Eviction Court Tenant uses mediation assistance to work out a written "Pay and Stay" or "Voluntary Move Out" Plan with landlord
- Tenant moves out and turns in keys to landlord at or *before* eviction hearing and gets receipt for keys and then shows up at eviction court hearing to confirm eviction is dismissed

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Tenant Tip

- Usually, once an eviction hearing is scheduled, the only acceptable reason for the court to grant a tenant a postponement of the hearing (a "continuance") is if tenant can provide documented proof of illness or death in the family that prevents tenant from coming to their scheduled ct. hearing; or, at the scheduled hearing the tenant tells the court he/she needs extra time to seek legal help on their case.
- One week postponement is usually the maximum extra time the court is likely to give.


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Tenant Tip

- At court, if tenant wants to ask the court for a "continuance" to seek legal assistance, he/she should make that request as soon as the tenant approaches the magistrate and *then be quiet!!*
- *Tenant should NOT* try to explain to the court at this time their problem with their landlord; if tenant does this, the magistrate could end up denying the continuance request based on tenant's not so great explanation of the problem
- Note: A Tenant gets to argue the case on his/her own or say that he/she needs more time so that an attorney can help them argue it ...but they can't do both.

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Quiz Time



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Call CMS

1. Quiz Time ☺ (Please be sure to complete any questions attached behind the quiz)
2. Please also complete course evaluation

THANKS!!

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