



1108 City Park Avenue, Suite 200
Columbus, OH 43206
614.827.0549
www.ohiopoverlylawcenter.org

December 9, 2020

The Honorable Maureen O'Connor
Chief Justice
Supreme Court of Ohio
65 S. Front Street
Columbus, Ohio 43215

Dear Chief Justice O'Connor,

The Ohio Poverty Law Center's mission is to reduce poverty and increase justice by protecting and expanding the legal rights of Ohioans living, working, and raising their families in poverty. We work with Ohio's legal aid offices, which provide free civil legal services to low-income Ohioans. The undersigned represent each of Ohio's legal aid organizations that serve all 88 counties.

Please encourage in the strongest terms possible that municipal and common pleas courts temporarily stay eviction proceedings and set outs during the current deadly stage of the pandemic, similar to your statements at the March 19 Governor's press conference. Ohio is at a critical juncture with the skyrocketing spread of the coronavirus occurring just when we reach the expiration of the Centers for Disease Control and Prevention (CDC) eviction moratorium. Now is the time to renew the call for local eviction moratoriums. Ohio continues to reach record numbers of daily COVID-19 cases and evictions contribute to the community spread of the virus. We know from public health and legal experts that eviction moratoria are critical to protecting public health by preventing the spread of, and death related to, COVID-19. *Skyworks, et al. v. Centers for Disease Control and Prevention, et al.*, Brief of *Amici Curiae* of the American Academy of Pediatrics, *et al.* filed in support of the Defendants, Doc. 28-1, Case No. 5:20-cv-2407-JRA (ND Ohio 2020).

Public health and housing experts have continually warned that a surge in pandemic-related evictions would be disastrous to tenants, court personnel, and the larger community. Legal aid attorneys are now seeing these warnings come true as clients and attorneys alike risk exposure to the virus by appearing in court. Legal aid attorneys report several instances of tenants being forced to come to court in person after testing positive to defend their case. The federal CDC moratorium protections are limited, and many families are being evicted. These are stories we are hearing every day.

In March, you stood with Governor Mike DeWine and addressed court functions and eviction hearings. You urged local courts to issue local orders staying eviction cases for non-payment of rent. In response to your leadership, some courts took decisive action to temporarily suspend eviction proceedings through the summer. Unfortunately, other courts did not. This patchwork approach is not an effective or fair means to protect Ohioans during a pandemic.

We thank you for the Supreme Court's continued leadership by issuing its "Evictions Report and Recommendations" in July. That report predicted that "Ohio's courts will experience an unprecedented surge in the number of new eviction cases being filed over the coming weeks and months." We are also grateful for your email to judges on October 28, 2020 urging them to renew their vigilance and move away from in-person hearings, as well as your follow-up email on December 2, 2020. However, as far as we are aware only Dayton Municipal Court has renewed a local moratorium on evictions despite these communications. Infection and death rates in Ohio are skyrocketing. More action is needed.

Your voice and leadership will make a difference. We would be happy to arrange a time for you to speak directly to housing attorneys to hear directly about their clients facing eviction. Please contact Graham Bowman with the Ohio Poverty Law Center at 614-634-2356 or gbowman@ohiopoveritylaw.org if you have any questions or need additional information.

Sincerely,

Melissa C. Benson
Managing Attorney, Housing Team
The Legal Aid Society of Columbus

Graham Bowman
Staff Attorney
Ohio Poverty Law Center

Matthew Currie
Managing Attorney
Advocates for Basic Legal Equality, Inc.

Nick DiNardo
Managing Attorney
Legal Aid Society of Southwest Ohio, LLC

Peggy Lee
Senior Staff Attorney
Southeastern Ohio Legal Services

Veronica Martinez
Managing Attorney
Legal Aid of Western Ohio, Inc.

John M. Petit
Managing Attorney
Community Legal Aid Services, Inc.

Abigail Staudt
Managing Attorney
The Legal Aid Society of Cleveland