

**Lakewood Municipal Court
Cuyahoga County, Ohio**

Court Operations, effective September 4, 2020

The Lakewood Court will continue normal business hours, 8:00 to 4:30 for any personal appearances. Please check the court's website (www.lakewoodcourtoh.com) for updates to the court docket.

Anyone entering the Lakewood City Hall for court business must at all times:

- 1) Wear a face mask or other appropriate face coverings,
- 2) Be subject to temperature screening when entering the building.
- 3) Remain a minimum six (6) feet from other persons, and
- 4) Remain in designated seating area in the courtroom and hallway unless directed by court staff, and

If you have flu-like symptoms (fever, cough, shortness of breath), please inform the Court Security Officers at the city hall entrance. You may be denied access into the building and be asked to contact your healthcare provider for details on how to proceed with proper medical care.

For the safety of everyone during this public health situation, the court reserves the right to restrict entry into the building to attorneys, litigants, witnesses, and crime victims.

Due to the expiration as of July 30, 2020 of the tolling provisions of the March 27, 2020 Administrative Order of the Supreme Court of Ohio and H.B.197, all time limits set out in the Ohio Rules of Court and the Ohio Revised Code are in full force and effect. If applicable, additional time to file or respond to a motion or pleading may be permitted upon written request to the court. Any motion or pleading may be filed by regular mail, fax (216-529-7687), email (lakewoodcourt@Lakewoodoh.net), or by personal delivery to the court.

Traffic and criminal cases.

To provide social distancing, separate traffic arraignment sessions will be held on Mondays for traffic cases and Tuesdays for criminal cases at 9:00 a.m. and 11:00a.m. If the traffic or criminal charge is a minor misdemeanor, the defendant may waive a personal appearance by paying the fines and court costs through the court's waiver violations bureau, either online or by calling the court.

Unless ordered by the court, not guilty pleas may be entered by written notice in lieu of personal appearance in accordance with Criminal Rule 10(B) and Traffic Rule 8(C). The initial traffic and criminal pretrial conferences with attorneys will be

conducted by telephone. Video conferring for pretrial conferences and hearings may be used as applicable and by court order.

Trials and hearing.

Civil and criminal hearings will be scheduled with both times and persons required spaced out to limit the number of persons in court. Cases may be rescheduled upon review of the court or written request of one of the parties setting out the reasons and approval by the court. Court dates may be rescheduled or delayed for the court to reduce the number of people in the court area.

Any written motions to advance or objection to continuing any civil case, including forcible entry and detainer cases, will be reviewed by the court with consideration of the need to limit personal contact and other cases scheduled, balancing the rights of the parties by any delay, and the grounds set out by the party.

Eviction Proceedings.

The Center for Disease Control (CDC) issued an order, effective September 4, 2020 to halt evictions for all residential property until the end of the year, December 31, 2020, if the tenant is not able to pay rent and meets specific requirements set out by the CDC. It is a massive and far reaching order to prevent evictions due to the public health crisis from COVID-19, affecting landlord and tenant rights and obligations. Unlike the Coronavirus Aid Relief and Economic Security (C.A.R.E.S.) Act which was limited to federally subsidized rental properties such as Section 8 or HUD rental units or properties secured by a federally backed mortgage or a first or subordinate lien, the CDC Eviction Moratorium Order applies to all residential rental property.

Tenants may not be evicted from their homes if they meet the following requirements:

The tenant must show he/she:

1. made best efforts to obtain available government assistance for rent or housing,
2. was eligible to receive an Economic Impact Payment (stimulus check) or has an annual income of no more than \$99,000 for an individual, or \$198,000 for a family,
3. is not able to pay the full rent due to substantial loss of income, wages, or hours, or because of extraordinary out-of-pocket medical expenses (unreimbursed medical expenses exceeding 7.5% of AGI for the year),
4. used best efforts to make partial rent payments, and
5. has no other available housing options and if evicted, would need to move into a new residence shared by other people who live in close quarters, or would have to move into a homeless shelter.

The CDC Eviction Moratorium Order is limited to evictions for nonpayment of rent. It is important to know that the CDC Order does not excuse or forgive rent, but merely prevents a tenant from being evicted for non-payment of rent if all of the requirements in

the order are met. A tenant may still be evicted during the moratorium, even if rent cannot be paid, if the tenant:

- engages in illegal drug or other criminal activity at the rental premises,
- threatens the health or safety of other residents,
- damages or creates a significant risk of damage to the rental premises,
- does not comply with health, safety, or building codes, or
- does not follow the terms of the lease/rental agreement and/or rules set out by the landlord.

Every adult person living in the rental premises is required to fill out a declaration statement form to qualify to stop the eviction case. The form can be downloaded from Lakewood Court's website under "court forms." (www.lakewoodcourtoh.com). The declaration statement form is also available at the Lakewood Court Clerk's Office.

The declaration statement form should be given to the landlord if an eviction is threatened or a case is filed. If the case is already filed, the declaration statement form can also be filed with the court. The tenant should keep a copy of the completed form. There is no cost to file the declaration statement form or take advantage of this procedure.

The declaration statement form is a sworn statement and is required to be notarized. The form can be notarized by a deputy clerk at the Lakewood Court. The CDC Eviction Moratorium Order provides that there are possible criminal penalties for any intentional false, misleading or omitted information.

The CDC Eviction Moratorium Order does not prevent a landlord from filing a forcible entry (eviction) case with the court. The order does prevent the court from going forward with the eviction case once the court is aware that the tenant filled out the form and sent it to the landlord, either directly or through the court.

Although the CDC Moratorium Eviction Order sets out specific requirements to stop the eviction, the language of these requirements is not clearly defined. As a result, a landlord may have the right to challenge the tenant's statements at a court hearing. The CDC Moratorium Order puts the obligation on the tenant to get the completed form to the landlord. If a court date has already been scheduled, the tenant should show up for the hearing unless the court continues the hearing date. The tenant should not assume that because the declaration statement form was given to the landlord, the court is aware of the form and will continue the hearing or dismiss the case.

For all eviction cases, the court may convert the hearing to a pretrial conference to resolve the case or extend the hearing date to achieve appropriate social distancing, quarantine issues, or in the interest of justice based on the issues raised by the parties.

Weddings.

To reduce personal contact, the Court will not be performing marriage ceremonies until further notice.