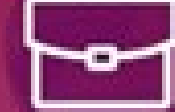




2020 FALL WEBINAR SERIES

Medical Legal Partnerships and Housing

Wednesday, October 21
10:00– 11:15 am





**Moderator: Susan Jagers,
Ohio Poverty Law Center**

OHHN Fall Webinar Series made possible by



Coalition on Homelessness
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Ohio Healthy Homes Network

Webinar Information



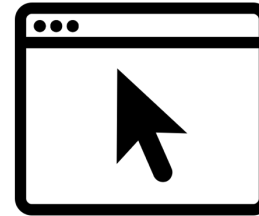
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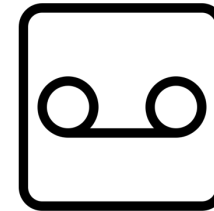
All participants
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Sanitarians, in addition to the evaluation form, please send your Name and RS number in the chat function, in order to ensure you receive credit



Panel Member: Cari Stork

- Program Manager for Lawyers for Kids at Nationwide Children's Hospital.
- Former Outpatient Therapist at NCH who assisted children, adolescents, and families who were experiencing behavioral health issues and school concerns.
- Bachelor of Science in Psychology and Religious Studies from the University of Pittsburgh
- Masters of Social Work degree from The Ohio State University
- Masters of Business Administration from Franklin University.



Panel Member: Jolene Wong

- Family Advocacy Attorney with Lawyers for Kids at Nationwide Children's Hospital.
- Previously, she worked at a non-profit in California advocating for public benefits and equal access to healthcare for people disabled by HIV and/or mental health issues.
- She also spent three years as an attorney advisor for the Social Security Administration,
- Jolene is a graduate of Southwestern University School of Law in Los Angeles.





Panel Member: Melissa Lenz

- Joined the Legal Aid Society of Columbus in 2018 as a staff attorney with the Housing Team
- Bachelor of Arts in French and International Studies from The Ohio State University in 2014
- Received her law degree from The Ohio State University Moritz College of Law in 2018.
- While in law school, she clerked with LASC's Housing Team, as well as the Coalition on Homelessness and Housing in Ohio (COHHIO) and Disability Rights Ohio.



Medical Legal Partnerships and Housing



Cari Dombrowski-Stork, MBA, LISW-S
NCH Program Manager
Lawyers for Kids/Medical Legal Partnership

A history lesson...

A need in the community...

- 1960's rural Mississippi
- 1980's AIDS epidemic
- 1993 asthma patients in Boston



Source: The National Center for
Medical-Legal Partnership



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What is a Medical Legal Partnership?

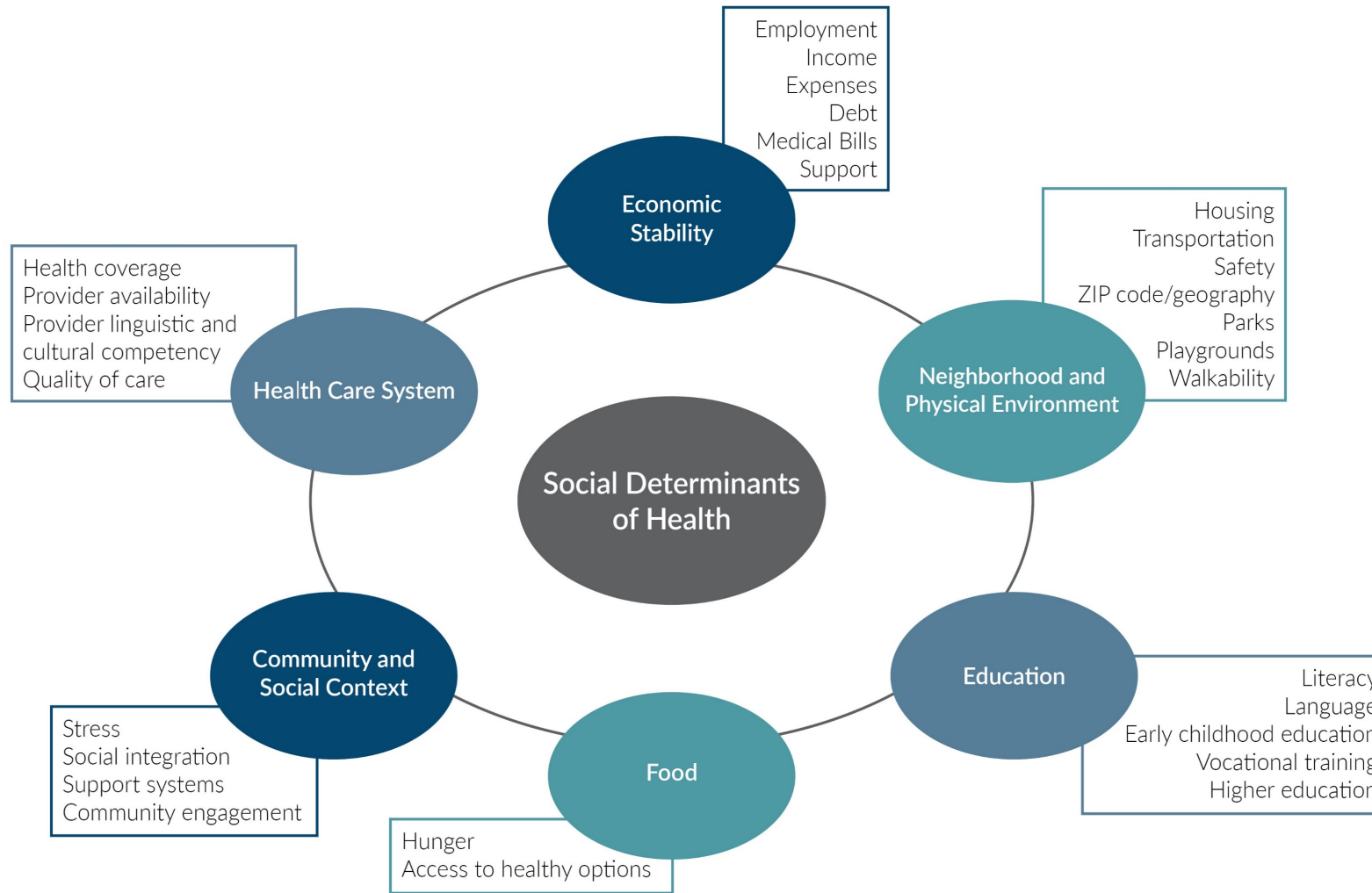
A **Medical Legal Partnership (MLP)** is the collaborative approach between healthcare providers and attorneys that brings **civil legal aid services into the medical setting** to address social determinants of health among vulnerable populations.



Source: The National Center for
Medical-Legal Partnership



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Health Outcomes
 Mortality, Morbidity, Life expectancy, Health care expenditures, Health status, Functional limitations

Source: Alliance for Strong Families and Communities



MLP Benefits

Patients with access to legal care as part of healthcare are healthier.

By utilizing a legal team the healthcare team becomes more efficient.

Best Outcomes

MLPs serve patients and families living in poverty and aid with legal issues that ultimately impact their health.

MLPs and legal care reduce healthcare costs, benefiting at-risk populations.

MLPs improve community health.

Source: The National Center for Medical-Legal Partnership



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Source: The National Center for
Medical Legal Partnerships



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Source: Tsai, et al,
<https://doi.org/10.1377/hlthaff.2017.0759>

NCH's Lawyers for Kids Story

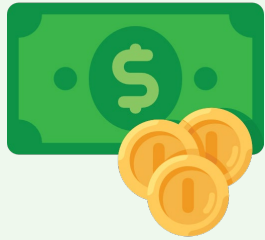
Nationwide Children's Hospital is committed to addressing social determinants of health through a medical-legal partnership program. **Lawyers for Kids™ is a partnership between healthcare providers and attorneys to bring free legal services to vulnerable populations to improve health outcomes.**

Our services continue to expand across the organization. We now serve a range of children and families, pregnant women, and victims of family violence through +40 clinics. **Together, we have screened +15,000 clients and closed +3,000 cases.**

Today, we maintain a vision of collaboration and growth. We see opportunity to build new partnerships and provide even more services to our patients.

Children & Families in Need

POVERTY



**20% of Ohio children and
14% of the general
population live in poverty**

LEGAL NEED



**80% of low-income
households
experienced a social or
economic problem that
had a legal solution in
the past year**

LEGAL RESPONSE



**87% received
inadequate or no
professional legal
help for their social
or environmental
problems**

Source: National KIDS COUNT, The Justice Gap:
Measuring the Unmet Civil Legal Needs of Low-
income Americans (2017)



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A successful intervention



- Evictions avoided
- Improved Housing Conditions
- Lead Remediation



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THANK YOU

GRACIAS
ARIGATO
SHUKURIA
JUSPAXAR
DANKSCHEEN
TASHAKKUR ATU
YOSHUYELAY
SUKSAMA
KONANGELUMBERA
GOZAMASHITA
EPCARISTO
KOMANGELUMBERA
GRAZIE
MEHRBANI
PALDES
BOLZIN
MERCİ
BİYAN
SHUKRIA
TINGRI



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Lawyers for KidsTM

.....
The Medical Legal Partnership
at Nationwide Children's Hospital

Medical Legal Partnership and Housing

Presented by:
Jolene Wong, Family Advocacy Attorney



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Unsafe Housing Harms Kids

- An estimated **5.7 million** U.S. families live in substandard housing.
- Living in unsafe or unsanitary homes is related to **greater emotional and behavioral problems** among children and adolescents, and poor housing quality is also related to **poorer school performance** for older children.

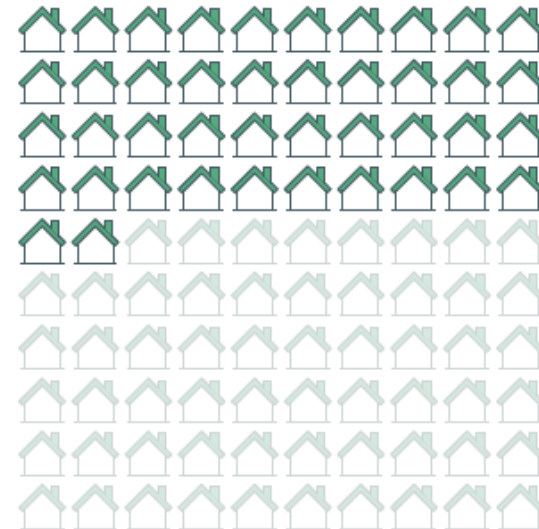


Unstable Housing Harms Kids

390,000 or 25% of
Ohio's renter
households are
**severely cost
burdened.**



For every **100** extremely
low-income renter
households, there are only **42**
rental units **affordable** and
available to them.



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Unstable Housing Harms Kids



22% of the Franklin County population is African American

73% of families served in homeless shelters in Franklin County are African American

An 'Avalanche of Evictions' Could Be Bearing Down on America's Renters

The economic downturn is shaping up to be particularly devastating for renters, who are more likely to be lower-income and work hourly jobs cut during the pandemic.

MLP Housing Cases

- Housing Conditions
- Lease Terminations
- Security Deposits
- Evictions
- Housing Discrimination
- Reasonable Accommodations/Modifications



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Ohio Landlord Tenant Law

- Private apartments
- Subsidized apartments (fed. law also applies)
 - Public Housing, Sec. 8 Vouchers, Sec. 8 Project-Based, Transitional, Supportive, Shelter Plus Care
- Mobile homes
- Rooming houses
- Land Contracts

Landlord Obligations

- Ohio Revised Code 5321.04
- Keep common areas safe and sanitary
- Comply with local housing codes
- Make repairs to keep fit and habitable
- Supply hot and running water
- Supply garbage cans and pick-up (4 or more units)
- Maintain appliances provided by landlord
- Provide 24-hour notice of entry unless emergency

Tenant Obligations

- Ohio Revised Code 5321.05
- Keep unit safe and sanitary
- Comply with local housing codes
- Don't destroy premises or appliances
- Don't disturb neighbors
- Don't do drugs
- Allow access to landlord after proper notice
- **TENANTS ARE RESPONSIBLE FOR ACTIONS OF INVITED GUESTS**

Housing Conditions Impact Child Health

- Roaches, Mice, Rats, Bedbugs
- Mold, mildew, rotting wood
- Plumbing backups/leaks/water damage
- No heat, drafty windows and doors
- No a/c (if originally supplied by landlord)
- Broken appliances
- Broken locks, windows
- Lead paint

What's a Tenant to Do?

- If tenant wants to remain in the home, she should put her request for repairs in writing. Tenant can then start escrowing her rent if repairs are not made.
- If tenant does not wish to remain in the premises, she should send her landlord a letter notifying him that she intends to terminate her lease if the repairs are not made.
- Client should keep a copy of the letter AND send it to landlord with delivery confirmation.

Escrow/Rent Depositing

- If the tenant has sent notice, given the landlord a reasonable time to repair (up to 30 days), **and is current in her rent**, she can file an escrow case at Court.
 - <http://www.fcmcclerk.com/documents/accounting/FCMC-Accounting-Rent-Escrow-Information-Sheet.pdf>
- TENANT SHOULD NEVER JUST NOT PAY RENT as it is grounds for eviction.

Lease Terminations

- THE ONLY ground for breaking a lease in Ohio:
 - Conditions that materially affect a tenant's health and safety, that landlord has been notified of and has not repaired.
- Not grounds for breaking a lease in Ohio:
 - Crime in neighborhood, neighbor conflict, domestic violence.

Security Deposits

ORC 5321.16 - Landlord has thirty days from the day that the tenant returned the keys to return the security deposit OR to give a written accounting of how that deposit has been applied.

- Can be applied to unpaid rent or utilities, or other unpaid fees due under the lease.
- Can be applied to damage to the property that goes beyond “normal wear and tear”.
 - (Routine carpet cleaning, repainting, and cleaning are “normal wear and tear”)



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Evictions and Fair Housing Act



Melissa Lenz, Staff Attorney – Legal Aid Society of Columbus

Eviction

Ohio Revised Code 1923 - Forcible Entry and Detainer (FED).

- Who is Subject to Eviction?
 - Hold Over Tenants (lease is up)
 - Nonpayment of Rent
 - Breach of Tenant Obligations that Materially Affect Health and Safety
 - Breach of Written Rental Agreement

Eviction and COVID-19

- You can't stay home if you do not have a home
- According to the CDC, keeping people in their housing can facilitate self-isolation by people who become ill or who are at risk for severe illness from COVID–19 due to an underlying medical condition.
- “[H]ousing stability helps protect public health because homelessness increases the likelihood of individuals moving into congregate settings, such as homeless shelters, which then puts individuals at higher risk to COVID–19.”
- Outbreaks of COVID-19 have been identified at homeless shelters.

Eviction – CDC Moratorium

- On September 4, 2020, the CDC signed a declaration determining that the evictions of tenants could be detrimental to public health control measures to slow the spread of COVID-19
 - The Moratorium prevents landlords from filing evictions against tenants for non-payment of rent through December 31, 2020
 - Tenants must sign a declaration, certifying that they meet the requirements of the moratorium
(<https://www.cdc.gov/coronavirus/2019-ncov/downloads/declaration-form.pdf>)
 - Tenants are still obligated to pay rent during this period
-

Eviction

Before filing an eviction, a landlord must first give tenant a Three-Day Notice To Leave the Premises (O.R.C. 1923.04)

- Can be hand-delivered, sent by certified mail, or left at the premises.
- If tenant vacates within the three-day period then no eviction can be filed.
- Notice must contain the following language printed or written in a conspicuous manner: *“You are being asked to leave the premises. If you do not leave, an eviction action may be initiated against you. If you are in doubt regarding your legal rights and obligations as a tenant, it is recommended that you seek legal assistance.”*



Eviction – Common Defenses

- **Notice Problems:** Landlord did not give a 3 day Notice to Leave Premises (NTLP). Notice did not have required language. Landlord did not wait 3 full days after serving the NTLP before filing the eviction action.
- **Acceptance of Rent:** If landlord serves 3 day NTLP and then accepts rent that could only be applied to future rent, the NTLP is waived and the case should be dismissed.

Eviction – Common Defenses

- **Unauthorized Practice of Law:** If Plaintiff is a corporation, LLC, or partnership, a Complaint signed by non-attorney should be dismissed.
 - **Pattern & Practice of Accepting Late Rent:** Landlord who has previously accepted late payments cannot suddenly evict for late payment.
 - If reason for eviction is violation of tenant duty under **ORC 5321.05 that affects health and safety**, Landlord may have to give the tenant a 30 day notice to cure the violation, before filing the eviction. See R.C. 5321.11
-

Eviction - Timeframe

- July 1, 2020 – Rent due, with grace period until the 5th.
- July 6, 2020 (Monday) - Landlord tapes a Three-Day Notice to Leave the Premises on tenant's door with grounds “non-payment of rent”.
- The landlord has to wait 3 full days (Tuesday, Wednesday, Thursday) before filing an eviction complaint at Franklin Municipal Court . In this case, Friday, July 10th is the earliest day the landlord can file.
- July 10, 2020 - Landlord files eviction complaint. Hearing is set for two weeks out, Friday, July 24th.

Eviction - Timeframe

- July 24, 2020 - The tenant shows up for the hearing and tells the magistrate that he is trying to find an attorney. The Magistrate continues the hearing for one week.
- July 31, 2020 - The tenant is evicted for nonpayment of rent. The Landlord purchases a red tag and posts it on the tenant's door.
- August 5, 2020 - Five days later, the bailiff supervises as the tenant's belongings are set outside the apartment.
- About a month from the Notice to Leave to the set out.
- If tenants can vacate before the hearing, the eviction can be dismissed as moot, which may look better to future landlords.

Eviction – Second Cause

The first cause is to determine whether or not the tenant has to move. The second cause is all about the money.

- Rent and fees owed to landlord
- Damage to the property by tenant
- Counterclaims by the tenant regarding the condition of the property, unauthorized access, return of security deposit, etc.
- Answer and any counterclaims must be filed within **28 days** of service of the complaint.

Fair Housing Act

Prohibitions

- Protected classes cannot be discriminated against in the process of attempting to rent or buy a home.

Protected Classes

- Race
- Color
- Religion
- Sex
- National Origin
- Disability
- Familial Status

Fair Housing Act

A person is disabled if they:

- Have a physical or mental impairment substantially limiting one or more major life activities, including caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, and learning.
- Have a history of or are regarded as having a physical or mental impairment substantially limiting one or more major life activities.



Reasonable Accommodation/Modification

A person with a disability must specifically request.

- Accommodation – necessary for disabled tenant to use and enjoy a dwelling unit
 - **Landlord pays if not an “undue burden” or “fundamental alteration.”**
- Modification – reasonable change of physical arrangements necessary for disabled tenant to use and enjoy a dwelling unit
 - **Most of the time the tenant must pay.**

✓	SPECIALLY TRAINED (TASK-TRAINED)	✗
✓	ALLOWED BY FEDERAL LAW (AIR CARRIER ACCESS ACT) TO ACCOMPANY THE HANDLER ON FLIGHTS	✓
✓	ALLOWED BY FEDERAL LAW TO ACCOMPANY HANDLER IN RESTAURANTS, STORES, MOVIE, THEATRES, ETC.	✗
✓	ALLOWED BY FEDERAL LAW TO STAY WITH PEOPLE WHO ARE DISABLED IN APARTMENTS THAT HAVE "NO PET" POLICIES	✓
✓	TRAINED TO ASSIST JUST ONE PERSON	✗
✗	PROVIDE EMOTIONAL COMFORT TO MORE THAN ONE PERSON	✓
✗	MUST BE CERTIFIED OR REGISTERED	✗



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Questions?



Melissa Lenz

mlenz@columbuslegalaid.org

614-737-0161

We hope you enjoyed the webinar!



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