

# KNOW YOUR HOUSING RIGHTS.

If you can't pay your rent or are being threatened with eviction for any reason, you do not necessarily need to move out of your home. Only a court can order you to leave. The information below is NOT legal advice. You should seek legal help immediately if you receive an eviction complaint and summons, if you are facing an illegal lock-out without a court order, or if you are subject to an illegal utility termination.

**IF YOU ARE SEEKING REPRESENTATION OR LEGAL ADVICE, PLEASE CONTACT THE [LEGAL AID SOCIETY OF COLUMBUS](#) OR THE [COLUMBUS BAR ASSOCIATION'S](#) ATTORNEY REFERRAL SERVICE. AN ATTORNEY-CLIENT RELATIONSHIP DOES NOT EXIST BETWEEN YOU AND RENTFUL.**

**Renter Rights & Duties.** Ohio law has many protections for renters, you can read more about what landlords can do and what they must do [in this packet](#) from Legal Aid. But renters can do a lot to protect themselves, as well. For example, it's always a good idea to get written confirmation (by email or letter) of any promises a landlord makes. Renters can also gather evidence of any problems they're having, like photographing bad conditions or asking a third-party to witness conversations with the property management staff for an objective point of view. If there is a problem, you should call a lawyer for help. Legal Aid's phone number is 614.241.2001 and the Columbus Bar Association can make private referrals by visiting [www.cbalaw.org](http://www.cbalaw.org).

**Right to a Rent Payment Receipt.** A new ordinance in Columbus requires landlord to give most tenants a [receipt for any rent payment](#) or security deposit payment where a receipt isn't automatically generated.

**My eviction is soon, maybe even tomorrow.** That's okay, it's not too late. The most important thing is that you apply for rent assistance now and you attend your court hearing. When you come to court, there will be people there to help you. You are also allowed to request a continuance, this flyer from Legal Aid tells you how.

**I moved out already. Do I still have to go to Court?**

If you moved out before your eviction hearing is scheduled to be held, [this information](#) from the Legal Aid Society of Columbus tells you how to avoid having the court grant a judgment against you.

**There is no Eviction Moratorium.** The moratorium is no longer in effect. If you do not pay your rent, or if you violate your lease, your landlord can evict you.

**How does eviction work?** Evictions have two basic parts. The first part, called a "first cause" is the most common. In this part, the landlord claims you no longer have a right to stay in the rental home and is asking for a court order to force you to leave. The second part, called the "second cause", is less common. This is where the landlord is suing you to collect money that is owed like back rent or money to repair damages. On Rentful, we're only going to talk about the first cause, but you can learn more about the whole process from the Legal Aid Society of Columbus by [clicking here](#).

Today, Franklin County's eviction court is held in room 11th floor at 375 South High Street, Columbus, Ohio 43215. They hold two different sessions, at 8:30 AM and 10:30 AM. These hearings are called "cattle calls" because you only know the general time when your case will be heard, which makes it very important to be on time.

**Evictions happen very fast.** The judge usually asks if you are behind on your rent, if you received a notice from your landlord to leave, if you still failed to pay rent after getting the notice, and if you are still living in the property. If you answer "yes" to all these questions, it can be very difficult to stop the eviction. If you answer "no" to any of those questions, you should try to have proof (like payment receipts, witnesses, or other documents). You are allowed to request a "[continuance](#)" or delay to find an attorney, but you must request this before you swear an oath and the judge begins to ask you these questions.

If the judge grants the eviction, the landlord may request a "set out" to remove your belongings from the home. The Bailiff will place a "red tag" on your door to start this process and you usually have five days from the date that red tag is placed on your door to move. If you do not move, the sheriff or service bailiff will oversee someone who moves your belongings out of the home.

**What are some facts that can help stop an eviction?** One of the best ways to stop an eviction is by applying for rent assistance to catch up on rent. Negotiating with the landlord can often help.

If you want to stop an eviction, you should talk to a lawyer about possible defenses. They may ask whether your landlord failed to give you “3 day” notice to leave, whether you paid some rent after getting a “3 day” notice, if your landlord frequently accepts late rent payments, if you tried to pay on time but your landlord refused to accept your money, if your rent was late because of someone else’s actions (like if your landlord lost the rent check), and if you have recently tried to pay all the charges the landlord asked for.

**Can a landlord refuse rent or rental assistance?**

Some cities (like Columbus, Gahanna, & Reynoldsburg) have “Pay to Stay“ laws that allow tenants to catch up on missed payments. Some cities also allow tenants to make rent payments through a third party, like a church or nonprofit. You may wish to contact an attorney to understand how these laws and others affect your rights and responsibilities.

**What if the landlord isn’t repairing my apartment?**

The landlord must keep the property in “habitable” condition. This usually means they must make repairs and keep it in good condition. Tenants also must keep the property safe, like by using proper trash bins and not damaging the property. A tenant is usually only responsible for paying for repairs if they were negligent and caused damage, like if they or a guest broke a window. Pests and bedbugs are usually the landlord’s responsibility, but there are exceptions to that. [Click here](#) to learn more about what to do if a landlord isn’t making needed repairs. You have a right to make a code enforcement report by calling 3-1-1 or 614.645.3111.

In Franklin County, you are not allowed to stop paying your rent because of a problem with the property. If you do not pay your rent, you can be evicted.

**Security Deposits.** If you are evicted, the landlord is allowed to use your security deposit to recover unpaid rent. They can also keep all or part of the deposit for damages that were not caused by “normal wear and tear.” What counts as normal wear and tear depends on the circumstances, but routine carpet cleaning or wall repainting is generally the landlord’s responsibility and they cannot use the security deposit to pay for that. To help make sure you get your deposit back, renters should photograph or video the entire house before leaving, return the keys to the landlord on time, and provide a new mailing address.

For more on getting your deposit back, see [this information packet](#) from Legal Aid. It is best to take photographs of the apartment when you first move in to make sure you can show any damages that occurred before you arrived. You must provide notice of your forwarding address in writing, but this can be any address you wish including a P.O. Box or a relative’s address.

If you must move to a new apartment, a City of Columbus law allows many renters to make their new security deposit in monthly installments at the same time as their normal rent. They can take up to six months to pay the full deposit. This does not apply to small landlords with fewer than 5 rental units.

**Fair Housing & Source of Income Discrimination.** Ohio renters cannot be discriminated against because of their race, color, national origin, ancestry, religion, sex, familial status (having a child younger than 18), disability, or military status. In some Franklin County cities, it is also illegal to discriminate against a person because of their LGBTQ status. In some Franklin County cities, landlord cannot refuse to rent to someone because of how they earn legal income, like if they receive child support or housing vouchers. In Franklin County, the [Legal Aid Society](#) of Columbus investigates and pursues complaints of housing discrimination.

**Removing an Eviction Record.** In some scenarios, you may ask the Court to remove an eviction filing so that it is hidden from public view. This is especially true if the eviction was dismissed. In Franklin County, eviction records are more than three years old no longer appear in search results on the Municipal Court’s website, but they can still appear in consumer reports like the FABCO report. The Self-Help Resource Center can help you file to seal an eviction. [The application](#) is also available on the municipal court’s website.

**WWW.RENTFUL614.COM**

