
Settling an Eviction Case: Things to Consider

Time to Move

It can be extremely difficult for low-income tenants to find a new rental home:

- There is a shortage of affordable housing in the Greater Cincinnati area, especially rental housing for families of three or more and families requiring wheelchair access or other disability accommodations.
- Searching for housing can be costly, as hopeful tenants pay for application fees and transportation.
- There are long wait-lists at local Public Housing Authorities and other HUD-subsidized housing.

Often, adequate time to move is the priority term in a settlement (assuming the Client agrees to move).

Before a Client moves from her current home, advise her to leave it in clean condition and take pictures of each room. And Arrange for the return of keys to the landlord, whether through the parties or through counsel.

Money

The value of a case varies based on the merits of Client's defenses and counterclaims (if any), Client's incurred or expected compensatory damages, and Client's expected performance as a witness before the judge or jury.

If the Client has well-grounded counterclaims, consider:

- Moving Expenses—
 - moving truck and gas
 - movers/paying friends to help
 - utility deposit; est. \$120 required by Duke when customers w/ low credit scores open a new account
- Rent Abatement—
 - Reimbursement to Client for reduced value of monthly rent due to poor conditions, multiplied by duration of poor conditions
 - In *Miller v. Ritchie*, 45 Ohio State 3d 222, 543 N.E.2d 1265 (1989), the Ohio Supreme Court held that tenants could recover compensatory damages against landlords for failing to maintain rental property. Under *Miller*, tenants can give testimony as to the reduced or actual rental value of the premises.
- Other—
 - Punitive damages
 - Other incurred expenses related to case
 - Attorney's fees*

Erasing the Eviction from the Clerk's Website

Landlords with a small number of properties rely on the Clerk of Courts website for a potential tenant's eviction history. Landlords with more resources request background checks through third-party vendors, and those vendors pull data from the court websites.

It is helpful to Clients to have their present case, once dismissed, removed from the internet record (like a civil expungement). VLP has a sample Motion to Clear from Internet Record in its Housing Brief-Bank.

* A volunteer may collect a fee from the opposing party. If the attorney believes fees can be collected, the attorney and client should enter into a separate representation agreement covering those fees. The case remains a VLP case.