



SENT VIA E-MAIL

April 30, 2020

Governor Mike DeWine
Riffe Center – 30th Floor
77 South High Street
Columbus, OH 43215
(614) 644-4357

Dear Governor DeWine:

The American Civil Liberties Union (ACLU), ACLU of Ohio, Fair Housing Center for Rights & Research, and Northeast Ohio Coalition for the Homeless, urge you to immediately issue a statewide moratorium on evictions and utility shut-offs in Ohio and commit to prevention of mass evictions after the moratorium ends.

Across the nation, the COVID-19 pandemic has already resulted in widespread and devastating economic consequences, as the number of unemployment claims filed has reached over 26 million. In the face of staggering unemployment numbers and climbing medical costs, millions of people living in the United States—and over 3.5 million renters living in Ohio—face the imminent threat of losing their homes or access to utility service. These consequences risk further spread of COVID-19 throughout Ohio and undermine efforts to protect public health and well-being. Moreover, the nearly guaranteed wave of evictions and utility shut-offs will inflict far-reaching and significant economic and social harm on millions of Ohio residents—and particularly on women, people of color, low-income residents, and other vulnerable communities.

We commend you for your extraordinary leadership and efforts to support Ohio residents during the pandemic. On April 1, for example, your office issued Executive Order 2020-08D to provide relief to small business tenants and commercial real estate borrowers.¹ Yet it is critical that Ohio immediately issue a moratorium on residential evictions and utility shut-offs to protect vulnerable Ohioans in advance of May 1.

Evictions and Utility Shut-Offs Will Disproportionately Harm Communities of Color—And Particularly Women of Color.

The ACLU's Data Analytics team analyzed Ohio eviction data from 2012 to 2016, provided by the Eviction Lab at Princeton University, and found stark racial and gender disparities. From 2012 to 2016, Black women renters

¹ Ohio Executive Order 2020-08D: Commercial Evictions and Foreclosures (Apr. 1, 2020), <https://governor.ohio.gov/wps/portal/gov/governor/media/executive-orders/executive-order-2020-08d>.



in Ohio, on average, had evictions filed against them by landlords at nearly twice the rate of white renters.² The harmful impact of eviction on Black women and communities of color is further compounded by other racial, gender, and socioeconomic barriers—such as wealth gaps, pay disparities, and inequities in our healthcare system.³ A 2019 report by the Women’s Fund of Central Ohio found that more than one in four Black women in Central Ohio live below the poverty line.⁴ The report also found that women earn less than men in every county in Central Ohio, while Latinx and Black women who work full-time, year-round, have the lowest earnings as compared with white women and all men.⁵

Critically, the aftermath of an eviction persists for decades, as tenants with prior eviction records face major obstacles to accessing future housing opportunities. Landlords routinely employ screening policies that deny housing to any renter previously named in an eviction case, regardless of whether the case was dismissed, occurred many years ago, or was filed on unlawful grounds.⁶ As a result, eviction often exacerbates and reproduces conditions of economic insecurity for low-income women and communities of color.

Utility shut-offs also disproportionately harm communities of color. A 2017 report by the NAACP found that Black households experience utility disconnections at a higher rate than financially similar white households. For households at or below 150% of the federal poverty level, only 5.5% of white-headed households experienced shutoffs as compared to 11.3% of Black-headed households.⁷ Similarly, another study revealed that residents in predominantly minority neighborhoods faced 27% higher energy cost burdens than those in predominantly white neighborhoods.⁸ Research further shows that Black communities disproportionately experience higher water costs, water service terminations, and water liens, resulting in negative health and economic outcomes.⁹

² Data were drawn from Lexis Nexis eviction court records and compiled by the Eviction Lab. Data spanned from 2012 until 2016. For more information about the eviction data and methodology, see Sophie Beiers et al., *Clearing the Record: How Eviction Sealing Laws Can Advance Housing Access for Women of Color* (Jan. 10, 2020), <https://www.aclu.org/news/racial-justice/clearing-the-record-how-eviction-sealing-laws-can-advance-housing-access-for-women-of-color/>.

³ Matthew Desmond, *Poor Black Women Evicted at Alarming Rates, Setting Off a Chain of Hardship* (Mar. 2014), https://www.macfound.org/media/files/HHM_-_Poor_Black_Women_Are_Evicted_at_Alarming_Rates.pdf.

⁴ The Women’s Fund of Central Ohio, *Assets for Equity: Building Wealth for Women in Central Ohio* (2019), <https://www.womensfundcentralohio.org/wp-content/uploads/2019/09/2019-Gender-Racial-Wealth-Gap-Report.pdf>.

⁵ *Id.*

⁶ Sandra Park, *Unfair Eviction Screening Policies Are Disproportionately Blacklisting Black Women* (Mar. 30, 2017), <https://www.aclu.org/blog/womens-rights/violence-against-women/unfair-eviction-screening-policies-are-disproportionately>.

⁷ NAACP, *Lights Out in the Cold: Reforming Utility Shut-Off Policies as if Human Rights Matter* (Mar. 2017), https://www.naacp.org/wp-content/uploads/2017/12/Lights-Out-in-the-Cold_NAACP.pdf.

⁸ Kyle Miller, *The Hidden Cost in Housing Affordability* (Feb. 20, 2020), <https://www.planning.org/blog/9195636/hidden-cost-in-housing-affordability/>.

⁹ The Thurgood Marshall Institute at the NAACP Legal Defense and Educational Fund, Inc., *Water/Color: A Study of Race & the Water Affordability Crisis in America’s Cities* (May 2019), https://www.naacpldf.org/wp-content/uploads/Water_Report_Executive-Summary_5_21_19_FINAL-V2.pdf.



Ohio Must Immediately Issue a Moratorium on Evictions and Utility Shut-Offs That Will Also Prevent Mass Evictions After the Moratorium Ends.

In light of the widespread and devastating impact of eviction during the pandemic, we urge you to immediately issue a comprehensive moratorium on evictions and utility shut-offs throughout the entire state. In doing so, Ohio must implement a moratorium that prohibits every stage of the eviction process and without exceptions for types of tenants or lease violations. Ohio must also plan ahead for when the moratorium ends to prevent mass evictions and other enduring housing consequences for tenants hurt by the pandemic.

Ohio's Moratorium Must Halt Every Stage of the Eviction Process.

An effective eviction moratorium must prohibit landlords and housing providers from proceeding with any stage of the Ohio eviction process, including, but not limited to: (1) formal or informal issuance of eviction notices; (2) service of legal process in eviction actions; (3) filing of new eviction cases; (4) eviction hearings; and (5) enforcing orders of eviction, including those issued prior to the March 9, 2020 order declaring a state of emergency in Ohio.¹⁰ Additionally, while court deadlines in Ohio are presently tolled until July 30, the moratorium should provide that all court deadlines are tolled or extended for pending eviction proceedings for at least 30 days after the moratorium is lifted. Absent a clear and comprehensive moratorium, tenants still face a heightened risk of losing their homes or sustaining an eviction filing record that may unjustly act as a barrier to housing in the future.

Ohio's Moratorium Must Continue to Prevent Evictions During and Shortly After the Pandemic, with Extensions.

Given the ongoing and unpredictable nature of the COVID-19 pandemic, Ohio should issue a 90-day moratorium on evictions and utility disconnections. Additionally, the moratorium must, at a minimum, continue at least 45 days¹¹ after the following conditions are met: (1) the period for mandated or recommended social distancing has ended; (2) Ohio officials, including the Director of Public Health, have determined the moratorium is no longer needed to control or limit the spread of COVID-19; and (3) Ohio officials, including the Director of Public Health, have determined there are no further public health, economic, or other circumstances supporting the continued need for the moratorium. Moreover, an effective eviction moratorium should allow for extensions as necessary to allow tenants reasonable time to apply for and receive financial resources and assistance following the conclusion of the pandemic. The moratorium should also guarantee that landlords and housing providers give at least 30 days' notice to evict a tenant upon expiration of the moratorium period.¹²

¹⁰ National Housing Law Project, *Protecting Renter and Homeowner Rights During Our National Health Crisis*, <https://www.nhlp.org/campaign/protecting-renter-and-homeowner-rights-during-our-national-health-crisis-2/>.

¹¹ See, e.g., Mass. H. 4647, *An Act Providing for a Moratorium on Evictions and Foreclosures During the COVID-19 Emergency*, <https://malegislature.gov/Bills/191/H4647>.

¹² See, e.g., Coronavirus Aid, Relief, and Economic Security Act (CARES Act), § 4024.



Ohio's Moratorium Should Apply to All Types of Tenants and Lease Violations.

In light of the ongoing public health crisis and its economic consequences, all residents—regardless of their circumstances or background—must have access to safe and stable housing throughout the course of the COVID-19 pandemic. Given the extraordinary circumstances that Ohio residents are facing, an effective eviction moratorium should not be limited to evictions for non-payment of rent. Rather, the moratorium must prohibit all evictions, regardless of the type of tenant or lease violation. Any exception to an eviction moratoria should be narrowly tailored to circumstances in which an individual's tenancy poses a serious and imminent health of safety threat that cannot be reduced or eliminated except by eviction.

The Moratorium Should Prohibit the Collection of Late Fees and Protect Tenants Who Assert Rights Provided by the Moratorium.

The moratorium should prohibit landlords from imposing fees or fines associated with the late payment of rent due during the period of the moratorium, which can often be considerable. Additionally, Ohio should prohibit landlords from retaliating against tenants who seek protections under the moratorium.

Ohio Must Issue a Moratorium Against All Utility Shut-Offs Without Exception.

In addition to issuing a comprehensive eviction moratorium, Ohio should protect its residents' access to critical utility services by prohibiting utility shut-offs or disconnections for the duration of the pandemic. Again, we commend Governor DeWine for issuing a March 31, 2020 order to prevent water disconnections during the pandemic. However, Ohio must issue a statewide moratorium against all utility disconnections to ensure protections for its residents. Moreover, the moratorium should require utility companies to restore previously disconnected utility services for residents.

Ohio Must Also Prevent Mass Evictions After the Moratorium Ends.

The issuance of a moratorium will play an important role in mitigating the public health and economic impact of the pandemic. In addition to containing further spread of COVID-19 by ensuring residents can comply with stay-at-home orders, a moratorium will prevent the harmful aftermath of eviction, such as medical and mental health issues, financial hardship, and homelessness.¹³ However, permitting mass evictions to take place the moment the moratorium lifts will similarly cause huge upheavals in local communities, harm public health, and threaten families. For that reason, Ohio state officials should commit to adopting policies that would prevent mass evictions once the moratorium ends. Key policies should include requiring landlords to negotiate payment plans

¹³ Matthew Desmond & Carl Gershenson, *Housing and Employment Insecurity among the Working Poor*, Oxford: Social Problems Advance Access 1–12 (Jan. 11, 2016), <http://scholar.harvard.edu/files/mdesmond/files/desmondgershenson.sp2016.pdf?m=1452638824>; see also Allison Bovell-Ammo & Megan Sandel, *The Hidden Health Crisis of Eviction*, Boston Univ. School of Public Health (Oct. 5, 2018), <https://www.bu.edu/sph/2018/10/05/the-hidden-health-crisis-of-eviction/>.



prior to the filing of eviction cases, creating renters’ relief funds to cover back rent, providing renters with a grace period of at least 30 days to pay rent, establishing right to free legal counsel to tenants facing eviction, and exploring other creative strategies for addressing this unprecedented threat to community stability. Such policies should provide meaningful mechanisms to ensure compliance by landlords and housing providers. For example, Ohio state officials should issue guidance for housing courts to require landlords and housing providers to show that they have engaged in good faith negotiation of payment plans prior to filing for eviction.

Ohio Should Also Protect Tenants from Blacklisting Because They Face Eviction After the Moratorium Ends.

The mere filing of an eviction—even where an eviction judgment is not entered—deprives tenants of housing opportunities, because landlords often will not rent to anyone who has been subject to an eviction case. This type of blacklisting is devastating, locking out families from better housing, schools, and employment for decades. Ohio officials must ensure that any evictions filed during this period do not impede tenants’ opportunities for the rest of their lives by preventing consideration of evictions filed during this crisis period. Moreover, Ohio should prohibit landlords and housing providers from reporting missing or late rental payments to credit agencies or debt collection agencies to avoid future economic hardship following the pandemic.

With the first of the month rapidly approaching, it is critical that your office acts quickly to protect its residents against eviction and utility shut-offs. An eviction and utility shut-off moratorium will provide the certainty and stability that residents need to ensure that no one is at immediate risk of losing their homes while we work to find longer-term solutions to handling unpaid rent, providing economic and financial support, and ensuring access to stable housing in the aftermath of the COVID-19 pandemic.

We encourage you to act quickly to address the critical issues facing Ohio residents. **If you have any questions or concerns, please contact cpleasants@thehousingcenter.org, chris@neoch.org, or ebonham@acluohio.org.** Thank you in advance.

Sincerely,

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