



Toledo eviction hearings resume without CDC moratorium in effect



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Two dozen eviction hearings were scheduled Thursday in Toledo on the first day the local housing court began honoring a federal appeals-court decision invalidating the U.S. Centers for Disease Control and Prevention's moratorium on evictions for nonpayment of rent for qualifying individuals.

But of the 24 court filings scheduled, a number of cases were either dismissed or resolved between landlords and tenants. In one case, a tenant was granted a dismissal as long as she agreed to pay the \$889 in rent she owed, attorney Kaser Bhatti of Legal Aid of Western Ohio told The Blade.

"They're dismissing the case because my client paid the rent that she owed," Ms. Bhatti said. "They just filed the dismissal today."



On Monday, two days before the looming deadline, the CDC extended the federal moratorium for rent-delinquency evictions to June 30. But that same day, the Cincinnati-based Sixth Circuit Court of Appeals ruled against the federal government in a case from Tennessee, finding the government over-broadly interpreted an old law to justify the CDC's authority to issue such an order.

The Toledo Municipal Housing Court then announced it could no longer honor the moratorium because of the appellate court's decision, and on Wednesday offered landlords guidance on how to proceed, including requiring them to file "notice to proceed with eviction" with the court.

Housing Court Judge Joseph Howe said the Sixth Circuit court was "controlling" for his bench, forcing him to adhere to its ruling. The housing court in Akron, also within the Sixth Circuit's jurisdiction, took the same stance, the Akron Beacon Journal reported.

Douglas Wilkins, an attorney who represents multiple landlords in eviction hearings, said many of his clients had elected to accept rental assistance offerings made locally and have been working with tenants on resolutions.

"There's a lot of money available," he said, so it's better to use that than allow a large balance of eviction cases pile up awaiting the moratorium's end.

The pandemic-related moratorium, which provided relief for renters on the grounds that evictions could spread coronavirus infections as displaced tenants moved into shelters or lodged with relatives, has been extended three times since it began in September. But with its extensions, there have also been a number of challenges to its legality and constitutionality.

In three states — Texas, Tennessee, and Ohio — federal judges have struck down the order, each for different reasons.

Lucas Metropolitan Housing, the local public housing authority, has extended its own eviction moratorium again to July 31.

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