



## ANNUAL PLAN COMMENTS FROM THE LEGAL AID SOCIETY FOR FY2019 SUMMARY OF COMMENTS TO PLAN AND CMHA RESPONSE

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Thank you for your comments. CMHA will take them into consideration as we help shape the future of affordable housing in our community. CMHA provides the following written comments regarding the Annual Plan, the proposed changes to the Plan and the related documents.

If parties submitted their comments prior to the March 26, 2019 public hearing, then CMHA provided for an individual meeting to discuss the specific comment and agency's response.

The following is a summary of the comments and CMHA's response to the comment(s). Similar comments have been paraphrased and grouped together with CMHA's response. The text of all comments is included as an attachment to this summary.

### ASSET MANAGEMENT

#### LEASE TERMINATION

**Policy Referenced:** CMHA received a comment related to lease termination and its eviction filings in the asset management properties. This comment was construed as relating to the Asset Management Admissions and Occupancy Plan, as well as, the CMHA Capital Plan.

**03/08/2019 Legal Aid Society ("LAS"):** Legal Aid is concerned with CMHA's continued high volume of eviction filings. In Ohio, CMHA continues to have the highest rate of eviction filings proportional to its tenant population among the other urban housing authorities. To comply with federal law (the U.S. Housing Act, 42 U.S.C. 1437d), evictions should be CMHA's last resort. As the largest subsidized landlord in Hamilton County, CMHA should strive to reduce evictions, and work with its tenants before filing an eviction action. CMHA's extremely high rate of eviction filing contributes to the high poverty rate in Cincinnati. A recent study of this issue can be found at *"You are being asked to leave the premises": A Study of Eviction in Cincinnati and Hamilton County, Ohio, 2014-2017*, Elaina Johns-Wolfe, M.A., Department of Sociology, University of Cincinnati, June 2018, and enclosed here for your review.

## RESPONSE

CMHA concurs with trying to find alternatives and working with tenants before filing evictions. We are open to sitting down with Legal Aid to come up with what some viable alternative options could be. These options have to be approved by a said resident group to ensure residents are in agreement when evictions occur that have nothing to do with non-payment of rent

CMHA also concurs if workable solutions can be accomplished with reduction in eviction filings it would reduce programmatic costs. As you are aware, these type of efforts calls for additional partnerships and additional funding to get to the root causes of eviction prevention. CMHA would like to invite an open conversation with Legal Aid to brainstorm on available funding sources in the community to reduce the number of proposed evictions sent out by CMHA. We also believe this will improve the quality of life of our residents and reduce the overall cost to operating the public housing program.

Furthermore, CMHA is working with Ohio Jobs and Family Services and its PRC funding in an effort to curb evictions due to non-payment of rent. To date, this partnership, has reduced the number effected by evictions this year by 60 residents. This is an average of at least thirty residents per month that are not being evicted because of this partnership. Additionally, CMHA has another 40 cases pending for approval to prevent families and individuals from being evicted from CMHA owned properties.

CMHA is exploring developing a partnership with Housing Opportunities Made Equal, which targets market rate renters that are on the brink of being evicted, because they need a subsidy to help them pay their rent. Through this partnership, CMHA would provide qualified families with a voucher that could potentially keep the family in their present place of residence or another residence they can afford.

### CMHA'S PROPOSED CHANGE TO THE RESIDENTIAL DWELLING LEASE AGREEMENT RIGHT OF ENTRY

**Policy Referenced:** CMHA received a comment related to its proposed change in the lease concerning entry into the residential unit as a response to the need for emergency maintenance. This comment was construed as relating to the Asset Management Admissions and Occupancy Plan, as well as, the CMHA Capital Plan.

**03/08/2019 Legal Aid Society ("LAS"):** CMHA's proposed change to the language in its asset management lease agreement relating to the right of entry into a tenant's residential unit for purposes of repairs is contrary to state law and a tenant's right to privacy. The change in the language would give CMHA the right to enter without prior notice in situations that clearly are not emergencies. Under Ohio Revised Code Section 5321.04(A)(8), a landlord must give a tenant reasonable notice of the landlord's intent to enter a unit, generally presumed to be 24 hours, and enter only at reasonable times, unless there is an actual emergency. Orders from a government agency that are non-emergency in nature, especially if the orders allow CMHA over 24 hours to make the repairs are not an "emergency" and does not give



CMHA the right to enter a tenant's unit without giving the tenant prior notice. CMHA must comply with Ohio Landlord Tenant law.

CMHA faces considerable liability if it allows this change to take effect. Further, CMHA seems to be sending a message to tenants that those who report conditions issues will be subject to unlawful entries into their homes by CMHA staff. We urge CMHA to reconsider this change so that it complies with state and federal law.

## **RESPONSE**

CMHA has reviewed the proposed change and concurs with the suggested change of ensuring that CMHA will only enter a unit when a recognized emergency has occurred. Otherwise, tenants will receive the proper notices when CMHA enters a unit.

### **CMHA SHOULD ADDRESS POOR CONDITIONS AND DEFERRED MAINTENANCE ISSUES.**

**Policy Referenced:** CMHA received a comment related to condition of CMHA's asset management properties. This comment was construed as relating to the Asset Management Admissions and Occupancy Plan, as well as, the CMHA Capital Plan.

**03/08/2019 Legal Aid Society ("LAS"):** Last year, Legal Aid provided comment to CMHA regarding the deteriorating condition of many of CMHA's Public Housing (Asset Management) properties. Like much public housing throughout our country, CMHA's housing stock suffers from under-investment due to chronic lack of public funding. This has resulted in deteriorating aging building systems. However, the need for capital investment does not justify the serious health and safety problem CMHA residents experience due to inadequate maintenance. –

**Response:** CMHA concurs with LAS's statement as it pertains to the underfunding and aging housing stock of CMHA's asset management units. As you very well know, capital investment is needed because it effects the day-to-day operations and maintenance of the properties. Although, our properties need capital investments, CMHA has been addressing its day-to-day maintenance issues as long as we are notified by our "residents" through the proper systems provided to optimize communication. During the course of this current fiscal year, CMHA has completed over 16,000 work orders. To that end, the months of December 2018 and February 2019 had over 3000 work orders each month. Sustaining this effort with shrinking resources has been a monumental task, but CMHA has been stepping up to ensure we provide the best services possible through the funding that we have been afforded from HUD.

CMHA urges Legal Aid to help with the advocacy with HUD and Congress to provide additional funding needed through the Capital grant and operating subsidy to help with these efforts that we all are seeking.

**03/08/2019 Legal Aid Society ("LAS"):** Legal Aid has continued to receive numerous complaints about bad conditions at CMHA properties and deferred maintenance, including a significant increase in referrals from Cincinnati Children's Hospital. Many of our advocates represent CMHA tenants



and tenant groups who have repeatedly requested maintenance and have received no response or inadequate responses from CMHA.

**Response:** CMHA urges Legal Aid to work in conjunction with us to identify these situations, if they are occurring at the staggering rate this comment is stressing. As you are aware, CMHA can only address situations that are brought to our awareness. If the communication from Children's and/or other advocates is channeled through Legal Aid instead of CMHA, it creates a communication or delay in notification of the adverse condition that a resident may be experiencing. If these communications can be communicated simultaneously to both organizations, this would better serve the residents.

CMHA has reached out Cincinnati Childrens Hospital to close the communication gap as it pertains to ensuring families, especially children, are not experiencing adverse living conditions throughout our housing portfolio. To date, we have not received an agreed upon process.

**03/08/2019 Legal Aid Society ("LAS"):** For example, in the case of Maple Tower, local government inspections uncovered major fire safety problems in the building, including fire door deficiencies, fire separation deficiencies, and failed fire suppression equipment. In the case of Winton Terrace, the development recently failed a HUD REAC inspection with a score of 39 out of 100. There were numerous life threatening conditions found in the inspection, including fire exit obstructions, dangerous wiring, plumbing failures and vermin infestation.

**Response:** CMHA concurs with Legal Aid that we received the building code violations from Maple Tower. CMHA aggressively addressed all issues that were found at Maple Tower and is currently working diligently to ensure these items are maintained in compliance. CMHA also concurs that we received a REAC score of 39 from HUD's REAC system. Although, the large number of the items were not life-threatening. In the case of items were considered as life-threatening to the health and safety of the resident, CMHA addressed these items quickly and will work as hard as possible to keep these from reoccurring again.

CMHA need to prioritize and remedy the conditions inside its public housing units. CMHA has placed much emphasis on curb appeal and being good neighbors during this time, but needs to put more emphasis on providing decent safe and sanitary housing to the tenants living inside its properties. ....

**Response:** CMHA does prioritize ensuring, to the best of its ability and funding availability, that appropriate repairs are made to the inside and outside of its units. CMHA also believes it is important to be a good neighbor to the community overall. As it pertains to curb appeal, CMHA is certain that Legal Aid will concur, this is an important item that lends to quality living conditions for families. As stated above, CMHA has completed over 16,000 work orders pertaining to day-to-day maintenance items, which demonstrates a priority of trying to provide the best housing possible under the financial constraints set forth by the federal government.

**03/08/2019 Legal Aid Society ("LAS"):** Regarding maintenance requests, CMHA should provide receipts to tenants after they make a request.