# "You are being asked to leave the premises": A Study of Eviction in Cincinnati and Hamilton County, Ohio, 2014-2017

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JUNE 2018

# **Executive Summary**

The lack of affordable housing throughout our nation is the root of several social problems, including poverty, homelessness, and educational and health disparities. Furthermore, the United States is amidst an eviction epidemic—millions of families are evicted each year. Evictions occur when landlords initiate the involuntary moves of their tenants formally through an eviction court or informally through other means. This report presents an analysis of formal eviction filings in Hamilton County, Ohio from four consecutive years, 2014 to 2017. The main findings follow:

- Nearly half (42.3%) of all residences are renter-occupied in Hamilton County. From 2014 to 2017, an average of 12,439 residential evictions were filed in Hamilton County. The eviction filing rate (8.7%), or percentage of renter-occupied units that experience an eviction filing, sits well above the nation's average (6.3%).
- Importantly, less than one percent (0.4%) of eviction filings sampled in 2017 were decided in favor of the tenant. A large majority were either in favor of the landlord (47.6%) or were dismissed (49.9%). Cases may be dismissed at the landlord's discretion for many reasons—due to their negotiation with the tenant, or due to the tenant's decision to vacate the premises.
- Unlike in criminal court, defendants (tenants) in eviction court are not given the right to legal representation. In Milwaukee, Desmond (2016) found that approximately 90% of landlords were represented by lawyers, while 90% of tenants were not. In Hamilton County, these disparities are even more alarming—88.2% of landlords had legal representation, while 97.5% of tenants did not. As a result, knowing they must stand toe-to-toe with a lawyer, many tenants will not show up to court to fight an eviction.
- While all neighborhoods and communities in Hamilton County experienced at least one eviction filing between 2014 and 2017, they are highly concentrated in a few areas along patterns of racial residential segregation. On average, predominantly Black neighborhoods are those with the highest eviction filing rates, while neighborhoods with few Black residents experiences very few evictions. Additionally, neighborhoods experiencing high rates of eviction filings are also more likely to have lower household incomes and higher rates of poverty when compared to neighborhoods with low eviction filing rates. Eviction is more often identified as a major cause of poverty, rather than a consequence of it. As such, these neighborhoods remain poor because of systematic processes like eviction.
- Although there are thousands of landlords in Hamilton County, only a relatively small amount are responsible for most evictions. Half of landlords in Hamilton County file fewer than ten evictions per year. Agencies and landlords known for providing housing to those in poverty are largely responsible for eviction filings. In every year during the study period, Cincinnati Metropolitan Housing Authority (CMHA) filed the most evictions, representing 3.7-7.6% of all residential eviction filings. In 2017, CMHA was responsible for 5,583 public housing rental units, which means that approximately 1 in 6 households received an eviction notice. Additionally, known landlords who manage HUD-subsidized housing complexes, Brickstone of The Model Group and Wallick Hendy Properties, are also in the Top Ten of Eviction-Filing Landlords. In total, the top ten eviction-filing landlords consistently represent about 20% of all filings in Hamilton County.

#### About the Authors

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This report is a product of a community-partnered classroom research project with Housing Opportunities Made Equal, Inc. and the Legal Aid Society through The Cincinnati Project at the University of Cincinnati, and the diligent work of the following undergraduate students:

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# About The Cincinnati Project

The Cincinnati Project (TCP) harnesses the expertise and resources from the University of Cincinnati faculty and students and from Cincinnati community members, non-profits, governments and agencies in order to conduct research that will directly benefit the community. To learn more, visit <u>thecincyproject.org</u>.

## About Housing Opportunities Made Equal, Inc.

HOME's mission is to eliminate unlawful housing discrimination in the Greater Cincinnati area. HOME advocates and enforces housing regulations for all protected classes and promotes stable, integrated communities. Housing Opportunities Made Equal is a non-profit corporation working to make Greater Cincinnati a completely open housing market. HOME was started in 1959 as the Greater Cincinnati Committee for Equal Opportunities in Housing, and when the Fair Housing Act was passed in 1968, the organization was incorporated as Housing Opportunities Made Equal of Greater Cincinnati, Inc. (HOME). With housing discrimination now illegal, HOME's mission was to eliminate illegal discrimination.

# About Legal Aid Society of Hamilton County/Southwest Ohio

The Legal Aid Society provides civil legal assistance to low-income families and individuals to help them achieve economic security and family stability. Helping low-income people achieve housing stability is central to the mission of the Legal Aid Society of Greater Cincinnati and the Legal Aid Society of Southwest Ohio. Good housing is a foundation that enables individuals and families improve their overall economic situation. Being evicted exacerbates financial problems, impairs children's education, and often leads to being homeless. Legal Aid works to preserve and improve affordable rental housing in our communities and to protect the rights of people who live in rental housing.

#### Acknowledgments

We would like to thank a number of people and resources that made this project possible. First, we would like to give our sincerest thank you to Jeniece Jones, Executive Director of HOME, Steven Sharpe, Senior Attorney for Legal Aid Society of Southwest Ohio, and John Schrider, Director of the Legal Aid Society of Southwest Ohio for their steadfast support, knowledge, and guidance. Second, we would like to acknowledge the important work of The Cincinnati Project. Without a supportive venue like TCP, community-partnered research like this would not be possible. Third, we thank Drs. Jeffrey M. Timberlake and Jennifer Malat, for their support and guidance on this project. Fourth, we recognize the Hamilton County Clerk of Courts office, especially Chris Wagner, for their assistance in obtaining data on evictions in Hamilton County. Finally, we thank the Geocoding Services at Texas A&M University for use of their geocoding software to prepare the data for analysis.

## BACKGROUND

Historically, housing has been crucial to understanding the persistence of poverty. Early scholarly and journalistic focus on poor housing conditions dominated our understanding of poverty throughout the nineteenth and twentieth centuries. Until the 1980s, housing policy also represented a central place in U.S. domestic policy. For instance, until then, the budget of the Department of Housing and Urban Development was second only to that of the Department of Defense (Schwartz 2010). However, in recent decades, the focus of policymakers largely turned away from housing instability as a root cause of poverty, despite the fact that the majority of poor renting families now devote more than half of their income to housing costs (Desmond 2015). This extreme rent burden undoubtedly pushes low-income households further into poverty. Increasing housing instability stems from three primary forces—the rising cost of housing, the stagnation of income among low-income families, and the inability of housing policy to remedy the two (Desmond and Kimbro 2015). Without affordable housing, many families are faced with shrinking budgets for other necessary expenses, including food, school supplies, medication, and transportation. Furthermore, significant inequities in housing along lines of race, class, gender, and familial status mean that the benefits of quality housing are inequitably distributed, as is the likelihood of losing one's home.

There are two primary forms of housing dispossession—mortgage foreclosure and eviction. Mortgage foreclosure has dominated scholarly and policy circles in recent years due to the severe 2007-2008 financial crisis. While the effect of foreclosures is important to help us understand the ways in which housing is tied to poverty, it is not the only way in which families experience housing dispossession. However, policymakers typically prioritize the experiences of homeowners rather than those of renters. Until recently the problem of eviction has largely been absent in these circles. An eviction occurs when a landlord removes a tenant from their property through formal means (e.g., a court proceeding) or informal means (e.g., offering a tenant money to leave or removing the front door). The scope of informal evictions reaches much further than that of formal evictions. Sociologist Matthew Desmond (2016) found that for every formal eviction in Milwaukee, there were two informal evictions.

Most evictions occur because renters cannot pay their rent. Because nearly onethird of tenants in Milwaukee's eviction court reported spending more than 80% of their household income on rent, it does not take a major life event to cause low-income renters to fall behind (Desmond et al. 2013). Research has long documented that when landlords do not receive a full rent payment, they show considerable discretion in whether to file an eviction (Lempert and Ikeda 1970). However, landlords can evict tenants for a host of other reasons. These include taking on boarders not included in the lease, damaging property, causing a disturbance, having the police called to the property too many times, or breaking the law. Importantly, in "no fault" evictions, landlords can evict renters even if they have not violated their lease.

How do formal evictions happen? Typically, the landlord serves the tenant a notice to leave the premises, which includes a clause that "if [the tenant] does not leave, an eviction action may be initiated against [them]" (Hamilton County Clerk of Courts 2018). At this point, some tenants may vacate the property to avoid an eviction proceeding or because they mistake the notice for an eviction. A formal eviction filing typically involves two claims—one for the property, and a second, optional claim for a money judgment to cover, for example, back rent, damages, and utility costs. If the landlord chooses to file a formal eviction, the court proceeding will take place two or three weeks after the filing. All eviction proceedings in Hamilton County take place in Room 121 under the direction of a magistrate. On any given day, there is a line of tenants out the door who are waiting for their case to be called. If a tenant is not present when their case is called, it is up to the landlord's discretion as to whether the filing is dismissed or is heard. A landlord may choose to have the case dismissed if the tenant has already vacated the property or if they have negotiated for the tenant to stay. However, the magistrate can also decide in favor of the landlord when the tenant is not present. The tenant has seven days to dispute this judgment. If the magistrate decides in favor of the landlord, the tenant has seven days to leave the property. If the tenant does not leave by the specified date, a landlord may choose to schedule a "set out" date with the Hamilton County Bailiff, in which a sheriff and a moving team will physically remove the tenant and their belongings from the home.

The effects of an eviction on individuals reach far beyond the day they are removed from their home. Evictions take a heavy toll on families and communities. One major consequence of an eviction is that families' hurried search for new housing is often rife with obstacles. In Milwaukee, renters whose last move was involuntary were also 25 percent more likely to experience long-term housing problems when compared to other low-income renters (Desmond 2016). Besides being the largest contributor to homelessness and sustained housing instability, an eviction can also prevent individuals from qualifying for public housing or can damage their credit rating (Greiner, Pattanayak, and Hennessy 2013). Because eviction records are public, having an eviction filed against individuals can hurt their prospects of renting in the future, even if the case is dismissed or is ruled in their favor. In the aftermath of an eviction, many families are faced with substandard living conditions in their rushed search for housing. As a result, an eviction can result in multiple moves as families search for affordable, but quality, housing. These consequences help to explain why families who experience an eviction report higher levels of material hardship and depressive symptoms for years after the forced move (Desmond and Kimbro 2015).

Beyond the search for housing, an eviction can also cause a several other problems for families and for communities. Increasingly, eviction is being identified as a major *cause* of poverty, rather than simply a consequence of it. An eviction is also a major source of familial instability (Desmond and Perkins 2016), job loss (Desmond and Gershenson 2016), declined school performance for children (Cohen and Wardrip 2011), and decreased mental health for adults (Desmond and Kimbro 2015). Furthermore, eviction helps to account for the high residential instability rates in high-poverty neighborhoods, holding all else equal (Desmond 2018). Serial displacement through processes like eviction has also contributed significantly to the racial wealth gap throughout the United States (Sullivan et al. 2015).

As with the availability of quality, affordable housing, the presence of eviction is not evenly distributed across neighborhoods or households. In Milwaukee, a similar city to Cincinnati, nearly half of all formal evictions in a ten year period (2003 to 2013) took place in predominantly Black neighborhoods (Desmond 2016). Furthermore, as mentioned above, landlords exercise tremendous discretion when choosing whether or not to evict a tenant. Women are twice as likely to be evicted as men (ibid). Desmond and Gershenson (2017) also find that renters' likelihood of eviction increases with their number of children, regardless of socioeconomic status, race, or rental payment history. This is likely due to landlords' view that children put added stress on property, or might disturb neighbors. Together, these findings demonstrate that while eviction can bring on several problems for households, they are also more likely to occur among marginalized and vulnerable populations.

Until recently, national-level estimates of eviction rates were largely unknown. Since eviction records are compiled at the local level and are not always electronically available, large scale analyses have been nearly impossible to conduct. However, in April 2018 the Eviction Lab at Princeton University released a national-level database that contains almost all eviction filings in the United States (see evicitonlab.org; Desmond et al. 2018a). The problem of eviction is exacerbated in high renter-occupied areas like Hamilton County, where almost half (42.3%) of all residences are renter-occupied (American Community Survey 2016 5-year estimates). While national data inform our understanding of how the prevalence of eviction in Cincinnati compares to that of other metropolitan areas in the United States, understanding exactly how eviction plays out in our local housing market and courts will help local advocates and policymakers better understand how these dynamics contribute to inequality in Hamilton County.

# EVICTION IN HAMILTON COUNTY, OHIO

To examine eviction in Hamilton County, we obtained all eviction records filed in 2014-2017 from the Clerk of Courts in January 2018<sup>1</sup>. During these years, there were 49,757 residential eviction filings. In addition to removing the tenant from the premises, landlords for 83.6% of those filings requested a money judgment from the tenant. The eviction rates and eviction filing rates<sup>2</sup> in Hamilton County, 4.04 and 7.92 respectively, are above the national averages of 2.34 and 6.12; however, consistent with national-level trends, they have decreased slightly over the past five years (see Figure 1; Desmond et al. 2018a).

Due to data limitations, the bulk of this report focuses on the prevalence of eviction filings regardless of their outcome. However, to understand the frequency of filings that end in an eviction, we coded the outcomes from a random sample of 800 records from 2017<sup>3</sup>. When an eviction case is in court, there are three possible outcomes, or "dispositions." The case can be decided in favor of the plaintiff (i.e., the landlord), in favor of the defendant (i.e., the tenant), or can be dismissed for a variety of reasons. Frequently, the tenant has already left the property in cases that are dismissed. In our sample, nearly half (49.9%) of cases were dismissed, 47.6% were decided in favor of the

<sup>&</sup>lt;sup>1</sup> For information on how we prepared these records for analysis, refer to Appendix A: Methodology.

<sup>&</sup>lt;sup>2</sup> Eviction filing rates are the number of evictions that are filed per 100 renter-occupied units, regardless of outcome. Eviction rates are the actual number of court-ordered evictions that take place per 100 renter-occupied units. We distinguish between the two because they are both important. As mentioned above, tenants who have an eviction filed against them experience hardship regardless of whether they are forced to move.

<sup>&</sup>lt;sup>3</sup> For information on how we constructed this sample, see Appendix A: Methodology.

landlord, and only three cases, 0.4%, were decided in favor of the tenant<sup>4</sup>. As we discuss later, the existence of very few protections for tenants likely translates into these disparate outcomes.



Figure 1: Eviction Filing Rates and Eviction Rates per 100 Renter-Occupied Units, 2002-2016 (Desmond et al. 2018a)

#### Legal Representation

One important finding of this research is the disparity in legal representation. Desmond (2016) found that Milwaukee eviction courts, generally, are almost unanimously in favor of landlords as they have legal representation nearly 90% of the time, while tenants are without representation about 90% of the time. These figures are even more disparate in Hamilton County. Of the 800 cases we reviewed, 88.2% of landlords had legal representation, while only 2.5% of tenants had legal representation. Unlike in criminal court, defendants in civil court have no legal right to representation. With little to no access to counsel, many tenants simply do not show up to their eviction hearings because they know they will stand toe-to-toe with a lawyer. Even when landlords do not have legal representation, they are more likely to be familiar with relevant laws and processes than their tenants (Engler 2009). Thus, tenants' chances of winning without counsel are slim.

 $<sup>^4</sup>$  The disposition for 2.1% (n=17) of sampled cases is unknown due to the removal of their record from the online database.

## The Geography of Eviction

We also consider the ways in which evictions are concentrated in relatively few areas along lines of racial and socioeconomic segregation. By mapping where eviction filings occur, we are able to identify communities that are most burdened by involuntary housing loss. For policymakers, it should be obvious that these are key places to provide more effective assistance for renters.

To analyze spatial trends, we calculated average eviction filing rates for census tracts, a common approximation for a neighborhood. Apparent in Figure 2, all tracts contained at least one eviction filing between 2014 and 2017, but the clustering of areas with high rates and those with low rates is evident. Figure 3 in Appendix B provides a closer depiction of these trends by neighborhood in Cincinnati. Just west of Cincinnati's downtown, communities in the highest quintile of eviction filing rates stretch from the West End and Price Hill in the south to Mount Airy. Specifically, Mount Airy (Tract 85.01) has the highest average eviction filing rate of all tracts in Hamilton County—31.8 filings per 100 renter-occupied units. Other high eviction neighborhoods include Winton Hills, Avondale, and west Walnut Hills, among others.



#### Figure 2: Average Eviction Filing Rate by Census Tract, 2014-2017

Our mapping of eviction filings also allows us to investigate how demographic characteristics of neighborhood residents and housing cost burdens vary across high and low eviction communities. To do so, we matched and analyzed our tract-level eviction filing rates with data from the American Community Survey 2016 (5-year estimates). A wealth of research identifies that communities of color are subject to the highest rates of eviction (Desmond 2016). Consistent with this literature, Figure 3 shows that neighborhood racial composition is strongly associated with neighborhood eviction filing rates (r=.6176<sup>5</sup>) On average, majority Black neighborhoods in Hamilton County are also those with the highest rates of eviction filings, while neighborhoods with few Black residents experience very few evictions. Research also indicates that single mothers, especially Black single mothers, are most likely to be evicted from their homes (Desmond 2016). While eviction records do not specify the race, gender, or familial status of tenants, we are able to get a glimpse at how the spatial concentration of eviction and of family households headed by single mothers are tied to one another. We find that there are moderate correlations between the neighborhood prevalence of single mothers and eviction filings (r=.4082), and specifically of Black single mothers and eviction filings in Hamilton County (r=.3733). Furthermore, Figures 4 and 5 in Appendix B show that high eviction neighborhoods are also those with the highest rates of poverty (r=.5694) and the greatest housing cost burdens<sup>6</sup> (r=.3563).

Taken together, these findings suggest that households in marginalized communities are those most at risk of experiencing housing dispossession through eviction. When we consider all of these factors (i.e., racial composition, poverty rate, and housing cost burden) together, <u>neighborhood racial composition</u> is the strongest predictor of eviction filing rates in Hamilton County<sup>7</sup>. Specifically, holding poverty rates and housing cost burden constant, for every one percent increase in Black residents, tract

<sup>&</sup>lt;sup>5</sup> This figure is a Pearson correlation coefficient (sometimes called "Pearson's r"), which is used to examine the strength and direction of the relationship between two characteristics. Its value can range from -1 to 1, with negative numbers representing an inverse relationship (i.e., as one goes up, the other goes down) and positive numbers representing a relationship where both increase together. Values closer to 1 or -1 indicate strong relationships, while values closer to zero indicate weak relationships. <sup>6</sup> The percentage of monthly household income that is spent towards housing costs is referred to as housing cost burden. In this case, we analyze the percentage of households in a tract who spend more than 30% of their monthly income on housing costs. This is a common threshold used by HUD and other agencies to understand housing cost burden.

<sup>&</sup>lt;sup>7</sup> These findings come from ordinary least squares regression models. Despite correlations between these neighborhood characteristics, the variance inflation factor remained at an acceptable level.

eviction filing rates increase by 8.4. In other words, even when controlling for poverty, filing rates are higher in Black neighborhoods than they are in white neighborhoods. This means differences by neighborhood racial composition cannot be explained simply because white neighborhoods are more affluent. This relationship is larger for increases in the percentage of Hispanic residents—for every one percent increase, the eviction filing rate increases by 31.3. However, since most neighborhoods have relatively small percentages of Hispanic residents, it is likely that the few neighborhoods with high percentages of Hispanic residents and high eviction filing rates (e.g., tracts in Price Hill) influence this result. These findings also suggest that low-eviction areas seen in Figure 2 overlap with the more white and affluent areas in Hamilton County. While no census tract is entirely protected from eviction, the incidence of this form of housing dispossession in predominantly white and affluent tracts tends to be fairly isolated. Indeed, in some years, zero renters received an eviction filing in a handful census tracts. Thus, the concentration of eviction in already marginalized communities only exacerbates the persistence of social inequality in Hamilton County.





Deciles of Census Tracts by Average Eviction Rates

## Major Players: The Top Ten Eviction-Filing Landlords

While knowing which communities experience the highest rates of eviction helps us understand where to target resources, it is also worth analyzing which landlords file most evictions. From 2014 to 2017, more than one thousand landlords filed nearly 50,000 evictions in Hamilton County, Ohio; however, half of those landlords filed less than ten evictions per year. Table 1 shows the ten landlords with the highest cumulative number of evictions filed from 2014 to 2017. Together, they represent 18.9% of all evictions filed during that time.

Most important to note, Cincinnati Metropolitan Housing Authority (CMHA) filed more than *double* the number of evictions than any other landlord. CMHA is a publiclyfunded housing authority in Hamilton County that operates three important programs for low-income individuals and families:

- The Housing Choice Voucher program, which provides a subsidy to 11,338 low-income households to rent in the private rental market;
- (2) Asset Management, which consists of 5,309 subsidized public housing units owned and managed by CMHA; and,
- (3) 274 units of other affordable rental housing (CMHA 2018).

In 2017 alone, CMHA filed 918 evictions. Since they operate 5,583 rental units in total (ibid), approximately <u>1 in 6</u> tenants received a formal notice to vacate. Additionally, Tables 2-5 in Appendix B show that although the number of total eviction filings in Hamilton County slightly decreased from 2014 to 2017, the number of filings from CMHA *increased* by 83 percent during that period. These numbers are staggeringly high. Unlike private landlords, CMHA is required to provide just cause to evict tenants. However, additional protections should be put in place for households experiencing financial crises.

In addition to CMHA, other known housing providers for low-income households are on the "top ten" list. For instance, Wallick Hendy Properties and Brickstone Properties are management companies of HUD-subsidized housing. Other landlords, like RRE Williamsburg Holdings LLC based in Philadelphia, PA, are large investment companies that specialize in residential property. The presence of this company in the Cincinnati housing market reflects the growing trend of investment firms involved in rental housing (Abood et al. 2017). The high number of filings from these few landlords is alarming, despite that they are more likely to rent to tenants with lower incomes, and thus, are then more likely to have tenants with financial difficulties.

Rank	Landlord	Frequency	%² Cι	umulative %³
1	Cincinnati Metropolitan Housing Authority	2,690	5.41%	5.41%
2	Community Management Corporation	1,127	2.27%	7.67%
3	RRE Williamsburg Holdings LLC	867	1.74%	9.41%
4	Downtown Property Management	866	1.74%	11.15%
5	Fath Properties	805	1.62%	12.77%
6	Clovernook Apartments <sup>1</sup>	777	1.56%	14.33%
7	Brickstone Properties	694	1.39%	15.73%
8	Wallick Hendy Properties	640	1.29%	17.01%
9	Vinebrook Apartments	468	0.94%	17.96%
10	Heritage Hill Apartments	455	0.91%	18.87%

### Table 1: Top Ten Eviction Filing Landlords, 2014-2017

Notes: <sup>1</sup>Previously Compton Groves Apartments; <sup>2</sup>This column represents the percent of total eviction filings each landlord is responsible for; <sup>3</sup>This column adds the percentages from the previous column so that we are able to see the total percentage of filings these landlords are responsible for.



# Figure 7: Average Number of Eviction Filings from Top Ten Landlords

Furthermore, the neighborhoods in which these landlords are most likely to evict tenants from reflect similar patterns to those discussed in the previous subsection. As Figure 7 indicates, the eviction filings from these landlords tend to be concentrated in relatively few neighborhoods with higher percentages of Black residents (r=.3937), higher percentages of residents in poverty (r=.3676), and higher rent burdens (r=.1598). Together, these findings suggest that the disparate impact of eviction comes from a relatively small group of landlords who mostly serve low-income households. Policymakers in Hamilton County who wish to reduce the high rates of eviction could focus their attention on working with these landlords.

# POLICY RECOMMENDATIONS

As we show in this analysis, the frequency of eviction in Hamilton County is well above the national average and disproportionately impacts marginalized communities. Cincinnati policymakers should follow the lead of those in others municipalities who are trying to address the eviction problem. Together with HOME and Legal Aid, we argue that Cincinnati policymakers should convene a task force to critically assess where the current Ohio Landlord-Tenant Law falls short, and should adopt the following polices:

#### Just Cause Eviction Ordinance

This ordinance would protect all people who rent, and termination of tenancy may only be brought for just cause. Just cause would be defined to include a renter's repeated failure to pay rent, a renter's major violations of the Ohio Landlord Tenant law or lease, owner-occupancy or occupancy by a member of the landlord's immediate family, and necessary capital improvements to maintain a safe, habitable and physically sustainable, which will make the unit temporarily uninhabitable in excess of one month while the work is being done. A just cause eviction ordinance is a common protection that has successfully been adopted in cities throughout the United States, including Seattle, San Francisco, and Boston.

#### Pay to Stay Ordinance

Under a pay-to-stay ordinance, an owner or manager may not proceed with the eviction of a renter for non-payment of rent if the renter presents to the owner or manager the full monetary amount to fulfil all current or past-due rent obligations, or to fulfil the timeallotted portion of a payment plan agreed to by the renter and owner or manager.

## Prevention of Unnecessary Eviction Program

Evidence shows that when families are able to avoid an eviction due to an emergency rental assistance program, their likelihood of receiving another eviction notice reduces. The City should allocate \$750,000 from its General Fund per year for the purpose of preventing displacement from housing because of inability to pay rent due to circumstances beyond a renter's control. One time grants of up to \$1000 per family will be made to prevent evictions for inability to pay rent.

### Right to Counsel Ordinance

A very small percentage of tenants in Hamilton County eviction courts have counsel. Unlike in criminal court, low-income families facing eviction in civil court have no right to legal counsel; however, when tenants have lawyers, their chances of keeping their home increase dramatically (Desmond 2016). Under the Right to Counsel Ordinance, a renter with annual income less than 100% of the area median income would be entitled to a publicly-funded attorney in all court eviction proceedings. The City should allocate from its General Fund at least \$350,000 annually to provide funding for legal counsel to renters.

## Source of Income Discrimination

City Ordinance Chapter 740 establishes that no owner or manager of rental property may deny the leasing of a unit because of the applicant's source of income or the applicant has a housing choice voucher. The City should amend this ordinance to include enforcement provisions.

# Appendix A: Methodology

Our focus is on all residential evictions that were filed in Hamilton County, Ohio between the years of 2014 and 2017 in this report. Data on eviction filings were provided by the Hamilton County Clerk of Courts office. While the total number of filings in our database differs slightly (<1%) from those published by Desmond and colleagues (2018) on EvictionLab.org, our similar findings suggest the differences are minor. To prepare these data for analysis, we completed a number of steps outlined below.

The original dataset included 49,893 filings for evictions that were filed between January 1, 2014 and December 31, 2017. The Clerk's office provided a CSV file that, for each eviction filing, included (1) the parties involved (i.e., the plaintiff (landlord) and the defendant (tenant)), (2) the address of the defendant, (3) whether the plaintiff also filed for a money judgment, (4) the date the eviction was filed, and (5) the case identification number. Less than 1% of these records were commercial, not residential, evictions. In order for us to examine only residential evictions, we deleted cases if the plaintiff's name included words associated with businesses, like "LLC," "INC," among others. The general approach used to delete these cases is outlined by Desmond and colleagues (2018b). There is, however, a possibility that business owners are named as plaintiffs. These cases were not detectable with this method. This process yielded 49,757 cases for analysis.

Next, we geocoded each address provided for the plaintiff using the Geocoding Services at Texas A&M University. To do so, we submitted the street address, city, state, and ZIP code to their services, and received associated latitude and longitude back. This process was crucial to map the location of each eviction filing and to connect the data to relevant Census information. Most cases were properly coded to the parcel latitude and longitude, but a relatively small proportion were geocoded to the ZIP code centroid or city center. Upon examining these cases, we determined that there were patterns among those imprecisely geocoded. For instance, the addresses evictions that took place in apartment complexes were systematically geocoded to ZIP codes if their street address was not detected by the geocoding process. To remedy this, we manually geocoded approximately 1200 street addresses using the services at latlong.net/convert-address-to-lat-long.html. The street addresses for three cases were not found, so these cases are not included in our spatial analysis.

Finally, since the Clerk's office did not provide the disposition or whether either parties had legal representation for each case, we constructed a sample from a sub-set of 2017 eviction filings. Using power analysis from findings found in Lexington (Shelton 2017) and in Milwaukee (Desmond 2016), we determined that a randomly selected sample of 800 cases was large enough to detect the frequency of these items. After randomly selecting a 800-case subset using Stata 13.0, we manually coded these items

by searching for the case on the Clerk's website using the identification number provided. The dispositions for 17 cases, 2.1% of the total sample, are unknown either because the case was still pending or that it was not found online. Whether either party was represented by a lawyer is unknown for 11 cases, or 1.4% of the total sample, because they were not found online.

# Appendix B: Additional Tables and Figures



Figure 3: Average Eviction Filing Rate by Cincinnati Neighborhood, 2014-2017



Figure 4: Percentage of Households in Census Tract below Poverty Threshold by Eviction Filing Rate

Figure 5: Percentage of Renter Households in Census Tract Spending at Least 30% of Their Income on Housing Costs by Eviction Filing Rate





Rank	Landlord	Frequency	%	Cumulative %
1	Cincinnati Metropolitan Housing Authority	501	3.74%	3.74%
2	Community Management Corporation	313	2.34%	6.07%
3	Compton Groves Apartments	250	1.87%	7.94%
4	Fath Properties	228	1.70%	9.64%
5	Brickstone Properties LLC	225	1.68%	11.32%
6	Downtown Property Management INC	217	1.62%	12.94%
7	Wallick Hendy Properties	184	1.37%	14.31%
8	Community Builders INC	156	1.16%	15.47%
9	Park Valley LLC	148	1.10%	16.58%
10	Howard G. Theimann	127	0.95%	17.52%

# Table 2: Top Ten Eviction Filing Landlords in 2014

# Table 3: Top Ten Eviction Filing Landlords in 2015

Rank	Landlord	Frequency	%	Cumulative %
1	Cincinnati Metropolitan Housing Authority	507	4.09%	4.09%
2	Compton Groves Apartments	256	2.07%	6.15%
3	Downtown Property Management INC	242	1.95%	8.11%
4	RRE Williamsburg Holdings LLC	230	1.86%	9.96%
5	Genesis Properties LLC	209	1.69%	11.65%
6	Community Management Corporation	197	1.59%	13.24%
7	Fath Properties	179	1.44%	14.68%
8	Wallick Hendy Properties	154	1.24%	15.92%
9	Park Valley LLC	154	1.24%	17.17%
10	Brickstone Properties LLC	145	1.17%	18.34%

Rank	Landlord	Frequency	%	Cumulative %
1	Cincinnati Metropolitan Housing Authority	764	6.41%	6.41%
2	RRE Williamsburg Holdings LLC	276	2.31%	8.72%
3	Community Management Corporation	264	2.21%	10.93%
4	Downtown Property Management, INC.	231	1.94%	12.87%
5	Fath Properties	222	1.86%	14.73%
6	Compton Groves Apartments	198	1.66%	16.39%
7	Heritage Hill Apartments (all)	196	1.64%	18.04%
8	Vinebrook Homes LLC	167	1.40%	19.44%
9	Wallick Hendy Properties	137	1.15%	20.59%
10	Brickstone Properties LLC	106	0.89%	21.47%

# Table 4: Top Ten Eviction Filing Landlords in 2016

# Table 5: Top Ten Eviction Filing Landlords in 2017

Rank	Landlord	Frequency	%	Cumulative %
1	Cincinnati Metropolitan Housing Authority	918	7.63%	7.63%
2	Community Management Corporation	353	2.93%	10.57%
3	RRE Williamsburg Holdings LLC	255	2.12%	12.68%
4	Brickstone Properties LLC	218	1.81%	14.50%
5	Downtown Property Management, INC.	176	1.46%	15.96%
6	Fath Properties	176	1.46%	17.42%
7	Wallick Hendy Properties	165	1.37%	18.79%
8	Vinebrook Homes LLC	128	1.06%	19.86%
9	Community Builders	113	0.94%	20.80%
10	Ferndale Property Management	86	0.71%	21.51%

# Appendix C: References

Abood, Maya, Anya Svanoe, Jim Lardner, Jim Baker, Sam Tepperman-Gelfant, and Daniel A. Clark. 2017. "Wall Street Landlords turn American Dream into a Nightmare." Found at <u>https://d3n8a8pro7vhmx.cloudfront.net/acceinstitute/pages/100/</u> <u>attachments/original/1516388955/WallstreetLandlordsFinalReport.pdf?1516388955.</u>

Cincinnati Metropolitan Housing Authority. 2018. "About Us," found at <u>https://cintimha.com/about/</u>.

Cohen, Rebecca, and Keith Wardrip. 2011. Should I Stay or Should I Go? Exploring the Effects of Housing Instability and Mobility on Children. Center for Housing Policy. Found at <u>http://www2.nhc.org/media/files/HsgInstablityandMobility.pdf</u>.

Desmond, Matthew. 2012. "Eviction and the Reproduction of Urban Poverty." American Journal of Sociology 118 (1): 88–133.

Desmond, Matthew. 2015. "Unaffordable America: poverty, housing, and eviction." *Fast Focus*, Institute for Research on Poverty 22:6. Found at <u>https://www.irp.wisc.edu/publications/fastfocus/pdfs/FF22-2015.pdf.</u>

Desmond, Matthew. 2016. Evicted: Poverty and Profit in the American City. New York, New York: Crown Publishers.

Desmond, Matthew. 2018. Community in Crisis: Understanding Housing Insecurity. Northern Kentucky University, April 19.

Desmond, Matthew, and Carl Gershenson. 2016. "Housing and Employment Insecurity among the Working Poor." *Social Problems* 63 (1): 46–67.

Desmond, Matthew, Carl Gershenson, and Barbara Kiviat. 2015. "Forced Relocation and Residential Instability among Urban Renters." *Social Service Review* 89 (2): 227–262.

Desmond, Matthew, and Rachel Tolbert Kimbro. 2015. "Eviction's Fallout: Housing, Hardship, and Health." *Social Forces* 94 (1): 295–324.

Desmond, Matthew, and Kristin L. Perkins. 2016. "Housing and Household Instability." *Urban Affairs Review* 52 (3): 421–436.

Desmond, Matthew, and Tracey Shollenberger. 2015. "Forced Displacement From Rental Housing: Prevalence and Neighborhood Consequences." *Demography* 52 (5): 1751–1772.

Engler, Russell. 2009. "Connecting Self-Representation to Civil Gideon: What Existing Data Reveal about When Counsel Is Most Needed." *Fordham Urban Law Journal* 37 (1): 37–92.

Greiner, D. James, Cassandra Wolos Pattanayak, and Jonathan Hennessy. 2013. "The Limits of Unbundled Legal Assistance: A Randomized Study in a Massachusetts District Court and Prospects for the Future." *Harvard Law Review* 126:901–89.

Hamilton County Clerk of Courts. 2018. "Notice to Leave the Premises." Found at <u>https://courtclerk.org/forms/leavepremises.pdf</u>.

Sullivan, Laura, Tatjana Meschede, Lars Dietrich, Thomas Shapiro, Amy Traub, Catherine Ruetschlin, and Tamara Draut. 2015. "The Racial Wealth Gap: Why Policy Matters." Demos. Found at

http://www.demos.org/sites/default/files/publications/RacialWealthGap\_1.pdf.