

Community Legal Aid

A non-profit law firm serving the legal needs of low-income individuals and families in central northeast Ohio



www.communitylegalaid.org

I want to fight this eviction and stay in my home.

If you want to fight the eviction and stay in your home, there are several things you'll need to do. The links below will help you figure out your next steps so you can feel confident in defending yourself.

Step 2: Click on the section that is most important to you, or read through the entire process below.

[What do I do if I get an eviction notice?](#)

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What do I do if I get an eviction notice?

When your landlord files an eviction against you, you will get a notice in the mail. That notice will include a date for a hearing in court.

You need to attend that hearing! This is your chance to tell your side of the story and try to fight the eviction, if you want to do that. [Download a sample eviction answer here to file with your court](#)

If you can't go on the date they give you, you can ask the court to postpone it -- this is called a "continuance." You have to file this in writing and explain why you can't attend the original hearing date. You need to file it as soon as possible, and you might have to pay a fee to the court to file it. [Download a sample continuance request here to file with your court](#).

Now, the court can decide whether to grant your continuance and give you this extra time OR to reject it and continue with the original date. If they reject it, you still need to attend the original date.

The other thing to know is that evictions move very quickly in court. So stay on top of the papers you get from court, and contact a lawyer immediately. They can help you decide if you may be able to defend yourself and fight the eviction.

You can contact your local bar association and ask for a lawyer with experience in landlord-tenant law or you can call Legal Aid's Tenant Assistance Line at (330) 983-2528.

How do I prepare for eviction court?

The first thing you want to do is prepare your evidence. And to do that, you're going to have to collect a LOT of documents:

- Your lease
- Receipts from all your rent payments
- Letters, texts, emails, or other papers between you and your landlord
- Pictures of the condition of your home

Make sure all these documents are printed. In order for the court to accept evidence, they have to be able to keep it. So if you have pictures or text messages on your phone or computer (like in your social media accounts), print them off -- otherwise, the court will keep your phone or

computer for evidence.

The next thing you want to prepare is any witness who can speak on your behalf. Witnesses are people who have been around for your interactions with your landlord, or who can speak to your relationship with them. They could include:

- Family members
- Friends
- Neighbors
- Even your landlord

During your hearing, you will have the right to ask these witnesses questions that may help your case. BUT your landlord will also be able to ask them questions. This is called “cross-examining.” And it works the other way, too. If your landlord calls a witness to ask questions, you have the right to cross-examine them by asking your own questions.

Your witness will have to attend the hearing. If they refuse to come, you can force them by filing paperwork in court called a “subpoena.” This is basically a document from the court that orders this person to come and testify, and you can require them to bring certain documents if you specify what you want.

Lastly, make sure you dress professionally, and be sure to address the judge as “Your Honor.” These are simple ways to present yourself in the best way possible while in the courtroom.

Tips for negotiating with my landlord or their lawyer

A negotiation is just a conversation you have with someone to try to reach an agreement. In an eviction case, negotiating can help you and your landlord find a solution you both can agree to, and may even keep you from having to go to court.

Before you start negotiating, it is important to understand the other person’s point of view. This will help you make the best offer you can make, because you’ll be thinking about what they want to get out of your agreement. And explaining to them that you understand their perspective will help them be more sympathetic toward you, too, and more willing to work out a deal.

So, remember that your landlord is running a business. They need the money from your rent to continue paying their bills and taxes. They may be willing to negotiate, but they will want to know you will keep up your end of the bargain. Ask them to provide you with a list of what they think you owe them, and compare it to your own receipts and bank statements, to make sure you have

a clear picture to start negotiating.

It's also important to know exactly what you want before you start to make your case to your landlord or their lawyer. If you know that you won't be able to pay your landlord back right away, try to work out a way you could pay them a little bit at a time. Never promise to make payments you can't afford. If you need help making these payments, there are local resources available. [You can see a list of them in your county here.](#)

The most important thing to remember is to just be prepared with what you want and how you can pay, and make sure to consider your landlord's point of view.

How do I get written documents from my landlord?

As you're preparing for your eviction hearing, you may think your landlord has some evidence that could help your case. Some examples may include:

- Copies of all payments you've made (sometimes called the "rental ledger")
- Your lease agreement
- A call log of complaints you've made or repairs you've asked for

The process of requesting these types of documents through the court is called "discovery." There are specific forms you have to fill out to officially request these documents, and you need to file them before your hearing, so that your landlord has time to put everything together.

There are two forms you may need to file with the court.

The first form asks the court to order that your landlord provide the documents you want. This is called a "Motion for Expedited Discovery." [You can download a sample here to file with the court.](#)

If the court agrees and "grants your motion," you will then have to file a second form to tell your landlord what documents you want. This is called a "Request for Discovery." [You can download a sample here to file with the court.](#)

Now, if your landlord doesn't give you these documents before your hearing, you still need to go to your hearing, but you do have the right to ask the court to reschedule. Make sure you bring this up at the beginning of the hearing, because you want the court to consider all this information before your hearing goes forward.

What is mediation, and how can it work for me?

Mediation is a process where you work with a third person to try to reach an agreement. It's

important that this third person does not have any stake in the situation, so they shouldn't be someone close to you or your landlord. They are usually impartial, patient, and reasonable, and try to take a "common sense" approach to helping settle the argument between you and your landlord.

It is usually a good idea to get a mediator if you feel you cannot work with your landlord without help from someone outside of the situation. The mediator will help both sides see what is fair and work out a solution that works for both of you.

If your landlord files an eviction action, ask the court if they have a mediator to help you work out your case. If not, your local bar association may be able to offer someone to do this for you.

My landlord is suing me. Is that different from my eviction?

The first step is to understand what your landlord is suing you for.

Landlords can sue for eviction, but they can also sue you for money you owe them or any damage they say you did to the property. These may show up in your court papers as a "first cause" and a "second cause."

The court has to decide on these two things separately. So, just because you're evicted, it doesn't mean you owe your landlord the money they're asking for. Some courts will decide both these things in one hearing, and others will schedule separate hearings.

If your landlord is suing you for money (remember, this is called a "second cause" in your court papers), you have to file an answer with the court. This is a legal form that explains why you do or do not owe the money your landlord is asking for. [You can download a sample here to file with your court.](#)

You need to file your answer within 28 days, but you can also ask the court for more time, if you need it. To ask for more time, you need to file a different form called a "continuance." If you don't file the right paperwork in time, the court can decide to tell you to pay all the money your landlord is asking for. [Download a sample here to file with your court.](#)

Remember: The eviction process moves very quickly, and it's important that you don't miss any dates or deadlines. So if you move at any point during this process, make sure the court and your attorney have your new address, so you keep getting paperwork on time.

How do I protect myself from getting evicted again?

First, the most important thing is to make sure you rent a property that you can afford. According to Ohio law, if you don't pay your rent, you can be evicted -- regardless of any other circumstances. So make sure you understand what your full payment responsibility will be, including rent and utilities, with all the other bills you have to pay each month. And always, always make sure you pay your rent.

Now, there are some things you should do with future rental units. Think of these as ways to protect yourself IN CASE something goes wrong. We always want to hope that it doesn't, but it's best to be prepared.

1. If you sign a lease, make sure you understand everything that's in it. Don't just take your landlord's word for it, even if it's someone you know or trust -- read it carefully and ask for any changes you don't understand or agree with.
2. Document everything. Take pictures of the condition of your home when you move in and when you move out. Ask for receipts for each rent payment you make, and keep them. Keep copies of all communication with your landlord, including emails, texts, and anything on social media. Keep a file of all these things in a safe place in case you need them.
3. Keep an open line of communication with your landlord. Be polite with them and try to maintain a good relationship. If something does come up, like if you lose your job or have a medical emergency and can't make your rent payment on time, talk with them about it as soon as you can -- in the best case, BEFORE you miss a rent payment. They may be willing to work with you. If they are, make sure you get any agreement in writing.
4. Know your rights and protect them. Your landlord has responsibilities to you, just like you have to them. Make sure they follow through with what they're supposed to do. You can learn more about your rights in our renters' rights booklet, [found here](#). And if you think your landlord isn't keeping up their end of the relationship, contact a lawyer to find out what you can do.

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<http://www.communitylegalaid.org/covid19/eviction/stay>

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