

# 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](http://www.communitylegalaid.org)

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## I'm ready to find other housing and move on.

**If you are ready to move, you still need to respond to the eviction notice in court. The links below will help you figure out your next steps so you can feel confident in moving on.**

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

[Where should I look for affordable housing?](#)

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

[How do I prepare for eviction court?](#)

[My landlord is suing me. How is that different from my eviction?](#)

[What repairs do I need to make before moving out?](#)

[How should I return my keys?](#)

[How should I prepare to move and find a new place to live?](#)

[How do I get my security deposit back?](#)

[How do I protect myself from being evicted again?](#)

## 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.

## **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.

## **What repairs do I need to make before moving out?**

According to Ohio law, you have a responsibility to take care of the property while you’re living in it. Even when you are evicted, this is still true.

So, as you’re getting ready to move out, make sure you clean your home and fix any minor damages you caused. Typical wear and tear is expected, but if you created holes in the walls or let a leaking faucet run and damage the floor, you will likely need to fix these things. It’s important to do this, because it can affect whether or not you get your security deposit back.

When you do make repairs, make sure they are up to the condition of the rest of the home. If your landlord can show that any repairs you did are not up to standard, they can ask the court to make you pay to have them redone.

Now, there are several things you are NOT responsible for fixing, so let’s talk about those:

- Any damage that existed before you moved in
- Any damage that you reported to the landlord, that they ignored
- Any damage that was out of your control -- like vandalism or break-ins
- Any damage caused by nature, like storms

It is helpful if you can provide proof that you aren’t responsible for these types of repairs. So if you have photos, weather reports, police reports, emails or texts to your landlord, make sure you print these out and bring them to court with you as evidence.

## **How should I return my keys?**

Returning your keys is seen by the court as an official step in moving out.

If you don't return your keys, your landlord can argue that you didn't officially move out. This can mean they can try to evict you, even if your eviction was dismissed already, or they can argue to the court that you owe them more money.

Be sure to return your keys on time. You may have to pay more for each day that you hold onto your keys.

When you return your keys, bring a witness with you and have your landlord write you a receipt with the date and their signature. If you can't return your keys in person to your landlord, return them in person to their attorney.

If you do return your keys before your eviction hearing, bring your receipt and witness with you to court.

## **How should I prepare to move and find a new place to live?**

First, if you move before the date of your eviction hearing, you may be able to get the eviction dismissed. Be sure to prepare your home correctly and return your keys before this date.

If you don't move before your eviction hearing, or if you try to fight your eviction and lose, **MAKE SURE** you move before your "set-out" date. This is the date the court gives you to move out by. If you aren't out by this date, the bailiff will come and physically remove all your belongings from the home and place them on the curb, change the locks, and lock you out. They won't give you time to pack, and you may end up losing things.

As you start packing, think about what it's going to cost you to move. Do you need to hire a moving company or rent a truck? Do you need to pay for a storage unit while you find a new place to live? What is it going to cost you to put down a security deposit at your new place?

There are resources in the community that may be able to help, if you aren't able to afford the cost of moving. Call your local 211 and ask for help with moving costs for people with low incomes. If you are a veteran or live with a veteran, the local VA or Veterans Service Commission may be able to help.

Getting packed and ready to go can save you time and money. Moving companies or truck rentals may charge extra money to you if it takes longer to move because you are not ready to go.

Keep any important documents, like social security cards and birth certificates, on you during the move. It is important that these papers don't get lost or stolen.

Make sure you use websites and resources you can trust when looking for a new home. There are a lot of scams out there and people waiting to take advantage of you. So using a good, trusted company or website is the best place to start. We have compiled [a list of some trusted resources here](#)

## How do I get my security deposit back?

You are supposed to get your security deposit back within 30 days after you move. But you have to give your landlord an address for where to send it. Be sure to keep a copy of what you send your landlord with your new address -- like an email or sent by certified mail -- in case you need it for evidence in court.

Now, your landlord IS allowed to deduct some things from your security deposit -- like if you still owed rent or utilities, any late fees, or the cost of repairing any damages you made. But to do this, they have to put in writing how much they are taking out and for what.

They should NOT take money out of your security deposit for rent you don't owe, utility charges that were their responsibility, excessive late fees, or repairs for damages you didn't cause.

[Download a sample request form here to ask for your security deposit back.](#)

## 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/move>

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