

Pay to Stay FAQs

What is the current eviction process?

In Ohio, landlords can file for eviction one day after a tenant misses a rent payment. The landlords must give a tenant a three-day notice to vacate the property for non-payment. Then, the landlord is not required to accept rent. Typically, the court date for an eviction is set for three weeks from the date of filing.

What is the problem?

Under Ohio law, a tenant can be evicted for being just one day late or one dollar short on rent. As the poorest big city in America, Cleveland is facing an eviction crisis, exacerbated by the COVID-19 pandemic. According to the Cleveland Eviction Study, around 9,000 evictions are filed each year in Cleveland. Of those, about 80% are for non-payment of rent. In most cases, tenants only missed one to two months of rent.

What does a Pay to Stay ordinance do?

The Pay to Stay ordinance (Ord. 484-2022) passed by Cleveland City Council on August 10, 2022, codifies an equitable against eviction, which gives tenants the chance to pay their rent, late fees, and court costs by the time of the eviction hearing. Cleveland's Pay to Stay ordinance includes the city's existing cap on the amount of fees a landlord can charge.

The Pay to Stay ordinance also provides protection to tenants who are approved for emergency housing assistance and waiting for the funding to come through. Tenants are already permitted to raise any defense against an eviction action. Pay to Stay simply codifies this defense to make guidance unambiguous and clear to both the community and the Housing Court.

The goal of the Pay to Stay ordinance is to mitigate the ongoing housing crisis and support tenants who attempt to pay rent late to avoid evictions and stay in their rental property.

What is an affirmative defense?

Ordinance 484-2022 is an affirmative defense tenants can raise in arguments in Housing Court to prevent eviction. An affirmative defense leaves it up to the court's discretion to order the landlord to accept money that is overdue.

How long does it typically take for an eviction trial to be heard in Housing Court?

Less than 30 days.

Who does Pay to Stay ordinance protect?

Renters and people at risk of eviction. Pay to Stay only applies to nonpayment of rent cases, not homeowners.

In the City of Cleveland, renters represent nearly half of the City's population and according to the Cleveland Eviction Study, single Black women with children in the home are represented in over 80% of evictions.

How does Pay to Stay ordinance protect renters?

The ordinance protects renters in two ways.

First, it provides protections for renters waiting on Emergency Rental Assistance Programs (ERAP) by creating provisions for approval letters that serve as vouchers for future payment to guarantee landlords get paid. Approval letters guarantee payment of past rent due, reasonable late fees and court costs.

Second, the ordinance limits the total amount of late fees that a landlord may charge in a rental agreement to not exceed the larger of \$25 or 5% of the monthly rent.

Pay to Stay resembles protections afforded to homeowners, which provide a right to cure mortgage delinquencies.

What other Ohio cities have passed Pay to Stay ordinances?

Since January 2022, 11 Ohio cities have passed Pay to Stay ordinances, covering over 1.1 million Ohio tenants, or about 10% of residents. The City of Cleveland joins Ohio cities including Yellow Springs, Toledo, Dayton, Cincinnati, Akron, Lakewood, Cleveland Heights, Euclid, South Euclid, Maple Heights, and Newburgh Heights in passing Pay to Stay ordinances to protect renters.

How does Pay to Stay impact landlords?

The Pay to Stay ordinance gives the tenant a defense against an eviction filed by the landlord and asks them to accept rental assistance, attempt to pay late, and limit late fees. For Pay to Stay to take effect, the landlord will be made whole for all lost rent and expenses.