

**In the Franklin County Municipal Court
Columbus, Ohio**

Administrative Order Number: 21-2020

Effective: FORTHWITH

In order to implement the Center for Disease Control and Prevention's order entitled "Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19," 85 Fed. Reg. 55292 (Sept. 4, 2020) ("the CDC Order"), and consistent with the "guidance document" published¹ on or about October 9, 2020, by the Centers for Disease Control and Prevention, U.S. Department of Health and Human Services, U.S. Department of Housing and Urban Development, and U.S. Department of Justice, the Court hereby **ORDERS** the following.

1. Any landlord, owner of a residential property, or other person with a legal right to pursue an eviction or possessory action² for nonpayment of rent who is provided with an executed CDC Declaration Form (OMB Control No. 0920-1303) by their tenant may thereafter file a claim for restitution of premises, and the Clerk of Court shall accept the same for filing. However, any such landlord shall inform the Court they are in receipt of the CDC Declaration Form when the case comes before a Magistrate for hearing pursuant to R.C. 1923 *et seq.* Upon being so informed, the Magistrate shall proceed pursuant to Part 3.
2. Any plaintiff believed to have violated Part 1 may be proceeded against as on contempt.
3. Upon being informed that a tenant has provided his or her landlord with a CDC Declaration Form, the Magistrate shall hold an evidentiary hearing to determine whether the tenant meets the criteria for relief set forth in the CDC Order.

If the tenant is not present when the Magistrate is made aware that the CDC Declaration Form has been provided to the landlord, and the matter is otherwise scheduled for trial that day, the matter shall be continued for a reasonable period to allow the tenant an opportunity to appear and be heard regarding whether relief should be granted under the CDC Order. If the tenant is present when the Magistrate is made aware that the CDC Declaration Form has been provided to the landlord, the Magistrate shall have discretion to either proceed with the evidentiary hearing that day, or grant a reasonable continuance for good cause shown.

The tenant bears the burden of demonstrating at the hearing, by a preponderance of the evidence, that he or she meets the criteria for relief set forth in the CDC Order. At the hearing, tenants should be prepared to present any relevant documentation that demonstrates he or she meets the criteria for relief.

¹ Center for Disease Control & Prevention, *Federal Register Notice: Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19*, <https://www.cdc.gov/coronavirus/2019-ncov/downloads/eviction-moratoria-order-faqs.pdf> (accessed Oct. 21, 2020).

² Hereafter, "landlord" shall refer to and include "landlord, owner of a residential property, or other person with a legal right to pursue eviction or possessory action."

If the Magistrate finds that the tenant has established that he or she meets the criteria for relief under the CDC Order, the case shall be stayed until after the expiration of the CDC Order, and no further proceedings may be held until after the CDC Order expires. If the Magistrate finds that the tenant has not established that he or she meets the criteria for relief under the CDC Order, the case shall proceed pursuant to R.C. 1923 *et seq* and any other applicable law.

4. If, after a judgment for eviction has been granted and before it has been executed upon, the Court is made aware that the tenant has provided an executed copy of the CDC Declaration Form to the landlord, the case shall be scheduled for evidentiary hearing as soon as practicable to determine whether the tenant meets the criteria for relief under the CDC Order.

Execution upon the judgment for eviction shall be stayed until the Court issues a ruling on whether relief under the CDC Order is appropriate.

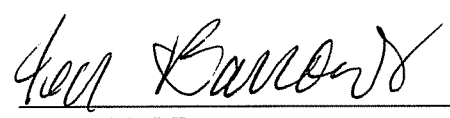
The case shall be scheduled for hearing before the Duty Judge, or the Duty Judge may schedule the case on his or her own docket as an assigned case, in his or her discretion.

The tenant bears the burden of demonstrating at the hearing, by a preponderance of the evidence, that he or she meets the criteria for relief set forth in the CDC Order. At the hearing, tenants should be prepared to present any relevant documentation that demonstrates he or she meets the criteria for relief.

If the Judge finds that the tenant has established that he or she meets the criteria for relief under the CDC Order, the case shall be stayed until after the expiration of the CDC Order, and no further proceedings may be held until after the CDC Order expires. If the Judge finds that the tenant has not established that he or she meets the criteria for relief under the CDC Order, the case shall proceed pursuant to R.C. 1923 *et seq* and any other applicable law.

10.22.20

Date



Judge Ted Barrows
Administrative and Presiding Judge