



# ZACH KLEIN

COLUMBUS CITY ATTORNEY

eNewsletter

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## From the Desk of City Attorney Zach Klein

I am grateful for all the Columbus residents who are showing their resiliency and continuing to do their parts to get through these difficult and challenging times. The core values we share as a community are now more important than ever. All of us must continue to follow state and local public health guidelines—not just to protect ourselves, but to protect our families, first responders, frontline health care workers, and neighbors. We can't take for granted the tremendous sacrifices that our first responders, medical professionals, and all essential workers are making on a daily basis. They deserve our utmost thanks and gratitude.

When we all band together and focus on the greater good, we are stronger for it. That especially means working to protect the most vulnerable members of our community, including victims of domestic violence, those who are uninsured or underinsured, folks who are experiencing food, employment, and housing insecurities, and our seniors who are at the highest risk of COVID-19's most serious symptoms.

In this latest e-newsletter, you'll be able to learn more about how our office is continuing our mission to provide legal guidance and counsel to the City of Columbus, as well as help to those who need it during these unprecedented times. While we've had to adjust our operations to protect the health and safety of our employees and those who interact with our office, I want to assure the public that we are still open and working diligently on behalf of the residents of Columbus. We're still here to protect victims and prosecute violent offenders. We're still fighting for health care. We're still working hard to promote personal and public safety for all of Columbus' families.

April 2020



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## Hope, Resources for Victims

City Attorney Klein joined with law enforcement officials and victim advocacy organizations in attributing the recent increases in both domestic violence lethality and overall calls for service to the coronavirus pandemic. The Columbus Division of Police reported a 23 percent increase in the number of domestic violence calls they received in March compared to the previous month. Tragically, there also has been a spike in domestic violence homicides with three in the last month. There were seven domestic violence homicides in Columbus in all of 2019.



Officials are concerned that this pattern of escalating violence could persist while people are quarantined—with forced isolation exacerbating increased anxiety about food, housing and employment. This could turn already unstable situations violent. That’s why it’s imperative for the community to know that there are resources still available for victims and families seeking help, including the services provided by the Columbus City Attorney’s [Domestic Violence and Stalking Unit \(DVSU\)](#), which has long been recognized for its innovative and collaborative efforts in protecting victims and holding offenders accountable.

The DVSU remains open to provide education, support, counseling, resources, crisis intervention and overall assistance to victims of domestic violence and stalking. The unit’s specially trained prosecutors and in-house advocates are there to help victims navigate the legal system by assisting them in obtaining protection orders, collecting statements and connecting them with legal counsel.

As City Attorney Klein stated, “our office stands ready to assist women and families experiencing abuse. We want people to know that there is still help available and we want to keep them safe. My office remains open, so the wheels of justice are still rolling.”

City Attorney Klein also recently addressed concerns about letting offenders out of jail due to COVID-19. The public should be assured that violent offenders will not be released from jail, especially during this time of increased vulnerability. Violent offenders need to be held accountable and should not be in close contact with their victims, especially when the state’s orders continue to keep us all confined to our homes.

Anyone who feels unsafe and needs help is urged to contact the [LSS CHOICES for Victims of Domestic Violence](#) 24-hour hotline at 614-224-HOME. Individuals in immediate danger should call or text 911.

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## Legal Fight to Protect Health Care Moves Forward

Last week, a federal court advanced efforts to protect health care coverage for millions of Americans. The district court [rejected](#) the Trump administration's motion to dismiss a lawsuit filed by the City of Columbus aimed at stopping the federal government's ongoing sabotage of the Affordable Care Act.



The Trump administration will now have to defend its policies to dismantle Americans' health care protections in court. Health experts and medical professionals have been raising alarms that the impact of the administration's persistent sabotage has never been felt more deeply, as communities across the country are facing myriad challenges posed by the coronavirus pandemic. The court's decision is significant—allowing the legal fight to continue to hold the administration accountable and ensure that Americans have access to health care coverage.

Columbus, which is the lead plaintiff in the case, was joined by Baltimore, Cincinnati, Chicago and Philadelphia, as well as residents of Charlottesville, Virginia when it sued the Trump administration to challenge policies that seek to eliminate protections guaranteed by the ACA, and have already led to higher premiums and driven up the uninsured rate.

It's estimated that as many as 1.5 million Americans have already lost their health care coverage due to unemployment during the coronavirus pandemic. Based on Federal Reserve estimates, that number could increase to 7.3 million uninsured by the end of June. This number does not include the 27 million Americans who were already uninsured before the threat of coronavirus. So far, the Trump administration has refused to reopen ACA exchanges and has provided little guidance for uninsured Americans.

In its ruling, the court explained that the City of Columbus and its co-plaintiffs "sufficiently allege that [the Trump administration's] actions ... caused their asserted harms." The court specifically determined that the case could proceed on the challenge to the Trump administration's 2019 Notice of Benefit and Payment Parameters, a rule that governs how health insurance exchanges operate. Multiple provisions of the 2019 rule serve to weaken ACA exchanges, drive up premiums, and force out health insurers, ultimately increasing the rate of the underinsured and uninsured.

The suit was originally filed in August 2018 and amended in January 2019. In June 2019, the U.S. House of Representatives, 20 states, 13 municipalities and counties, four advocacy groups, and health insurance experts all [filed briefs](#) supporting the lawsuit and opposing the federal government's efforts to dismiss the case.

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## Preventing Large Gatherings to Stop Coronavirus Spread

The City Attorney's office recently updated its guidance to the Columbus Division of Police regarding house parties, after repeated warnings to offenders have gone unheeded.

To stop the continued reckless and selfish conduct, officers have been advised to issue citations to any individuals who defy the state's order prohibiting large gatherings. Police have been called to the University

District, short-term rentals and other gatherings, and their warnings and pleas for social responsibility have not always achieved their desired result. As City Attorney Klein stated, "in order to address this community-wide health emergency, we need community-wide compliance."

Ohio Department of Health Director Amy Acton recently issued an order requiring all Ohioans to stay in their homes to prevent the further spread of COVID-19 through May 1. Among other things, this order prohibits holding gatherings of any size. When outside of their residence, people must engage in social distancing, except with family or household members. Any gathering of 10 or more people is prohibited, unless an exemption is noted.

To better enforce the state's orders, the City Attorney's office advised police officers to begin criminally charging those participating in large residential parties without giving a warning, which was the division's previous policy. Those found in violation of the order will be charged with a second-degree misdemeanor, per [Section 3701.352](#) of the Ohio Revised Code. This guidance will impact off-campus house parties, gatherings at short-term rental properties and any other large gathering not exempted by the order.

City Attorney Klein also issued notice earlier this month that any individual who attempts to avoid citation or arrest by faking coronavirus symptoms will also face serious consequences. While the overwhelming majority of Columbus residents are taking the threat of coronavirus seriously, there have been a few instances where people have exploited the pandemic to avoid arrest. Such inappropriate behavior threatens first responders and wastes time, money, and scarce personal protective equipment.

Those who have serious medical needs will be assisted. However, if a resident fakes COVID-19 symptoms to avoid citation or arrest, they could face a number of charges, including falsification, a first-degree misdemeanor, and/or inducing panic, a first-degree misdemeanor up to a fourth-degree felony.



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