

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**H. B. No. 357**

**Representative Patton**

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**A BILL**

To amend section 1901.181 of the Revised Code to 1  
grant the Housing Division of the Cleveland 2  
Municipal Court concurrent jurisdiction with the 3  
Court of Common Pleas in criminal cases related 4  
to environmental pollution. 5

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 1901.181 of the Revised Code be 6  
amended to read as follows: 7

**Sec. 1901.181.** (A) (1) Except as otherwise provided in this 8  
division and division (A) (2) of this section and subject to 9  
division ~~(C)~~ (B) of this section, if a municipal court has a 10  
housing or environmental division, the division has exclusive 11  
jurisdiction within the territory of the court in any civil 12  
action to enforce any local building, housing, air pollution, 13  
sanitation, health, fire, zoning, or safety code, ordinance, or 14  
regulation applicable to premises used or intended for use as a 15  
place of human habitation, buildings, structures, or any other 16  
real property subject to any such code, ordinance, or 17  
regulation, and, except in the environmental division of the 18  
Franklin county municipal court, in any civil action commenced 19

pursuant to Chapter 1923. or 5321. or sections 5303.03 to 20  
5303.07 of the Revised Code. Except as otherwise provided in 21  
division (A) (2) of this section and subject to section 1901.20 22  
of the Revised Code and to division ~~(C)~~(B) of this section, the 23  
housing or environmental division of a municipal court has 24  
exclusive jurisdiction within the territory of the court in any 25  
criminal action for a violation of any local building, housing, 26  
air pollution, sanitation, health, fire, zoning, or safety code, 27  
ordinance, or regulation applicable to premises used or intended 28  
for use as a place of human habitation, buildings, structures, 29  
or any other real property subject to any such code, ordinance, 30  
or regulation. Except as otherwise provided in division (A) (2) 31  
of this section and subject to division ~~(C)~~(B) of this section, 32  
the housing or environmental division of a municipal court also 33  
has exclusive jurisdiction within the territory of the court in 34  
any civil action as described in division (B) (1) of section 35  
3767.41 of the Revised Code that relates to a public nuisance. 36  
To the extent any provision of this chapter conflicts or is 37  
inconsistent with a provision of section 3767.41 of the Revised 38  
Code, the provision of that section shall control in a civil 39  
action described in division (B) (1) of that section. 40

(2) If a municipal court has an environmental division, if 41  
the mayor of any municipal corporation within the territory of 42  
the municipal court conducts a mayor's court, and if any action 43  
described in division (A) (1) of this section as being within the 44  
jurisdiction of the environmental division otherwise is within 45  
the jurisdiction of the mayor's court, as set forth in section 46  
1905.01 of the Revised Code, the jurisdiction of the 47  
environmental division over the action is concurrent with the 48  
jurisdiction of that mayor's court over the action. 49

(B) (1) If the judge of the environmental division of the 50

Franklin county municipal court or the judge of the housing 51  
division of a municipal court is on vacation, sick, absent, or 52  
is unavailable because of recusal or another reason, the 53  
administrative judge of the court, in accordance with the Rules 54  
of Superintendence for Municipal Courts and County Courts, shall 55  
assign another judge or judges of the court to handle any action 56  
or proceeding or, if necessary, all actions and proceedings of 57  
the division during the time that its judge is unavailable. 58

(2) The Franklin county municipal court may adopt, by 59  
rule, procedures for other judges of the court to handle 60  
particular proceedings arising out of actions within the 61  
jurisdiction of the environmental division of the court when the 62  
judge of that division is unable for any reason to handle a 63  
particular proceeding at the time, or within the time period, 64  
necessary for a timely or appropriate disposition of the 65  
proceeding. Upon the adoption of and in accordance with those 66  
rules, any judge of the court may handle any proceeding that 67  
arises out of an action within the jurisdiction of the 68  
environmental division of the court. 69

(C) In addition to the jurisdiction granted under division 70  
(A) of this section, the housing division of the Cleveland 71  
municipal court has concurrent jurisdiction with the court of 72  
common pleas in all criminal actions or proceedings related to 73  
the pollution of the air, ground, or water within the territory 74  
of the municipal court, for which a sentence of death cannot be 75  
imposed under Chapter 2903. of the Revised Code. 76

**Section 2.** That existing section 1901.181 of the Revised 77  
Code is hereby repealed. 78