

As Reported by the Senate Judiciary Committee

133rd General Assembly

Regular Session

2019-2020

Sub. S. B. No. 103

Senators Dolan, Yuko

Cosponsors: Senators Eklund, Thomas, Williams, Manning

A BILL

To amend section 1901.181 of the Revised Code to
grant the Housing Division of the Cleveland
Municipal Court jurisdiction in any review or
appeal of a final order of an administrative
body that relates to a local building, health,
or safety code and concurrent jurisdiction with
the Court of Common Pleas in criminal cases
related to environmental pollution.

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

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

Sec. 1901.181. (A) (1) Except as otherwise provided in this
division and division (A) (2) of this section and subject to
division ~~(C)~~ (B) of this section, if a municipal court has a
housing or environmental division, the division has exclusive
jurisdiction within the territory of the court in any civil
action to enforce any local building, housing, air pollution,
sanitation, health, fire, zoning, or safety code, ordinance, or
regulation applicable to premises used or intended for use as a

place of human habitation, buildings, structures, or any other 19
real property subject to any such code, ordinance, or 20
regulation, and, except in the environmental division of the 21
Franklin county municipal court, in any civil action commenced 22
pursuant to Chapter 1923. or 5321. or sections 5303.03 to 23
5303.07 of the Revised Code. Except as otherwise provided in 24
division (A) (2) of this section and subject to section 1901.20 25
of the Revised Code and to division ~~(C)~~(B) of this section, the 26
housing or environmental division of a municipal court has 27
exclusive jurisdiction within the territory of the court in any 28
criminal action for a violation of any local building, housing, 29
air pollution, sanitation, health, fire, zoning, or safety code, 30
ordinance, or regulation applicable to premises used or intended 31
for use as a place of human habitation, buildings, structures, 32
or any other real property subject to any such code, ordinance, 33
or regulation. Except as otherwise provided in division (A) (2) 34
of this section and subject to division ~~(C)~~(B) of this section, 35
the housing or environmental division of a municipal court also 36
has exclusive jurisdiction within the territory of the court in 37
any civil action as described in division (B) (1) of section 38
3767.41 of the Revised Code that relates to a public nuisance. 39
To the extent any provision of this chapter conflicts or is 40
inconsistent with a provision of section 3767.41 of the Revised 41
Code, the provision of that section shall control in a civil 42
action described in division (B) (1) of that section. 43

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

1905.01 of the Revised Code, the jurisdiction of the 50
environmental division over the action is concurrent with the 51
jurisdiction of that mayor's court over the action. 52

(B) (1) If the judge of the environmental division of the 53
Franklin county municipal court or the judge of the housing 54
division of a municipal court is on vacation, sick, absent, or 55
is unavailable because of recusal or another reason, the 56
administrative judge of the court, in accordance with the Rules 57
of Superintendence for Municipal Courts and County Courts, shall 58
assign another judge or judges of the court to handle any action 59
or proceeding or, if necessary, all actions and proceedings of 60
the division during the time that its judge is unavailable. 61

(2) The Franklin county municipal court may adopt, by 62
rule, procedures for other judges of the court to handle 63
particular proceedings arising out of actions within the 64
jurisdiction of the environmental division of the court when the 65
judge of that division is unable for any reason to handle a 66
particular proceeding at the time, or within the time period, 67
necessary for a timely or appropriate disposition of the 68
proceeding. Upon the adoption of and in accordance with those 69
rules, any judge of the court may handle any proceeding that 70
arises out of an action within the jurisdiction of the 71
environmental division of the court. 72

(C) In addition to the jurisdiction granted under division 73
(A) of this section, the housing division of the Cleveland 74
municipal court has the following jurisdiction: 75

(1) Jurisdiction within its territory in any review or 76
appeal of any final order of any administrative officer, agency, 77
board, department, tribunal, commission, or other 78
instrumentality that relates to a local building, housing, air 79

pollution, sanitation, health, fire, zoning, or safety code, 80
ordinance, or regulation, in the same manner and to the same 81
extent as in similar appeals in the court of common pleas. 82

(2) Concurrent jurisdiction with the court of common pleas 83
in all criminal actions or proceedings related to the pollution 84
of the air, ground, or water within the territory of the 85
municipal court, for which a sentence of death cannot be imposed 86
under Chapter 2903. of the Revised Code. 87

Section 2. That existing section 1901.181 of the Revised 88
Code is hereby repealed. 89