

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

S. B. No. 103

**Senators Dolan, Yuko
Cosponsors: Senators Eklund, Thomas, Williams**

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

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

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

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 That existing section 1901.181 of the Revised Code is hereby repealed.