



Ohio Legislative Service Commission

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Fiscal Note & Local Impact Statement

Bill: H.B. 126 of the 131st G.A. (LSC 131 0653-1) **Date:** December 4, 2015
Status: In House Judiciary **Sponsor:** Reps. Kunze and Leland

Local Impact Statement Procedure Required: Yes

Contents: Expansion of the definition of "nuisance property"

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

- The bill may, in certain jurisdictions, lead to a significant increase in the number of petitions filed with, and requiring adjudication by, the appropriate common pleas, municipal, or county court (including clerks of court). The potential cost, though problematic to quantify, could exceed minimal. These costs may be offset, to some degree, by the filing fees charged by the clerk of courts.

Detailed Fiscal Analysis

The bill expands the definition of "nuisance" in the Nuisance Law to include any real property on which: (1) two or more offenses of violence have occurred,¹ or (2) a single offense of violence has occurred and one or more of the following conditions or violations of existing law also has occurred:

- The property is declared by statute to be a nuisance;
- The place is used for prostitution or generally where lewd or obscene films are prepared or shown;

¹ Offense of violence, as currently defined in R.C. 2901.01(A)(9), includes certain conduct related to: homicides and assaults (for example, murder, aggravated assault, menacing, and stalking); sex (for example, rape and sexual battery); kidnapping and extortion, arson, robbery and burglary, offenses against the public peace (for example, riot); offenses against the family (for example, domestic violence and endangering children); and offenses against justice and public administration (for example, intimidation and escape).

- The place is where beer or intoxicating liquor is unlawfully manufactured or kept or where the operation of that place interferes with public decency and good order.

Some in the judicial community with whom LSC has discussed the bill have noted that the expansion of the nuisance property definition to include an offense of violence significantly broadens the applicable circumstances and could lead to a substantial increase in court filings for nuisance declarations. The potential magnitude of that increase is uncertain, as are any related costs to the clerks of courts and their affiliated common pleas, municipal, or county courts.

Statewide data on the number of nuisance filings is not readily accessible. It is likely that there is not only considerable variation in the number of these filings from jurisdiction to jurisdiction, but considerable variation within any given jurisdiction over time. Each jurisdiction will have its own criteria for what may be considered a nuisance property, and residents and/or public authorities who may or may not be willing to file a petition to have a property declared a nuisance.

Conversations with the Franklin County Municipal Court's Environmental Division, which has jurisdiction over nuisance adjudications, indicate that the vast majority of nuisance charges filed in that court originate from municipal corporations alleging a violation of their ordinances. Nuisance filings in that court in recent years have varied as follows: 159 (2014), 8 (2013), 0 (2012), 43 (2011), and 72 (2010). All of these nuisance matters alleged violations of a municipal ordinance; none alleged a violation of the Revised Code.

It is also important to distinguish between petitioning for a property to be declared a nuisance and a property actually being declared a nuisance. Some clerks of court may begin the review process upon receipt of a complaint, while others may wait until a specific number of complaints are received before they begin the review process.

The fee to file a civil action in Ohio varies widely from jurisdiction to jurisdiction, ranging from \$10 to approximately \$400. The amount of additional filing fee revenue that might be generated annually in any given local jurisdiction is uncertain, but generally will be no more than minimal.

Synopsis of Fiscal Effect Changes

The fiscal effects of this substitute bill (LSC 131 0653-1) do not differ substantively from the immediately preceding As Introduced version.