



OHIO LEGISLATIVE SERVICE COMMISSION

Terry Steele

Fiscal Note & Local Impact Statement

Bill: H.B. 633 of the 132nd G.A.

Status: As Introduced

Sponsor: Reps. Boggs and Miller

Local Impact Statement Procedure Required: Yes

Subject: Prohibits littering on an individual's own property

Local Fiscal Highlights

- County or municipal courts could incur some costs for handling the additional caseload generated by the new littering offense created under the bill. However, the new criminal offense probably will not add much to court caseloads or result in significant new costs. A portion of these additional costs could be offset through court fines and local court costs.
- The bill requires a notice and cure period allowing a property owner to clean up before the new littering offense can be prosecuted. This could potentially increase municipal code enforcement costs, in particular for monitoring site conditions, posting notices, and when needed, sending notices to property owners by certified mail.

Detailed Fiscal Analysis

Overview

The bill could lead to some additional costs for code enforcement offices and courts that will be required to handle the new littering prohibition created by the bill. It establishes a criminal penalty for owners or others in control of private property in municipal corporations who deposit litter of a kind or quantity reasonably expected to be dangerous to life or health. However, charges may only be filed if the owner or person in control of the property fails to remove the litter after receiving a notice as required under the bill. The new penalty established under the bill matches current law's existing littering prohibitions, providing for a third degree misdemeanor punishable by a fine of not more than \$500 and a definite jail term of not more than 60 days. Additionally, the bill specifies that if an individual has previously been convicted of the offense established in the bill, the offender may receive a jail term of not more than 90 days and a fine of not more than \$750, or both. Presumably, a large portion of the cases arising from this new prohibition will occur in urban areas and areas with larger numbers of rental properties.

County and municipal court caseloads

Creating a new criminal offense for littering could impose some additional costs on county and municipal courts through added caseloads. There were 70 charges of Revised Code statutes related to littering, illegal dumping, or garbage disposal filed with the Environmental Division of the Franklin County Municipal Court in 2017. The littering violation added by the bill could potentially add some small number of additional cases to the overall workload of the Environmental Division.

Some of the court costs arising from the bill could be offset through fines and state and local court costs imposed on offenders. Fines and local court costs typically go to the jurisdiction in which the offense occurred. The state court cost for a misdemeanor penalty, like the one established in the bill, is \$29. Of this amount, \$20 goes to the Indigent Defense Support Fund (Fund 5DY0) and \$9 to the Victims of Crime/Reparations Fund (Fund 4020).

Municipal code enforcement – notice and cure period

Both the notice and cure period provisions in the bill could result in some additional code enforcement costs for municipalities, including monitoring property conditions and sending certified mail notices to property owners. As noted above, the bill will probably have a larger effect on municipalities with a large volume of rental housing than it would on other communities. Specifically, the bill requires that the conditions resulting in the property littering violation be present for at least two business days. Once that condition exists, an enforcement official must give the owner and person in control of the property a notice specifying the conditions that must be corrected within five business days. If the conditions have not been corrected during that time, then the criminal penalty in the bill applies. The bill also specifies that notice to a property owner who does not occupy the property must be sent by certified mail, with return receipt requested. Overall, the city of Columbus has 66 code enforcement officers, including supervisors, who handle various housing, zoning, health, sanitation, and safety code violations under local ordinance and state law.