



City of Cleveland

Justin M Bibb, Mayor

Department of Building & Housing

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Ohio Senate Small Business and Economic Opportunity Committee Senate Bill 196

Opponent Testimony

Thomas Vanover, Chief Building Official
City of Cleveland Department of Building & Housing

Chairman Rulli, Vice Chair Lang, Ranking Member Sykes – thank you for the opportunity to submit written opponent testimony on Senate Bill 196.

The City of Cleveland Building Department and Local Board of Building Appeals have discussed the proposed changes in Senate Bill 196 and oppose it based on feasibility, fairness and impact on due process.

Local Appeals Boards are staffed voluntarily by working professionals, as required by both state law and City Charter. This process for an expedited appeal would ultimately require that they be available five days a week to hear expedited appeals brought within the last four days. As such, the ability to staff the board becomes considerably more difficult if not impossible given the time commitment required of members amid their professional work responsibilities.

The legislation as written requires that, for a larger fee, expedited appeals will be docketed in advance of those submitted as standard appeals. This process is contrary to general principals of fairness in that those appellants with means are treated more favorably than those without. By allowing people with greater resources to jump the line, there is a true lack of due process for those who choose a standard appeal.

The City of Cleveland Local Board of Building Appeals currently hears appeals for local property maintenance orders, Orders issued by the Municipal Fire Department, Orders issued out of the Residential Code of Ohio and Orders Issued out of the Ohio Building Code. The scheduling and docketing of the appeal hearings take considerable time and preparation that would become challenging if not impossible in this expedited time period. To properly present evidence to the board, field inspection and record research is required. Expediting these proceedings will create challenges for Building Department field and office staff and will affect the delivery of service and complete testimony.

The City of Cleveland Board of Building Appeals is a long-standing institution that has served the citizenry for several decades. It is a vital mechanism that provides due process and relief to the public. The pending legislation requiring an expedited appeal process is contrary to that purpose and places the Board and the AHJ in an untenable position. As a result, this legislation would force the City of Cleveland to decide whether to continue to hear appeals, or surrender that responsibility to the State of Ohio.

For reasons of feasibility, fairness and due process, I respectfully request the members of the Senate Small Business and Economic Opportunity Committee oppose Senate Bill 196 and its passage.

I want to thank each of you for your consideration.