

# Cleveland Municipal Court

HOUSING DIVISION  
JUSTICE CENTER • 1200 ONTARIO STREET

MAILING ADDRESS • P.O. BOX 94894 • CLEVELAND, OHIO 44101-4894

FAX (216) 664-6103

RONALD J.H. O'LEARY  
JUDGE

(216) 664-4989

October 29, 2019

Testimony to House Civil Justice Committee in support of

House Bill 356 and  
House Bill 357

Dear Chairman Hambley, Vice Chair Patton, Ranking Member Brown and Distinguished Members of the Civil Justice Committee:

My name is Ronald J.H. O'Leary, and I have been the Judge of the Housing Division of the Cleveland Municipal Court since April 2017. Thank you for the opportunity to present testimony regarding House Bill 356 and House Bill 357. I am here today to testify in support of those bills before the Committee that would expand the jurisdiction of Cleveland Housing Court in ways that would allow us to mirror the current jurisdiction of the Franklin County Municipal Court.

**HOUSE BILL 356** – would expand Cleveland Housing Court's jurisdiction to include the ability to hear appeals from decisions of the City of Cleveland's Board of Building Standards ("BBS") and Board of Zoning Appeals ("BZA"). The Cuyahoga County Court of Common Pleas currently has exclusive jurisdiction over these administrative appeals. If the General Assembly adopts this legislation and expands Cleveland Housing Court's jurisdiction, then Cuyahoga Common Pleas and Cleveland Housing Court will have concurrent jurisdiction over these cases.

Under current law, if a resident or a business owner wishes to appeal an adverse ruling of the BBS or BZA, they must do so with the Cuyahoga County Common Pleas Court. That appeal is then assigned to one of thirty-four Common Pleas Judges. The appeal becomes part of a Common Pleas Judge's individual docket, which includes felony criminal cases involving robbery, rape, and murder. That docket also includes hundreds of other complex civil matters assigned to the Common Pleas Judge.

The appeals from BBS and BZA, which are the subject of HB 356 would include matters such as:

- Illegal use of property;
- Failure to repair dangerous conditions;
- Condemnation orders;
- Abatement of housing code violations;
- Failure to maintain exterior of property;
- Notice to remove graffiti;
- Notice to repair fire damage;
- Appeal from order for contractor to remedy conditions arising from shoddy work.

If the proposed language altering the Cleveland Housing Court's jurisdiction were to be adopted, those matters could then be appealed directly to Cleveland Housing Court, which already has a docket that includes housing-related matters and property-related code violations. The Cleveland Housing Court's jurisdiction already includes property-related issues such as: whether a property owner properly repaired their porch property after a storm; whether an auto-shop is operating under a proper certificate of occupancy, and whether the homeowner with debris in the yard is creating a health nuisance for the neighbors. The exposure to these issues has prepared Cleveland Housing Court staff with extensive knowledge of local Building, Housing, and Zoning Code issues that would be necessary to hear BBS and BZA Appeals.

HB 356 will recognize the fact that the Cleveland Housing Court is intimately familiar with all aspects of cases involving property and code violations. Housing Court staff has years of expertise with Building Code violations and is familiar with commercial property owners in the city who have a history of code violations. This will help ensure that repeat offenders will be held accountable, rather than taking advantage of the fact that a Common Pleas judge might not be familiar with the facts of the case, the relevant history of the parties, or the history of, and impact upon, the particular neighborhood that is affected by the dispute at hand.

**HOUSE BILL 357** - would grant the Cleveland Housing Court felony jurisdiction over environmental crimes.

Currently, if a property owner disregards environmental regulations, Cleveland Housing Court has the authority to hear cases involving injunctive relief, misdemeanor offenses, and collection cases for the City's clean-up costs. But Cleveland Housing Court lacks jurisdiction to hear related felony charges. When there are felony charges pending in Common Pleas and a request for injunctive relief or clean-up claims pending in Housing Court, confusion and delay can occur because related matters are pending in two different courts. The Cleveland Housing Court's staff understands the law regarding environmental crimes and the damage that these crimes inflict on Cleveland's citizens and neighborhoods.

There are many reasons for expanding the jurisdiction of Cleveland Housing Court:

**Expertise:** Common Pleas judges have criminal dockets that encompass many different types of crimes, while Housing Court's criminal caseload is comprised solely of property-related violations. This has enabled the Housing Court staff to accumulate years of experience and specialized knowledge adjudicating Building, Housing and Health Code violations.

In Cuyahoga County, the Environmental Crimes Task Force ("ECTF") created in 2013, refers environmental crimes to the County Prosecutor for possible indictment. ECTF participants include representatives from the City of Cleveland, Cuyahoga County, Cuyahoga County Solid Waste District, and local health departments. The ECTF investigations unit is led by a Cleveland Police Sergeant and includes two Cleveland Police Detectives. They refer over 40 investigations to the Grand Jury every year.

Roughly half of the cases ECTF refers for prosecution are under Ohio Revised Code Chapter 4737, Ohio's Scrap Yard Law. Since scrap yard violations can only be prosecuted as felonies and nearly all scrap yards in Cuyahoga County are located within the City of Cleveland, changing the law to have all of these crimes heard by the Cleveland Housing Court becomes vitally important.

In addition, Housing Court staff is intimately familiar with the residential and commercial properties in Cleveland, knows the areas where commercial property co-exists in close proximity to residential neighborhoods and schools, and can draw on that knowledge when adjudicating felony environmental matters.

**Consistency:** Allowing all criminal property-related code violation cases in Cleveland to be heard by one court ensures consistent outcomes. One Judge will preside over every case, making certain that procedures and penalties, if appropriate, are applied equally. This may lead to faster resolution of the cases without trial, and to outcomes and penalties that will be more predictable.

**Efficiency and Judicial Economy:** Currently two Assistant Cuyahoga County Prosecutors are dedicated to environmental felonies. Allowing prosecutors dedicated to this type of crime to appear in front of one Judge improves the efficiency of their efforts to administer justice and increases immensely the likelihood of uniform and consistent outcomes.

In addition, currently, any judge on the Common Pleas bench may be assigned to an environmental felony case. Those cases become part of a docket that includes many unrelated matters and requires the Judge and her staff to become familiar with all applicable and ancillary code sections in order to dispose of cases properly. Pretrial case management, trials or changes of plea, sentencing, and community control terms may vary from judge to judge, lead to unequal results and provide unintended assistance to Defendants who hope to take advantage of a system that varies, depending on which Judge draws their case.

If HB 357 is adopted, all felony environmental crimes will be assigned to one judge who has a dedicated docket set aside only for environmental crimes. Cleveland Housing Court's Judge and staff are already knowledgeable about Cleveland's building codes and the various environmental statutes, as Housing Court handles misdemeanor cases, injunctions, and collection cases related to clean-up costs from vacant-home demolitions.

This will enable case management and post-judgment remedies/sentencings to be uniformly applied to each case. Housing Court's goals for felony environmental cases will be the same as the goal for all criminal cases pending before it: prompt and fair adjudication, achieving code compliance and deterring future code violations. Housing Court has several existing mechanisms designed to ensure ongoing code compliance of its criminal defendants; including:

- Community Control Sanctions (probation);
- Sentencing options and techniques tailored to criminal property-code violations;
- A separate corporate docket that uses contempt and per diem sanctions to coerce the appearance of defendants not subject to arrest.

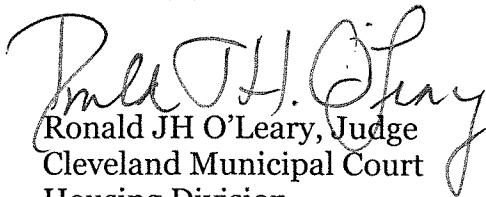
There is precedent for authorizing this legislation. Franklin County Municipal Court's Environmental Division is a specialized court established under the same Revised Code section as the Cleveland Housing Court. Franklin County Municipal Court's Environmental Division has the same felony jurisdiction over environmental crimes proposed in HB 357 for Cleveland Housing Court.

The following agencies and individuals have provided letters of support (those letters are attached to my testimony in support of HB 357):

1. Cuyahoga County Prosecutor Michael C. O'Malley
2. Cuyahoga County Court of Common Pleas Administrative & Presiding Judge John J. Russo
3. Cuyahoga County Chief Public Defender Mark A. Stanton
4. Cleveland-Cuyahoga County Environmental Crimes Task Force
5. The Cleveland Metropolitan Bar Association
6. Cuyahoga County Executive Armond Budish
7. Cuyahoga County Council President Dan Brady and County Councilperson Sunny M. Simon
8. Bratenahl Mayor John M. Licastro
9. Bratenahl Village Council President Pro Tempore James F. Puffenberger
10. Cleveland Municipal Court Clerk of Court Earle B. Turner
11. Cuyahoga County Land Reutilization Corporation
12. CHN Housing Partners
13. Cleveland-Marshall College of Law Civil Litigation Clinic Professor of Law Kenneth J. Kowalski

In addition to the Resolution from Cleveland City Council in support of expanding Housing Court's jurisdiction to include environmental felony matters as expressed in HB 357 (attached), Cleveland Mayor Frank Jackson has expressed his support for the changes in this bill (verbally).

Very truly yours,



Ronald JH O'Leary, Judge  
Cleveland Municipal Court  
Housing Division

encls:  
Stakeholder support letters  
City of Cleveland Resolution 340-2019  
Examples of local media coverage



**Michael C. O'Malley**  
CUYAHOGA COUNTY PROSECUTOR

October 30, 2018

Ronald J.H. O'Leary, Judge  
Cleveland Housing Court  
1200 Ontario Street, Courtroom 13B  
Cleveland, Ohio 44113

Dear Judge O'Leary:

I have reviewed your proposal to expand the jurisdiction of the City of Cleveland Housing Court over which you currently preside. I understand that this proposal expands your Court's jurisdiction to include all felony environmental crimes, and provide it concurrent jurisdiction with common pleas court for administrative appeals from the Board of Zoning Appeals and the Board of Building Standards. This would then operate like the Franklin County Environmental Court, also created through amendments to R.C. 1901.183(H), which is similar to what you propose. For over 25 years, Franklin County has successfully operated their Court.

I am fully supportive of such a legislative change for Cuyahoga County. It makes perfect sense to combine in one court environmental cases involving injunctive relief, misdemeanor crimes and collection cases for clean-up costs and any related felony charges. Having one judge experienced in these matters hear all such cases will undoubtedly increase efficiency and produce consistent outcomes.

Please feel free to include this letter with the legislative package that you are preparing.

Sincerely,

  
Michael C. O'Malley  
Cuyahoga County Prosecutor

**OFFICE OF THE PROSECUTING ATTORNEY**  
The Justice Center • Courts Tower • 1200 Ontario Street • Cleveland, Ohio 44113  
(216) 443-7800 • Fax (216) 443-7601



THE COURT OF COMMON PLEAS

COUNTY OF CUYAHOGA

JUSTICE CENTER

1200 ONTARIO STREET

CLEVELAND, OHIO 44113

JOHN J. RUSSO  
Presiding Judge  
(216) 443-8676

Administrative Judge  
General Division

September 24, 2018

Ronald J.H. O'Leary, Judge  
Cleveland Housing Court  
1200 Ontario Street, Courtroom 13B  
Cleveland, Ohio 44113  
[olearyr@cmcoh.org](mailto:olearyr@cmcoh.org)

**Re: Jurisdictional Change of Felony Environmental Crimes to Cleveland Housing Court**

Dear Judge O'Leary:

I reviewed your proposal to expand Cleveland Housing Court's jurisdiction to include felony environmental crimes and administrative appeals from the Board of Zoning Appeals and Board of Building Standards. Your proposal will grant Cleveland Housing Court the same jurisdiction that Franklin County Environmental Court currently has in these areas. Because your court has expertise in these areas, and having one judge hear all these cases will be efficient and have consistent results, I support your proposal. You may include this letter with the legislative package that you are preparing.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "John J. Russo". The signature is stylized and written over the typed name and title.

John J. Russo  
Administrative and Presiding Judge  
Cuyahoga County Common Pleas Court  
General Division

Pc: Clifford E. Pinkney, Cuyahoga County Sheriff  
Correspondence File



CUYAHOGA COUNTY OFFICE OF THE PUBLIC DEFENDER  
Chief Public Defender – Mark A. Stanton

---

Dear Judge O'Leary,

After carefully reviewing your proposal to expand Cleveland Housing Court's jurisdiction to include felony environmental crimes and administrative appeals from the Board of Zoning Appeals and Board of Building Standards, I would like to extend the support of the Cuyahoga County Public Defender's Office. We agree that having one judge hear all of these cases would enhance the efficiency of court proceedings. It is our belief that having all of these cases handled by Cleveland Housing Court would provide more consistent results in light of your expertise in these matters. Furthermore, precedent has already been established in Franklin County Environmental Court which currently has the same jurisdiction which you are proposing. You may include this letter of support with the legislative package that you have prepared

Sincerely

Mark A. Stanton  
Chief Public Defender





**Cuyahoga County**  
SOLID WASTE DISTRICT

July 25, 2018

The Honorable Ronald O'Leary  
Cleveland Housing Court  
1200 Ontario Street, Courtroom 13B  
Cleveland, OH 44113

Dear Judge O'Leary:

On behalf of the Cleveland-Cuyahoga County Environmental Crimes Task Force (ECTF), I am writing in support of your proposal to expand the Cleveland Housing Court's jurisdiction to include felony environmental crimes. The ECTF enforcement unit, housed within the Cleveland Police Department, was created in April 2014 and has investigated more than 1,100 cases of illegal dumping and other environmental crimes to date. Felony cases are currently brought to the Cuyahoga County Court of Common Pleas.

Our Task Force agrees that it will be more effective to prosecute Cleveland's environmental crimes cases within one court. Expanding the Cleveland Housing Court to include an environmental division will result in a court with a dedicated judge and combined expertise and focus in the areas of zoning codes, housing codes, and environmental laws. It would allow the Cleveland Municipal Court the flexibility to hear environmental cases committed in the City involving violations of Ohio law and impose appropriate penalties including felony penalties. It will mean that the more significant environmental crimes can be treated with greater focus toward more significant penalties, thus creating a much needed deterrent.

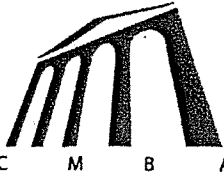
Your proposal will grant Cleveland Housing Court the same jurisdiction that the Franklin County Environmental Court currently has in these areas. That court was created over twenty years ago and has succeeded in reducing environmental crime. We believe that this expanded authority will improve our community as well by reducing the rampant illegal dumping and the associated health and environmental hazards, clean-up costs and adverse economic impacts that these crimes inflict on the City, its residents and its businesses.

Sincerely,

Diane T. Bickett  
Executive Director







**CLEVELAND METROPOLITAN  
BAR ASSOCIATION**

1375 EAST 9TH STREET • FLOOR 2 • CLEVELAND, OHIO 44114-1785  
PHONE: (216) 696-3525 • FAX: (216) 696-2413  
[WWW.CLEMETROBAR.ORG](http://WWW.CLEMETROBAR.ORG)

December 20, 2018

VIA EMAIL

[olearyr@cmcoh.org](mailto:olearyr@cmcoh.org)

Hon. Ronald J.H. O'Leary  
Cleveland Housing Court  
1200 Ontario Street, Courtroom 13B  
Cleveland, OH 44113

Dear Judge O'Leary:

We have reviewed your proposal to expand Cleveland Housing Court's jurisdiction to include felony environmental crimes and administrative appeals from the Board of Zoning Appeals and Board of Building Standards. Your proposal will grant Cleveland Housing Court the same jurisdiction that Franklin County Environmental Court currently has in these areas. Because your court has expertise in these areas, and having one judge hear all these cases will be efficient and have consistent results, the Cleveland Metropolitan Bar Association supports your proposal. You may include this letter with the legislative package you have prepared.

Sincerely,

*Marlon A. Primes*

Marlon A. Primes  
President

cc: Rebecca Ruppert McMahon, Chief Executive Officer



Cuyahoga County  
Together We Thrive

Armond Budish  
Cuyahoga County Executive

November 16, 2018

The Honorable Ronald O' Leary  
Cleveland Housing Court  
1200 Ontario Street, Courtroom 13B  
Cleveland, OH 44113

Dear Judge O' Leary:

I am writing to enthusiastically support your proposal to expand the jurisdiction of the Cleveland Housing Court to include felony environmental crimes, and to include administrative appeals from the Cleveland and Bratenahl Boards of Zoning Appeals and Building Standards. Since the Housing Court already has jurisdiction over criminal cases involving violations of City codes related to housing, building, fire, zoning, health, waste collection, sidewalk, agricultural, air pollution, as well as civil cases involving landlord-tenant matters, this change would avoid confusion and alleviate the possibility of a single case pending in both your court and the Common Pleas Court, solely because of the felony charge.

It is my understanding that this change would allow the Cleveland Housing Court to function in the same way as the Franklin County Environmental Court, which was created through a similar amendment.

Your personal expertise in this field and the overall capacity of the Housing Court makes the Court particularly well suited to operate in the fashion described. Considering the high number of environmental cases under investigation in the City of Cleveland, the need for efficient and effective judicial review and disposition is well documented.

Please let me know if I can provide further information or support for your request. Thank you for your excellent service to Greater Cleveland and for proposing this improved system for addressing environmental crimes.

Sincerely,

A handwritten signature in black ink, appearing to read "Armond Budish".

Armond Budish  
Cuyahoga County Executive



## Cuyahoga County Council

August 21, 2018

Ronald J. H. O'Leary, Judge  
Cleveland Housing Court  
1200 Ontario Street, Courtroom 13B  
Cleveland, Ohio 44113

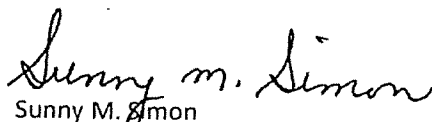
Dear Judge O'Leary:

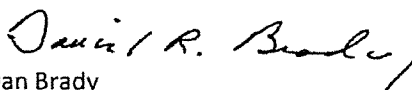
We, the undersigned members of the Cuyahoga County Council, are writing to express our strong support of your request to expand the jurisdiction of the Cleveland Municipal Housing Court. The additional authority requested will allow the court to include felony environmental cases on the docket and hear appeals from the Cleveland and Bratenahl Board of Building Standards and Building Appeals and Board of Zoning Appeals.

The Housing Court has jurisdiction over criminal cases involving violations of the City's housing, building, fire, zoning, health, waste collection, sidewalk and agricultural and air pollution codes and civil cases involving landlord/tenant issues. Allowing the Housing Court to address felony charges, rather than referring the case to Common Pleas Court, will help avoid confusion and delays by alleviating the burden of a single case pending in both courts to address the felony charges.

You may include this letter with the legislative package that you are preparing. We look forward to the possibility of ensuring cases are resolved efficiently and consistently under one court.

Sincerely,

  
Sunny M. Simon  
District 11

  
Dan Brady  
Council President

# *Village of Bratenahl*

*Village Hall - 411 Bratenahl Road*

*Bratenahl Ohio 44108-1027*

*Phone: 216-681-4266*

*Fax: 216-681-3811*

October 2, 2018

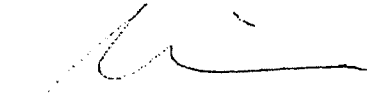
Ronald J.H. O'Leary, Judge  
Cleveland Housing Court  
1200 Ontario Street, Courtroom 13B  
Cleveland, Ohio 44113

Dear Judge O'Leary,

Bratenahl Village Council and the Administration reviewed your proposal to expand Cleveland Housing Court's jurisdiction to include felony environmental crimes and administrative appeals from the Board of Zoning appeals and the Board of Building Standards. This proposal, if accepted, would grant Cleveland Housing Court the same jurisdiction that Franklin County Environmental Court has in these areas. The expertise your court has in these matters and the efficiency in having one judge hear these cases will result in a level of consistency that benefits all.

On behalf of Village Council, we support your proposal. Please use this letter to help persuade the General Assembly of the merits of this approach.

Yours Truly,



**John M. Licastro**  
**Mayor of Bratenahl**  
411 Bratenahl Road  
Bratenahl, Ohio 44108

216-681-4266 office  
216-681-3811 fax  
216-570-3194 cell

[www.bratenahl.org](http://www.bratenahl.org)

*John M. Licastro, Mayor*  
*[www.bratenahl.org](http://www.bratenahl.org)*

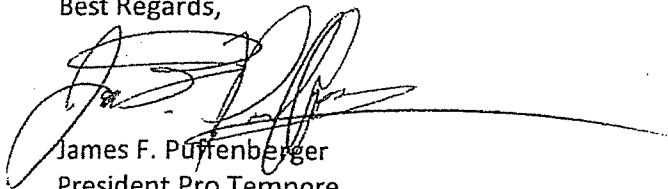
September 20, 2018

Ronald J.H. O'Leary, Judge  
Cleveland Housing Court  
1200 Ontario Street, Courtroom 13B  
Cleveland, Ohio 44113

Dear Judge O'Leary,

I fully support your proposal to expand Cleveland Housing Court's jurisdiction to include felony environmental crimes and administrative appeals from the Board of Zoning Appeals and Bratenahl's versions of a Board of Building Standards. I understand your proposal will grant the same jurisdiction as the Franklin County Environmental Court has in these areas. It is my opinion that with one judge hearing all these cases the proceedings will be more effective, efficient and yield more consistent results given your Court's specific expertise. Please feel free to include this letter with any supporting documents you may be assembling.

Best Regards,

A handwritten signature in black ink, appearing to read 'James F. Puffenberger', with a long horizontal line extending to the right.

James F. Puffenberger  
President Pro Tempore  
Bratenahl Village Council

EARLE B. TURNER  
Clerk



Phone: (216) 664-4870  
Fax: (216) 664-4065

## Cleveland Municipal Court

Office of the Clerk of Courts  
Justice Center – Courts Tower  
1200 Ontario Street  
Cleveland, Ohio 44113-1669

August 1, 2018

Ronald J.H. O'Leary, Judge  
Cleveland Housing Court  
1200 Ontario Street, Courtroom 13B  
Cleveland, Ohio 44113

Dear Judge O'Leary,

I reviewed your proposal to expand Cleveland Housing Court's jurisdiction to include felony environmental crimes and administrative appeals from the Board of Zoning Appeals and Board of Building Standards. Your proposal will grant Cleveland Housing Court the same jurisdiction that Franklin County Environmental Court currently has in these areas. Because your court has expertise in these areas, and having one judge hear all these cases will be efficient and consistent results, I support your proposal. You may include this letter with the legislative package that you are preparing.

Sincerely,

Earle B. Turner, Clerk  
Cleveland Municipal Court  
1200 Ontario Street, Second floor  
Cleveland, Ohio 44113



Cuyahoga County Land Reutilization Corporation  
812 Huron Road E., Suite 800, Cleveland, OH 44115  
Telephone (216) 698-8853 Fax (216) 698-8972

---

July 16, 2018

The Honorable Ronald J.H. O'Leary  
Cleveland Housing Court  
1200 Ontario Street – Courtroom 13B  
Cleveland, OH 44113

Dear Judge O'Leary:

I reviewed your proposal to expand Cleveland Housing Court's jurisdiction to include felony environmental crimes and administrative appeals from the Board of Zoning Appeals and Board of Building Standards. Your proposal will grant Cleveland Housing Court the same jurisdiction that Franklin County Environmental Court currently has in these areas. Because your court has expertise in these areas, and having one judge hear all these cases will be efficient and have consistent results, I support your proposal. You may include this letter with the legislative package that you are preparing.

Very truly yours,

A handwritten signature in black ink, appearing to read "Gus Frangos". The signature is written over the text "Very truly yours," and extends to the right.

Gus Frangos,  
President and General Counsel

GF/jmk



CHN  
Housing Partners.

*The Power of a Permanent Address.™*

Ronald J.H. O'Leary, Judge  
Cleveland Housing Court  
1200 Ontario Street, Courtroom 13B  
Cleveland, Ohio 44113

Dear Judge O'Leary,

We have reviewed your proposal to expand Cleveland Housing Court's jurisdiction to include felony environmental crimes and administrative appeals from the Board of Zoning Appeals and Board of Building Standards. Your proposal will grant Cleveland Housing Court the same jurisdiction that Franklin County Environmental Court currently has in these areas. Because your court has expertise in these areas, and having one judge hear all these cases will be efficient and support consistent results, CHN supports your proposal. You may include this letter with the legislative package that you are preparing. Please let me know if there are other ways we can help.

Sincerely,

Robert S. Curry  
Executive Director

216-774-2340

[rcurry@chnhousingpartners.org](mailto:rcurry@chnhousingpartners.org)



CLEVELAND-MARSHALL COLLEGE OF LAW  
CIVIL LITIGATION CLINIC

*Kenneth J. Kowalski, Esq.*  
*Doron M. Kalir, Esq.*  
*Carolyn Broering-Jacobs*  
*Jean R. Packard, Administrative Coordinator*

Telephone: (216) 687-3947  
Fax: (216) 687-9297

Mailing Address:  
2121 Euclid Avenue, LB 138  
Cleveland, Ohio 44115-2214

Campus Location:  
College of Law, Room 085  
1801 Euclid Avenue  
Cleveland, Ohio

November 13, 2018

The Honorable Ronald J.H. O'Leary  
Judge, Cleveland Housing Court  
1200 Ontario Street, Courtroom 13B  
Cleveland, Ohio 44113  
[olearyr@cmcoh.org](mailto:olearyr@cmcoh.org)

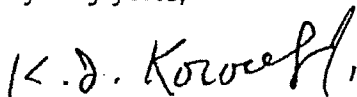
Dear Judge O'Leary,

I have reviewed your proposal to expand Cleveland Housing Court's jurisdiction to include felony environmental crimes and administrative appeals from the Board of Zoning Appeals as well as the Board of Building Standards. I strongly support the proposal.

As an attorney who has represented clients in the Housing Court over the years, I very much appreciate the expertise the Court has developed in housing, building, and environmental issues in Cleveland. Our Clinic has also represented clients in appeals of Zoning Board decisions, and I agree with you that it would make sense to permit such cases to be decided in the court with the most knowledge of the housing and building concerns of the citizens of Cleveland. That court is the Housing Court.

I believe your proposal would result in gains in efficiency and consistency per the example of The Franklin County Environmental Court. Therefore, I support your proposal. You may include this letter with the legislative package that you are preparing.

Very truly yours,



Kenneth J. Kowalski  
Clinical Professor of Law



2121 EUCLID AVENUE, LB 138 • CLEVELAND, OHIO 44115-2214  
PH: 216.687.2344 • FX: 216.687.6881  
[WWW.LAW.CSUOHIO.EDU](http://WWW.LAW.CSUOHIO.EDU)



**Resolution No. 340-2019****Council Members:** Kelley, Polensek, Brancatelli and Griffin

**An emergency resolution supporting the proposal that the jurisdiction of the Cleveland Housing Court be expanded to include felony environmental crimes and administrative appeals from the Cleveland Board of Zoning Appeals and Cleveland Board of Building Standards.**

**WHEREAS**, currently, the Cuyahoga County Environmental Crimes Task Force (ECTF), comprised of representatives from the City, Cuyahoga County, the Cuyahoga County Solid Waste District and local health departments, refers environmental crimes to the County Prosecutor; and

**WHEREAS**, the ECTF investigations unit, led by the Cleveland Police Department, refers over 40 investigations to a Grand Jury every year; about half of those cases come under Ohio's scrap metal law, RC Chapter 4737, which violations can only be prosecuted as felonies; and

**WHEREAS**, currently, two Assistant County Prosecutors are dedicated to environmental felonies; however, any judge seated on the County Court of Common Pleas may be assigned an environmental felony case; and

**WHEREAS**, it is proposed that Cleveland's Housing Court be assigned all Cuyahoga County environmental cases; and

**WHEREAS**, Cleveland's Housing Court is already familiar with the City's building codes and environmental laws, therefore assigning all felony environmental cases to one judge in the Housing Court would make the system more efficient while maintaining the Housing Court's goals of code compliance and deterring future code violations; and

**WHEREAS**, similar to Cleveland's Housing Court, the Franklin County Municipal Court's Environmental Court has felony jurisdiction over environmental cases; and

**WHEREAS**, currently, appeals from decisions by the Board of Building Standards (BBS) and the Board of Zoning Appeals (BZA) are assigned to one of 34 Common Pleas Court judges; and

**WHEREAS**, it is proposed that Housing Court and Common Pleas would have concurrent jurisdiction to hear BBS and BZA appeals, with the appealing party deciding where to file the appeal; and

**WHEREAS**, Housing Court has expertise in the types of decisions appealed from BBS and BZA because many involve use of property and housing code violations; and

**WHEREAS**, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:**

**Section 1.** That this Council supports the proposal that the jurisdiction of the Cleveland Housing Court be expanded to include felony environmental crimes and administrative appeals from the Cleveland Board of Zoning Appeals and Cleveland Board of Building Standards.

**Section 2.** That the Clerk of Council is hereby directed to forward a copy of this resolution Ronald J.H. O'Leary, Judge, Cleveland Housing Court.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

**Adopted March 25, 2019.**

**Effective March 26, 2019.**

# Proposed state law gives Cleveland court authority for felony dumping cases

**Posted:** 5:22 PM, Mar 12, 2019

**Updated:** 6:33 PM, Mar 12, 2019

**By:** Ron Regan

<https://www.news5cleveland.com/news/local-news/investigations/proposed-state-law-gives-cleveland-court-authority-for-felony-dumping-cases>

CLEVELAND — A proposed state law would give Cleveland Housing Court increased authority to hear felonies involving illegal dumping and other environmental crimes.

Ohio Senators Matt Dolan (District -24) and Kenny Yuko (District -25) sponsored the legislation that would grant the Cleveland Housing Court jurisdiction in any review or appeal of cases related to cases involving illegal dumping and other environmental related crimes.

Currently, felony cases related to illegal dumping are heard in Cuyahoga County Common Pleas court.

The proposed law follows an exclusive 5 On Your Side investigation in February that spent months documenting illegal dump sites across Cleveland.

We found 960 illegal dump sites across the city over the last five years while hundreds were cleaned up and removed following investigation by the Cleveland-Cuyahoga Environmental Crimes Task Force.

News 5's report found Cleveland lacks a key weapon to fight illegal dump sites that has been utilized for years in Columbus--a single, dedicated environmental court where cases are heard in one court, before one judge.

Cleveland Housing Court Judge Ron O'Leary has worked for years to gain similar authority locally but required a change in Ohio Revised Code that would expand housing court authority.

# Cleveland Housing Court would become more powerful under new legislation

Updated Mar 12, 2019; Posted Mar 12, 2019

By [Jeremy Pelzer, cleveland.com](#)

<https://www.cleveland.com/politics/2019/03/cleveland-housing-court-would-become-more-powerful-under-new-legislation.html>

COLUMBUS, Ohio—Cleveland’s housing court would get significant new authority to hear felony environmental cases, as well as building and zoning appeals, under new bipartisan legislation in the Ohio Senate.

Senate Bills [96](#) and [103](#), neither of which appears to have opposition so far, was introduced at the request of Cleveland Housing Court Judge Ron O’Leary, who says it would improve efficiency and allow the court to better use its expertise in housing and environmental cases.

Right now, the Cleveland Housing Court – like most municipal courts – can only hear misdemeanor cases involving crimes such as air pollution and zoning violations in Cleveland or Bratenahl. Felony environmental cases – which usually involve illegal dumping – are heard by the Cuyahoga County Common Pleas Court.

O’Leary, the lone judge on Cleveland’s housing court, said SB 103 would help the city and county joint environmental crimes task force to bring these cases before a single court, rather than one of 34 common pleas judges.

“I could set a specialized docket, so that they’re able to focus one morning or one day a week on court, and the rest of the time, they’re able to be doing their investigation work,” O’Leary said.

O’Leary noted that the Franklin County Environmental Court – another municipal court that hears cases involving illegal pollution or dumping – is already allowed to hear felony cases.

SB96 would also allow rulings by Cleveland’s Board of Building Standards and Board of Zoning Appeals – for example, on a variance request to build a garage higher than building codes allow – to be appealed to O’Leary. Right now, such cases can only be appealed to common pleas court; the legislation would allow people filing an appeal to choose whether to take the matter to housing court or common pleas court.

O’Leary said that while common pleas judges are able to competently hear such cases, the whole rationale behind a specialized court such as Cleveland Housing Court is that it can bring expertise that regular judges don’t have.

“That’s why housing court was created – to have us focus on property-related issues,” O’Leary said.

O’Leary said he’s been working on getting this legislation introduced since then-Gov. John Kasich appointed him to the housing court in 2017. The judge said he’s received support for his proposal from a long list of officials, including Cleveland Mayor Frank Jackson, Cuyahoga County Common Pleas Judge John Russo, Bratenahl Mayor John Licastro, Cuyahoga County Executive Armond Budish, and Cuyahoga County Council President Dan Brady.

O’Leary said he hasn’t heard of any opponents to any of the proposed changes.

Both bills, as written, would only apply to Cleveland’s housing court. It would not affect the Toledo Housing Court, the only other housing court in Ohio.

The legislation was introduced by Senate Minority Leader Kenny Yuko, a Richmond Heights Democrat, and state Sen. Matt Dolan, a Chagrin Falls Republican.

Yuko spokeswoman Faith Oltman said the bills “would help bring uniformity to decisions and appeals by the housing court and the court of common pleas.”

# Legislation to expand Cleveland Housing Court's reach, improve efficiency of housing enforcement in Cleveland should be adopted: editorial

<https://www.cleveland.com/opinion/2019/03/legislation-to-expand-cleveland-housing-courts-reach-improve-efficiency-of-housing-enforcement-in-cleveland-should-be-adopted-editorial.html>

Posted Mar 31, 2019

**By Editorial Board, cleveland.com and The Plain Dealer**

Tandem bills sponsored by state Sen. Matt Dolan, a Chagrin Falls Republican, and Senate Minority Leader Kenny Yuko, a Richmond Heights Democrat, would provide Cleveland's Housing Court with additional tools to do its job.

The legislation, partly paralleling powers already granted to the municipal housing court in Franklin County, was introduced at the request of widely respected Cleveland Housing Court Judge Ron O'Leary to improve the efficiency and effectiveness of housing enforcement in Cleveland.

The two bills would raise the level of administration of justice in Cleveland housing cases. They should be enacted. The Cleveland Housing Court has jurisdiction in Cleveland and Bratenahl.

Reflecting the bills' noncontroversial nature, both have already drawn bipartisan co-sponsorship.

Senate Bill 96 was introduced March 11 by Dolan and Yuko with co-sponsors Republican Sen. John Eklund of Geauga County and Senate Assistant Minority Leader Cecil Thomas, a Democrat and former Cincinnati police officer. It would give the Cleveland Housing Court concurrent jurisdiction with Common Pleas Court in zoning appeals as well as regarding other building and housing-related reviews or appeals of orders by municipal officials or agencies, including those relating to air pollution, sanitation, health, fire and safety codes. SB 96 is now pending in the Ohio Senate's Local Government, Public Safety and Veterans Affairs Committee.

Senate Bill 103 was introduced March 12, also by Dolan and Yuko with co-sponsorship from Eklund and Thomas, as well as from Cleveland state Sen. Sandra Williams, a Democrat. It would give Cleveland Housing Court concurrent jurisdiction with Common Pleas Court over criminal cases of municipal environmental pollution, including felony dumping cases. Current state law already grants the Franklin County Municipal Court's environmental division concurrent felony jurisdiction with that

county's Common Pleas Court. SB 103 is pending in the state Senate's Judiciary Committee.

Giving this limited felony powers to the Cleveland Housing Court is merited, given the court's existing expertise on housing and dumping cases, and because Common Pleas Court will retain concurrent jurisdiction and be able to act as a potential check on any attempted future overreach by municipal court.

The Dolan and Yuko bills are constructive, creative measures unlikely to draw opposition. The Senate, then Ohio's House, should pass the legislation swiftly.