

TOLEDO MUNICIPAL COURT

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Joseph J. Howe
HOUSING JUDGE

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TO: House Civil Justice Committee

FROM: Judge Joseph J. Howe, Housing Judge

RE: House Bill 559 - Toledo Housing Court

DATE: February 28, 2022

I am writing to ask for support in legislative changes that would benefit the Toledo Housing Court and the community in which the Court resides.

The first change is to grant the Toledo Housing Court felony jurisdiction over environmental crimes. The second is to grant Housing Court jurisdiction to hear housing and zoning Administrative Appeals. The Lucas County Court of Common Pleas currently has exclusive jurisdiction over these cases. If the General Assembly expands Toledo Housing Court's jurisdiction, then Common Pleas and Housing Court will have concurrent jurisdiction.

Currently, if a property owner disregards environmental regulations, Housing Court has the authority to hear cases involving injunctive relief, misdemeanor offenses, and collection cases for the City's clean-up costs; however, Housing Court lacks jurisdiction to hear related felony charges. When felony charges are pending in Common Pleas, and a request for injunctive relief or clean-up is pending in Housing Court, confusion and delay can occur because related matters are concurrent in two different courts. Having all related matters in Housing Court will ensure that the cases are resolved efficiently and consistently.

Similarly, Housing Court has expertise in the code-related issues that the Board of Building Appeals and the Board of Zoning Appeals handle. When parties appeal these boards' decisions, Housing Court will be able to hear and decide the appeals proficiently while applying the applicable law.

There is precedent for Toledo Housing Court's proposal. Franklin County Municipal Court's Environmental Division is a specialized court like Toledo Housing Court. Franklin County Environmental Court has jurisdiction over felony environmental crimes and administrative appeals from its Board of Zoning Appeals and Board of Building Standards.

Housing Court's staff has the understanding and knowledge needed to handle felony environmental crimes and hear housing and zoning Administrative Appeals. In addition to

Housing Court's expertise in these areas, we offer uniformity by having one court handle these cases. These are the reasons that I request the General Assembly expand Toledo Housing Court's jurisdiction.

Toledo Housing Court will typically handle 6,000-7,000 civil cases in a single year, which is about 90% of ALL civil cases filed in the Toledo Municipal Court. The Toledo Housing Court also hears criminal cases, which can be around 800 a year. Currently, Housing Court is not given the authority to determine whether the current housing caseload is overbearing or underwhelming. By changing determination of insufficient caseload, and allowing the Housing Court to appoint its own staff rather than the judges of the whole Court, the Housing Court would be able to better manage its significant caseload. Just as Franklin County is its own entity that determines its own caseload, so should Toledo Housing Court.

Sincerely,

Judge Joseph J. Howe