

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.