



Am. Sub. S.B. 18
125th General Assembly
(As Passed by the General Assembly)

Sen. Coughlin

Effective date: *

ACT SUMMARY

- Changes the composition of certain metropolitan housing authorities by creating a six-member metropolitan housing authority in districts located in charter counties where the most populous city in the district is not the city with the largest ratio of housing units owned or managed by the authority to population and requiring the sixth member in affected districts to be appointed by the chief executive officer of the city with the largest ratio of housing units owned or managed by the metropolitan housing authority to population.
- Ties certain purposes ("in the interest of the public health, safety, convenience, comfort, prosperity, or general welfare") to certain kinds of permissible county and township zoning regulations and, in doing so, limits the application of certain kinds of regulations to nonresidential property.
- Permits counties and townships to adopt landscaping and architectural standards regulating both residential and nonresidential zones, and permits the establishment of those standards only for the purposes of the public convenience, comfort, prosperity, or general welfare.
- Allows students enrolled in a community school sponsored by their resident school district to participate in extracurricular activities offered at the district's schools.

* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared. Additionally, the analysis may not reflect action taken by the Governor.*

CONTENT AND OPERATION

Metropolitan housing authorities

Overview

Under continuing law, the Director of Development determines the need for a metropolitan housing authority within specified territorial limits of a county based on (1) the existence of unsanitary or unsafe inhabited housing accommodations in that area or (2) on the shortage of safe and sanitary housing accommodations in that area available to persons who lack the necessary income without financial assistance to live in decent, safe, and sanitary dwellings without congestion. A certified copy of the Director's letter declaring the need for and the existence of a metropolitan housing authority and the territorial limits of its district must be forwarded to each appointing authority (see 'Continuing appointment procedures,' below). (Sec. 3735.27(A).)

Continuing appointment procedures

Under prior law as well as the act, the population of the metropolitan housing authority's district or the county in which it is located generally determines which appointment procedure applies.¹ Specifically:

- In districts containing populations of *at least 1,000,000*, the authority consists of these five members: (a) two members appointed by the legislative authority of the most populous city in the district, (b) two members appointed by the chief executive officer of the most populous city in the district, and (c) one member appointed by the chief executive officer, with the approval of the legislative authority, of the city in the district that has the second highest number of housing units owned or managed by the authority.² At least one of the members appointed by the chief executive officer of the most populous city in the district must be a resident of a dwelling unit owned or managed by the authority. All members serve three-year terms. (Sec. 3735.27(C).)
- In districts located in a county that has a population of *at least 400,000* and no city with a population greater than 30% of the total

¹ *In all cases, metropolitan housing authority members must be residents of the territory they serve (sec. 3735.27(A)).*

² *Population in this case is tied to the 1990 federal census.*

population of the county, the authority consists of the following five members: (a) one member appointed by the probate court, (b) one member appointed by the court of common pleas, (c) one member appointed by the chief executive officer of the most populous city in the district, and (d) two members appointed by the board of county commissioners.³ After initial staggered terms, all members serve five-year terms. (Sec. 3735.27(D)(1) and (2).)

- In districts *with other relevant population* or not covered by the second appointment procedure immediately above, the authority generally consists of the following five members: (a) one member appointed by the probate court, (b) one member appointed by the court of common pleas, (c) one member appointed by the board of county commissioners, and (d) two members appointed by the chief executive officer of the most populous city in the district.⁴ After initial staggered terms, all members serve five-year terms. (Sec. 3735.27(B).) See new *exception* below under "**Changes made by the act.**"

As a caveat to these appointment procedures, continuing law also requires the appointment of *two additional members* (making a total of seven) in any metropolitan housing authority district that has 300 or more assisted housing units and that does not have at least one resident who lives in an assisted housing unit as a member. Those additional members must be appointed as follows: (a) one member, who must be a housing unit resident, by the chief executive officer of the most populous city in the district and (b) one member, who need not be a housing unit resident, by the board of county commissioners. After initial staggered terms, both members serve five-year terms. (Sec. 3735.27(E)(1) and (2).)

Changes made by the act

Composition and appointing authorities. The act carves an exception to the third appointment procedure summarized above. Under the act, in those districts located in a county in which *a charter has been adopted* under Article X, Section 3 of the Ohio Constitution and in which the most populous city is not the city with the largest ratio of housing units owned or managed by the metropolitan housing authority to population, a sixth member must be appointed by the chief executive officer of the city with the largest ratio of those units to population. The appointing authority of the probate court, the court of common pleas, the board of

³ Population in this case is tied to the 2000 federal census.

⁴ Population in this case is tied to the last preceding federal census.

county commissioners, and the chief executive officer of the most populous city in the district is unchanged by the act. (Sec. 3735.27(B).)

Votes and action. The act provides that a majority affirmative vote of *any* metropolitan housing authority is required to pass any measure; a tie vote will defeat any measure receiving equal numbers of votes for and against it. The act also provides that the members of *any* metropolitan housing authority must act in the best interest of the district and must not act solely as representatives of their respective appointing authorities. (Sec. 3735.27(G).)

County and township zoning regulations

Overview

The law that governs county and township zoning allows boards of county commissioners and boards of township trustees to adopt zoning regulations in accordance with a comprehensive plan. However, a county or township only may adopt a regulation for one or more specific *purposes*--e.g., in the interest of public health. Additionally, the regulation must be one of the *various kinds* permitted by law--e.g., the regulation of building size. (Secs. 303.02 and 519.02.)

Former law

The following table summarizes the provisions of former law concerning (1) the purposes for which a county or township could adopt a regulation and (2) the various kinds of regulations that could be adopted:

Purposes for which zoning regulations could be adopted	Kinds of zoning regulations that could be adopted
<p>In the interest of public:</p> <ul style="list-style-type: none"> • Health • Safety • Convenience • Comfort • Prosperity • General welfare 	<p>(For residential and nonresidential property, unless otherwise noted)</p> <ul style="list-style-type: none"> • A building or other structure's:⁵ <ul style="list-style-type: none"> - Location - Height - Bulk - Number of stories - Size

⁵ Under continuing law, "buildings and other structures" include tents, cabins, and trailer coaches (secs. 303.02 and 519.02).



Purposes for which zoning regulations could be adopted	Kinds of zoning regulations that could be adopted
	<ul style="list-style-type: none"> - Use • Percentage of lot coverage • Set back building lines • Sizes of yards, courts, and other open spaces • Population density • Uses of land for trade, industry, residence, recreation, or other purposes

Changes made by the act

As noted above, former law generally allowed a county or township to adopt *any* permitted kind of zoning regulation as long as it was adopted for one or more of the various listed purposes. The act ties *certain* purposes to *certain* kinds of regulations that may be adopted and, in doing so, limits the application of certain kinds of regulations to *nonresidential* property. The following table summarizes these changes (secs. 303.02 and 519.02):

Purposes for which zoning regulations may be adopted	Kinds of zoning regulations that may be adopted
<p>In the interest of public:</p> <ul style="list-style-type: none"> • Health • Safety 	<p>(For all <i>residential and nonresidential</i> property)</p> <ul style="list-style-type: none"> • A building or other structure's: <ul style="list-style-type: none"> - Location - Height - Bulk - Number of stories - Size - Use • Percentage of lot coverage • Set back building lines • Sizes of yards, courts, and other open spaces

Purposes for which zoning regulations may be adopted	Kinds of zoning regulations that may be adopted
	<ul style="list-style-type: none"> • Population density • Uses of land for trade, industry, residence, recreation, or other purposes
<p>In the interest of public:</p> <ul style="list-style-type: none"> • Convenience • Comfort • Prosperity • General welfare 	<p>(For all <i>residential and nonresidential</i> property)</p> <ul style="list-style-type: none"> • A building or other structure's: <ul style="list-style-type: none"> - Location - Set back lines - Use • Uses of land for trade, industry, residence, recreation, or other purposes
<p>In the interest of public:</p> <ul style="list-style-type: none"> • Convenience • Comfort • Prosperity • General welfare 	<p>(For <i>nonresidential property only</i>)</p> <ul style="list-style-type: none"> • A building or other structure's: <ul style="list-style-type: none"> - Height - Bulk - Number of stories - Size • Percentage of lot coverage • Size of yards, courts, and other open spaces • Population density

Landscaping and architectural standards

Former law permitted a board of county commissioners or a board of township trustees to create an architectural review board to enforce compliance with any zoning standards the county or township adopted regulating landscaping or architectural elements in *residential* zones. Those standards too had to be adopted in accordance with the comprehensive zoning plan for any of the purposes mentioned previously: in the interest of the public health, safety, convenience, comfort, prosperity, or general welfare. Under the act, a county or township may adopt zoning standards regulating landscaping or architectural elements in both



residential and nonresidential zones. Moreover, under the act, a county or township may establish the "reasonable" landscaping and architectural standards (excluding exterior building materials) *only* for the purposes of the public convenience, comfort, prosperity, or general welfare and no longer, as under prior law, for the purposes of the public health and safety. (Secs. 303.02, 303.161, 519.02, and 519.171.)

Participation of students of school district-sponsored community schools in district extracurricular activities

Continuing law

Community schools (often called "charter schools") are public nonsectarian schools that operate independently of any school district under a contract with a public or private sponsor. With some limitations, a community school's sponsor might be a school district, an educational service center, a sponsoring authority designated by a state university board of trustees, or an education-oriented tax exempt entity. Each community school receives state funds deducted from the state aid accounts of the school districts in which the enrolled students are entitled to attend school (their resident school districts).

Changes made by the act

The act requires a school district to afford any of its seventh- to twelfth-grade resident students enrolled in a community school sponsored by that district the opportunity to participate in extracurricular activities offered by the traditional public school operated by the district to which the student otherwise would be assigned.⁶ The act does not apply to a student enrolled in a community school sponsored by an entity other than the student's resident district. For example, it would not apply to students who enroll in a community school sponsored by a school district other than their resident district, or to students who enroll in community schools sponsored by entities other than school districts. (Sec. 3313.537(A).)

To take advantage of the act's provisions, the student must fulfill the same academic, nonacademic, and financial requirements as any other participant in the

⁶ *The act defines "extracurricular activity" as a pupil activity program that a school or school district operates that is not included in the district's graded course of study. It also includes an interscholastic extracurricular activity that a school or district sponsors or participates in and that has participants from more than one school or school district. (Sec. 3313.537(A).)*

extracurricular activity.⁷ And, a school or district may not impose fees for a community school student to participate in extracurricular activities that exceed any fees charged to other students for the same activities. The act does permit a district, however, to require a community school student to first enroll and participate in no more than one academic course at the school offering the extracurricular activity. If a district chooses to implement such a requirement, it must enroll community school students in academic courses at the school offering the extracurricular activity as space allows, after first enrolling students assigned to that school. Finally, the act specifically prohibits any school district, interscholastic conference, or organization that regulates interscholastic conferences or events from imposing eligibility requirements that conflict with the act's provisions. (Sec. 3313.537(C), (D), and (E).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-30-03	p. 94
Reported, S. State & Local Gov't & Veterans Affairs	03-20-03	p. 199
Passed Senate (23-10)	04-01-03	p. 235
Reported, H. Municipal Gov't & Urban Revitalization	12-08-04	pp. 2391-2392
Passed House (80-10)	12-08-04	pp. 2397-2401
Senate concurred in House amendments (18-12)	12-08-04	pp. 2675-2676

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⁷ *Under continuing law, school district boards are required to adopt rules requiring students in grades 7 to 12 to attain a minimum grade point average (established by the board) as a condition for the students' participation in interscholastic extracurricular activities. District boards also must adopt policies either prohibiting students from participating in interscholastic extracurricular activities, or allowing students to participate, if the students receive failing grades in any class or course in the school districts' graded courses during the previous grading period. Finally, district boards also may adopt rules that include additional standards for determining the eligibility of students to participate in interscholastic extracurricular activities and exemptions for students with disabilities. (Sec. 3313.535--not in the act.)*