Fiscal Note & Local Impact Statement

122 nd General Assembly of Ohio

BILL:	**Sub. H.B. 453**	DATE:	**March 23, 1998**
STATUS:	**As Passed by the House**	SPONSOR:	**Rep. Kasputis**

LOCAL IMPACT STATEMENT REQUIRED: **No — Minimal cost**

CONTENTS: **Allows for the separation of a counterclaim from a forcible entry and detainer action when the monetary jurisdiction of the court has been exceeded and a significant delay would otherwise occur**

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

- No direct fiscal effect on local governments.

Detailed Fiscal Analysis

This bill would allow a county or municipal court, excluding the Cleveland Municipal Court, to retain forcible entry and detainer (FE&D) actions even though a counterclaim is filed that exceeds the monetary jurisdiction of the court. This could only occur when the court determines that certification of all of the proceedings would cause a significant delay in determining the right of possession.

These changes should have little fiscal impact upon the court system. The workloads of the courts of common pleas could be lessened by having to decide only the counterclaim, as opposed to hearing both those and the forcible entry and detainer actions. There is no reported number of how many cases that would be affected by this bill. The possibility even exists that fewer counterclaims would be filed. The filing of counterclaims in FE&D actions is sometimes used a legal tactic to delay proceedings. This bill would have a detrimental effect on such strategies. However, the judge in the municipal or county court must still determine that a separation would significantly delay a determination. Municipal and county court judges will have the ability to decide whether or not to hear the FE&D actions having excessive counterclaims. This enables these judges the opportunity to speed up the judicial process when hearing these actions do not pose a burden to the court's docket.

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