

finances assessed, to maintain a separate record of the judgments filed against violators, and to disburse fine moneys to the appropriate municipal corporations.

All counties and certain municipalities

- Extending the number of days required to serve notice for an eviction hearing could result in a minimal decrease in costs to counties and certain municipalities, that help fund courts with the county, by easing the number of eviction cases heard. A subsequent decrease in any fee revenue from such cases could also result.

Detailed Fiscal Analysis

Land use infraction provisions

The bill authorizes municipalities within the jurisdiction of an environmental division of a municipal court to establish non-criminal land use infractions for violations of municipal regulations, codes, or resolutions that regulate:

1. Parking on private property
2. Motor vehicle service or repair businesses in residential districts
3. Signage and other graphics displays
4. The display of house numbers on buildings

Once a municipality chooses to specify such code violations as “land use infractions,” then the municipality must follow the procedures set forth in the bill. The bill sets forth requirements for municipalities to create a land use infraction citation and procedures that must be followed for issuing a land use infraction citation.

Fiscal effects

Because municipalities within the jurisdiction of an environmental court can only adopt the bill’s land use infraction provisions, only municipalities in Franklin County could adopt such land use infraction provisions. However, in the future, municipal courts in other counties could create environmental divisions. In such an event, additional municipalities would be able to adopt the land use infraction provisions in the bill.

Impact on Columbus and the Franklin County Municipal Court

The largest city in Franklin County that could adopt the land use infraction provisions is the City of Columbus. According to Columbus officials, the city only pursues code violations as criminal matters and would likely choose to adopt the land use infraction procedures in the bill. A Columbus code enforcement official said that the city could realize an increase in fine revenue and be able to more effectively utilize the time of its code enforcement officers if it adopted the land use provisions in the bill.

The official stated that the bill’s provisions would be used to enforce relatively minor infractions that do not warrant the significant time investment required in going through the criminal

process. Such minor violations could include not having address numbers on one's house or parking a car in one's front yard.

The official estimated that Columbus officials currently pursue between 1600 and 1800 of these relatively minor violations each year, and that under the bill the number of "minor" violations that Columbus officials pursue each year could increase by about 5 percent. Of all the infraction violations Columbus enforces each year, about 15% end up going to trial. Therefore, under the bill, the Franklin County Municipal Court could have about 14 more cases in the courts each year than under current law. This could increase court costs and fee revenue going to Franklin County and fine revenues going to the city.

Other municipalities in Franklin County

In addition to Columbus, 24 other municipalities in Franklin County would be able to adopt the land use infraction provisions. If any of these smaller municipalities chose to adopt the land use infractions provisions of the bill, the fiscal effects could be similar to those described for Columbus above, except costs and revenues would likely be less. Many communities may not make use of the provisions, because the municipality does not have the personnel to do so or because they do not have enough violations to warrant it. Presumably, a municipality would only choose to adopt the land use infraction provisions if it was beneficial for it to do so.

If more municipalities in Franklin County chose to adopt the land use infraction provisions, the number violation citations issued in the county could increase further. This could more dramatically increase the number of cases that the municipal courts would hear, increasing court costs and fee revenue going to Franklin County and fine revenues going to the respective municipalities.

Service of eviction notice provisions

The bill creates procedures for landlords to serve notices of eviction hearings to tenants, and expands the number of days prior to the hearing by which notices must be served from 5 days to 10 days.

Extending the number of days required to serve notice for an eviction hearing could result in a minimal decrease in costs to county and municipal courts by easing the number of eviction cases heard. A subsequent decrease in any fee revenue from such cases could also result. The extension would provide more time for a landlord and tenant to resolve issues resulting in eviction, reducing the likelihood that a hearing will be necessary. This potential reduction in the number of eviction cases receiving a hearing could result in the fiscal effects described above for counties and municipalities that pay for courts and receive court fee revenue.

Overall, the bill's eviction procedures are very similar to those currently required by law under the Rules of Civil Procedure. Therefore, the procedures should not have a fiscal impact on the local governments beyond those described above from the change in the time required to serve notice.

□ *LBO staff: Alexander C. Heckman, Budget/Policy Analyst*