Fiscal Note & Local Impact Statement

122 nd General Assembly of Ohio

BILL: **Am. S.B. 83** DATE: **May 28, 1997**

STATUS: **As Introduced** SPONSOR: **Sen. B. Johnson**

LOCAL IMPACT STATEMENT REQUIRED: **Yes**

CONTENTS: **Authorizes municipalities to establish non-criminal land use infractions**

State Fiscal Highlights

- No direct fiscal effect on the state.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 1997	FY 1998	FUTURE YEARS
Municipalities			
Revenues	Potential increase or decrease	Potential increase or decrease	Potential increase or decrease
Expenditures	Potential increase or decrease	Potential increase or decrease	Potential increase or decrease
Counties			
Revenues	Potential increase	Potential increase	Potential increase
Expenditures	Potential increase	Potential increase	Potential increase

- Municipalities that do not currently have a civil citation process for code violations could see an increase in revenues. Municipalities that chose to adopt the non-criminal land use infractions set forth in the bill could have increased costs in order to follow the procedures required by the bill. A municipality that chose to expand its code enforcement operations could have increased expenditures. Creating the Land Use Violations Bureau required in the bill could also increase costs.

- Municipalities that already have a civil citation process in place may have to reduce the fine amounts they currently assess in order to comply with the bill, thereby resulting in lost revenue. Such municipalities could also be required to incur significant costs in order to restructure their current operations in order to be in compliance with the bill's provisions.

- County and municipal courts could have an increase in civil cases as a result of the bill, which could increase both costs and revenues to counties and municipalities. The courts could also have increased costs in order to process requests for approval to create land use bureaus, to record judgments filed against violators who are delinquent in paying fines assessed, to maintain a separate record of the judgments filed against violators, and to disburse fine moneys to the appropriate municipal corporations.

Detailed Fiscal Analysis

Provisions of the Bill

The bill authorizes municipalities to establish non-criminal land use infractions for violations of certain municipal codes that regulate activities such as pollution, housing, health, safety and zoning. Once a municipality chooses to specify such codes violations as "land use infractions," then the municipality must follow the procedures set forth in the bill.

The bill states that fines for land use infractions cannot exceed $100 and violators cannot be arrested. The bill sets forth requirements for municipalities to create a land use infraction citation, guidelines that prescribe the due process procedure to be followed, and a process for a municipality or two or more municipalities to create a Land Use Violations Bureau which is to handle the enforcement of land use infractions.

Effects of the Bill

The effects of the bill would vary widely throughout the state. Some municipalities, such as Columbus, only pursue code violations as criminal matters and would likely choose to adopt the procedures in the bill. By doing so, Columbus could see an increase in fine revenue and be able to more effectively utilize the time of its code enforcement officer.

A Columbus code enforcement official stated that the bill would likely be used to enforce relatively minor infractions that do not warrant the significant time investment required to go through the criminal process. Such minor violations could include not having address numbers on your house or parking your car in your front yard.

The official estimated that Columbus officials currently pursue between 1600 and 1800 of these relatively minor violations each year. The official estimated, that under the bill, the number of these "minor" violations that they 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, Columbus could have about 14 more cases in the courts each year than under current law.

Cincinnati, on the other hand, already pursues code violations as civil violations. Cincinnati has established a citation and hearing procedure of its own for enforcing code violations as civil offenses. Therefore, under the bill, Cincinnati could have a significant increase in expenses in order to restructure its operations, so as to be in compliance with the provisions of the bill. In Cincinnati, fines for code violations can be as high as $500. In addition, delinquent penalties can cause a fine to be as high $2,500. Therefore, Cincinnati could lose fine revenue since it would have to reduce fines to no more than $100. Cincinnati officials report that in the last 6 months the city has collected about $30,000 in code violation fines via its non-criminal ticketing process. Cleveland Heights also reported utilizing a non-criminal ticketing process for code violations, with fines up to $300 per day for a violation.

Smaller municipalities could also be affected differently by the bill. Some communities may not make use of the bill's provisions, either because they do not have enough violations to warrant utilizing the bill or because the cost of creating a Land Use Bureau is too high.

Other smaller municipalities may decide to make use of the bill's provisions. If so, those communities could realize benefits similar to those described above for Columbus. However, many smaller municipalities currently have only part-time code enforcement officers and are not able to vigorously enforce code ordinances. If they chose to create a Land Use Violations Bureau or, especially, a joint Land Use Violations Bureau, then such municipalities might be able to increase the number of violations they currently pursue more dramatically than the 5% increase estimated by Columbus officials for Columbus enforcement efforts. This, in turn, could more dramatically increase the number of cases that county and municipal courts would hear.

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