

As Introduced

**131st General Assembly
Regular Session
2015-2016**

H. B. No. 578

Representative Barnes

A BILL

To amend sections 1901.011, 1901.051, 1901.32, and 1901.331 of the Revised Code to abolish the housing division of the Cleveland Municipal Court, transfer housing proceedings to the civil division of the Cleveland Municipal Court, and to name this act the "Housing Court Efficiency and Expansion Act." 1
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1901.011, 1901.051, 1901.32, and 1901.331 of the Revised Code be amended to read as follows: 8
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Sec. 1901.011. There is hereby created a housing division in the Cleveland municipal court and in the Toledo municipal court, and an environmental division in the Franklin county municipal court. 10
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Sec. 1901.051. (A) ~~The housing division of the Cleveland municipal court shall consist of one full-time judge. The judge of the housing division shall be elected specifically as the housing division judge and shall be the judge of the Cleveland municipal court whose term began January 2, 1978, and his successors.~~ 14
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~~(B)~~—The housing division of the Toledo municipal court 20
shall consist of one full-time judge. The judge of the housing 21
division shall be elected specifically as the housing division 22
judge and shall be the judge of the Toledo municipal court whose 23
term begins January 1, 1988, and ~~his~~ that judge's successors. 24

~~(C)~~—(B) The environmental division of the Franklin county 25
municipal court shall consist of one full-time judge. The judge 26
of the environmental division shall be elected specifically as 27
the environmental division judge and shall be the judge of the 28
Franklin county municipal court whose term begins January 8, 29
1992, and ~~his~~ that judge's successors. 30

Sec. 1901.32. (A) The bailiffs and deputy bailiffs of a 31
municipal court shall be provided for, and their duties are, as 32
follows: 33

(1) Except for the Hamilton county municipal court, the 34
court shall appoint a bailiff who shall receive the annual 35
compensation that the court prescribes payable in either 36
biweekly installments or semimonthly installments, as determined 37
by the payroll administrator, from the same sources and in the 38
same manner as provided in section 1901.11 of the Revised Code. 39
The court may provide that the chief of police of the municipal 40
corporation or a member of the police force be appointed by the 41
court to be the bailiff of the court. Before entering upon the 42
duties of office, the bailiff shall take an oath to faithfully 43
perform the duties of the office and shall give a bond of not 44
less than three thousand dollars, as the legislative authority 45
prescribes, conditioned for the faithful performance of the 46
duties of chief bailiff. 47

(2) Except for the Hamilton county municipal court, deputy 48
bailiffs may be appointed by the court. Deputy bailiffs shall 49

receive the compensation payable in semimonthly installments out 50
of the city treasury that the court prescribes, except that the 51
compensation of deputy bailiffs in a county-operated municipal 52
court shall be paid out of the treasury of the county in which 53
the court is located. Each deputy bailiff shall give a bond in 54
an amount not less than one thousand dollars, and, when so 55
qualified, may perform the duties pertaining to the office of 56
chief bailiff of the court. 57

(3) The bailiff and all deputy bailiffs of the Hamilton 58
county municipal court shall be appointed by the clerk and shall 59
receive the compensation payable in semimonthly installments out 60
of the treasury of Hamilton county that the clerk prescribes. 61
Each judge of the Hamilton county municipal court may appoint a 62
courtroom bailiff, each of whom shall receive the compensation 63
payable in semimonthly installments out of the treasury of 64
Hamilton county that the court prescribes. 65

(4) The legislative authority may purchase motor vehicles 66
for the use of the bailiffs and deputy bailiffs as the court 67
determines they need to perform the duties of their office. All 68
expenses, maintenance, and upkeep of the vehicles shall be paid 69
by the legislative authority upon approval by the court. Any 70
allowances, costs, and expenses for the operation of private 71
motor vehicles by bailiffs and deputy bailiffs for official 72
duties, including the cost of oil, gasoline, and maintenance, 73
shall be prescribed by the court and, subject to the approval of 74
the legislative authority, shall be paid from the city treasury, 75
except that the allowances, costs, and expenses for the bailiffs 76
and deputy bailiffs of a county-operated municipal court shall 77
be paid from the treasury of the county in which the court is 78
located. 79

(5) Every police officer of any municipal corporation and police constable of a township within the territory of the court is ex officio a deputy bailiff of the court in and for the municipal corporation or township in which commissioned as a police officer or police constable, and shall perform any duties in respect to cases within the officer's or constable's jurisdiction that are required by a judge of the court, or by the clerk or a bailiff or deputy bailiff of the court, without additional compensation.

(6) In Putnam county, in addition to the persons who are ex officio deputy bailiffs under division (A) (5) of this section, every deputy sheriff of Putnam county is ex officio a deputy bailiff of the Putnam county municipal court and shall perform without additional compensation any duties in respect to cases within the deputy sheriff's jurisdiction that are required by a judge of the court, by the clerk of the court, or by a bailiff or deputy bailiff of the court.

(7) The bailiff and deputy bailiffs shall perform for the court services similar to those performed by the sheriff for the court of common pleas and shall perform any other duties that are requested by rule of court.

The bailiff or deputy bailiff may administer oaths to witnesses and jurors and receive verdicts in the same manner and form and to the same extent as the clerk or deputy clerks of the court. The bailiff may approve all undertakings and bonds given in actions of replevin and all redelivery bonds in attachments.

(B) In the Cleveland municipal court, the chief clerks and all deputy clerks are in the classified civil service of the city of Cleveland. The clerk, the chief deputy clerks, the probation officers, one private secretary, one personal

stenographer to the clerk, and one personal bailiff to each 110
judge are in the unclassified civil service of the city of 111
Cleveland. Upon demand of the clerk, the civil service 112
commission of the city of Cleveland shall certify a list of 113
those eligible for the position of deputy clerk. From the list, 114
the clerk shall designate chief clerks and the number of deputy 115
clerks that the legislative authority determines are necessary. 116

Except as otherwise provided in this division, the 117
bailiff, chief deputy bailiffs, and all deputy bailiffs of the 118
Cleveland municipal court appointed after January 1, 1968, and 119
the chief housing specialist, housing specialists, and housing 120
~~division referees of the housing division~~ of the Cleveland 121
municipal court appointed under section 1901.331 of the Revised 122
Code are in the unclassified civil service of the city of 123
Cleveland. ~~All deputy bailiffs of the housing division of the~~ 124
~~Cleveland municipal court appointed pursuant to that section are~~ 125
~~in the classified civil service of the city of Cleveland. Upon~~ 126
~~the demand of the judge of the housing division of the Cleveland~~ 127
~~municipal court, the civil service commission of the city of~~ 128
~~Cleveland shall certify a list of those eligible for the~~ 129
~~position of deputy bailiff of the housing division. From the~~ 130
~~list, the judge of the housing division shall designate the~~ 131
~~number of deputy bailiffs that the judge determines are~~ 132
~~necessary.~~ 133

The chief deputy clerks, the chief clerks, and all other 134
deputy clerks of the Cleveland municipal court shall receive the 135
compensation that the clerk prescribes. ~~Except as provided in~~ 136
~~division (A) (4) (a) of section 1901.331 of the Revised Code with~~ 137
~~respect to officers and employees of the housing division of the~~ 138
~~Cleveland municipal court, the~~ The bailiff, all deputy bailiffs, 139
and assignment room personnel of the Cleveland municipal court 140

shall receive the compensation that the court prescribes. 141

Any appointee under sections 1901.01 to 1901.37 of the 142
Revised Code may be dismissed or discharged by the same power 143
that appointed the appointee. In the case of the removal of any 144
civil service appointee under those sections, an appeal may be 145
taken from the decision of the civil service commission to the 146
court of common pleas of Cuyahoga county to determine the 147
sufficiency of the cause of removal. The appeal shall be taken 148
within ten days of the finding of the commission. 149

In the Cleveland municipal court, the presiding judge may 150
appoint on a full-time, per diem, or contractual basis any 151
official court reporters for the civil branch of the court that 152
the business of the court requires. The compensation of official 153
court reporters shall be determined by the presiding judge of 154
the court. The compensation shall be payable from the city 155
treasury and from the treasury of Cuyahoga county in the same 156
proportion as designated in section 1901.11 of the Revised Code 157
for the payment of compensation of municipal judges. In every 158
trial in which the services of a court reporter so appointed are 159
requested by the judge, any party, or the attorney for any 160
party, there shall be taxed for each day's services of the court 161
reporter a fee in the same amount as may be taxed for similar 162
services in the court of common pleas under section 2301.21 of 163
the Revised Code, to be collected as other costs in the case. 164
The fees so collected shall be paid quarterly by the clerk into 165
the city treasury and the treasury of Cuyahoga county in the 166
same proportion as the compensation for the court reporters is 167
paid from the city and county treasuries and shall be credited 168
to the general funds of the city and county treasuries. 169

(C) In the Hamilton county municipal court, all employees, 170

including the bailiff, deputy bailiff, and courtroom bailiffs, 171
are in the unclassified civil service. 172

Sec. 1901.331. (A) (1) Except as provided in divisions (A) 173
(2) ~~and~~, (3), and (4) of this section, in those municipal 174
courts in which a housing or environmental division is 175
established pursuant to section 1901.011 of the Revised Code, 176
the judge of the division shall appoint a chief housing or 177
environmental specialist, may appoint one or more housing or 178
environmental specialists and housing or environmental division 179
referees, and may appoint for the division any employee or 180
officer whom the judges of a municipal court can appoint 181
pursuant to section 1901.32 or division (A) of section 1901.33 182
of the Revised Code. 183

(2) For the housing division of the Toledo municipal 184
court, the judges of the court shall appoint a chief housing 185
specialist, may appoint one or more housing specialists and 186
housing division referees, and may appoint any employee or 187
officer whom the judges can appoint pursuant to section 1901.32 188
or division (A) of section 1901.33 of the Revised Code. 189

(3) For the environmental division of the Franklin county 190
municipal court, the judges of the court shall appoint a chief 191
environmental specialist, may appoint one or more environmental 192
specialists and environmental division referees, and may appoint 193
any employee or officer whom the judges can appoint pursuant to 194
section 1901.32 or division (A) of section 1901.33 of the 195
Revised Code. In lieu of, or in addition to, appointing 196
environmental specialists, environmental division referees, and 197
other environmental division employees or officers to perform 198
duties only for that division, the judges of the court may 199
appoint environmental specialists, referees, and other employees 200

and officers to perform duties for the environmental division 201
and the other divisions of the court, and the administrative 202
judge of the court may assign other referees, employees, and 203
officers of the court to perform functions for the environmental 204
division. 205

(4) For the civil division of the Cleveland municipal 206
court, the judges of the court shall appoint a chief housing 207
specialist, may appoint one or more housing specialists and 208
housing referees, and may appoint any employee or officer whom 209
the judges can appoint pursuant to section 1901.32 or division 210
(A) of section 1901.33 of the Revised Code, as necessary to 211
perform functions relating to housing proceedings. 212

(5)(a) Except as otherwise provided in this division, the 213
chief housing or environmental specialist, housing or 214
environmental specialists, housing or environmental division 215
referees, and other employees and officers of the housing or 216
environmental division of a municipal court shall receive the 217
compensation that the legislative authority prescribes, and 218
shall be under the control of the judge of the division. 219

(b) The chief environmental specialist, environmental 220
specialists, environmental division referees, and other 221
employees and officers of the environmental division of the 222
Franklin county municipal court, during the time when they are 223
performing duties for that division, and any other referees, 224
employees, and officers of the court, during the time when they 225
are performing duties for the environmental division pursuant to 226
an assignment by the administrative judge of the court, shall be 227
under the control of the judge of the environmental division. 228

(B)(1) The chief housing or environmental specialist and 229
housing or environmental specialists of the housing or 230

environmental division of a municipal court, or the civil 231
division of the Cleveland municipal court, shall be 232
knowledgeable in the maintenance, repair, and rehabilitation of 233
dwelling units and with respect to federal, state, and municipal 234
laws and ordinances that pertain to the maintenance, repair, and 235
rehabilitation of dwelling units. Subject to division (B) (2) of 236
this section, they shall provide expert assistance to the 237
division and the parties before the division in the areas of 238
their qualifications, perform mediation and field investigation 239
services, and perform any other duties that the ~~judge~~ judges of 240
the division ~~prescribes~~ prescribe. 241

(2) The chief environmental specialist and, during the 242
time when they are performing duties for the environmental 243
division of the Franklin county municipal court, environmental 244
specialists shall provide expert assistance to the division and 245
the parties before the division in the areas of their 246
qualifications, perform mediation and field investigation 247
services, and perform any other duties that the judge of the 248
division prescribes. 249

Section 2. That existing sections 1901.011, 1901.051, 250
1901.32, and 1901.331 of the Revised Code are hereby repealed. 251

Section 3. Sections 1 and 2 of this act shall take effect 252
on January 1, 2017. This act shall be known as the "Housing 253
Court Efficiency and Expansion Act." 254

Section 4. (A) Effective January 1, 2017, the Housing 255
Division of the Cleveland Municipal Court is abolished. 256

(B) Effective January 1, 2017, the full-time judgeship in 257
the Housing Division of the Cleveland Municipal Court is 258
abolished. 259

(C) The chief housing specialist, housing specialists, 260
housing division referees, and other employees and officers of 261
the Housing Division shall be transferred to the Civil Division 262
of the Cleveland Municipal Court on January 1, 2017. The judges 263
of the court may appoint additional staff to perform functions 264
relating to housing proceedings, pursuant to section 1901.32, 265
division (A) of section 1901.33, or division (A) (4) of section 266
1901.331 of the Revised Code. 267

(D) All causes, judgments, executions, and other 268
proceedings pending in the Housing Division of the Cleveland 269
Municipal Court at the close of business on December 31, 2016, 270
shall be transferred to the regular docket of the Civil Division 271
of the Cleveland Municipal Court and reassigned to the judges of 272
the court as if originally instituted in the Civil Division of 273
the Cleveland Municipal Court. Parties to those causes, 274
judgments, executions, and proceedings may make any amendments 275
to their pleadings that are required to conform them to the 276
rules of the Civil Division of the Cleveland Municipal Court. 277
The chief housing specialist of the Housing Division or other 278
appropriate custodian shall transfer to the Civil Division of 279
the Cleveland Municipal Court all pleadings, orders, entries, 280
dockets, bonds, papers, records, books, exhibits, files, moneys, 281
property, and persons that belong to, are in the possession of, 282
or are subject to the jurisdiction of the Housing Division of 283
the Cleveland Municipal Court, or any officer of that court, 284
that pertain to those causes, judgments, executions, and 285
proceedings at the close of business on December 31, 2016. 286