## Fiscal Note & Local Impact Statement

127 th General Assembly of Ohio

Ohio Legislative Service Commission
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BILL: H.B. 421 DATE: April 29, 2008

STATUS: As Introduced SPONSOR: Rep. Miller

LOCAL IMPACT STATEMENT REQUIRED: No — Minimal cost

**CONTENTS:** Permits school authorities to take action against nuisance properties

## State Fiscal Highlights

• No direct fiscal effect on the state.

## Local Fiscal Highlights

LOCAL GOVE	RNMENT FY 2008	FY 2009	FUTURE YEARS
Courts of Common Pleas			
Revenues	Potential, minimal at most,	Potential, minimal at most,	Potential, minimal at most,
	gain in court costs	gain in court costs	gain in court costs
	and filing fees	and filing fees	and filing fees
Expenditures	Potential increase, not likely	Potential increase, not likely	Potential increase, not likely
	to exceed minimal, offset to	to exceed minimal, offset to	to exceed minimal, offset to
	some degree by revenue gain	some degree by revenue gain	some degree by revenue gain

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- The bill permits a school governing authority to take action against nuisance properties neighboring the school. Upon taking action against a nuisance property, a governing authority is responsible for all court costs and legal fees, which would vary considerably by district. These expenses may be recovered if the action concludes with a judgment in favor of the school.
- Based on LSC fiscal staff's research into the bill's effect on courts of common pleas, the prevailing
  viewpoint was that, if additional nuisance abatement actions are filed, it will be few in number and the costs
  generated to adjudicate these matters would be minimal at most annually. Presumably, a portion of any
  associated costs would be offset to some degree by any court cost and filing fees collected from parties to
  the action.

## Detailed Fiscal Analysis

The bill permits the governing authority of a school to take legal action against properties contiguous to or within one thousand feet of the school if the property is abandoned and constitutes a nuisance detrimental to the school's mission. Governing authorities in this instance include the board of education of a school district, the governing board of a science, technology, engineering, and mathematics school, the governing authority of a community school, or the authority in charge of a nonpublic school.

Before taking action, the school governing authority must conduct research to identify the owner of the nuisance property and, in order to file a complaint, the governing authority must show that the building is a nuisance to the school. Schools conducting preliminary research could incur minimal administrative cost. The governing authority would also be responsible for all court costs and legal fees during the course of the court hearing. These costs and fees could vary considerably among different cases and districts. Schools have a choice in whether to take legal action against nuisance properties; therefore all potential costs are permissive. If the court's judgment is found against the nuisance property, the owner is liable to the governing authority for all court costs, attorney's fees, and expenses incurred in repair or demolition of the property.

In researching the bill's potential fiscal effects on courts of common pleas, LSC fiscal staff spoke with members of the County Commissioners' Association of Ohio, the Judicial Conference of Ohio, and members of local boards of education. The prevailing viewpoint was that, if, as a result of the bill, additional nuisance abatement actions are filed, it will be few in number and the costs generated to adjudicate these matters would be minimal annually. Presumably, a portion of any associated costs would be offset to some degree by any court cost and filing fees collected from parties to the action.

The reason most often cited for speculating that the bill likely will not create many, if any, new nuisance abatement cases focused on the fact that current law, not changed by the bill, prescribes a procedure for filing an action in court to take control of a nuisance building. Theoretically, then, local boards of education and other school-related governing authorities can presently file civil actions against the owners of nuisance properties; the bill provides an alternative procedure for taking the same action.

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