

SUPREME COURT OF OHIO

Yajnik v. Akron Department of Health, Housing Division

101 Ohio St. 3d 106 (Ohio 2004) · Decided February 11, 2004

SUMMARY

The Ohio Supreme Court considered whether Akron Codified Ordinances 150.40(A)(2), requiring semiannual inspections of all rental properties owned by a landlord convicted of a housing-code violation, violated substantive due process under the Ohio Constitution as applied to the landlords. The court held that the landlords failed to prove unconstitutionality beyond a reasonable doubt because the record did not identify the underlying violation, reversed the appellate judgment, and remanded for consideration of the remaining constitutional challenges.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Moyer, C.J.; Resnick, J.; Pfeifer, J.; Lundberg Stratton, J.; O'Connor, J.; O'Donnell, J.; F.E. Sweeney, J.
JURISDICTION	Ohio
DECIDED	February 11, 2004
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Discretionary appeal by the City of Akron from a split decision of the Ninth District Court of Appeals affirming a Summit County Court of Common Pleas judgment that application of Akron Codified Ordinances 150.40(A)(2) violated the Yajniks' substantive due process rights under the Ohio Constitution.
STANDARD OF REVIEW	Constitutionality of a legislative enactment is reviewed under a strong presumption of constitutionality, and the challenger bears the burden of proving unconstitutionality beyond a reasonable doubt. A municipal enactment satisfies due process if it bears a real and substantial relation to public health, safety, morals, or general welfare and is not unreasonable or arbitrary.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Ohio; precedential.
PARTIES	City of Akron v. Ashvin Yajnik, Shobhana Yajnik

TOPICS

substantive due process

due process

ordinances

municipal law

constitutional law

PRACTICE AREAS

constitutional law

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QUESTIONS PRESENTED

1. Whether Akron Codified Ordinances 150.40(A)(2), as applied to the Yajniks, violated the Due Process Clause of Section 16, Article I of the Ohio Constitution.
2. Whether the Yajniks met their burden to prove beyond a reasonable doubt that mandatory semiannual inspections of all their rental properties were unreasonable or arbitrary when the record did not disclose the nature of the underlying housing-code violation.

HOLDINGS

1. The Yajniks failed to satisfy their burden to prove beyond a reasonable doubt that application of the ordinance violated the Due Process Clause of the Ohio Constitution because the record did not identify the violation that triggered the inspections.
2. The court could not determine whether the mandatory inspections were constitutional without evidence identifying the underlying housing-code violation.

KEY QUOTATIONS

“We hold that the Yajniks have not satisfied their burden to prove that the law is unconstitutional beyond a reasonable doubt.” (106)

“Furthermore, a municipality has wide discretion in exercising its power to legislate for the general welfare of its citizens; hence, an enactment comports with due process “ ‘if it bears a real and substantial relation to the public health, safety, morals or general welfare of the public and if it is not unreasonable or arbitrary.’ ”” (110)

“Absent evidence of the underlying violation, therefore, this court lacks the necessary information to determine whether A.C.O. 150.40(A)(2) is constitutional under the Due Process Clause of the Ohio Constitution in the instant case.” (111)

FACTUAL BACKGROUND

The Yajniks owned rental units at approximately 50 different addresses in Akron. Following a 1997 conviction for violating a misdemeanor provision of Akron's Environmental Health Housing Code, the Akron Department of Health ordered semiannual inspections of all their rental properties for up to four years under Akron Codified Ordinances 150.40. The record did not identify the nature of the underlying violation, and the Yajniks estimated that the inspections would cost approximately \$42,000.

PROCEDURAL HISTORY

After the Akron Department of Health ordered semiannual inspections of the Yajniks' rental properties, the Housing Appeals Board denied their appeal. The Summit County Court of Common Pleas reversed, concluding that application of the ordinance violated substantive due process. The Ninth District Court of Appeals affirmed in a split decision. The Supreme Court of Ohio allowed the City's discretionary appeal, reversed the court of appeals, and remanded for consideration of the Yajniks' remaining constitutional challenges.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the Ninth District Court of Appeals to address the Yajniks' remaining constitutional challenges.

CASES CITED

- Belden v. Union Cent. Life Ins. Co., 143 Ohio St. 329, 55 N.E.2d 629 (1944)
- Ada v. Guam Soc. of Obstetricians & Gynecologists, 506 U.S. 1011, 113 S.Ct. 633, 121 L.Ed.2d 564 (1992) (Scalia, J., dissenting)
- State ex rel. Dickman v. Defenbacher, 164 Ohio St. 142, 128 N.E.2d 59 (1955)
- Desenco, Inc. v. Akron, 84 Ohio St. 3d 535, 706 N.E.2d 323 (1999)
- Benjamin v. Columbus, 167 Ohio St. 103, 146 N.E.2d 854 (1957)

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