

SUPREME COURT OF OHIO

City of Lima v. State; City of Akron v. State

122 Ohio St. 3d 155, 2009-Ohio-2597 (Ohio 2009) · No. 2008-0128; 2008-0418 · Decided June 10, 2009

SUMMARY

The Ohio Supreme Court consolidated appeals involving municipal residency requirements for employees of Lima and Akron. The court held that R.C. 9.481, which generally prohibits political subdivisions from requiring employees to reside in a specific area, was enacted under Section 34, Article II of the Ohio Constitution and therefore overrides conflicting municipal charter provisions and ordinances. The court reversed the judgments of the courts of appeals.

CASE DETAILS

COURT	Supreme Court of Ohio
WRITING FOR THE COURT	Pfeifer, J.; Moyer, C.J.; Lundberg Stratton, J.; O'Connor, J.; O'Donnell, J.; Lanzinger, J.; Cupp, J.
JURISDICTION	Ohio
DECIDED	June 10, 2009
DOCKET	2008-0128; 2008-0418
DISPOSITION	reversed
PROCEDURAL POSTURE	Discretionary appeals from judgments of the Courts of Appeals for Allen County and Summit County reversing trial-court summary judgments in declaratory-judgment actions concerning the constitutionality and preemptive effect of R.C. 9.481.
STANDARD OF REVIEW	De novo review of constitutional and statutory interpretation issues and summary-judgment judgments.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Ohio; binding statewide precedent.
PARTIES	State of Ohio, City of Akron, Mayor Donald L. Plusquellic, Fraternal Order of Police, Akron Lodge No. 7, Akron Firefighters Association, IAFF Local 330, Paul Hlynsky, Phil Gauer v. City of Lima, City of Akron

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QUESTIONS PRESENTED

1. Whether R.C. 9.481 was enacted pursuant to the General Assembly’s authority under Section 34, Article II of the Ohio Constitution.
2. Whether R.C. 9.481 overrides conflicting municipal residency requirements enacted under the Home Rule Amendment, Section 3, Article XVIII of the Ohio Constitution.
3. Whether R.C. 9.481 is constitutional as applied to municipal employee residency requirements.

HOLDINGS

1. R.C. 9.481 was enacted pursuant to the General Assembly’s authority to provide for the comfort and general welfare of employees under Section 34, Article II.
2. R.C. 9.481 prevails over conflicting municipal charter provisions and ordinances because Section 34, Article II provides that no other constitutional provision may impair or limit legislation enacted under that section.

KEY QUOTATIONS

“We hold that R.C. 9.481 was enacted pursuant to the authority granted by Section 34 and that the local laws before us in this case therefore cannot stand.” (at 155; ¶ 1)

“R.C. 9.481 provides for the comfort and general welfare of public employees by ensuring that they will be able to choose the municipality in which they reside.” (at 159; ¶ 14)

“We conclude that R.C. 9.481 is constitutional and, therefore, that municipalities may not require their employees to reside in a particular municipality, other than as provided in R.C. 9.481(B)(2)(b).” (at 160; ¶ 17)

FACTUAL BACKGROUND

Lima City Charter Section 72 authorized the city council to establish residency requirements, and Lima Ordinance 201-00 required mayor-appointed employees to live within the city limits. Akron Charter Sections 105a and 106(5b) similarly required classified and unclassified civil servants to reside within Akron during their employment. After the General Assembly enacted R.C. 9.481, prohibiting political subdivisions from conditioning employment on residence in a specific area, Lima and Akron challenged the statute as exceeding the legislature’s authority under Section 34, Article II of the Ohio Constitution and as violating municipal home-rule powers.

PROCEDURAL HISTORY

Lima challenged R.C. 9.481 after the statute prohibited its residency requirement for employees. The Lima trial court granted summary judgment to the State, but the court of appeals reversed. In the Akron litigation, the trial court consolidated the city's challenge with an action by police and firefighter unions and granted summary judgment to the State and unions; the court of appeals reversed. The Supreme Court of Ohio accepted discretionary appeals and reversed both appellate judgments.

DISPOSITION

reversed

CASES CITED

- Am. Assn. of Univ. Professors, Cent. State Univ. Chapter v. Cent. State Univ., 87 Ohio St. 3d 55, 717 N.E.2d 286 (1999)
- Rocky River v. State Emp. Relations Bd., 43 Ohio St. 3d 1, 539 N.E.2d 103 (1989)
- Cent. Ohio Transit Auth. v. Transport Workers Union of Am., Local 208, 37 Ohio St. 3d 56, 524 N.E.2d 151 (1988)
- State ex rel. Bd. of Trustees of Police & Firemen's Pension Fund v. Bd. of Trustees of Police Relief & Pension Fund of Martins Ferry, 12 Ohio St. 2d 105, 41 O.O.2d 410, 233 N.E.2d 135 (1967)
- Dayton v. State, 176 Ohio App. 3d 469, 2008-Ohio-2589, 892 N.E.2d 506
- Lima v. State, 177 Ohio App. 3d 744, 2007-Ohio-6419, 896 N.E.2d 149
- State v. Akron, Summit App. No. 23660, 2008-Ohio-38
- Ohioans for Concealed Carry, Inc. v. Clyde, 120 Ohio St. 3d 96, 2008-Ohio-4605, 896 N.E.2d 967
- Mendenhall v. Akron, 117 Ohio St. 3d 33, 2008-Ohio-270, 881 N.E.2d 255
- Canton v. State, 95 Ohio St. 3d 149, 2002-Ohio-2005, 766 N.E.2d 963
- Am. Financial Servs. Assn. v. Cleveland, 112 Ohio St. 3d 170, 2006-Ohio-6043, 858 N.E.2d 776
- Cleveland Elec. Illuminating Co. v. Painesville, 15 Ohio St. 2d 125, 44 O.O.2d 121, 239 N.E.2d 75 (1968)
- Beachwood v. Cuyahoga Cty. Bd. of Elections, 167 Ohio St. 369, 5 O.O.2d 6, 148 N.E.2d 921 (1958)
- Cleveland v. Shaker Hts., 30 Ohio St. 3d 49, 30 OBR 156, 507 N.E.2d 323 (1987)
- Ohio Assn. of Pub. School Emp., Chapter No. 471 v. Twinsburg, 36 Ohio St. 3d 180, 522 N.E.2d 532 (1988)
- McCarthy v. Philadelphia Civ. Serv. Comm'n, 424 U.S. 645, 96 S. Ct. 1154, 47 L. Ed. 2d 366 (1976)
- Buckley v. Cincinnati, 63 Ohio St. 2d 42, 17 O.O.3d 26, 406 N.E.2d 1106 (1980)
- State ex rel. Frankenstein v. Hillenbrand, 100 Ohio St. 339, 126 N.E. 309 (1919)
- State ex rel. Hackley v. Edmonds, 150 Ohio St. 203, 37 O.O. 474, 80 N.E.2d 769 (1948)
- State ex rel. Canada v. Phillips, 168 Ohio St. 191, 5 O.O.2d 481, 151 N.E.2d 722 (1958)
- Wilson v. Stark Cty. Dept. of Human Servs., 70 Ohio St. 3d 450, 639 N.E.2d 105 (1994)