



CITY OF CLEVELAND
Mayor Frank G. Jackson

From: **Office of the Mayor**

Daniel Williams, Director of Media Relations
Office of the Mayor
(216) 664-4011

Daniel Ball, Assistant Director of Media Relations
Office of the Mayor
(216) 664-3691

FOR IMMEDIATE RELEASE:
August 23, 2016

City of Cleveland Files Challenge to State Law in Cuyahoga County Court of Common Pleas

CLEVELAND – Cleveland Mayor Frank G. Jackson announced today that the City of Cleveland Law Department has filed a challenge to the recently enacted Ohio Revised Code Section 9.49 that prohibits Ohio cities from imposing hiring requirements on contractors for public improvement construction projects. The city argues that the law enacted by the State impedes the city’s right to home rule and inhibits Cleveland residents from benefiting through public improvement contracts.

Ohio Revised Code (ORC) Section 9.49 is the result of House Bill (HB) 180, which was signed by Governor John R. Kasich on May 31, 2016 and is set to become effective on August 31, 2016. ORC 9.49 restricts Ohio cities from imposing requirements on contractors to employ a certain percentage of individuals from the geographic area of the public authority for the construction of public improvement projects. This legislation voids the City of Cleveland’s Fannie Lewis Law and abolishes a pathway out of poverty for many low-income Cleveland residents.

“For 12 years the City of Cleveland has used the Cleveland Resident Employment Law (Fannie Lewis Law) as an effective tool to both stimulate the local economy and connect Clevelanders to employment,” said Mayor Jackson. “There are billions of dollars of development happening in our city; yet special interests in Columbus are attempting to prohibit our residents from seeing a financial impact from that development.”

“We support the city’s action against the state, seeking to declare ORC 9.49 unconstitutional,” said Councilwoman Phyllis Cleveland. “The Fannie M. Lewis Law, first enacted in 2004, has been successful in creating pathways for Clevelanders into the construction industry.”

The City of Cleveland’s Fannie M. Lewis Law requires that every public improvement construction contract entered into by the City of Cleveland have one or more residents perform 20% of the total construction worker hours and requires that a contractor and any subcontractors use significant effort to ensure that no less than 4% of total construction hours be performed by low-income persons.

-more-

The benefits of the law to Cleveland residents are clear. Since 2013, there have been 4,347,581 total construction hours of public improvement projects and of those construction hours, 897,870 were performed by Cleveland residents. This means that Cleveland residents worked a total of 21% of all construction projects financed by the city since 2013. In turn, the requirements have created over \$34 million in resident wages.

“The Cleveland Building and Construction Trades Council and its affiliates stand with the City of Cleveland to challenge and defeat HB 180,” said Cleveland Building and Construction Trades Executive Secretary/Business Manager, David J. Wondolowski. “Since its passage the Fannie Lewis Residency Employment Law has helped to increase opportunities for city residents to not only become employed but also to learn a trade and build a career.”

“The Construction Employers Association supports the City of Cleveland's Fannie M. Lewis Resident Employment Law, which helps the construction industry recruit a diverse, Cleveland-based workforce for local projects,” said Construction Employers Association CEO, Tim Linville. “The law was first enacted in consultation with the construction industry, and the industry has been involved in its evolution ever since. Private business groups and institutions have recognized the importance of the Fannie M. Lewis Law as well. In recent years, a public-private diversity effort including the City of Cleveland, the Greater Cleveland Partnership, Cleveland schools and several community-based organizations, has incorporated the Fannie Lewis Law as one of its central components.”

“Hard Hatted Women (HHW) Ohio supports the Fannie M. Lewis Resident Construction Employment Law,” said Chairwoman of the Cleveland Residential Advisory Committee and President of the Board of HHW Ohio, Terri Burgess Sandu. “In keeping with the dedication that Councilwoman Lewis brought to her many years of service, this law has improved the lives of city residents, and fostered unprecedented collaboration among elected officials, civic, employer and labor leaders and community-based organizations. This collaboration places the City of Cleveland in a place of leadership nationally through its use of the law as a springboard for innovative action.”

The City of Cleveland is seeking a declaratory judgment, temporary restraining order, and injunction in the Cuyahoga County Court of Common Pleas.

Please find the lawsuit and request for a temporary restraining order by clicking the link below:

<https://www.dropbox.com/sh/dwvbmsdeqduigmi/AAAPFAF5dfjezKTTVz7OctYVa?dl=0>

###