

**SEPTEMBER 18, 2019 REPORT #13**

***OHIO SUPREME COURT RULES IN FAVOR OF PROPERTY OWNER; A VICTORY FOR OHBA***

After months of anticipation, awaiting the Ohio Supreme Court’s opinion in *Gloria Wesolowski v. City of Broadview Heights Planning Commission*, yesterday the Court announced it affirmed the court of appeals, ruling in favor of Gloria, 5-2. As you are likely aware, this is the case in which OHBA filed an amicus brief and ended up presenting oral arguments in support of Gloria Wesolowski. This is not only a victory for OHBA in its first appearance before the Ohio Supreme Court, but a win for all property owners. In a two part find the Court held 1) R.C. 711.09(C), including 30-day time limit for considering subdivision applications, applies to city planning commissions; and 2) a home rule municipality’s adoption of subdivision regulations constitutes an exercise of its police powers and the Ohio Revised Code 711.09(C) prevails over city’s subdivision regulations.

A link to the full opinion can be found at the following link. <https://supremecourt.ohio.gov/rod/docs/pdf/0/2019/2019-ohio-3713.pdf>

***RESTORING GENERAL LIABILITY COVERAGE FOR DAMAGE RESULTING FROM FAULTY WORK OF A SUBCONTRACTOR***

OHBA Staff attended a continuing legal education seminar including discussion from attorneys with key advice for restoring CGL Completed Operations Hazard coverage following the recent Supreme Court ruling damage from faulty work of subcontractor is NOT an occurrence, thus NOT covered under the policy. Quite simply, the advice is 1) You must ASK, 2) not all endorsements are created equal, those most highly recommended, modify the definition of “occurrence” to very specifically include damage resulting from faulty work, and 3) You must ASK. It appears, there may only be a minimal increase in premium for these additional endorsements, but it is crucial you confirm the coverage in included in your policy.

Please feel free to contact OHBA with any questions or concerns.

***OHBA FALL BOARD OF TRUSTEES MEETING***

Information has been emailed for OHBA’s Fall Board of Trustees meeting on November 12, 2019. The meeting will take place at the Hilton Easton in Columbus. Room cut-off date is **Oct. 3rd.**

***BEST OF OHIO***

Time is running out to register for Best of Ohio awards program. All registrations need to be in by **Oct. 1st**. Registration information has been emailed out. If you need information, please contact OHBA at build@ohiohba.com.