

LORAIN CLERK OF COUNCIL
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**CITY OF LORAIN
COMMUNITY REINVESTMENT AREA HOUSING COUNCIL
LORAIN COUNTY, OHIO**

SEAN STEWART)
4630 Fields Way)
Lorain, OH 44053)

-and-)

RACHEL STEWART)
4630 Fields Way)
Lorain, OH 44053)

Appellants,)

-vs-)

LEON T. MASON)
Housing Officer)
City of Lorain)
200 West Erie Ave., 5th Floor)
Lorain, OH 44052)

Appellee.)

LORAIN COUNTY
CLERK OF COUNCIL

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CONCLUSIONS OF FACT

This matter came to be heard on April 25, 2017 before the City of Lorain Community Reinvestment Area Housing Council ("Council") pursuant to Ohio Revised Code sections 3735.69 and 3735.70, upon the appeal of Sean and Rachel Stewart ("Appellants") of the decision of the City of Lorain Housing Officer to deny a Community Reinvestment Area No. 4 ("CRA") Tax Exemption for the real property located at 4630 Fields Way, Lorain, OH 44053 ("premises"). Upon due consideration of all of the evidence and testimony submitted, the

Council hereby unanimously determines the following based on substantial, reliable and credible evidence:

- 1) The City of Lorain has failed to establish that proper notice of the Consent Judgment and Order filed January 29, 2010 was provided to the Appellants.
- 2) Notice is a key component of due process.
- 3) The City of Lorain Housing Officer denied Appellants' tax exemption because they failed to consent to the Consent Judgment and Order prior to February 19, 2010.
- 4) Because there has been no evidence that the Appellants were provided actual or constructive notice of the Consent Judgment and Order, Appellants have been denied due process of law.
5. The Consent Judgment and Order allows for the submission of additional evidence beyond the County tax records.
6. The City of Lorain issued an Occupancy Permit for the premises on July 1, 2009.
7. Appellants applied for and were granted a CRA tax exemption in June of 2010.
8. On October 25, 2013 the premises was taken off of the tax exempt list by the Lorain County Auditor.
9. Appellants filed another application dated November 20, 2016 which was rejected by the City of Lorain.
10. The City appears to be relying upon Exhibit D of the Consent Judgment and Order which is a non-exclusive list of potential interim homeowners.
11. Non-exclusive means that there may be eligible homeowners who are not listed Exhibit D and that the list is potentially incomplete.

12. The list states that the Lorain County Auditor and the City of Lorain could potentially modify the list.

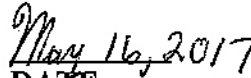
13. The Consent Judgment and Order states that for homes not listed on Exhibit D, the Auditor's tax list shall be presumed to be correct regarding the completion date.

14. Appellants' home should have been included on Exhibit D.

15. Appellants' should have been granted a CRA tax exemption because their home should have been included on Exhibit D which is the list that the County and the City are relying upon.

16. The decision of the City of Lorain Housing Officer is hereby overruled and the appeal of Appellants Sean and Rachel Stewart is sustained.


PATRICK MCGANNON, CHAIRMAN

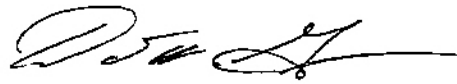

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PROOF OF SERVICE

16 A copy of the foregoing Conclusions of Fact has been provided to the following this day of May, 2017 via Ordinary U.S. mail:

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