



**Cleveland Municipal Court  
Housing Division  
Cuyahoga County, Ohio  
Raymond L. Pianka, Judge  
[www.clevelandhousingcourt.org](http://www.clevelandhousingcourt.org)**



***Restitution in Housing Court***

**1. What is restitution?**

Restitution is a financial sanction that may be imposed by a court as part of a criminal sentence. The purpose of restitution is to reimburse victims for economic losses suffered as a direct result of the offender's conduct.

**2. When is it available?**

Ohio Revised Code Section 2929.28(A)(1) defines the circumstances where restitution may be available. Once an offender pleads or is found guilty, the sentencing judge may order restitution as part of the sentence, after considering "the impact of the offense upon the victim and the need for changing the offender's behavior, rehabilitating the offender, and making restitution to the victim of the offense, the public, or the victim and the public." R.C. 2929.21(A). Restitution is available in all felony and misdemeanors cases except minor misdemeanors or traffic violations handled by a traffic violations bureau. R.C. 2929.18(A)(1), 2929.28(A)(1)

**3. How is the amount of restitution determined?**

R.C. 2929.28(A)(1) provides that:

- the court determines the amount of restitution paid by the offender;
- the court may base the amount of restitution on recommendations by the victim, the offender or a presentence investigation report, may review estimates and receipts showing the cost to repair or replace property, and may consider other information; and
- the court cannot order an amount that exceeds the economic loss suffered by the victim as a "direct and proximate result of the commission of the offense."

**4. What can it cover?**

Restitution is only available where the victim's economic loss is directly caused by the specific conduct for which the offender is convicted. Economic loss is defined as "any economic detriment suffered by a victim as a direct and proximate result of the commission of an offense and includes any loss of income due to lost time at work because of any injury caused to the victim, and any property loss, medical cost, or funeral expense incurred as a result of the commission of the offense." R.C. 2929.01(L).

Victims **cannot, however**, recover for non-economic loss, punitive or exemplary damages. R.C. 2929.01(L). Non-economic loss is defined as "nonpecuniary harm suffered by a victim of an offense as a result of or related to the commission of the offense, including, but not limited to, pain and suffering; loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education; mental anguish; and any other intangible loss." R.C. 2929.01(VV).

**5. What must I prove?**

The Court must hold an evidentiary hearing on victim restitution if the offender, victim or survivor disputes the amount of restitution. R.C. 2929.28(A)(1). If the court holds an evidentiary hearing, the victim must prove by a preponderance of the evidence the amount of restitution sought from the offender.

**If you have more specific questions about restitution, or wish to know if you are eligible, you should seek the advice of a licensed attorney.  
The Court cannot provide you with legal advice.**