

IN THE SUPREME COURT OF OHIO

CHONG HAO SU : Ohio first district appellate court

Appellant : Case No: C100609

VS : pro bono publico

Ohio Cincinnati city : CASE NO: 2011-0108

Appellees

MOTION FOR RECONSIDERATION AND FOR THE REOPENING.

Pro Se

Chong Hao Su APPELLANT

31 Unit 818-826 Canterbury Rd

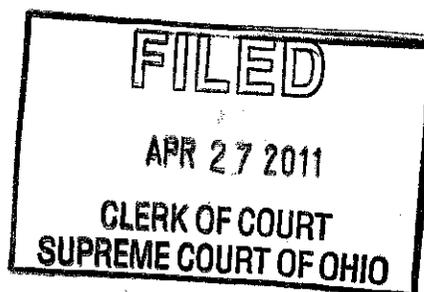
Roselands NSW 2196

Cincinnati city APPELLEE

Prosecutor office

Room 202 Cincinnati city Hall

801 Palam St. Cincinnati city Ohio45202



Pursuant to this court rule S.Ct. Prace. R. 11.2, the petitioner timely files the motion for reconsideration. The order is filed on April/20/2011. The petitioner receives the court order on 4/25/11. Thus the petitioner petition post the motion straight away on 4/25/11. The petitioner will post the normal memorandum later and respectfully request to extend the filing the grounds time. Since the ten days need to exclude the post office operation period of the twice. The enclosed document is the draft with the English mistakes without the correction. I will send the correction one instead of it as soon as possible. In case, the new one arrives over the limitation, the old one can be used. Anything else, please call 5132665273 Martha. Thanks.

In case if the application needs the fee, I am requesting that the filing fee and security deposit, if applicable, be waived.

Applicants: Chong Hao Su

Applicants: Signature:  苏崇豪 suchong5@gmail.com

Wife Martha Lee phone: 513 2665273

THE CERTIFICATE OF THE SERVICE

I, Chong Hao Su service the concerned documents to the city prosecutor office in
the Cincinnati city hall in 801 Plum street Cincinnati city Ohio 45202 by the
general mail.

APPLICANT: Chong Hao Su



Applicants: Signature: 苏崇豪

Month / Date /2011

The petition arises from the constitutional challenge to Cincinnati Building Code for the affirmation of Ohio Const. §19 and this court judgment "Wilson V. city of Cincinnati"¹. The case exposes a frightful scandal. Cincinnati City Gov. usurps the General Assembly' constitutional power to enact the CBC. The city usurped the public ownership and their property utilization rights to alter the public properties by the plain language of the CBC. The litigation is the processor action. The petitioners seek the injunctive possessory remedies and the general public equal survival's right. The litigation is the constructive conversion and the constructive contempt of the Congress against the robbery. The cause presents the widespread critical issues which relates the macro legislative issues and the law consistency and continuity problem and the abolition of the liberty and property rights.

1) whether the local ordinance' legislative purpose and target and the execution way and norm are illegal; 2) whether the municipality can ravages the low and moderate income housings and excludes the public from living within its confines because of the limited extent of their income and resources; 3) whether the management needs to be improved when the abuse of the police power destroys the management target; 4) whether the courts could implement the city' novel criminal law and property law instead of the uniform criminal law and property law against the prohibition of the three branches' check and balance.

The applicant lodged the constitutional challenge and the copies of the evidences and law and the court rule and the CBC during the three times of previous appeals. **It is undeniable that we used many laws to animadvert the CBC system without the necessities of an evidence, notwithstanding these evidences spoken by themselves.** The challenge proves that the CBC abused the police power to damage the public general Welfare. Under the property law², the challenge asked to strike down the CBC. The cat has taken the tongue of the prosecutors for four years. Under the court rule, a

¹ (Ohio 1976) 46 Ohio St.2d 138

² *Southern Burlington County, NAACP v. Township of Mount Laurel*
92 N.J. 158, 456 A.2d 390, 1983 N.J.

judge should sign the challenge. The Cincinnati court judges forbade us to say the defense and deprived us of the jury trial right and appeal right. The decision of the two courts set a case law that would exclude any judicial review and the due process tradition and jury trial for the ignoble shortcut style of management. The appeal court ruled that the trial for the CBC exercise is not bound by Ohio Const. §19 and "Wilson V. city of Cincinnati"[5]. The ruling would undermine the fundamental enduring principle that the rule of law constrains a government and a judge as well as citizens. The ruling would impair the fundamental principle that the liberty and property rights are controlled by the uniform certain criminal law and Property law. Actually the implications of the two courts decision verify that the mutinous CBC essentially is pre-empted by the higher jurisdiction of Property law and Criminal Law.

The courts deem our case that lacks of the social effectiveness, thus suppress our due process procedure right, to uphold the unconstitutional code authority. Before and after the conviction, the city put our charges convictions in the TV programs and the newspapers. We put the story in the internet. Undoubtedly any ordinance certainly affected the larger region and plenty of people. Every week Cincinnati court has convicted numerous owners and allowed city to destroy their homes. Our possessory action touches the all kinds of the housing issues and involves everyone who is either owner or tenant that needs housing. Of course the endless arrests to us proves the court have suppressed an individual defense for the CBC invincible position so far. Admittedly, the housing issues arouse wide public concern and cause a heated discussion. Our possessory action touches the most important fundamental right and the public vital interest. In current economic crisis, National revenue increase and the survival of the owners and tenants are of overriding importance. 14% buildings are vacant and closed and need to meet the vacant building standards. Otherwise all of the owners will be twice convicted like me. The decision of the court has broad general signification. It can't be the slightest doubt that shelter, along with food, are the most basic human needs and are the maximum valuable assets and the foundations of the Bill of Right.

The previous two courts' ruling from the same holding certainly deter the public any defense. The CBC existence proves that the public can't possibly say the exception to the CBC. Without an individual case, any court can't actively alter an ordinance. Thus our case is the sole chance to correct the courts mistake. Apart from these governmental considerations, which make this case one of the great public interest, the decision of a court has broad general signification. There can't be the slightest doubt that shelter, along with food, is the most basic human needs and is the maximum valuable asset and the foundation of the Bill of Right. The city Gov. has the constitutional duty and humanism obligation for the public housing supply. The determinate unshakable responsibility is to help and provide the affordable variety and choice of types of the living accommodations for the various categories of persons. It is undeniable that the ruling affects every governmental entity to make it physically and economically impossible to provide low and moderate income housing in the municipality for the low and moderate income families who need and want it. Our Congress helps the owners with the new law and fund. Housing

Assistance and Administration Urban Development Act and housing subsidy reflect that the federal Gov. helps the lower income people and pauper to have house. The enforcement of the CBC is the important reason to cause 14% vacant buildings.(Evidence 1) The public's interest is profoundly affected by supporting the CBC to demolish the public shelters, absolutely regardless the city obligation. Thus the nation lost the housing and land tax. Right now our country have already borrowed \$11 trillion. China is our biggest creditor. The judgment will promote the new update legislative theory to avoid the much legislative issues. This is just like China to study our legislature to create the economic marvel.

To know the disease is half the cure. Hear all parties. Good medicine for health tastes bitter to the mouth. Such controversial housing issues arouse wide public concern and cause a heated debate. The implications of the issue presented are indeed broad and far-reaching, extending much beyond the petitioners and the boundaries of the city for the development direction lead and a series of the new policy making guidance.

The two courts' decision established the illogical and untenable rule that an executive branch can be the unprecedented inroads into the scope of the three branches regime check and balance. Evidently the decision of the appeals court sets a judicial precedent that an executive personnel can create and enforce his law to break into search and arrest for a building inspection and double penalties. The decision of the courts elevated the CBC over the authority of the General Assembly. The conclusions of the courts support the city to continually override all laws and judgments functions on the plain meaning of the CBC words and in the daily practice hereunder. Not surprisingly the city can defy laws, human and divine to create its law for the arbitrary invasion of the indefeasible right of personal security, personal liberty and private property in flagrant abuse of the police power with impunity. Such final decision establishes the illogical and untenable rule that the tail wags the dog with manipulation without the supreme clause(Const. 6).

A judge is an omnipresent teacher by their example and the supervision and control of the power operation. When the cat is away, the mice will play. Where might is master, justice is servant. One sin opens the doors for another. We first make our habits, then the habits make us.

By the courts ruling, the rebellious CBC has been the invincible position so far.

There is honor among thieves. Nothing can destroy the rule by law quickly than a judge nihilism, its disregard of the charter of his own existence. For good or bad, the judgment ought not to undermine our valuable law and to alter fundamentally the constitutional government. The judgment teaches the illogical and untenable rule that a city can ignore our congress authority against our

congress prescriptive uniform law and system with impunity. If these allowed to stand, the appeal judgment teaches every city and a man to become a law unto itself, it invites the anarchy; it breeds contempt for the judge' office oath and causes the federalism division. Hereby the city would be unconstrained by the entire system of constitutional restraints on which the liberties of the people rest. It is a screaming farce that the city supported the house breaker to occupy our home to obtain the conviction evidences. In fact and effect the sanctimonious judges, subject us to a jurisdiction foreign to Ohio Const. and unacknowledged by our law. According to the case law system, such judicial precedent brings about the profound effect that the constitutional master can't possibly protect the legal consistency and continuity against the invasion to their homes. So the Const. guaranteed property and liberty rights and the background security have gone. Similarly, the public interest is affected if a bedroom intimate privacy can be judicially altered to subvert the legislature's intent that the exclusive property right throughout the state is controlled by Ohio Const.§19 and this court 's judgment. The public interest in the orderly operation of the government is profoundly affected by the ruling verification that the city can arbitrarily tear up its issued building repair permit and title and its historic existing building code. Actually the appeal judgment invites the city to create the unconstitutional vague CBC and the discriminative CBC for the unconscionable and arbitrary racial persecution. The central issue of the appeal ruling is to relegate the jurisdiction of the public shelter existence to the lay man who has the unconscionable behavior without the law and architecture knowledge. If the city continues to enjoy the exclusive jurisdiction over the inviolable property right, despite contrary provisions of this court judgment, the force

and value of the private ownership system and this supreme court authority, would be severely endangered. The city can continue to break into search and seizure for the building inspection. Under this rule, the public liberty and property rights are denied, so that the double convictions enforce an owner to donate the involuntary payment and involuntary servitude for the city aspiration against the oblige violation without any little reduction. Not surprisingly the lower court's interpretation of the CBC is like the slaveholder lynch to annul Ohio Const. §6 "...nor involuntary servitude, unless for the punishment of crime. The rule would be preposterous that whoever is too poor to donate the money to the city, he has to stand twice convicted of the CBC violation, then his home was demolished and his family has to be out of his hometown according to the following CBC. Undoubtedly the two courts precedents are a fantastic absurdity that a man suspected of crime has rights to protection against the warrantless arrest and vague evidence and twice penalties for the minor misdemeanor, but that an owners not suspected of crime, have no such protections. Finally, this case involves a substantial constitutional question and a federalist issue. The courts ruling nature is like the Civil War which forbad the jurisprudence disintegration for the integrity of the federalism. The rulings conflict with and otherwise stands as an obstacle to our Congress objective to create the uniform law and social system; additionally undermine Ohio state governance power. Our Congress governance ability and authority are facing humiliation and blatantly crassly undermined. The case involves the substantial constitutional question and federal issue. Finally the two courts abandon the public and tear off the Bill of Right to uphold the city Gov. authority. Not surprisingly the public trust to the court falls down. Our tradition places an extra emphasis on the justice and judicial integrity in the true administration of

justice. If people lose confidence, it would be difficult to maintain a stable society. Really the ruling sabotages the constitutional governmental system and our foreign policy. Since to protect the world civil right is our foreign affairs' flag. Thus what matter is not the matter of an individual action, the jeopardy of the losing the constitutional core value can't be disregarded; the rule by the Gov. and the prejudice and ignorance can't supersede the rule by law and science.

In review of the executive branch' new law, the legal issues are 1) whether the CBC exercise subjects to the dictates of the warrant and due process procedure; 2) whether a fire police can break into search and seizure under non fire condition; 3) whether the CBC is for the public safety, health, and general welfare.

The CBC authorized the judge' power to a fire police under non fire condition, so that the city has been deliberately accustomed to ask the fire police for a building inspection in my case and the other owners' cases. I criticized such code in my previous defense motion. Thus the city omitted the code in the website. But the CBC was registered in the concerned state office. The court can find it. Cincinnati court prohibited to show the public record copy that building inspector Jim asked the fire police to help his entrance in April/24/ 2007. Hereby the city asked the fire police to break into search and seizure three times on 4/25/07 and 9/28/07 and the minor misdemeanor charge notice service for the CBC violation in Kemper Lane's property. (the detail is in the previous application.) The alleged public exigency abatement has been the universal brand, as the sophism of the shortcut to the public through the CBC exercise.

Then the city framed a case against all aggrieved owners for the CBC enforcement. The implications of the issue can prohibit the abolition of the public liberty and property right.

Thus the review of the case history concerned the substantial issues: 1) whether the CBC is

for the public exigency abatement and the public use; 2) whether the courts could strike down the rights of the Amendment 4th and 14th for the executive branch privilege over law. *The police report (E21) substantiated the warrantless seizure is the preventive arrest for the building inspection when I was far away from the Race property without the conversation between me and fire police. No search warrant and the public exigency evidence were produced by the prosecution, nor was the failure to produce one explained or accounted for. The city refused to discover the assumed fire safety inspector license number and his inspection report and the seizure detail and the concerned indictments detail that is supported by the assumed fire safety inspector oath. Thus I asked to dismissed the charges many times under the following same conditions judicial precedents in my previous motions.*

"Moran V. Burbine" held: "under our (accusatorial) system society carries the burden of proving its charge against the accused, not out of his own mouth."³ Cincinnati fire code stipulated "impersonating fire safety inspector is guilty of misdemeanor of the fourth degree."⁴ "Michigan V, Clifford"⁵ and "See V. City of Seattle"⁶ Municipal code city of Cincinnati Sec.1247-19. . "Johnson V. U.S."⁷ "Lo Ji Sales. INC. V. New York (442 U. S. 319, 327(1979))", "Camara V. Municipal Court 387 U.S. 523(1967)." *Detail is in my past defense. Cincinnati court forbade the cross charge to the impersonating fire safety inspector and forbade the jury trial and an architect identification procedure and prohibited to say the defense. Since the police report and the city cited CBC and the CBC categorization and*

³ 75 U.S. 412, 434,-35 n.l(1986)

⁴ (R.C.3737.99)

⁵ 464U.S.287(1984)

⁶ 387 U. S. 541(1967)

⁷ 333 U.S. 10. 13-14 (1948)

the city orders and the public record system substantiate that the three times of breaking –in searches and seizures for the CBC exercise are the irrelevant, immaterial and incompetent to the public exigency and the public nuisance and tort action and the public usage and the habitability restrictions and the common law prohibitive condition on the plain meaning of their literal construction. Additionally they substantiate the owners did not result in the alleged CBC violation. The constructive fraud and the constructive malice are for the racial segregation.

There are the two kinds of the CBC. No. 1 CBC is for the public exigency elimination in the CBC section 1101-57. and 1101-63.3 and 1101-63.4 and 101-57.6” etc. Under such good CBC, the city has to eliminate the public exigency straight away and put the elimination in the public record system. The owner pays the cost.

Of course the other CBC is not for the public exigency on the face of its words. We call the No.2 CBC, as follows: *the CBC Sec. 1117-13. until 1117- 61.2. and "Sec. 1117-07.1 General and 1119.01.4 Scope" and "1119-01.5" stipulate that every portion of a vacant Lot and a vacant safe building and a historic existing residence have to be maintained in the perfect condition.* Such as: the indoor painting color, visibility of the home inside, interior walls peeling, unclean flaky, all accessory and appurtenant and trash, etc. The CBC enacted a sweeping set of the vague mandates for the comprehensive mandatory sanction. The city orders and indictments and “Case History Report” and the inspector speaking and the police report and the public record system **did not cite No. 1 CBC** and *always* did quote the No.2 CBC. *The city orders (E23 and E33) strikingly did account for the inspection purpose and the CBC’ demand and norm and target: "regulate housing standards... and lead to an increase or stabilization of property values." After we filed the constitutional challenge, the city “Case History and Report” still repeated the orders same target and*

norms and purpose. Of course the CBC and its orders were the irrelevant and immaterial and incompetent to the public exigency and the public nuisance and the tort action and the habitability restrictions and the common law prohibitive condition and the public usage.

They never mentioned an evidence of the public exigency. The best evidence is the city never replied such conclusion. Undoubtedly the three times of break- in search and seizure did not obtain a public exigency evidence. On 10/5/07, police men Elsaesser Donald and Hill Derrick, supported the trespasser's break in and occupy the Race Building at the back of the city. The purpose is to obtain the alleged CBC violation evidence. After eight months, the city alleged to have the public exigency evidences.

Our motions proved that the alleged evidences did not have the evidences acquirement exact date and the violation precise address and the particular describing concrete violation details supported by the oath. They and the orders and indictments have not the concrete violated code's item and the actual violation condition and degree and the precise violation address without an ascertainable adjudicative material fact for the guilty. All of them violated the CBC Sec. 1101- 61. and Section 1101-61.1 Notice of Violations" and Amendment 4 and Ohio Const. §14. The prosecutor scared to reply who and when and how obtained the evidence in where for what kind of the CBC violation.

Undoubtedly the alleged evidences are the irrelevant, immaterial, incompetent.

Compared to the inside condition size, an outside door size to the inside size is a few ratio. If the inspection was for the outside condition, the city would not break in search and seizure for the interior inspection. Thus the city orders never mentioned the outside condition. An owner door always is locked without the open to the public. It is self-evident that a building inspection concerns the concrete building material. The interior of the exanimate locked buildings can't possibility cause the public exigency and

the public nuisance and tort action. whatever any change of the inside privacy, it is impossible to affect any one interest and affect any building value. So the Race property's interior design and decoration have not any real substantial relationship with the public nature and the orders alleged "an increase or stabilization of property values." (E23 and E33).

For the above, *the orders of the Race property and cited CBC were for the interior decoration in the plain meaning of the concerned city documents.* When the building occupied certification and the repair permit and the title effectiveness continue, the city issued permits prove the buildings don't concern the habitability issue. Thus the city has the moral duty and legal obligation to uphold its authorized permits authority. The city can't tear off its issued permits for the CBC exercise.

The city refused the administrative appeal application without the return of the appeal fee payment. Cincinnati court intentionally prohibited to say the defense and the cross examination and forbade the jury trial for convictions. They scared to say the following: the target and norms and purpose of the unreasonable and arbitrary CBC and its orders and the seizures are the irrelevant, immaterial, incompetent to the safety, morals or general welfare of the public the public health, under the aforesaid. They have not any public nature without a ground to use the police power. "Courts across the country are increasingly scrutinizing the use of eminent domain to ensure that property is not taken for private purpose..... A public use is "one in which all the public has a right to demand and share..." "The use "must be more than a mere theoretical right to use. It must be an actual, effectual right to use."⁸ The legitimacy of any exercise of the police

⁸ *Blanchard V. Department of Transp 798 A.2d 1119 Me., 2002.*

power had not a real and substantial relationship in a particular manner in the Race property and public exigency and the general welfare and the public nature. Thus

Const. § 19 and "Blanchard V. Department of Transp" prohibit the CBC exercise.

ME CONST. art. I, §21;..."⁹ "Silverman V. United States"¹⁰ forbade to infringe of the

reasonable expectation of privacy. "Wilson V. city of Cincinnati"¹¹ prohibited the city

inspector to use police power to inspect my property's condition.

(the detail is in the other applications) *Thus Cincinnati city has no public power authorization to*

command the owner to correct the alleged building code violation in the historic continued

occupied building and the vacant building.

The CBC enforcement concerned the three substantial issues: 1) Whether the city can deprive people of the liberty and property right for the uniform norm home without the privacy;

2) whether the city can annuls this court judgment to convict the vacant buildings owner for the

city prescriptive united vacant building criteria; 3) whether the double conviction can

enforce the historic existing building to keep the every position in the perfect condition.

All of my buildings are protected by the historic existing building code. The building

record system and the continued occupied residence permit substantiate that the Race

property was completed renovated and passed the inspection. The last inspection

was 2006 autumn. Evidences 31 prove the Race property passed the Section 8 official

annual inspection every year. It is self-evident that Race property is the historic existing

building. Our former defense used the historic existing code and the historic conversation

board inspector speaking verify that the historic existing building code protected my

⁹ 798A. 2d 1119 Me., 2002

¹⁰ 365 U.S. 505 (1961)

¹¹ (Ohio 1976) 46 Ohio St.2d 138

buildings and the victimized owners buildings against the charges. Cincinnati court and the city did not acknowledge the above. Now, the historic conversation board objected the city to destroy the Race property and is qualified with the renovation grant. (EII)

Otherwise the legislature did not need to enact the historic existing code and command an building inspector to seek the permit of the historic conversation board for our Race property. The Race property home is facing the famous historical Findlay Market area. *The big monument of the market indicates its historic great significance. All of the Surrounding buildings are the historic existing buildings. There many traditional shops are around the Race property. Thus the historic existing Race property is located in the national historic district and is protected by the historic existing building code. "If the validity of the legislative classification for zoning purposes be fairly debatable, the legislative judgment must be allowed to control."* Radice v. New York, 264 U. S. 292, 264 U. S. 294. Thus Race property' historic existing building status is confirmed. All of my property possess the same legal status and rights. The historical building with continued occupancy is exempt from the current fire separation building code.

Everything has the two side. The historic existing buildings continue to be occupied. Every day they are used and worn. They can't keep every part in the perfect condition without the wearing sign, except to charge the expensive rent for the maintain fee. Since the ever-accelerated updating of science and technology, the many people abandon the last year eell phone. Many people like the old phone. The some condition is like the historic existing building and the new buildings. The former inspector directors continually granted the occupied certificates. The owner went to the inspector office for the administrative exposition. The historic existing building inspector said he does not manage

the inside condition. The two building inspector could not reply the interpellations. Thus the city refused the administrative appeal application without the application fee refund. Cincinnati court prohibited to say the motions that included the interpellations. Since the historic existing building code objects the CBC orders. According to municipal code Sec. 1201-23 Existing Buildings, Race property, as an Existing Historic Building, only needs to meet the minimum level of safety and does not need to comply with the alleged new building code. Pursuant to the CBC Sec. 1101-15.6, a building inspector does not have the historical conservation code authorization and does not have the qualification to force any owner to change the structure of the historical buildings. The city never strikes down the historic existing building code and never orders to abandon the historic existing buildings and never promulgates that all of the historic existing buildings should meet the new building norms. The evidence II are the evidence to object the CBC with the historic existing building code. Const. Section 10 prohibits to "...ex post facto Law, or Law impairing the Obligation of Contracts,..." For the above, the validity of the legislature prescriptive historic existing *building criteria and the traditional facts and the historic existing building inspector speaking must be allowed to control* the historic existing building norms against the CBC standards. Hereby the CBC norms to the historic existing buildings are the illegal without the public nature. All of the new erections need the construction license to meet the CBC criteria in advance. Thus a new building does not concern the CBC violation. All of my family buildings and the aggrieved owners building are not buildings, so that the historic existing building code protects them too. All of the historic existing buildings owners convictions prove that the CBC exercise damaged the public vital interest and the general welfare.

Evidence 33 proves the city ordered to vacate my Race property. The two owners double convictions were after the historic existing building was vacated and foreclosed. Since the CBC demands all the vacant buildings have to keep every position to keep in good condition. For the same grounds, the CBC violations convictions to the vacant historic existing building owners damage the public interest and general welfare hereunder.

An ordinance under review, as well as all similar laws and regulations, must find their justification in some aspect of the police power, asserted for the public welfare. VILLAGE OF EUCLID V. AMBLER REALTY CO., 272 U. S. 365 (1926).

Respecting, as we do, the legislative authority of the city council and its right to determine what ordinances shall be passed, yet when an act of such body is challenged we must determine whether the act conforms to rules of fundamental law designed to curb and check the unwarranted exercise of unreasonable and arbitrary power. With these principles in mind let us consider whether this ordinance bears a real and substantial relation to the health, safety, morals or general welfare of the public.¹²

"A nuisance may be merely a right thing in the wrong place -- like a pig in the parlor instead of the barnyard. If the validity of the legislative classification for zoning purposes be fairly debatable, the legislative judgment must be allowed to control." *Radice v. New York*, 264 U. S. 292, 264 U. S. 294.

According to the above law, it is necessary to determine the scope of the inquiry and the appraisalment norm and verdict criterion. It is to be determined by considering the community character and history and the circumstances and the locality. The CBC needs to be appraised not for the city abstract statement, but for the helpful aid in the ascertaining definite concrete impact to the community people and the national interest. The legal necessary is to analyze the CBC legislative background and to indicate how the CBC damaged the vital interests of the

¹² City of Cincinnati v. CORRELL No. 29230 Supreme Court of Ohio June 2, 1943 141 OhioSt. 535 40 N.E.2d 412

public and the national and why the CBC enforcement obstructs the social development.

The public is the best judge to appraise the legality of the CBC.

Until the ruling supports the city to waste the much money like water to kill cow without milk (housing and land tax) in the CBC target and purpose and enforcing way and aftermath and the city bad faith as follows.

Admittedly, the housing issues arouse wide public concern and cause a heated discussion. Everyone is either owner or tenant and needs home. *Our possessory action touches* the most important fundamental right and the public vital interest.

In current economic crisis, National revenue increase and the survival of the owners and tenants are of overriding importance. There is no denying that every owner has an ambition of the perfect home for the enjoyment and the highest net asset value. Thus the CBC requirement and any owner' hope are the same. Of course an owner did the best to meet the CBC orders requirement. The issues are the city bad faith embodied in the CBC legislation and enforcement, so that all of the owners convictions can't be avoided. But the owner can't avoid the convictions. The issues are the city active bad faith embodied in the CBC legislation and enforcement. The correction of the CBC violation isn't emergency and isn't contradictions between enemies and people. Our defense and other owners defense construed the above law and "Brandeis Brief" fact from the initial for ages. Of course an owner asked to postpone fulfilling orders and submitted the alternative option. **Since** the sweeping overabundance commands abound in the CBC and its order. The CBC has the multitudinous mandamus that "every part of a building and a lot shall be maintained in good

repair." Within the half year, it is impossibility to complete the CBC multitudinous mandamus. **The postponement clause and the constitutional process** and the alternative option (sale of the building) **do not affect the building management. The maximum deal is to delay the time. But the CBC does not contain the postponement clause. The city always refused the postponement**

application. The due process procedures are the pure procedure and can't possibly obstruct the management. Its maximum deal is to delay the discretion.

But the CBC annuls the judicial review and the administrative appeal substance without the orders postponement clause and the negotiation possibility. The abolition embodied in the original breaking into search and seizure and the consecutive due process dictate violations hereunder. No one could say the alternative option and the compromise proposal for the order' negotiation.

My couple charges were less than the half year from the order issued date until the charge date. The repair permit grants one year. New Jersey Gov. has the postponement clause without any limitation and prohibition and has the

inviolable procedure of judicial review and administrative appeal. I never

heard the lawsuit so far. On the contrary, the city stubbornly insisted to strike down all of the law and judgments for the CBC exercise on the face of the CBC words and in the routine practice. The constitutional master conditions are worse than the black slaver. Since if a slaver had not the shelter, he would not work for the slaveholder. The city destroyed the plenty of the owners homes without the due process procedure. *Such lacks of the postponement and the due process procedure*

authorize an executive personnel unrestricted and arbitrary discretion for the discretionary enforcement of the CBC in an arbitrary and different manner. The double convictions

enforced the interior decoration at the owner cost. The orders requirement are the so comprehensive that the owner could not afford the cost. The CBC orders consummation was too accelerative to complete within the half year. *Substantially the city deliberately strikes down the historic existing building code for the racial segregation.* The CBC order

imposed the impermissible heavy financial burden and the much psychological burden to the owners against their volition. The CBC has the multitudinous mandamus that "every part of a building and a lot shall be maintained in good repair." The

corrections for the overabundance CBC violations need the plenty of money.

Numerous of money and time as well as are indispensable to maintenance in good repair. The total cost burden is the overburden which is much over the

limited rent income and the building purchase down payment and beyond the victimized owners financial ability and plan without any gain in income. In fact and effect to buy a home caused fire to burn the everything and our health. An owner is

confronting the increasingly fierce social competition to hold his job and home existence. Many companies do not allow the criminal charge procedure or record. The owners

limited time and money were depleted through the too much decorating and the criminal litigation produce. The criminal procedure is punishment. The endless seizures and the double penalties procedures generated the irreparable great injury to the owners. The comprehensive impracticable mandatory urgent orders disrupted the middle class priority and resources to focus time and energy on the job or the business for survival. The owner lost the job without the acquisition a normal job possibility. The owners lost the all of the buildings and all investment.

The owners loss is much beyond the orders benefit. If the building overbroad management demands deny the

economically viable use of an owner building, the building management becomes

actual expropriation and violation of the Fifth Amendment according to the

principle of "Hotel & Motel Ass'n of "Hotel and Motel Ass'n of Oakland V. City

Oakland"¹³ Thus the city deprived the owners of the buildings economically

viability and property interests and generated the unconstitutionally taking of

the properties and economic viability under violation of the above law. The city

stubbornly threw good money after bad money to kill cow without milk (property

tax). The CBC exercise can't possibility substantially advance legitimate Gov.

interests without a beneficiary. The city could not deny the CBC bounds in the

discriminative clauses hereunder. The city could not possibly show a compelling substantial city interests and the alternative options and a legitimate concrete legislative fact for the CBC constraint. Thus the city sets store exanimate building small repair, absolutely regardless of people survival, **value, and dignity**. Essentially the CBC prohibits the inexpensive house subsistence, regardless of the survival necessary of the poverty class and the unemployee people. The inspector evicted our tenants without a warrant in winter. The tenants had to waste the much time and money for the relocation. The some tenants become the homeless. Really the city annulled the usufruct of the usufructuary without the due process procedure

¹³ 344F. 3d 959 C. A. 9(Cal.)

and harms the usufructuary benefits. The city' conducts and desire and intent excluded the owners and their tenants from living in the city. But they aren't the

only category of persons barred from many municipalities by reason of restrictive

similar regulations. We have reference to the poverty class in the other areas.

"Census data: US poverty rate hits 14 percent in 2009." In the connection, the

court should, therefore, consider the case from the wider viewpoint that the CBC execution has been to prevent various categories of persons from living in the city because of the limited extent of their income and resources or believed social incompatibility. By simply giving the law moniker, the city annuls the property

right law and the people property right. In deed the city destroys the people

shelter and usurps their property. The equivalent of the orders fairly is that the

double convictions enforce the owners to make the involuntary payment and

involuntary servitude for the city aspiration and demands against the oblige volition without a little reduction.

Actually the city did not allow the historic existing building existence. The historic existing buildings rent is the lower than the rent for the new building at perfect condition. The public likes the affordable housing and can't possibility pay the expensive rent for the apartment at perfect condition. The situation and the matters occur during the current economic crisis period. Numerous of people can't find job over

one year and can't get the free home remedy. Social welfare has an applicant qualification

limitation and the period limitation without the free housing supply. Thus the many people have

not been qualification or the welfare aid expires. The plenty of people lost homes. Apart from

summer, numerous singles are waiting a bed of the shelter. Social welfare and the shelters

can't possibly satisfy the needs of the most homeless family requirements. For their

families, the belt-tightening is about subsistence. Many people are just not making enough to

keep up with the cost of living and need the cheap rent too. Numerous of people can't find

job over one year and can't get the free housing assistance. Their dream is to keep the roof over the heads of the baby and kiddy. Since the rent for the perfect condition building is expensive. They are longing for the affordable rent and absolutely have not an ambition of the expensive rent for the perfect condition in every part. For the above, the affordable rent, along with food is the great necessary of the public. The affordable rent of the historic existing buildings is the public big requirement. So the abolition of the public requirement damages their vital interest and the general building. A large shelter and a free food bank plus three free lunch places have been around Race building. Race home community has the plenty of the historic existing building with the aforesaid rent. The eight bus lines and many shops are around the Race home. The community people do not need a car. Hereby the young and elderly couples, single persons and large growing families and the lower and moderate income people and the pauper have lived there for ages. Proletariat and unemployed people are mostly color people. The unemployment rate of the community was over 30%. Our Congress helps the owners with the new law and fund. Housing Assistance and Administration Urban Development Act and housing subsidy reflect that the federal Government helped the low income people to have housings. The enforcement of the CBC is the important reason to cause 14% vacant buildings.(Evidence I). The public's interest is being profoundly affected by the supporting CBC in demolishing the historic existing properties. City has absolutely neglected its obligations. Thus the whole nation has lost the housing and land tax. Right now our country is already in \$11 trillion deficit. China is our biggest creditor. The judgment will promote the new updated legislative theory to avoid many legislative issues. The public housing and land tax payment are the national stability economic source. It is undeniable that the real estate economic change affect the at least 1% undulation of the gross national produce (GNP), so that our Congress used new law and an enormous sum of money to helps the owners and the real estate economic development. The Housing Assistance and Administration Urban Development Act and housing subsidy reflect that the municipality has the unshakable duty to presumptively make realistically possible an appropriate variety and choice of housing for the general welfare. The municipality, by its Building Code, can't foreclose the opportunity of low and moderate income housing and the unemployed people housing, and its regulations must affirmatively afford that opportunity. These obligations must be met unless the municipality can meet the heavy burden of demonstrating a compelling substantial city interests and the alternative options and a legitimate concrete legislative fact for the CBC constraint, which dictate that it should not be required to do so. The municipality uses the state's police power for the inspection entrance and the CBC enforcement. All police power enactments must conform to state constitutional requirements of the substantive due process and equal protection of the law. Any ordinance must promote the general welfare.

The proper provision for adequate housing for all types of people is an absolute

essential in promotion of the general welfare. There is a unshakable obligation that each municipality should affirmatively provide and ensure, by its ordinance, the reasonable enough opportunity for an appropriate variety and choice of housing, including low and moderate cost housing and the affordable housing. It can't adopt the any ordinance, which precludes that opportunity. The CBC is presumptively contrary to the legislative purpose and the police power jurisdiction for the discrimination racial eviction. The CBC enforcement damaged the general welfare and the public survival basic and equal survival right without the public nature. So it should be annulled.

The abuse of the police power for the short cut enjoyment abound in the CBC legislature and the whole CBC exercise way and the CBC demands and criteria, target and purpose. The legitimacy of any exercise of the police power for the interior privacy change didn't bear a real and substantial relationship with a particular manner in Race home and the public requirement.

The unconstitutional CBC unscrupulously commands to overturn the existing legal system and courts authority with the immunity. "Cincinnati Building Code (CBC) Sec. 1109-19. Severability. Should any section or provision of Chapter 1109 CBC be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of Chapter 1109 CBC as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. (Ordained by Ord. No. 164-2004, eff. May 5, 2004)" CBC Sec. 1101-51. Penalties. 1101-51.1 Violation of this code; Except as provided in 1101-51.2 CBC, any person, being the owner, agent, or having control of any building or premises, who violates any provision of this code, or **fails to obey any order** of the director of buildings and inspections or his duly authorized agent, **shall be guilty** of misdemeanor of the first degree. **Each and every day** on which such person continues to violate any provision of this code **after having once been notified of such violation shall constitute a separate offense.**

1101-51.2 Violation of § 1101-69 CBC: Whoever violates § 1101-69 CBC shall be guilty of a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense. **Each day and every day after the effective date of the vacation notice that such dwelling unit is occupied shall constitute a separate offense. Any fine hereunder shall be mandatory.**

1101-51.4 *Accessories*: Any person, being the owner, agent, or having control of any building or premises, architect, engineer, contractor, builder, subcontractor, foreman, mechanic, employee, or other person

who shall assist in the violation of this code or of any certificate, order, or permit issued thereunder shall be guilty of a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense. (Ordained by Ord. No. 67-1996, eff. Apr. 5, 1996)

1101-81.2.1 *Notice of appeal*: ...If the appeal is based on a modified application or alternative arrangement, the notice shall describe the modified application or alternative arrangement that can be put into effect **without defeating** the public safety, health, and general welfare purpose and **intent of the provisions of the CBC and OBC.**

The traffic ticket process has the judicial review. The CBC order has not the judicial review procedure. My application already used much law to prove the CBC violated the due process dictate for the abuse of the police power. E. G. the CBC words, inspection, the minor misdemeanor charges notice service and the CBC violation conviction norm and the CBC violation sentence. The CBC is the invasion of people indefeasible rights of personal liberty, personal security. The centre issue is that the courts support the city to annul the uniform criminal and property right law for the executive branch management privilege over law. Actually all of them knew my defense is the perfect. They scare the people to know the true law. Thus they entirely betray their office oath without the fig leaf.

Why did the city waste the money like water to evict the owner and tenant? The history is the mirror. In 1950-1960, the city evicted the several thousand color people out of the Race building community and other area. But the white people refused to there. Although I and other attorney sued the law to attack the CBC. The city still has enforced the CBC so far. The many color people will

together file the constitutional challenge soon. Maybe they will file the charge in the international court and the united nations... The newspapers and internet will report the matter. The nations will know the matter. The two courts supported the city to destroy my health and the big business, but they can't possibly destroy my thinking. They can't prohibit the media and the internet to report such news. They can't prohibit the movie creation. This is the perfect story concern the era issue like the abolition of racial discrimination and slavery. They can't deny my evidences. Since I filed them with the many ways in many places. The more and more people will support and respond the justice call. At last the history will liberate all of the aggrieved owners from the guilt. The is like the normal abolition of the racial discrimination in 1960. Notwithstanding I have to escape again now, but the abolition of the uniform law can't destroy my believe to US Const. I have to call Long live US Constitution!

Applicants: Chong Hao Su

Applicants: Signature: 苏崇豪 suchong5@gmail.com

The enclosed document is the draft with the English mistakes without the correction. I will send the correction one instead of it as soon as possible. In case, the new one arrives over the limitation, the old one can be used. Anything else, please call 5132665273 Martha. Thanks.