

Kristina Roegner

State Senator
27th Senate District



Sponsor Testimony

Senate Bill 41

Ohio House Economic and Workforce Development Committee

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Chair Swearingen, Vice Chair Santucci, Ranking Member Upchurch, and members of the House Economic and Workforce Development Committee, thank you for the opportunity to provide sponsor testimony on Senate Bill 41, which aims to make Ohio's building inspection process more efficient by allowing for expedited appeals. This legislation passed the Senate by a unanimous 31-0 vote on March 29th.

Contractors completing building projects must periodically have their work inspected by local building departments. Occasionally building inspectors will raise concerns that the builders must rectify. In most cases, contractors complete the recommended changes and the project is able to continue or receive a certificate of occupancy with little impact. However, sometimes inspectors and contractors disagree and find themselves at an impasse. It is in these cases when contractors and inspectors disagree that Ohio's inspection appeals process is supposed to help.

Ohio's Board of Building Appeals was created in 2004 and consists of five members, appointed by the Governor for four-year terms, with section 3781.19 of the Ohio Revised Code dictating the board consist of one: attorney, registered architect, professional engineer, fire prevention officer, and plumber or pipefitter.

In addition to the State Board of Building Appeals, political subdivisions often have their own local appeals boards. The state board operates both in lieu of a local board when one does not exist and as a next step in the process if one of the parties disagrees with the local board's decision. (A local appeals board decision can also be appealed directly to the local court of common pleas). The boards at both levels must respond within 30 days following an adjudication hearing. Therefore if an issue is appealed at the local level (up

to 30 days) and subsequently the state level (up to 30 days), this can result in up to a 2-month delay on the project. Everyone familiar with construction understands that delays are costly both for the contractor and for the end customer whose business is impacted by the delay.

To help facilitate the expedited appeal Senate Bill 41 allows boards of building appeals to meet virtually.

Under Senate Bill 41, the state board of building appeals or local board of appeals must do the following when a request for expedited appeal is made:

- Commence the appeal within one day of the request being made, excluding Saturdays, Sundays, and legal holidays defined in section 1.14 of the ORC, and;
- Hold a hearing within five days of the request being made, excluding Saturdays, Sundays, and legal holidays in section 1.14 of the ORC.

If a request for expedited appeal made during the course of an appeal, such as when the board has issued a continuance to request additional evidence, the board shall hold a hearing/follow-up hearing within five days of the request.

To fund the process, the person making the request shall pay any additional fees established by the board, not to exceed \$500 per day or \$1,000 total. It should be noted that the current maximum fee for the State Board of Building Appeals and Local Building Appeal Board are \$200 and \$100 respectively.

This expedited inspection appeals process for contractors at the state and local level, at the contractor's expense, is the workable solution to keep projects on track, on time, on budget and to keep Ohioans working safely. A product of work over multiple General Assemblies, Senate Bill 41 will benefit not only builders and contractors but also the businesses needing the building and their end customers - every day Ohioan's

Thank you for the opportunity to provide sponsor testimony, I would be happy to answer any questions at this time.