

OHIO BUILDING OFFICIALS ASSOCIATION



Founded 1961

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March 24, 2023

CHAPTER MEMBERS

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Honorable Senator George Lang
Chair, Senate Small Business & Economic Opportunity Committee
1 Capitol Sq Fl 1
Columbus OH 43215-4274
Via Ryan Hennigan ryan.hennigan@ohiosenate.gov

Thank you for the opportunity to submit written opposition testimony regarding the proposed legislation SB 41 which offers Expedited Board of Appeals Procedures. The Ohio Building Officials Association (OBOA) is a professional association founded in 1961 to promote Life Safety through building codes with improved responsiveness and consistency in enforcement. While we don't oppose the intent of the proposed legislation, the remedies, as currently drafted, will likely not achieve their intended purpose and may have the opposite effect.

Our understanding of the issue which is being addressed by SB 41 is that inspectors in the field do not always grant approval for construction to proceed. Please understand that an inspector has no authority to grant approvals and stop construction in the field. An inspector's only authority granted by Ohio Building Codes is to audit construction at certain intervals and report findings back to the owner's representative and the appropriate Building Official. If a Building Official finds that corrections must be made, they must issue an adjudication order which can then be appealed to the local Appeals Board. In the instances recited in proponent testimony, it is apparent that these procedures are not being followed. In these instances, the Ohio Board of Building Standards should have stepped in to correct the improper enforcement of the codes. The remedies for the problems cited, already exist.

While expediting appeals procedures may be beneficial, there are practical limits to the degree to which the appeals can be sped up. The members of many local Appeals Boards are volunteer professionals with full time jobs, in most cases. To schedule a hearing, we must follow public meetings laws and must ensure we can convene a quorum of the members to proceed. The legislation, as proposed, simply does not give enough time to do this. The only tool provided by the legislation that truly helps to expedite our process is the ability to hold the meeting virtually, the additional fee does nothing to help expedite an appeal as many local Board members are not paid.

In order for SB 41 to be effective, an amendment to allow more time to schedule and hold hearings is necessary. Without additional time, it is unlikely we can schedule and hold a hearing in the time frame specified. Many jurisdictions would likely be forced to decertify local appeals board and send everything to Columbus to manage. This could lengthen the time necessary to resolve disputes, particularly as the State begins to hear more and more of these cases from across the state.

In conclusion, SB 41, as proposed, will not be likely to provide the improvements to the appeals process contemplated by its sponsors. Solutions to the types of incidents which led to its drafting, already exist in State law. The idea of creating a more expedited timeline for local appeals boards to provide hearings does have merit. Unfortunately, that timeline needs to work within the realities necessary to maintain a professional appeals board which operates as a public body.

Sincerely,

A handwritten signature in black ink, appearing to read "Donald L. Phillips, Jr.", written in a cursive style.

Donald L. Phillips, Jr., P.E.

President

Ohio Building Officials Association