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Sponsor Testimony

Senate Bill 6

Ohio House Development Committee

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Chair Hoops, Vice-Chair Lorenz, Ranking Member Abdullahi and members of the House Development Committee, thank you for the opportunity to provide sponsor testimony on Senate Bill 6, which aims to make Ohio's building inspection process more efficient by allowing for expedited appeals. This bill is a reintroduction of Senate Bill 41 from the 135th General Assembly, which was reported favorably by a 5-0 vote in the Senate Small Business and Economic Committee, and passed by the Ohio Senate 31-0 in March of 2023, followed by unanimous votes in the House Economic and Workforce Development Committee (14-0) and on the House floor (86-0) in December of 2024. Unfortunately, Senate Bill 41 was not taken up for a concurrence vote during lame-duck, making Senate Bill 6 the fifth General Assembly that I have introduced this legislation. Since then, Senate Bill 6 has been favorably reported from the Senate Government Oversight and Reform Committee (7-0) and passed by the Senate unanimously (32-0) in February of this year.

For context on this legislation, 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 6 allows boards of building appeals to meet virtually.

Under Senate Bill 6, 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 6 will benefit not only builders and contractors but also the businesses needing the building and their end customers - every day Ohioans.

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