



CHAPTER

OHIO BUILDING OFFICIALS ASSOCIATION

PO BOX 1506, COLUMBUS OH 43216-1506
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Rep James M Hoops
Chair, House Development Committee
77 S High St FL 13
Columbus OH 43215-6108
Via e-mail OHRDevelopmentCommittee@ohiohouse.gov

May 21, 2025

SUBJECT: SB 6, Opposition Testimony

1. Introduction. Chair Hoops, Vice-Chair Lorenz, Ranking Member Abdullahi, and members of the House Development Committee, my name is Charles Huber and I serve on the Ohio Building Officials' Association (OBOA) Legislative and By-Laws Committee. Thank you for the opportunity to provide opposition testimony on Senate Bill (SB) 6. OBOA is a professional organization consisting of approximately 1,000 members most of whom administer construction and fire rules. Our membership includes private sector architects, professional engineers, other construction designers, and construction contractors. Our members include employees and officials in State government. This testimony has been neither specifically coordinated nor endorsed by any State government employee or official.
2. Summary. SB 6 would have the unintended consequence of removing the convenience of local nonresidential boards of building appeals (BBA) in some jurisdictions. OBOA's letter April 3, 2025 to the House Development Committee, the SB 6 Sponsor, and other stakeholders transmitted a draft amendment whereby:
 - a. Local nonresidential boards of building appeals (BBA) may opt out of offering expedited appeals procedures, and
 - b. If an Appellant desired the expedited procedures and were in a jurisdiction with a local nonresidential BBA, then they could appeal directly to the Ohio BBA.
 - c. Background. City of Dayton, Hamilton County, and Stark County stated that if expedited appeals procedures become law, then they would have to dissolve their local BBA's. Then all nonresidential building code appeals (including non-urgent, non-expedited appeals) currently being heard by those local BBA would have to be heard by the Ohio BBA.
 - d. Conclusion. OBOA's letter April 3, 2025 including the draft amendment's attached. My contact information's (M) 330-389-2954, e-mail Charles.Huber@lakewoodoh.gov



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April 3, 2025

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Honorable Representative James M Hoops
Chair, House Development Committee
77 S High St Fl 13
Columbus OH 43215-6108
Via E-mail: Rep81@ohiohouse.gov

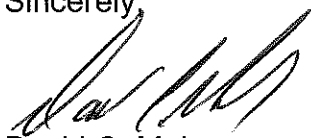
SUBJECT: Senate Bill (SB) 6 Expedited Board of Building Appeals (BBA)
Amendment Request

1. Thank you for considering this request for an amendment to SB 6. The Ohio Building Officials' Association (OBOA) is a professional organization 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.
2. Our understanding of the issue which is being addressed by SB 6 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 [Ohio Building Code, Ohio Mechanical Code, Ohio Plumbing Code, (Ohio Administrative Code 4101:1, 4101:2, & 4101:3)] is to audit construction at certain intervals and report findings back to the owner's representative and the Building Official (OAC 4101:1-1 Section 108.6 et seq.) If a Building Official finds that corrections must be made, they must issue an Adjudication Order (OAC 4101:1-1 Section 108.7) which can then be appealed to the local non-residential BBA if one exists. If there's no local non-residential BBA, then the Adjudication Order may be appealed to the State of Ohio BBA. If these procedures aren't followed by the building department, then a complaint may be filed to the Ohio Board of Building Standards (BBS), which is empowered to take corrective action including decertification of building department personnel and the building department.
3. 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 non-residential BBA are volunteer professionals with full time jobs, in most cases. To schedule a hearing, they must follow public meetings laws and must ensure they can convene a quorum of the members to proceed. SB 6 as proposed, simply does not give enough time to do this. The only tool provided by SB 6 that truly helps to expedite the process is the ability to hold

the meeting virtually [SB 6 lines 247-252, proposed Ohio Revised Code 3781.21(C)]. The additional fee does nothing to help expedite an appeal as many local non-residential BBA members are not paid.

4. Some jurisdictions would likely be forced to have their local non-residential BBA decertified by Ohio BBS. All appeals arising from Building Official Adjudication Orders in those jurisdictions would have to be filed at and heard by Ohio BBA. This could lengthen the time necessary to resolve appeals, particularly as Ohio BBA begins to hear more of these cases from across the State. This unintended consequence can be prevented with a simple amendment (draft's attached) allowing:
 - a. A local non-residential BBA to opt out of offering expedited procedures, and
 - b. Where local non-residential BBA have opted out of offering expedited appeals, allowing Appellants desiring expedited procedures to file with the Ohio BBA without first filing with and receiving a decision from the local non-residential BBA.
5. We stand ready to work with the SB 6 sponsor, the House Development Committee, the Ohio Legislative Service Commission, and other stakeholders on this amendment. My project officer's Charles Huber, e-mail Charles.Huber@lakewoodoh.gov (W) 216-529-6689, (M) 330-389-2954.

Sincerely,



David C. Molnar
President

Atch
Draft SB 6 Amendment

cc: House Development Committee Members
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S. B. No. 6

As Passed by the Senate

_____ moved to amend as follows:

In line 54, after “Code” insert “unless the Appellant requests expedited procedures pursuant to section 3781.21 of the Revised Code and the municipal or county board of building appeals certification pursuant to section 3781.20 of the Revised Code excludes providing those expedited procedures.”

In line 55 after the first “appeals,” insert “or the Appellant requests expedited procedures pursuant to section 3781.21 of the Revised Code and the municipal or county board of building appeals certification pursuant to section 3781.20 of the Revised Code excludes providing those expedited procedures, then”

In line 117 after “thereto.” insert “The certification will specify whether the municipal or county board of building appeals provides expedited procedures pursuant to section 3781.21 of the Revised Code.”

After line 174 add “(3) Whether the municipal or county board of building appeals will provide expedited procedures pursuant to section 3781.21 of the Revised Code.”

In line 210 delete “certified”

In line 211 after “appeals” insert “certified to provide expedited procedures”