



To: Members of the House Agriculture and Conservation Committee

From: Vince Squillace, Executive Vice President

Re: *Proponent Testimony HB 175*

Chairman Koehler, Vice Chair Creech, Ranking Member Brent, and Members of the House Agriculture and Conservation Committee, the Ohio Home Builders Association (OHBA) urges your support of HB 175, which would remove ‘ephemeral features’ from the definition of ‘waters of the state’, and be a step toward more appropriately aligning the state with current federal regulations.

As you all are likely aware, there is a clear shortage of housing supply in Ohio. We hear a lot of talk about economic development. Take it from us, the ‘development’ part is very difficult, lengthy and expensive. Especially, when trying to develop affordable lots. Regulations are substantial: environmental, zoning, infrastructure, not to mention community opposition. It is a very difficult process full of risk. HB 175 would help preserve the relief granted with the revision by the US EPA and US Army Corp of Engineers to the definition of ‘waters of the United States’ (WOTUS) under the Clean Water Act (CWA). HB 175 would amend the Ohio statute to make clear ‘ephemeral features’ would no longer be considered a ‘water of the state’, thus moving to a more consistent set the rules and regulations for those developing land. We have heard from members of OHBA who saw some regulatory relief in 2019 when the federal definition was changed, only to find out they would now, instead, have to get a permit from the state requiring even more stringent mitigation requirements.

It is crucial to understand what we are and are not talking about when we look at ‘ephemeral features’. These features are areas where surface water is flowing or pooling only in direct response to precipitation. Other witnesses have provided photos and examples, as well as, technical expertise as to the function of these ‘features’. Ephemeral streams provide little to no storage during a storm event. Rather, they create pathways for water to quickly run off the land. These streams are narrow, from inches to a few feet wide, and only hold water during storm events and are otherwise, dry. The extensive regulations triggered when impacting ephemeral features have costly implications, adding both uncertainty and increased mitigation requirements.

OHBA supports HB 175 because it provides some regulatory certainty aligned with the federal WOTUS rule at a time when it is sorely needed to meet the demands of the real estate market in Ohio. Very simply, you cannot begin to talk about building a home, until there is a developed lot upon which to build it. According to a study done by The National Association of Home

Builders (NAHB), regulations at the federal, state and local level now account for about 25% of the cost of a house. This isn't the materials, which is also a factor recently, simply government regulation pushing up the price of housing and aggravating housing affordability in Ohio.

Thank you to the Sponsor, Representative Hillyer for introducing HB 175. OHBA is happy to work with this Committee and the Sponsor moves through the process.