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Sponsor Testimony

Senate Bill 196

Ohio Senate Small Business and Economic Opportunity Committee

December 8th, 2021

Chairman Rulli, Vice-Chair Lang, Ranking Member Sykes and members of the Senate Small Business and Economic Opportunity Committee, thank you for the opportunity to provide sponsor testimony on Senate Bill 196, which aims to make Ohio's building inspection process more efficient by allowing for expedited appeals.

In Ohio, contractors completing building projects must have their work inspected by local building departments. On occasion, building inspectors will raise concerns that the builders must rectify. In most cases, contractors complete recommended changes and the project is able to continue or receive a certificate of occupancy with little impact. However, sometimes the changes requested by inspectors are incompatible with plans already pre-approved by the local government and contractor. It is when contractors and inspectors disagree that Ohio's existing inspection appeals process is intended to resolve the dispute.

Ohio's Board of Building Appeals was created in 2004 and consists of 5 members, appointed by the Governor for 4 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 but also for the end customer whose business is also impacted by the delay. With Ohio's always volatile weather and this climate of material and labor shortages, bureaucracy shouldn't be an additional hurdle Ohio's builders have to face. Senate Bill 196 will help loosen the shackles of government by both allowing boards of building appeals to meet virtually and by creating an avenue for builders to request an expedited appeal.

Under Senate Bill 196, 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 24hrs of the request being made, excluding Saturdays, Sundays, and legal holidays in ORC 1.14, and;
- Hold a hearing within 72hrs of the request being made, excluding Saturdays, Sundays, and legal holidays in ORC 1.14.

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

To fund the expedited process, the person making the request shall pay any fees established by the board, not to exceed \$500 per day or \$1,500 total. It should be noted that the 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.

There is companion legislation in the House. HB372 is sponsored by Representatives Roemer and Ray. Thank you for the opportunity to provide sponsor testimony. I would be happy to answer any questions at this time.