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H.B. 361
136th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Lorenz and Fischer

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SUMMARY

Land use decisions

- Generally requires counties, townships, and municipal corporations to make land use decisions within 90 days, otherwise a request is deemed approved.
- Requires county and township boards of zoning appeals to decide appeals within 30 days.
- Increases, from 30 to 90 days, the amount of time a municipal corporation may refuse approval of a plat before it is deemed approved.

Building inspections

- Requires rules adopted by the Board of Building Standards related to certifying persons to enforce the residential and nonresidential building codes to make the certification process as accessible as possible, while still ensuring that certificate holders are adequately qualified.
- Requires plan review and inspections of residential and nonresidential building construction projects to be conducted within 30 days of the request.
- Permits a general contractor or the owner of a construction project, or applicant requesting a plan review or inspection, to contract with a third-party private inspector or an out-of-jurisdiction certified building department to conduct inspections.
- Authorizes the Board of Building Standards to maintain and publish a list of third-party private inspectors and certified building departments that it authorizes to conduct inspections under the bill's provisions.

Road access management

- Related to the construction, reconstruction, use, and maintenance of points of access from public or private property onto public streets and highways, does both of the following:
 - Prohibits a county or township from establishing standards that are stricter than the corresponding state and federal regulations; and
 - Requires any related traffic studies to be completed within 45 days after a permit application has been submitted.

DETAILED ANALYSIS

Land use decisions

The bill requires counties, townships, and municipal corporations to approve or disapprove an “entitlement application” within 90 days, otherwise it is deemed approved. The bill defines “entitlement” as any discretionary land use decision requiring an approval by a public body or elected official, including for example variances, special or conditional uses, zoning changes, planned unit development regulations, or other special approval.

The bill also requires every entitlement application to receive at least one public hearing within 30 days after the application is submitted, unless the application “is deviated from the original submission.” The county, township, or municipal corporation must provide at least 14 days’ notice of the hearing in these three ways:

- To the owners of the property within the area proposed to be changed or affected by the proposed entitlement change, to the owners of property adjacent such area, and to the owners of property located within 250 feet of the area, via a mailed postcard that includes the date, time, and location of the hearing.
- By posting one or more signs within the area proposed to be changed or affected by the proposed entitlement change that include the date, time, and location of the hearing.
- By posting on the website of the county/township/municipal corporation, including the date, time, and location of the hearing, a description of the proposed entitlement change, and a web link to relevant documents.¹

For appeals submitted to a county or township board of zoning appeals, the bill requires the board to decide the appeal within 30 days after it was submitted. Currently, the board must decide the appeal within a “reasonable time” after it was submitted. A public hearing is already required under continuing law, but the bill modifies the notice requirements to match the above notice requirements for entitlement applications.

¹ R.C. 303.123, 519.123, and 713.35.

For zoning appeals in a county or township, the bill modifies the notice requirements to match the land use application public hearing requirements above. Instead of choosing publication via newspaper, the official public notice website, or the government's website/social media as under current law, the county or township is required to give notice via mailed postcard to owners within the affected area and within 250 feet of the area, post signs within the area, and post on their website.²

Finally, the bill increases, from 30 to 90 days, the amount of time a municipal corporation may refuse approval of a plat before it is deemed approved.³

Building inspections

Certification of code enforcement officials

The bill makes several changes aimed at speeding up the building inspection process. Continuing law authorizes the Board of Building Standards (BBS) to adopt rules authorizing certified local building departments to accept plan examination and inspection reports from a third-party examiner or inspector. The rules may require the third-party examiner or inspector to obtain certification from BBS or "to demonstrate equivalent competency" as specified and determined by BBS.⁴

The bill requires that the rules adopted by BBS related to certifying persons to enforce the residential building code make the certification process as accessible as possible, while still ensuring that certificate holders are adequately qualified to enforce compliance with the state's residential building standards.⁵

Plan review and inspections

The bill requires a building department having jurisdiction over a residential or nonresidential building construction project to review plans and conduct the inspection of the building within 30 days after receiving a plan review or inspection request.⁶ The Revised Code does not currently specify the timeframe inspections must be conducted. The bill specifies that if the building department having jurisdiction does not timely conduct the plan review or inspection, then the general contractor or owner of the project or the applicant for the plan review or inspection may notify BBS and the building department having jurisdiction of their intention to contract for an independent plan review or inspection.

After sending this notice, the general contractor, owner, or applicant may contract with a third-party private inspector or another building department to conduct the review or

² R.C. 303.15 and 519.15.

³ R.C. 713.35.

⁴ R.C. 3781.10(E)(15). This provision was enacted by H.B. 96 of the 136th General Assembly, effective September 30, 2025. The version of R.C. 3781.10 in the bill does not reflect the changes made by H.B. 96.

⁵ R.C. 3781.10(E)(3)(c).

⁶ R.C. 3781.181(B).

inspection.⁷ A “third-party private inspector” is defined in the bill as a certified inspector authorized to accept and approve plans and to conduct inspections of residential or nonresidential building construction projects but who is not directly employed by a governmental entity.⁸

BBS list of certified inspectors

The bill authorizes BBS to maintain a list of third-party private inspectors and certified building departments it authorizes to conduct plan review and inspections for residential and nonresidential buildings construction projects. If BBS does maintain such a list, it must include for each third-party inspector what certification the inspector holds and any limitations on the third-party inspector’s authority to provide services. BBS then must publish the list on a publicly accessible website it maintains.⁹

General contractor and owner – inspection contract

The bill specifies that if a general contractor or owner contracts with a third-party private inspector, then the contractor or owner is responsible for the payment of any fee pursuant to the contract. The building department having jurisdiction (which is not conducting the inspection) still may charge any standard fee that is customary for the approval, including an administrative or filing fee, but it cannot charge any fee related to the inspection.¹⁰

Within 24 hours after the plan review or inspection is completed, the third-party private inspector or the inspector employed by the certified building department must send a copy of the results to the building department having jurisdiction.¹¹

Permits and certificate of occupancy

The bill prohibits the building department having jurisdiction from requiring a general contractor, owner, or applicant to obtain a building permit sooner than 180 days after a third-party private inspector or an inspector employed by a certified building department approves the submitted plans. Additionally, plan approvals for fire and sprinkler plans cannot interfere with the issuance of a certificate of plan approval or a building permit. The bill specifies that the chief building official of the building department with jurisdiction may prohibit final occupancy if plans have not been approved for a project, as directed by the chief building official.¹²

⁷ R.C. 3781.181(D)(1) and (2).

⁸ R.C. 3781.10(E)(7)(e) and 3781.181(A)(3).

⁹ R.C. 3781.181(C).

¹⁰ R.C. 3781.181(D)(3).

¹¹ R.C. 3781.181(D)(4).

¹² R.C. 3781.181(D)(5), (6), and (7).

Rules

The bill requires BBS to adopt rules relating to the procedures for the review and processing of the inspection reports by the building official of the building department having jurisdiction.¹³

Conforming changes

The bill makes conforming changes to the law; making an inspector that contracts with an owner or general contractor pursuant to the bill's provisions also subject to the law relating to disqualification for specified conflict of interests.¹⁴

Road access management

Under current law, a county or a township may adopt, by resolution, regulations governing the construction, reconstruction, use, and maintenance of points of access from public or private property onto the public streets and highways under its jurisdiction. As part of these regulations, the board of county commissioners or the board of township trustees may require permits and set the standards for approval or denial of those permits. The regulations may be adopted only for "purposes of promoting traffic safety and efficiency and maintaining proper traffic capacity and traffic flow."¹⁵

The bill establishes additional parameters for the road access regulations by prohibiting a county or township from establishing standards that are stricter than the corresponding state and federal regulations for similar points of access.¹⁶ Additionally, it requires a board of county commissioners or a board of township trustees that adopts road access management regulations to require any of the necessary traffic studies associated with a point of access location to be completed within 45 days after the permit application for the construction, reconstruction, use, or maintenance of that point of access is submitted to the board.¹⁷

HISTORY

Action	Date
Introduced	06-12-25

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¹³ R.C. 3781.10(E)(11)(c) and 3781.181(D)(8).

¹⁴ R.C. 3781.10(E)(11)(a).

¹⁵ R.C. 5552.02(A).

¹⁶ R.C. 5552.02(E)(2).

¹⁷ R.C. 5552.12.