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H.B. 372
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Ray and Roemer

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Corrected version*

SUMMARY

- Establishes an expedited appeals process for appeals before the Board of Building Appeals and a local municipal or county board of building appeals.
- Authorizes the Board of Building Standards to adopt rules to establish the expedited appeals process under the bill.
- Requires that an expedited appeal be commenced within 24 hours of the request and that the hearing be conducted within 72 hours of the request.
- Requires the person requesting an expedited appeal to pay \$500 for the expedited appeal to the board conducting the proceeding.
- Authorizes the board conducting an expedited hearing to do so by means of teleconference, video conference, or any other similar electronic technology.
- Requires that the board conducting an expedited appeal provide all parties a 24-hour notice of the hearing prior to conducting the hearing.

DETAILED ANALYSIS

General overview

The bill establishes an expedited appeals process for appeals before the Board of Building Appeals in the Department of Commerce (state board of appeals) and a local municipal or county board of building appeals (local board of appeals). These boards have been established under the law, so individuals, businesses, or local governments can appeal local building permit decisions, request a variance, or question the enforcement of the Ohio Building

* This analysis corrects an error regarding which board is authorized to adopt rules under the bill.

Code. Local boards of appeals are certified by the state board of appeals. Appeals are conducted following the Ohio Administrative Procedure Act. Under continuing law, the appropriate local board of appeals, if one exists, must conduct the adjudication. If there is no local board established, then the state board of appeals must conduct the adjudication hearing. Under a typical appeals process under continuing law, the state board of appeals or a local board of appeals must render its decision within 30 days after the date of the adjudication hearing. The bill provides an option for a person to request that the appeal proceeding be expedited.¹ The bill authorizes the Board of Building Standards to adopt rules to implement the provisions of the bill.²

Expedited appeals

Under the bill, any person that requests an appeal of an order by a building official before the state board of appeals or the local board of appeals, may request the appeal to be expedited. If the expedited appeal is requested, the board must commence the appeal within 24 hours after the request is made, excluding Saturdays, Sundays, and legal holidays, and the board must hold a hearing within 72 hours after the request is made.³

Under certain circumstances, if proceedings have commenced and a person did not request the appeal to be expedited, the person can still request that the remainder of the appeal proceeding be expedited. This is an option if during the course of the appeal, the board issues a continuance of the hearing, so that no decision is made and additional evidence is requested in order to continue the proceeding. In this situation, a person may request that any follow-up hearing be expedited and held within three days of the continuance being issued.⁴

Fee

The person making the request for an expedited appeal must pay \$500 for the entire expedited appeal to either the state or local board of appeals, whichever is handling the proceeding. Under continuing law, if the state board of appeals is handling a proceeding that is not expedited, it may charge up to \$200 and a local board may charge up to \$100 for an appeal that is not expedited.⁵

¹ R.C. 3781.19 and 3781.20(B); see also Ohio Board of Building Standards, Boards of Building Appeals, https://www.com.ohio.gov/documents/bbst_APPEALSBOARDS11906.pdf.

² R.C. 3781.21(D).

³ R.C. 3781.21(A)(1).

⁴ R.C. 3781.21(A)(2).

⁵ R.C. 3781.19, 3781.20(B), and 3781.21(B).

Remote hearings

The bill authorizes the state board or local board of appeals to conduct an expedited hearing by means of teleconference, video conference, or any other similar electronic technology.⁶

Notice

The bill requires that the board conducting an expedited appeal provide all parties a 24-hour notice of the hearing prior to conducting the hearing. The seven-day notice under the Ohio Administrative Procedure Act does not apply.⁷

HISTORY

Action	Date
Introduced	07-07-21

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⁶ R.C. 3781.21(C).

⁷ R.C. 3781.21(A)(3).