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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

S.B. 41\*  
135<sup>th</sup> General Assembly

## Bill Analysis

[Click here for S.B. 41's Fiscal Note](#)

**Version:** As Reported by Senate Small Business and Economic Opportunity

**Primary Sponsor:** Sen. Roegner

Joe McDaniels, Attorney

### SUMMARY

- Allows for expedited appeals to the Ohio Board of Building Appeals and county and municipal boards of building appeals.

### DETAILED ANALYSIS

The Ohio Board of Building Appeals hears appeals to orders enforcing the Ohio Building Code, the Residential Code of Ohio (the building code for residential structures), the Ohio Fire Code, the Ohio Elevator Code, and the Ohio Boiler Pressure and Vessel Code. The Board of Building Appeals may also certify county and municipal boards of building appeals to hear appeals to orders enforcing the Ohio Building Code and the Residential Code of Ohio.<sup>1</sup> The bill provides for expedited appeals to these boards.

#### Requests and scheduling for expedited appeals

Under current law, when a party appeals an order, the Board of Building Appeals, or the relevant county or municipal board, is required to schedule the appeal hearing, no sooner than seven days and no later than 15 days after the appeal is requested.<sup>2</sup> The bill allows appellants to request expedited appeals. If an expedited appeal is requested when the appeal itself is made, the bill requires the board to both:

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\* This analysis was prepared before the report of the Senate Small Business and Economic Opportunity Committee appeared in the Senate Journal. Note that the legislative history may be incomplete.

<sup>1</sup> R.C. 3781.19 and 3781.20; Ohio Administrative Code (O.A.C.) 4101:13-1-04, not in the bill.

<sup>2</sup> R.C. 119.07, not in the bill.

- Commence the appeal within one day after the request is made, excluding Saturdays, Sundays, and legal holidays;
- Hold a hearing within five days after the request is made, excluding Saturdays, Sundays, and legal holidays.

If an expedited appeal is not requested at the outset, the person who requested the appeal may later request that the remainder of the appeal be expedited if certain conditions are present. Those conditions are that, during the course of the appeal, the board issues a continuance of the hearing, such that no decision is made and additional evidence is requested in order to continue the proceeding. In those circumstances, the person may request that any follow-up hearing be expedited within five days of the issue of the continuance, excluding Saturdays, Sundays, and legal holidays. The follow-up hearing then must be held within five days of the request.

Generally, under continuing law, the Board of Building Appeals, and a county or municipal board, must issue its decision within 30 days of an appeal hearing. The bill states that this deadline does not apply to expedited appeals, but does not provide an alternative deadline.<sup>3</sup>

Under the bill, the board conducting an expedited hearing must provide all parties a notice before conducting the hearing. The board may hold the hearing electronically.<sup>4</sup>

## **Fees for expedited appeals**

Under continuing law, the Board of Building Appeals is permitted to establish reasonable fees for appeals, based on actual costs for administration of filing and processing and not exceeding \$200 (the current fee is \$200). County and municipal boards of building appeals are also permitted to establish reasonable, cost-based, fees for appeals that do not exceed \$100. The bill allows the Board of Building Appeals, and county and municipal boards, to establish additional fees for expedited appeals. Those fees cannot exceed \$500 for each day the appeal is pending or \$1,000 in total.<sup>5</sup>

## **Rules**

The Board of Building Standards is authorized to adopt rules implementing the bill's expedited appeal process.<sup>6</sup>

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<sup>3</sup> R.C. 3781.19.

<sup>4</sup> R.C. 3781.21(A) and (C).

<sup>5</sup> R.C. 3781.19, 3781.20(B), 3781.21(B); O.A.C. 4101:13-1-13, not in the bill.

<sup>6</sup> R.C. 3781.21(D).

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## HISTORY

Action	Date
Introduced	01-31-23
Reported, S. Small Business and Economic Opportunity	---

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