

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Ohio Department of Commerce in accordance with Ohio Revised Code § 119.03 intends to amend one rule and rescind eight rules governing Building Code Compliance Fees (formerly known as Plumbing Permit, Reinspection Fees) found in Ohio Administrative Code § 1301:3-2 et seq.

1301:3-2-01 (Amended) and 1301:3-2-02, 1301:3-2-03, 1301:3-2-04, 1301:3-2-06, 1301:3-2-07, 1301:3-2-08, 1301:3-2-09, 1301:3-2-10 (Rescinded):

Chapter 1301:3-2 of the Ohio Administrative Code is currently entitled “Plumbing Permit, Reinspection Fees” and, in its current form, deals with plumbing inspector certification issued by the Division of Industrial Compliance (the “Division”). Previously, both the Division as well as the Board of Building Standards (the “Board”) administered separate, but related, plumbing inspector certification programs. The Division certified plumbing inspectors working on behalf of health districts, while the Board certified plumbing inspectors for certified building departments. To avoid confusion in the industry by having two similar, though distinct, certification programs, and to reduce administrative inefficiencies in having two separate programs, the Division’s plumbing inspector certification program was terminated and the Board assumed sole responsibility for certification of all plumbing inspectors in Ohio. As a result, rules contained in Chapter 1301:3-2 of the Ohio Administrative Code that deal exclusively with plumbing inspector certification administered by the Division (rules 1301:3-2-02 through 1301:3-2-04 and 1301:3-2-06 through 1301:3-2-10) are no longer needed, and, therefore, are proposed to be rescinded.

Additionally, the amount of fees collected by the Division for matters dealing with building code compliance was previously set out in rule 4101:7-7-01 of the Ohio Administrative Code, which fell under the Board’s administrative rules. Given that the fee was ultimately collected by the Division for services rendered pertaining to building code compliance, placing the rule that sets the amount for such fees within the Ohio Administrative Code under the Division of Industrial Compliance’s division-level rules was more intuitive organizationally speaking. The Board, therefore, has filed a rescission of this rule and the Division proposes to amend rule 1301:3-2-01, currently entitled “Permit fees,” to transfer fee authority contained in rule 4101:7-7-01 to rule 1301:3-2-01. Because this rule will now cover more fees than only plumbing permit fees, titles for both *Chapter* 1301:3-2 and *rule* 1301:3-2-01 are proposed to be changed.

In addition to maintaining fee-collecting authority for the Division through the enactment of this rule, the Division is also seeking to increase the amount collected for certain services offered by the Division regarding administration of its bureau of building code compliance. The proposed increases are necessary because the costs borne by the Division in rendering these services specifically, and in its operations generally, have increased since the time that these fees were originally established in rule 4101:7-7-01 of the Ohio Administrative Code. The amount of the fees previously set in rule 4101:7-7-01 of the Ohio Administrative Code and the proposed amount are set forth in the attached spreadsheet (see Attachment A).

Please note that the remainder of the BIA form addresses only the proposed amendment of rule 1301:3-2-01 to establish the amount of fees for building code compliance. The rescission of rules 1301:3-2-02 through 1301:3-2-10 that dealt exclusively with the now terminated plumbing inspector program previously administered by the Division have no business impact.

The Department will conduct a public hearing on the proposed rules on June 20, 2025, at 1:30 p.m. at the offices of the Division of Industrial Compliance, 6606 Tussing Road, Training Room 3, Reynoldsburg, Ohio 43068-9009.

The proposed rules are available by contacting the Ohio Department of Commerce, Division of Industrial Compliance, Office of Division Counsel, 6606 Tussing Road, Reynoldsburg, OH 43068, by calling (614) 752-7124. The proposed rules are also available at the following website: www.registerofohio.state.oh.us.

At the public hearing, any person affected by the proposed actions may appear and be heard in person, by the person's attorney, or both, may present the person's position, arguments, or contentions, orally or in writing, offer and examine witnesses, and present evidence tending to show that the proposed rule or amendments, if adopted or effectuated, will be unreasonable or unlawful.

Any person who wishes to present his or her position, arguments or contentions in writing may do so by mailing his or her written comments to the Ohio Department of Commerce, Division of Industrial Compliance, Office of Division Counsel, 6606 Tussing Road, Reynoldsburg, OH 43068. Written comments may also be submitted at the hearing. All written comments must be submitted to the Department no later than 5:00 pm. June 20, 2025. Written comments submitted after this date may be considered as time and circumstances permit.

The Ohio Department of Commerce is an equal opportunity service provider.