



SEPTEMBER 20, 2021 REPORT #9

LEGISLATIVE REDISTRICTING LIKELY HEADING TO COURT; CONGRESSIONAL WORK TO BEGIN

A few minutes after the midnight deadline, the Ohio Redistricting Commission approved a four-year legislative map passed along party lines which is likely destined for a challenge before the Ohio Supreme Court. The new maps are for districts which will begin in 2023.

The constitutional provision adopted by voters in 2015 gives the Supreme Court exclusive jurisdiction and would force the commission to reconvene if any map or district is determined to be invalid.

With the legislature also likely to miss the initial September 30th deadline for drawing the Congressional map, the job will fall to the Redistricting Commission, which would have until Oct. 31 to adopt a 10-year map with the support of the commission's two minority members.

Failure to meet that deadline, would kick the responsibility back to the General Assembly. Lawmakers would then have until Nov. 30 to adopt a map with the support of three-fifths of both chambers including at least one-third of Democrats.

The General Assembly could also adopt a four-year map with a simple majority of both chambers under more stringent rules, which state the plan shall not unduly favor or disfavor a party or incumbents or unduly split or give preference to keeping whole governmental units. Those rules also instruct mapmakers to attempt to draw compact districts.

Stay tuned and feel free to contact OHBA with any questions.

LEGISLATIVE UPDATE

HB 107 Elevator Law (Baldrige, B.) To revise the Elevator Law.

After passing the House before summer recess, HB 107 will be starting hearings in the Senate General Government Budget Committee this week. In prior hearings, the House committee heard concerns from elevator contractors from around the state who OHBA has been working with on HB 107. While residential elevators have been exempted already from the contractor licensing, OHBA has suggested changes to address the accessibility equipment also making up the business of the contractors who do the residential work. OHBA will continue to work on changes in the Senate to HB 107.

HB 304 Smoke Alarms (Baldrige, B.) To amend the law regarding smoke alarms in residential premises.

HB 304 is scheduled for its second hearing for proponent testimony this week in the House Commerce and Labor Committee. Over the summer, OHBA met with the bill's sponsor to express concern over particular provisions of HB 304 which would mandate changes to the Ohio Building Code and Residential Code of Ohio dealing with installation of sealed battery smoke alarms in certain scenarios. OHBA explained to the sponsor the more appropriate venue for these types of changes would be the established petition process at the BBS and RCAC. OHBA will continue to work with the committee and representatives. The bill can be reviewed here: https://search-prod.lis.state.oh.us/solarapi/v1/general_assembly_134/bills/hb304/IN/00/hb304_00_IN?format=pdf

Interstate Pipeline Notice Legislation

A final bill is being drafted for introduction which would require certain notice provisions for any new residential or nonresidential building development located in whole or in part within 660 feet of the center point of any natural gas transmission pipeline constructed or operated prior to the development. The bill's sponsor and proponents have been in contact with OHBA asking for feedback. OHBA is paying particular attention to the timeframes and practical impacts if timeframes are not adhered to. Further, a similar bill has already passed in TN, and OHBA has been in contact with HBAT, as well.

Please feel free to contact with any questions.

RCAC VACANCY FILLED BY CINCINNATI BUILDER

With Bill Kaufholz moving to fill a vacancy in the architect spot on the Residential Construction Advisory Committee, Andre Frazier, of Frazier Homes, has been named the newest homebuilder member of the RCAC.

U.S. DISTRICT COURT ORDER VACATES THE NAVIGABLE WATERS RULE

In light of this order, the Army Corp of Engineers and U.S. EPA have halted implementation of the Navigable Waters Protection Rule and are interpreting “waters of the United States” consistent with the pre-2015 regulatory regime until further notice. The agencies continue to review the order and consider next steps. This includes working expeditiously to move forward with the rulemakings [announced on June 9, 2021](#).

It is important to note Jurisdictional Determinations (JD) issued prior to August 30, 2020 will not be revisited, those issued on or after August 30, 2020, will be revisited by the U.S. Army Corp. Any JD yet to be issued will be made by the U.S. Army Corp under the Pre-2015 WOTUS rules.

Discussions on how this will impact the recent actions in Ohio with the ERAC appeal and HB 175 are ongoing.

SAVE THE DATE

Mark your calendar for OHBA’s Fall Board of Trustees Meeting on November 16, 2021 at the Hilton Easton, Columbus.

Meeting material will be emailed out this week. The room block is open at the Hilton Easton. **Room cut-off date is October 16th. Use this link to reserve a sleeping room-** https://www.hilton.com/en/hi/groups/personalized/C/CMHCHHF-HBA-20211115/index.jhtml?WT.mc_id=POG

Group Name is Ohio Home Builders Association and code is HBA or call the Hilton direct to reserve your room at (800) 445-8667. Request Ohio Home Builders room block. **Room rate is \$199 plus tax per night.**