



JUNE 12, 2020 REPORT #10

SENATE RELEASES SCHEDULE FOR REMAINING 2020 CALENDAR

A new Senate schedule for the rest of 2020 calls for a few summer sessions and an extensive session after the fall general election. The new schedule was released on Tuesday.

Senators could be back in Columbus for two session days in July and August, and three potential days in September, October and November. Senators are set to be back in the Statehouse for seven potential days in December as the 133rd General Assembly concludes.

The House previously released its [session schedule](#) for all of 2020.

LEGISLATIVE UPDATES

HB 163 WATER/SEWER SERVICE (BRINKMAN, T.) To create a process for withholding local government funds and state water and sewer assistance from municipal corporations that engage in certain water and sewer practices with respect to extraterritorial service.

HB 163 creates a declaratory judgment process by which a municipal corporation providing water or sewer services in other subdivisions may be penalized for engaging in either of the following practices with respect to pricing or providing the extraterritorial service, except as authorized in contracts currently in effect:

- o Charging higher extraterritorial rates for similar property not justified pursuant to generally accepted municipal water or sewer industry pricing practices, with certain exceptions;

o Requiring the extraterritorial subdivision to make direct payments to the municipal corporation as a condition of providing such services in excess of the cost related to extending such service.

A full summary of HB 163, As Passed by the House, can be reviewed at the following link <https://www.legislature.ohio.gov/download?key=13932&format=pdf>

HB 163 passed the House 56-38 earlier this week, and will now head to a Senate committee for action.

HB 498 DISABILITY TAX CREDIT (FRAIZER, M.) To authorize a refundable income tax credit for disability-related home expenses. OHBA will continue to monitor HB 498 after reviewing proponent testimony submitted this week in the House Aging and Long Term Care committee. Although not currently in the bill, a proponent requested changes be made to require certain accessibility standards in the Residential Code of Ohio. OHBA has made the sponsor aware of the RCAC process, and will continue to ensure nothing is added into HB 498. The sponsor indicated he did not intend to include any such language into HB 498. A full summary of HB 498 can be reviewed at the following link. <https://www.legislature.ohio.gov/download?key=13427&format=pdf>

HB 246 PUCO OCC (VITALE, N.) To reform and modernize the Public Utilities Commission and the Consumers' Counsel.

The House Public Utilities Committee Thursday adopted a substitute version of Rep. Nino Vitale's closely watched bill (**HB 246**) to "modernize and reform" the Public Utilities Commission of Ohio and the Ohio Consumers' Counsel. (**Substitute Bill**)

In doing so, the panel replaced the single-sentence placeholder bill with a version that includes a host of provisions. Among the numerous items added to HB 246 was language from a bill (**HB 20**) prohibiting condominium, homeowners and neighborhood associations from imposing unreasonable limitations on installing solar collector systems on roofs or exterior walls. OHBA has been watching HB 20, and is currently reviewing all the other utility provisions included in the substitute bill. HB 246 did not receive any further hearings this week.

SB 308 CIVIL IMMUNITY (HUFFMAN, M.) To revise the law governing immunity from civil liability and professional discipline for health care providers during disasters or emergencies, to provide qualified civil immunity to service providers providing services during and after a government-declared disaster, and to declare an emergency. The Senate Judiciary Committee continues to hear testimony and adopted a substitute last week. As far as we know, homebuilding and construction are currently included in the definition of those to whom this legislation would apply. SB 308 passed the Senate last week and has been referred to House Judiciary committee.

HB 606 CIVIL IMMUNITY (GRENDALL, D.) To grant civil immunity to a person who provides services for essential businesses and operations for injury, death, or loss that

was caused by the transmission of COVID-19 during the period of emergency declared by Executive Order 2020-01D, issued on March 9, 2020, and to declare an emergency. HB 606 bars civil action related to deaths, injuries or losses tied to transmission of COVID-19 in cases without reckless or intentional conduct. Other provisions in the emergency legislation, which passed 83-9, attempt to shield the state and local governments from coronavirus-related suits. HB 606 is now being considered by the Senate Judiciary Committee. All essential workers, including construction are included in HB 606.

HB 380 CONSTRUCTION PAYMENTS (Cross, J., Sweeney, B.) To require owners of construction projects to pay a contractor within thirty-five days of receiving a request for payment. No hearings of HB 380 were scheduled for this week.

SB 212 PROPERTY TAXATION (Schuring, K.) To authorize townships and municipal corporations to designate areas within which new homes and improvements to existing homes are wholly or partially exempted from property taxation. There were no hearings of SB 212 currently scheduled for this week.

Feel free to contact OHBA with any questions or concerns at (614)228-6647

OEPA ISSUES DRAFT GENERAL PERMIT TO REGULATE EPHEMERAL STREAMS

As the new navigable waters rule removed “ephemeral streams” from its definition of Waters of the United States, the OEPA has issued a draft general permit to regulate as a water of the state. OHBA has been working with stakeholders and the OEPA to answer the numerous questions raised with the new permit. The WOTUS definition is set to go into place June 22, 2020. A copy of the draft permit can be found at the following link. <https://www.epa.ohio.gov/dsw/401/permitting>

OHBA SUMMER MEETING

Reminder, OHBA’s Summer Meeting that was scheduled for **June 29th** at Mackinac Island in Michigan is cancelled.