

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 122:29-1-05

**Rule Type:** New

**Rule Title/Tagline:** Transformational Mixed Use Development Tax Credit.

**Agency Name:** Development Services Agency

**Division:** Transformative Mixed Use Development Credit

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#### I. Rule Summary

1. **Is this a five year rule review?** No
  - A. **What is the rule's five year review date?**
2. **Is this rule the result of recent legislation?** Yes
  - A. **If so, what is the bill number, General Assembly and Sponsor?** SB 39 - 133 - Senator Kirk Schuring
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 122.09(O)
5. **What statute(s) does the rule implement or amplify?** 122.09
6. **What are the reasons for proposing the rule?**

Required to be promulgated under Am. Sub. S.B. 39 of the 133rd G.A.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule describes the process for calculating the Transformational Mixed Use Development tax credit.

- 8. **Does the rule incorporate material by reference? Yes**
- 9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

The rule references the Revised Code which is exempt under R.C. 121.75(A)(1)(a)

- 10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Revised responses to adverse impact analysis to properly identify voluntary nature of program. Rule unchanged.

## **II. Fiscal Analysis**

- 11. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

\$0

Not Applicable.

- 12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Projects electing to have the tax credit determined under the alternative calculation are required to pay for the estimated increase in tax collected in year 1 by the statute.

- 13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

- 15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable.

## **III. Common Sense Initiative (CSI) Questions**

16. Was this rule filed with the Common Sense Initiative Office? No

17. Does this rule have an adverse impact on business? No

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No

C. Does this rule require specific expenditures or the report of information as a condition of compliance? No

The rule requires the expenditure of funds for a study to determine the estimated increase in taxes collected if the project elects to have the credit determined under the alternative calculation method under the statute. Application and participation in the program is entirely voluntary.

D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

**IV. Regulatory Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))**

18. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding?

Not Applicable

B. How many existing regulatory restrictions do you propose removing?

Not Applicable