

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 173-11-03

**Rule Type:** New

**Rule Title/Tagline:** Senior facilities program.

**Agency Name:** Department of Aging

**Division:**

**Address:** 246 N. High St. 1st floor Columbus OH 43215-2046

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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? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 121.07, 173.01, 173.02, 173.11
5. What statute(s) does the rule implement or amplify? 173.11, 173.12
6. What are the reasons for proposing the rule?

This rule exists to comply with section 173.11 of the Revised Code.

ODA proposes to adopt this new rule to replace the current version of this rule, which ODA simultaneously proposes to rescind.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule regulates the application process for the Senior Facilities Program.

In 1978, H.B.1084 (112th G.A.) established the Senior Facilities Program and, in 1980 and 1984, H.B. 827 (113th G.A.) and H.B. 660 (115th G.A.) modified the program. However, since 2001, the General Assembly has stopped funding the program. Additionally, no person or organization has awarded a grant or gift to the program. As a result, it has been dormant since 2001.

In 2013, ODA worked with the Common-Sense Initiative (CSI) to reduce Chapter 173-11 of the Administrative Code to this rule. For more information, please review CSI's recommendation on Nov. 14, 2013.

ODA now proposes to adopt this new rule to replace the current version of this rule, which ODA simultaneously proposes to rescind. Compared to the current version of this rule that ODA proposes to rescind, the proposed new rule (1) consists of a paragraph comprised of the introductory paragraph and paragraph (A) of the rule being rescinded, and (2) no longer contains requirements for outdated modes of communication that would be required if the program was funded and an application process was in operation.

- 8. Does the rule incorporate material by reference? No**
- 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.**

*Not Applicable*

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

ODA made a revised filing of this rule to upload a revised public hearing notice. In doing so, ODA did not revised the rule itself.

## **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.

\$0.00

Adopting this proposed new rule will have no impact upon the biennial budget that the Ohio General Assembly established for ODA in H.B. 110 (134th G.A.).

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

No funds currently exist for this program. If funds become available, counties, townships, municipal corporations, existing senior centers, and local non-profit organizations would not be required to take any action unless they voluntarily decide to apply to ODA to receive funds. Receiving funds through the program would justify any expense involved in applying for those funds.

**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? Yes**

**17. Does this rule have an adverse impact on business? Yes**

**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? Yes**

No funds currently exist for this program. If funds become available, counties, townships, municipal corporations, existing senior centers, and local non-profit organizations would not be required to take any action unless they voluntarily decide to apply to ODA to receive funds. Receiving funds through the program would justify any expense involved in applying for those funds.

- 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? Yes

A. How many new regulatory restrictions do you propose adding? 0

B. How many existing regulatory restrictions do you propose removing? 7

(B)(1) [from rule proposed for rescission]: "ODA shall provide a notice of funding availability and a complete copy of all application materials to each area agency on aging (AAA)."

(B)(2) [from rule proposed for rescission]: "After receiving ODA's notice, each AAA shall provide a copy of the notice and application materials to each entity it has designated as a focal point, and to all counties, townships, municipal corporations, existing senior centers, and other local non-profit organizations located within the AAA's planning and service area."

(B)(2) [from rule proposed for rescission]: "An AAA's failure to notify every possible applicant, however, shall not render the application process or grant award process void."

(B)(4) [from the rule proposed for rescission]: "Each AAA shall review any application it receives for completeness..."

(B)(4) [from the rule proposed for rescission]: "...and shall communicate any deficiency to the applicant in writing."

(B)(5) [from the rule proposed for rescission]: "If the AAA communicated any deficiency to the applicant, the applicant shall correct the deficiency and submit the revised application to the AAA before the deadline ODA published in the application materials."

(B)(6) [from the rule proposed for rescission]: "Each AAA shall forward any completed applications to ODA no later than the deadline established by ODA."

