

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4112-3-05
Rule Type: Amendment
Rule Title/Tagline: Complaint and notice of hearing.
Agency Name: Ohio Civil Rights Commission
Division:
Address: 30 East Broad Street Fifth floor Columbus OH 43215
Contact: Stephanie Demers
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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 10/18/2018
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?** 4112.04
5. **What statute(s) does the rule implement or amplify?** 4112.04, 4112.05
6. **What are the reasons for proposing the rule?**

The rule is not the result of recent legislation, but the proposed amendments are the result of amendments to the statutes (see, HB 463; 131st GA; Rep. Dever)

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

The rule specifies when the commission will issue a formal complaint; the contents of the complaint; how to amend complaints, consolidate complaints and join parties. The agency seeks to make the following amendments:

Strike the word "such" in paragraph (D) and replace with "the" for grammatical purposes.

Add section 4112.05(C) of the Revised Code to paragraph (D) because the statute also addresses amendments and was most recently changed to specifically address amendments in housing cases.

(The prior language allowed all complaints to be amended at any point including during the hearing.)

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. 121.71 to 121.76, 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.**

Not Applicable

II. Fiscal Analysis

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

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Not applicable.

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

Not applicable.

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**

III. Common Sense Initiative (CSI) Questions

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

16. 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**

Rule Summary and Fiscal Analysis

(Part A – General Questions)

4112-3-05

Rule Number

Existing – Five-year review (Amended)

TYPE of rule filing

Rule Title/Tag Line

Complaint and notice of hearing.

Ohio Civil Rights Commission

Agency Name

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RULE SUMMARY

1. Is this a five-year rule review?

Yes.

a. If so, what is the rule's five-year review date?

10/21/2018

2. Is this rule the result of recent legislation?

The rule is not the result of recent legislation. However, some of the proposed amendments are the result.

a. If so, what is the bill number, General Assembly and Sponsor?

Bill Number: **HB 463** General Assembly: **131st** Sponsor: **Representative Dever**

3. What statute is this rule being promulgated under?

R.C. 4112.04.

4. What statute (s) grant the rule writing authority?

R.C. 119.03.

5. What statute(s) does the rule implement or amplify?

Sections 4112.04 and 4112.05 of the Revised Code.

6. What are the reasons for proposing (i.e., why are you filing,) the rule?

Five-year review.

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

The rule specifies when the commission will issue a formal complaint; the contents of the complaint; how to amend complaints, consolidate complaints and join parties.

The agency seeks to make the following amendments:

- **Strike the word “such” in paragraph (D) and replace with “the” for grammatical purposes.**
- **Add section 4112.05(C) of the Revised Code to paragraph (D) because the statute also addresses amendments and was most recently changed to specifically address amendments in housing cases.**
 - **The prior language allowed all complaints to be amended at any point including during the hearing.**
 - **The following language was added to R.C. 4112.05(C)(1) by adding (b):**
 - **“If a complaint issued pursuant to division (B) of this section alleges an unlawful discriminatory practice described in division (H) of section [4112.02](#) of the Revised Code, the complaint may be amended at any time up to seven days prior to the hearing and not thereafter.”**

8. Does the rule incorporate material by reference?

Currently, no. If amended, yes: R.C. 4112.05(C).

9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, 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 rule.

Not applicable.

Fiscal Analysis

11. Estimate the total amount by which *this proposed rule* would **increase/decrease** either **revenues/expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

Not applicable.

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

None.

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.

Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common-Sense Initiative Office?

Not applicable.

16. 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?
- 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?
- c. Does this rule require specific expenditures or the report of information as a condition of compliance?

No to all.