Rule Summary and Fiscal Analysis (Part A)

Department of Aging
Agency Name

	Tom Simmons
Division	Contact

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173-11-03
Rule Number

RESCISSION
TYPE of rule filing

Rule Title/Tag Line   **Application process.**

RULE SUMMARY

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **173.02, 173.11**

5. Statute(s) the rule, as filed, amplifies or implements: **173.11, 173.12**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

After giving the rule its five-year rule review under section 119.032 of the Revised Code, on September 3, 2008, ODA initially proposed to rescind the rules of Chapter 173-11 of the Administrative Code because the Ohio General Assembly has not appropriated funds to the Senior Facilities Program since FY02 (2001-2002), and because Governor Strickland's Executive Order 2008-04S requests the rescission of regulations that do not lead to clear outcomes for achieving Ohio-specific public-policy goals.

During the public comment period that preceded that rule filing (August 15, 2008 to August 28, 2008) and during the public hearing held on that rule filing (October

7, 2008), participants asked if ODA would withhold rescinding the rules even though the Senior Facilities Program had been unfunded since 2001.

In response, ODA has decided not to "throw away the car just because it is out of gas." As a result, ODA is now proposing to replace the current rules of Chapter 173-11 of the Administrative Code with substantially similar rules.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule describes the application process for grants from the senior facilities program.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other materials by reference.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Not Applicable.

12. 119.032 Rule Review Date: **10/24/2008**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. 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.

> This will have no impact on revenues or expenditures.

> $0.00

> ODA estimates that the proposed rescission of this rule will have no impact upon the biennial budget established for ODA by the Ohio General Assembly, because the Ohio General Assembly last appropriated funds for the Senior Facilities Program in FY02.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

> GRF-490-504 Senior Facilities (The Ohio General Assembly last appropriated funds for this line in FY02 (2001-2002). The total appropriation for FY02 was $59,100.)

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

> Because this rule that is being proposed for rescission is being replaced by a proposed new rule that is substantially similar, and because there is currently no funding for this program, ODA estimates that there is no person directly affected by the proposed rescission of this rule, and thus, there is no directly-affected person that ODA estimates will incur a cost of compliance as a result of the proposed rescission of this rule.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**