

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 5101:9-2-02

**Rule Type:** Rescission

**Rule Title/Tagline:** The Americans with Disabilities Act.

**Agency Name:** Department of Job and Family Services

**Division:** ODJFS Practices

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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?** 6/18/2025
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 111.15
4. **What statute(s) grant rule writing authority?** 5101.02
5. **What statute(s) does the rule implement or amplify?** 5101.54, 5107.03
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
  - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

Five year rule review
8. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The rule describes how the Americans with Disabilities Act Amendments Act, 42 U.S.C. section 12101 and section 504 of the Rehabilitation Act, 29 U.S.C. section 701 apply to programs supervised by the Ohio Department of Job and Family Services. This rule is being rescinded and a new rule 5101:9-3-02 is being created with the same requirements.

- 9. Does the rule incorporate material by reference? Yes**
- 10. 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.**

This rule incorporates one or more dated references to a federal act or acts. This question is not applicable to any dated incorporation by reference to a federal act because such reference is exempt from compliance with RC 121.71 to 121.74 in accordance with RC 121.75(C).

This rule incorporates one or more dated references to an ODJFS form or forms. Each cited ODJFS form is dated and is generally available to persons affected by this rule via the inner-web at <http://innerapp.odjfs.state.oh.us/forms/inner.asp> or on the inter-net at <http://www.odjfs.state.oh.us/forms/inter.asp> in accordance with RC 121.75(E).

- 11. 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**

- 12. 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.

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Not applicable.

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

No new costs.

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**
- 16. 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**

- 17. Was this rule filed with the Common Sense Initiative Office? No**
- 18. 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**
  - 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 Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).**

- 19. 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 to this rule?  
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**B. How many existing regulatory restrictions do you propose removing from this rule? 6**

A- Each county department of job and family services (CDJFS) is required to:

G2- Each CDJFS is required to complete the JFS 00207 "ADA Compliance Plan" (7/2014) or design its own plan that is substantively equivalent to the JFS 00207.

G3- Upon adoption or revision of its ADA plan, the CDJFS shall provide ODJFS with an accurate copy of the plan.

G4- Each CDJFS and its contracted agents shall implement and comply with the ADA plan adopted by the CDJFS.

G5- The CDJFS shall be responsible for maintaining copies of its ADA plan and making the ADA plan available to its staff, contracted agents, and the public.

H- Each ADA plan shall include:

**C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**

**D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable