

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Landscape Architects Board

Regulation/Package Title: OAC 4703:1-1 5 Year Rule Review

Rule Number(s): 4703:1-1-04, 4703:1-1-05

Date: 12/21/18

Rule Type:

- | | | | |
|-------------------------------------|---------|-------------------------------------|---------------|
| <input type="checkbox"/> | New | <input checked="" type="checkbox"/> | 5-Year Review |
| <input checked="" type="checkbox"/> | Amended | <input type="checkbox"/> | Rescinded |

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

The two rules being filed address the regulation of landscape architects in the state of Ohio.

- OAC 4703:1-1-04 sets forth the means of renewing or restoring landscape architects certifications, as required by RC 4703.33 and 4703.36.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

- OAC 4703:1-1-05 sets forth all fees associated with landscape architect regulation, as required by RC 4703.33, 4703.37, and 4703.38.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

Revised Code 4703.33 and 4703.36 are the authorizing statutes for OAC 4703:1-1-04, and RC 4703.33, 4703.37, and 4703.38 are the authorizing statutes for OAC 4703:1-1-05.

3. Does the regulation implement a federal requirement? No.

Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program? No

If yes, please briefly explain the source and substance of the federal requirement.

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement. N/A

5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

The purpose of the OAC 4703:1-1-04 is to explain how landscape architects can renew or restore their licenses, which would otherwise expire every 2 years per R.C. 4703.36. The purpose of OAC 4703:1-1-05 is to comply with RC 4703.36 by setting fees which support the administration of the Board.

6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

The regulation will be deemed successful with the timely renewal and fee payment by landscape architect licensees, and by the degree of feedback received from stakeholders.

Development of the Regulation

7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

See Exhibit A

8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

The rules contained minimal changes, and the only feedback provided was positive and supportive of the proposed rules.

9. What scientific data was used to develop the rule or the measurable outcomes of the rule? N/A

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

How does this data support the regulation being proposed? N/A

10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? No alternatives were considered.

If none, why didn't the Agency consider regulatory alternatives? Other alternatives are not applicable.

11. Did the Agency specifically consider a performance-based regulation? Please explain.

Performance-based regulation was deemed inappropriate for these rules. These rules set forth the procedure for renewing/restoring a landscape architect license and the fees associated with licensure as prescribed by RC 4703.33, 4703.36, 4703.37, and 4703.38. The revised code does not specify an outcome or performance, and therefore performance-based regulation is not applicable.

12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation? The Board thoroughly reviewed the Ohio Revised Code and Ohio Administrative Code in preparing these rules. Moreover, the Board has sole and exclusive authority over the regulation of landscape architects and therefore the rules could not duplicate existing regulations.

13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

The rules contain minimal changes, and therefore application of the new rules will merge seamlessly into the application of current rules. Stakeholders will be notified via email of the minimal changes, which will also be posted on the Board's website.

Adverse Impact to Business

14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

a. Identify the scope of the impacted business community;

The impacted community includes the landscape architectural community, which consists of landscape architects, landscape architect firms, architectural firms, and design firms.

b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and

OAC 4703:1-1-04 requires the filing of online applications by landscape architects, which will require minimal time expenditure by the licensees or their assigns. OAC

4703:1-1-05 sets forth the fees for licensure, which imposes a financial obligation upon landscape architects and firms.

c. Quantify the expected adverse impact from the regulation.

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.

The adverse impact of OAC 4703:1-1-04 is the personnel time needed to complete the applications. This time is too insubstantial to quantify. The adverse impact of OAC 4703:1-1-05 are the fees themselves, which are clearly defined in the rule. The fees are necessary to support the administration, are some of the lowest fees in the country for landscape architecture and are not being recommended for increase.

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

The rules are necessary to ensure the competence of landscape architects and the safety of Ohio’s built environments. The rules are required by RC 4703.33, 4703.36, 4703.37 and 4703.38, and are necessary to financially support the administration of the program. The fees are some of the lowest in the nation for landscape architect regulation.

Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain. No. There are no alternative means of compliance for small businesses, as the rules governing landscape architects must be applied evenly to ensure the safety of Ohio’s built environments.

17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation? Failure to comply with either OAC 4703:1-1-04 or 4703:1-1-05 does not create grounds for discipline, and therefore there is no need for a waiver of fines/penalties for “paperwork” violations.

18. What resources are available to assist small businesses with compliance of the regulation?

The Board staff is available via phone or email to provide assistance with completing the application and answering applicant questions. In addition, comprehensive information is available on the Board’s website at any time.

Ex. A – Landscape Architect Stakeholder List

Name	Address	Contact Person	Email
CLARB (Council of Landscape Architect Registration Boards)	840 Michael Faraday Drive, Suite 200, Reston, Virginia 20190	Veronica Meadows	vmeadows@clarb.org
ASLA (American Society of Landscape Architects)	636 Eye Street NW Washington, D.C. 20001-3736	ASLA Government Affairs	governmentaffairs@asla.org
OCASLA (Ohio Chapter of the American Society of Landscape Architects)	P.O. Box 776 Worthington, OH 43085	Carmine Russo, Jr	info@ohioasla.org crusso@realmcollaborative.com
LAF (Landscape Architecture Foundation)	1200 17th Street NW, Suite 210 Washington, DC 20036	Communications and Media Inquiries	hwhitlow@lafoundation.org
NCARB (Council of Architect Registration Boards)	1801 K Street NW Suite 700K Washington, DC, 20006	Maurice Brown and Caitlin Stromberg	MBrown@ncarb.org CStromberg@ncarb.org
Ohio Chapter of AIA	17 S. High Street, Suite 200 Columbus, OH 43215	Kate Brunswick	Kate@assnoffices.com
APLD (Association of Professional	2207 Forest Hills	Michelle Keyser,	Communications@apl.org

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

Landscape Designers)	Drive Harrisburg, PA 17112 Phone: (717) 238-9780	Communications Dir.	
Ohio Chapter of APLD		Bill Ripley President, OH Chpt	bill@stridestudios.com
ONLA (Ohio Nursery and Landscape Association)	72 Dorchester Square Westerville, OH 43081	Ken Fisher Executive Director	info@onla.org ken@onla.org
NAAB (National Architectural Accrediting Board Inc.)	1101 Connecticut Avenue, NW Suite 410 Washington, DC 20036	Rebecca Lonadier Manager, Governance and Operations Executive Director, Helene Combs Dreiling, FAIA,	rlonadier@naab.org info@naab.org hdreiling@naab.org
AmericanHort	2130 Stella Court Columbus, OH 43215	Tal Coley Director of Government Affairs	TalC@AmericanHort.org
CELA (Council of Educators of Landscape Architecture)	110 Horizon Drive, Suite 210 Raleigh, NC 27615	Peter Kralka, Exec. Director	director@thecela.org
OBOA (Ohio Building Officials	PO BOX 1506	JENE GAVER,	jgaver@springfieldohio.gov rickhelsinger@gmail.com

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIOhio@governor.ohio.gov

Association)	Columbus, OH 43216-1506	President Gaver Rick Helsinger Mike Spry	Michael.Spry@cincinnati-oh.gov
APA (American Planning Association)	American Planning Association 205 N. Michigan Ave., Suite 1200 Chicago, IL 60601-5927		chinshaw@planning.org
Ohio Chapter APA	PO Box 4085 Copley OH 44321	Todd Kinskey Jason Russell, AICP	todd.kinskey@hamilton-co.org jmrussell2003@gmail.com