



# Common Sense Initiative

Mike DeWine, Governor  
Jon Husted, Lt. Governor

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## Business Impact Analysis

Agency, Board, or Commission Name: Ohio Landscape Architects Board

Rule Contact Name and Contact Information: Shannon Himes, Executive Director

Regulation/Package Title (a general description of the rules' substantive content):

Landscape Architect Rules - 2024

Rule Number(s): 4703:1-1-03, 4703:1-3-01; 4703:1-3-02; 4703:1-3-03; 4703:1-3-05;  
4703:1-3-08; 4703:1-5-01

Date of Submission for CSI Review: 8/16/2024

Public Comment Period End Date: 8/30/2024

**Rule Type/Number of Rules:**

New/      rules

No Change/   5   rules (FYR?     )

Amended/   2   rules (FYR?     )

Rescinded/      rules (FYR?     )

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

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### **Reason for Submission**

1. **R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.**

**Which adverse impact(s) to businesses has the agency determined the rule(s) create?**

**The rule(s):**

- a. ☒ **Requires a license, permit, or any other prior authorization to engage in or operate a line of business.**
- b. ☒ **Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.**
- c. ☐ **Requires specific expenditures or the report of information as a condition of compliance.**
- d. ☐ **Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.**

### **Regulatory Intent**

2. **Please briefly describe the draft regulation in plain language.**

*Please include the key provisions of the regulation as well as any proposed amendments.*

The provisions govern the procedures for landscape architecture licensure in Ohio, including the issuance of licenses or certificates, seal requirements, firm licensure and naming requirements. The provisions also prohibit certain types of communications and outline Board procedures for meeting notices. The proposed amendments clarify the meaning of “wall certificates” and amends the new website address.

3. **Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.**

RC 4703.33 and RC 4703.02 authorize the Board to adopt these rules. The rules amplify RC 4703.02, 4703.32, 4703.331, 4703.36, 4703.41, and 4703.46.

4. **Does the regulation implement a federal requirement? 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?**

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

No.

5. **If the regulation implements a federal requirement, but includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

N/A

6. **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 overarching purpose of the regulations regarding landscape architecture is to promote the health, safety, and welfare of Ohioans in the natural and built environment. Landscape Architecture is the analysis, planning, design, management, and stewardship of the natural and built environment. It includes the preparation and sealing of drawings, construction documents, and specifications and the administration of contracts in accordance with accepted professional standards of public health, safety, and welfare. The profession requires advanced education and experience in order to adequately perform these tasks.

Setting uniform minimum education, experience, and examination criteria for applicants helps to ensure minimum competencies in the profession, which thereby ensures that public areas are safe and adequately serve the needs and interests of the community.

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

The success of the rules can be measured by eliciting feedback from the public, stakeholders, and any interested parties regarding the clarity and impact of the rules, as well as reviewing reports and statistics of complaints and negative events in landscape architecture.

The Board encourages candid input from the industry and the public to ascertain the effect of a regulation and whether improvements or amendments to the regulations are necessary to be considered. The rules will be considered successful when landscape architecture industry has clear, professional guidelines for the practice and for interacting with the Board and its clients. The rules will also be deemed successful with the timely renewal and fee payment by landscape architect licensees.

8. **Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?**

*If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.*

No.

### **Development of the Regulation**

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

*If applicable, please include the date and medium by which the stakeholders were initially contacted.*

The stakeholder groups included CLARB (Council of Landscape Architect Registration Boards), OCASLA (Ohio Chapter of the American Society of Landscape Architects), ASLA (American Society of Landscape Architects), NCARB (Council of Architect Registration Boards), Ohio Chapter of AIA, American Society of Landscape Architects (ASLA), APLD (Association of Professional Landscape Designers), Ohio Chapter of APLD, ONLA (Ohio Nursery and Landscape Association), NAAB (National Architectural Accrediting Board Inc.), AmericanHort, CELA (Council of Educators of Landscape Architecture), OBOA (Ohio Building Officials Association), the Ohio Board of Building Standards (BBS), APA (American Planning Association), and the Ohio Chapter APA. The Ohio Chapter of ASLA attended Board meetings discussing the rules, and all stakeholders were contacted by email on February 2, 2024 and given an opportunity to provide rule feedback.

**10. 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.

**11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

No scientific data was used to develop the rules or the measurable outcomes of the rules.

**12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives? *Alternative regulations may include performance-based regulations, which define the required outcome, but do not dictate the process the regulated stakeholders must use to comply.***

No alternative regulations were considered. The rules are minimally invasive and not appropriate for performance-based regulations. The revised code does not specify an outcome or performance, and therefore performance-based regulation is not applicable.

**13. 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.

**14. 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**

**15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:**

**a. Identify the scope of the impacted business community, and**

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

**b. Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).**

*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 rules require landscape architects to acquire and use a stamp, which will cost the licensee a small fee (average \$50). The rules also set forth the means of complying with individual license and firm licensure requirements of the Revised Code, including the submission of applications and renewal applications. This will require minimal time expenditure by the licensees or their assigns. This time is too insubstantial to quantify

**16. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify. (*Reductions in regulatory burden may include streamlining reporting processes, simplifying rules to improve readability, eliminating requirements, reducing compliance time or fees, or other related factors*).**

No

**17. 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 and are necessary support the administration of the program.

**Regulatory Flexibility**

**18. 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.

**19. 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 OAC 4703:1-3-02 will result in the denial of the application for firm licensure or renewal. These are substantial requirements of the Revised Code and not appropriate for waiver. The code does not otherwise make substantial ongoing requirements of firms, other than notifications to the Board for firm changes. The Board does not discipline for failure to adhere to these notification requirements. The remaining rules do not set forth any grounds for discipline, and therefore there is no need for a waiver of fines/penalties for paperwork violations.

**20. 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.