

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

Agency Name: Ohio Landscape Architects Board

Regulation/Package Title: Firm Registration Rule Revisions

Rule Number(s): 4703:1-3-02

Date: 10/14/2016

**Rule Type:**

<input type="checkbox"/> New	<input 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 Rescinded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 revisions to the rule are intended to incorporate changes in the board's business processes as a result of the implementation of online applications and renewals for landscape architecture firms. The revisions will remove references to "forms", eliminate a requirement that applications be*

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*notarized, which was not required by statute, to replace the affidavit with an attestation, and remove a requirement that the certificate of authorization be displayed for public viewing, which is not required by statute.*

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

*Revised Code 4703.33 is the authorizing statute.*

**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? *N/A***

*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)?**

*Minimum requirements for firm licensure have been established by statute. These rules comply with the statute.*

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

**Development of the Regulation**

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

**8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency? *The current rule, along with an initial draft of the proposed changes, was circulated to stakeholders via email to solicit comment. The board also sought feedback from the Ohio Chapter of the American Society of Landscape Architects. The few comments received supported the proposed changes.***

**9. What scientific data was used to develop the rule or the measurable outcomes of the rule? *N/A* 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? *None.* If none, why didn't the Agency consider regulatory alternatives? *Other alternatives are not applicable because the regulation is mandated by statute.***

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

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*Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.*

N/A

**12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?** *The Board is the only entity regulating the practice of landscape architecture.*

**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.**

*Stakeholders will be notified via email of the final change, 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 affected businesses are registered landscape architecture firms.*

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

*This change will make compliance with the regulation easier. Online applications and renewals will also make compliance easier and faster.*

c. **Quantify the expected adverse impact from the regulation.** *The adverse impact is the cost of the application (\$125) and the annual renewal (\$100).*

**Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?** *The Board has taken several steps in recent years to simplify compliance with the requirements. In addition, the profession actively supports regulation of firms and individual Landscape Architects.*

### **Regulatory Flexibility**

**15. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.** *No. The regulations are required by statute.*

**16. 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?** *The board does not issue fines for first-time offenses and works closely with firms to achieve compliance via phone calls and email.*

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**17. 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 24/7 on the Board's website.*