



BASE INVENTORY OF REGULATORY RESTRICTIONS (992 Total)

RULE NUMBER	REGULATORY RESTRICTION	DESCRIPTION OF REGULATORY RESTRICTION	STATUTE UNDER WHICH THE REGULATORY RESTRICTION WAS ADOPTED	IS THE REGULATORY RESTRICTION EXPRESSLY OR SPECIFICALLY REQUIRED BY STATE OR FEDERAL LAW?	IS A LAW CHANGE REQUIRED IN ORDER TO REMOVE THE RESTRICTION?
122-1-01 Public notice of rules	Shall	The method of giving public notice as to the adoption, amendment, or rescission of rules shall be given pursuant to division (A) of section 119.03 of the Revised Code.	119.03	No, general rulemaking authority	No, general rulemaking authority
122-4-01 Definitions and application	Shall	(11) "Escrowed bonds" means bonds the terms of which require: (a) ninety-five per cent or more of the proceeds of such bonds are escrowed until the occurrence of a specified event or events, and (b) if the specified event or events fail to occur, the escrowed proceeds are to be used to pay the principal of, and interest or premium on, the bonds.	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	This chapter applies to all confirmations issued under this chapter. Effective confirmations issued under the prior rules remain fully effective for the duration stated in such confirmations, are charged against the applicable set-asides under this chapter, and the time periods pertinent to such confirmations shall be applied as if such confirmations were at the same status under rule 122-4-03 of the Administrative Code of the prior rules.	133.021	No, general rulemaking authority	No, general rulemaking authority
122-4-02 Allocations of state ceiling to restricted bonds	Shall	The allocation to the Ohio housing finance agency for such single family residential housing for any year shall be reduced by the amount of the state ceiling for the previous year allocated to that agency for such single family residential housing pursuant to a carryforward confirmation under rule 122-4-05 of the Administrative Code.	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	The Ohio housing finance agency may, by writing signed by its chairman or executive director and delivered to the director, release, at one or more times, an amount of the allocation made by this paragraph, which amount shall be added to the allocation made to the director pursuant to paragraph (A)(6) of this rule.	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	At the end of any year, the remaining portion, determined as set forth in the next following sentence, of the state ceiling set-aside by paragraph (A)(1)(a) of this rule which was not released as provided in paragraph (A)(1)(a) of this rule and was not otherwise used by the Ohio housing finance agency housing finance agency in that year shall be available to the Ohio housing finance agency for its single family housing program through a carryforward election under section 146(f) of the Internal Revenue Code	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	...the director shall issue a confirmation if and to the extent that, under the federal laws in effect at the time of issuing such confirmation, the Ohio housing finance agency may effectively use that portion of the state ceiling thereafter.	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall not	...the remaining portion of the set-aside not otherwise used during that year is the unreleased portion of that set-aside for which bonds were not issued or an election to convert was not made on or before the thirty-first day of December of such year (for which purpose section 1.14 of the Revised Code shall not apply).	133.021	No, general rulemaking authority	No, general rulemaking authority

	May not	Any amount of such remaining setaside for the year which the Ohio housing finance agency does not include in a notice of intent for carryforward filed with the director prior to five p.m. on the thirty-first day of December in the year in which the set-aside allocation was made (or which, although included in such a notice of intent for carryforward, may not effectively be used by the Ohio housing finance agency housing finance agency after December thirty-first of that year) is reallocated...	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	For purposes of this paragraph, "qualified project period," "income of individuals" and "area median gross income" shall have the meaning ascribed to such terms in section 142 of the Internal Revenue Code.	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	..."occupied by" shall have the meaning ascribed to such terms in section 42 of the Internal Revenue Code.	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director's issuance of confirmations for the issuance of restricted bonds pursuant to this paragraph shall be based upon the relative needs for the issuance of the types of restricted bonds and the interests of the state...	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	Any transfer made under this paragraph shall: be evidenced by written order of the director, be based on the relative needs for allocations among the categories of allocations, giving consideration to the factors set forth in section 133.021 of the Revised Code...	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	...with respect to a confirmation from the set-asides of state ceiling provided in paragraphs (A)(1) and (A)(6) of this rule, there shall be no time limit...	119.03	No, general rulemaking authority	No, general rulemaking authority
	Shall	Any confirmation of on a notice of intent filed by the Ohio housing finance agency pertaining to bonds which allocate state ceiling other than from the set-aside under paragraph (A)(1) of this rule shall be subject to all of the provisions of paragraphs (A) and (B) of rule 122-4-03 of the Administrative Code.	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	The amount of the set-aside provided in paragraphs (A)(2), (A)(3), and (A)(5) of this rule shall be further allocated to all issuers, whether at the state, district or local level, for the purpose of that set-aside pursuant to a selection...	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	Notices of intent for the set-aside provided in paragraphs (A)(2), (A)(3) and (A)(5) of this rule for eligible projects shall be reviewed by the director and evaluated against project criteria established by the director.	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	The project criteria shall reflect those factors which, in the judgment of the director, are characteristic of eligible projects that serve the best interests of the state and enhance the economic welfare of the people of the state.	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	Notices of intent for the set-aside provided in paragraphs (A)(2), (A)(3) and (A)(5) of this rule shall be filed with the director not later than the first business day of February, May, and July each year to be considered for confirmations to be issued by the director in February, May and July of such year, respectively.	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	The amount of the set-aside provided in paragraphs (A)(2), (A)(3) and (A)(5) of this rule shall be available for allocation as follows: up to thirty per cent for confirmations to be issued in February; up to thirty per cent for confirmations to be issued in May; and up to forty per cent for confirmations to be issued in July.	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	...the director shall issue confirmations in respect of all such notices of intent filed with the director for allocations of state ceiling as requested.	133.021	No, general rulemaking authority	No, general rulemaking authority

	Shall	...the director shall evaluate each eligible project for which an allocation of state ceiling has been requested based on the applicable project criteria and issue confirmations according to the director's ranking of such eligible projects up to the amount of state ceiling then available...	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	...the difference between the aggregate amount of confirmations issued in February for each such set-aside and thirty per cent of the set-aside amounts provided in paragraphs (A)(2), (A)(3) and (A)(5) of this rule shall be added automatically to the allocation made to the director pursuant to paragraph (A)(6) of this rule.	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	...the difference between the aggregate amount of confirmations issued in May for each such set-aside and thirty per cent of the set-aside amounts provided paragraphs (A)(2), (A)(3) and (A)(5) of this rule shall be added automatically to the allocation made to the director pursuant to paragraph (A)(6) of this rule.	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	...the difference between the aggregate amount of confirmations issued in July and forty per cent of the set-aside amounts provided in paragraphs (A)(2), (A)(3) and (A)(5) of this rule shall be added automatically to the allocation made to the director pursuant to paragraph (A)(6) of this rule.	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	Any notice of intent for the set-aside provided in paragraphs (A)(2), (A)(3) and (A)(5) of this rule for which a confirmation is not issued by the director shall be held by the director for consideration in the next subsequent round of allocations for the set-aside provided in paragraphs (A)(2), (A)(3) and (A)(5) of this rule...	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	To the extent that the amount of any confirmation provided pursuant to paragraph (E) of this rule, in whole or in part, expires or otherwise ceases to be effective, the amount of such confirmation shall be added automatically at the time the confirmation expires or otherwise ceases to be effective to the allocation made to the director...	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	The amount of the set-aside provided in paragraph (A)(4) of this rule shall be allocated to all state issuers on a first come, first served basis...	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall not	The director shall not issue a confirmation for a notice of intent filed pursuant to paragraph (A)(2) of this rule for any project that is part of, or otherwise related to, a project for which a previous confirmation has been issued for a notice of intent filed pursuant to paragraph (E) of this rule in the same year.	133.021	No, general rulemaking authority	No, general rulemaking authority
122-4-03 Obtaining confirmations in advance - notice of intent; notice of issuance	Shall	A confirmation shall be effective as to bonds issued in lesser amounts for all or part of the applicable project, provided that the amount issued within the period of effectiveness of the confirmation is not less than eighty-five per cent of the amount set forth in the confirmation.	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall not	A confirmation shall not be effective for bonds issued in an amount less than eighty-five per cent of the amount of the confirmation...	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall not	...provided that this paragraph shall not impair the effect of a confirmation if it is demonstrated to the satisfaction of the director that there is good cause for the decrease in the amount of the bonds issued and that the decrease was not the result of exaggerating costs or demand in connection with the notice of intent.	133.021	No, general rulemaking authority	No, general rulemaking authority

	Shall not	This paragraph shall not apply to bonds issued pursuant to a confirmation from the set-aside under paragraph (A)(1) or (A)(6) of rule 122-4-02 of the Administrative Code (except to the extent that this paragraph (D) is made applicable by the director to a confirmation from the set-aside under paragraph (A)(6) of rule 122-4-02 of the Administrative Code) or to mortgage credit certificates provided for in section 25 of the Internal Revenue Code.	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	With respect to mortgage credit certificates, for information purposes a notice of issuance (or, in lieu thereof, copy of the applicable form filed with the internal revenue service) of the mortgage credit certificates actually issued to home mortgagors shall be filed with the director for the period...	133.021	No, general rulemaking authority	No, general rulemaking authority
	Must	... and not later than the date upon which, such information must be filed with the internal revenue service	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	...and if not required to be filed with the internal revenue service shall be filed with the director for each calendar quarter by the fifteenth day of the second month following the calendar quarter in which the mortgage credit certificates were issued to home mortgagors.	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	...no election to issue mortgage credit certificates shall be filed with the internal revenue service until such confirmation is issued.	133.021	No, general rulemaking authority	No, general rulemaking authority
	Must	In the event that a confirmation of allocation to bonds to be issued to provide funds to acquire mortgages for single family housing is made and the issuer chooses in a subsequent year to elect to convert all or a portion of such confirmed amount to mortgage credit certificates under the Internal Revenue Code, the issuer must first file with the director a new notice of intent for the mortgage credit certificates, together with a certified copy of the resolution of the issuer and any filings to be made with the internal revenue service by which the amount of the bonds is to be converted to mortgage credit certificates...	133.021	No, general rulemaking authority	No, general rulemaking authority
	Must	...and must obtain a new confirmation whereupon the prior confirmation, or appropriate portion of it, is terminated.	133.021	No, general rulemaking authority	No, general rulemaking authority
	Must	In the event that a confirmation of allocation to mortgage credit certificates has been made, and the issuer chooses to reconvert all or a portion of those mortgage credit certificates to bonds pursuant to section 25 of the Internal Revenue Code, the issuer must first file with the director a new notice of intent for the bonds, together with a certified copy of the resolution of the issuer and any relevant filing to be made with the internal revenue service...	133.021	No, general rulemaking authority	No, general rulemaking authority
	Must	...and must obtain a new confirmation, whereupon the prior confirmation, or appropriate portion of it, is terminated.	133.021	No, general rulemaking authority	No, general rulemaking authority
122-4-05 Confirmation of state ceiling allocation for issuance of bonds in subsequent years - carryforwards	Must	Such notice of intent must be accompanied by such items as the director may require...	133.021	No, general rulemaking authority	No, general rulemaking authority
	Require	...accompanied by such items as the director may require and by a written statement or statements signed by an officer of the issuer or by an officer of the benefited enterprise...	133.021	No, general rulemaking authority	No, general rulemaking authority
	Must	The conditions that must be met prior to the sale of the bonds.	133.021	No, general rulemaking authority	No, general rulemaking authority
	Must	A notice of intent for carryforward must also be accompanied by three signed counterparts of "IRS Form 8328" (or such other form as may be prescribed by the internal revenue service for the purpose) completed in all respects...	133.021	No, general rulemaking authority	No, general rulemaking authority

	Shall	...all dollar amounts (other than line two of part II -- the amount of restricted bonds issued by the issuer during the year) shall be left blank for completion by the director pursuant to confirmation given...	133.021	No, general rulemaking authority	No, general rulemaking authority
	Must	A notice of intent for carryforward must also be accompanied by a fee in an amount equal to the lesser of three quarters of one per cent of the amount requested in the notice of intent or five hundred thousand dollars, plus a one thousand dollar filing fee.	133.021	No, general rulemaking authority	No, general rulemaking authority
	May not	A notice of intent for carryforward filed after the second Thursday of December as provided in paragraph (A) of this rule may not, be considered.	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall not	Issuers with a confirmation of a carryforward amount shall not be required to issue the bonds or mortgage credit certificates at any time in advance of the date of termination of the effectiveness of the carryforward or termination of the authority to issue tax-exempt bonds or mortgage credit certificates for the carryforward purpose under the Internal Revenue Code...	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	Issuers...shall, for purposes of information, file a notice of issuance with the director on or prior to the fifteenth day of the second calendar month next following the calendar quarter during which such bonds are issued.	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	A notice of issuance or, in lieu thereof, the applicable IRS form of mortgage credit certificates, shall be filed as provided in paragraph (E) of rule 122-4-03 of the Administrative Code.	133.021	No, general rulemaking authority	No, general rulemaking authority
122-4-06 Administrative	Shall	The director shall stamp on all notices of intent and notices of issuance the date of receipt by the director's office...	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	...and such stamped date shall be conclusive evidence of the date such notices are received by the director's office.	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director shall maintain continuous and cumulative records of the amounts of restricted bonds as to which confirmations have been given and notices of issuance received under this chapter.	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	Confirmations under this chapter shall be dated and numbered by the director.	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	Notices of intent, confirmations, notices of issuance, receipts, questionnaires, and certifications shall be made and given in the form and manner prescribed by the director...	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	...which shall be devised so as to discourage notices of intent which are premature or excessive.	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	Notices of intent shall be accompanied by such additional items and information as the director may from time to time require by instructions or otherwise.	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director shall interpret this chapter in such manner as to effectuate the purposes of section 133.021 of the Revised Code.	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	Because of the need for certainty at all times in all matters of allocations made of the state ceiling to particular issues of bonds, all determinations by the director under this chapter (including the issuance, deferral or denial of confirmations) shall be final and are not subject to appeal.	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	Fees refunded pursuant to this rule shall be only for the amount of the fee required.	119.03	No, general rulemaking authority	No, general rulemaking authority
	Shall	No interest, investment earnings or investment loss shall be attributable to such fees.	133.021	No, general rulemaking authority	No, general rulemaking authority
122-4-07 Delegation of functions	Shall	Any such designations under prior rules for the purpose, and any such designation under this chapter, shall continue to be effective for purposes of this chapter unless and until it was or is terminated or superseded in writing, notwithstanding any succession in the office of director or assistant director.	133.021	No, general rulemaking authority	No, general rulemaking authority

122-4-08 Effectiveness and reliance	Shall	If and to the extent it is necessary to allocate the state ceiling to the state and assign it to issuers in order to achieve the results intended by this chapter, the state ceiling is and shall be deemed to be so allocated and assigned by rules 122-4-02 to 122-4-08 of the Administrative Code.	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall not	If any clause, provision or application of any rule in this chapter is determined to be invalid or inconsistent with the act, such determination shall not affect the remainder of such rule or other application of the rule, or other rules of this chapter...	133.021	No, general rulemaking authority	No, general rulemaking authority
	Shall	...which shall be applied as if the invalid or inconsistent portion or application or references to the invalid or inconsistent portion did not exist.	133.021	No, general rulemaking authority	No, general rulemaking authority
122-6-01 Access to confidential personal information	Shall	For personal information systems, whether manual or computer systems that contain confidential personal information, the agency shall do the following...	1347.15	Yes, state law	Yes, state law
	Shall	The determination of access to confidential personal information shall be approved by the employee's supervisor and the information owner prior to providing the employee with access to confidential personal information within a personal information system.	1347.15	Yes, state law	Yes, state law
	Shall	The agency shall establish procedures for determining a revision to an employee's access to confidential personal information upon a change to that employee's job duties including, but not limited to, transfer or termination.	1347.15	Yes, state law	Yes, state law
	Shall	Whenever an employee's job duties no longer require access to confidential personal information in a personal information system, the employee's access to confidential personal information shall be removed.	1347.15	Yes, state law	Yes, state law
	Shall	Individual's request for a list of confidential personal information. Upon the signed written request of any individual for a list of confidential personal information about the individual maintained by the agency, the agency shall do all of the following...	1347.15	Yes, state law	Yes, state law
	Shall	Upon discovery or notification that confidential personal information of a person has been accessed by an employee for an invalid reason, the agency shall notify the person whose information was invalidly accessed as soon as practical and to the extent known at the time.	1347.15	Yes, state law	Yes, state law
	Shall	...the agency shall delay notification for a period of time necessary to ensure that the notification would not delay or impede an investigation or jeopardize homeland or national security.	1347.15	Yes, state law	Yes, state law
	Shall	Once the agency determines that notification would not delay or impede an investigation, the agency shall disclose the access to confidential personal information made for an invalid reason to the person.	1347.15	Yes, state law	Yes, state law
	Shall	Notification provided by the agency shall inform the person of the type of confidential personal information accessed and the date(s) of the invalid access.	1347.15	Yes, state law	Yes, state law
	Shall	The agency director shall designate an employee of the agency to serve as the data privacy point of contact.	1347.15	Yes, state law	Yes, state law
	Shall	The data privacy point of contact shall work with the chief privacy officer within the office of information technology to assist the agency with both the implementation of privacy protections for the confidential personal information that the agency maintains and compliance with section 1347.15 of the Revised Code and the rules adopted pursuant to the authority provided by that chapter.	1347.15	Yes, state law	Yes, state law
	Shall	The data privacy point of contact shall timely complete the privacy impact assessment form developed by the office of information technology.	1347.15	Yes, state law	Yes, state law

	Shall	For personal information systems that are computer systems and contain confidential personal information, the agency shall do the following...	1347.15	Yes, state law	Yes, state law
	Shall	Access to confidential personal information that is kept electronically shall require a password or other authentication measure.	1347.15	Yes, state law	Yes, state law
	Shall	When the agency acquires a new computer system that stores, manages or contains confidential personal information, the agency shall include a mechanism for recording specific access by employees of the agency to confidential personal information in the system.	1347.15	Yes, state law	Yes, state law
	Shall	When the agency modifies an existing computer system that stores, manages or contains confidential personal information, the agency shall make a determination whether the modification constitutes an upgrade.	1347.15	Yes, state law	Yes, state law
	Shall	Any upgrades to a computer system shall include a mechanism for recording specific access by employees of the agency to confidential personal information in the system.	1347.15	Yes, state law	Yes, state law
	Shall	For existing computer systems that include a mechanism for recording specific access by employees to confidential personal information in the system, the agency shall maintain the logging functionality in the computer system.	1347.15	Yes, state law	Yes, state law
	Shall	For existing computer systems that do not include a mechanism for recording specific access by employees to confidential personal information in the system, the agency shall require employees of the agency who access confidential personal information within computer systems to maintain a log that records that access.	1347.15	Yes, state law	Yes, state law
	Shall	The agency shall issue a policy that specifies the following: (a) Who shall maintain the log; (b) What information shall be captured in the log...	1347.15	Yes, state law	Yes, state law
122-7-01 Notice of meeting	Shall	In the event of a special meeting not of an emergency nature, notice shall be given no later than twenty-four hours prior to the time of the special meeting.	121.22	Yes, state law	Yes, state law
	Shall	In the event of a special meeting of an emergency nature requiring immediate official action, notice shall be given as soon as reasonably possible.	121.22	No, general rulemaking authority	No, general rulemaking authority
122:1-1-01 Effect of decertification	Shall	In the event that an "Impacted City" enters into a financial agreement for a project with a community urban redevelopment corporation pursuant to section 1728.07 of the Revised Code, subsequent revocation of a workable program certification shall in no way affect the project or the financial agreement.	122.06	No, general rulemaking authority	No, general rulemaking authority
122:1-1-02 Application and criteria	Shall	Applications for workable program certification shall be signed by the executive officer of the applying municipal corporation...	122.06	No, general rulemaking authority	No, general rulemaking authority
	Shall	...and shall set forth each element required by the criteria of this rule in sufficient detail to enable the director of the development services agency to make a determination as to whether the requirements of this rule are met.	122.06	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director of the development services agency shall certify the workable program of a municipal corporation where the director finds that the requirements of this rule are met and that each criterion set forth in paragraphs (B)(1) to (B)(6) of this rule is substantially satisfied.	122.06	No, general rulemaking authority	No, general rulemaking authority

	Shall	The municipal corporation shall have adopted or be enforcing a municipal building code or other effective enforceable regulations which (a) meet the minimum standards set forth in the Ohio building code and all model codes adopted by the Ohio board of building standards pursuant to section 3781.10 of the Revised Code as they are or may hereafter be amended and (b) do not unduly restrict or prohibit the use of new materials and methods of construction.	122.06	No, general rulemaking authority	No, general rulemaking authority
	Shall	The municipal corporation shall have adopted or be enforcing a housing code, or other effective enforceable regulations used by the municipal corporation to maintain safe and sanitary housing, and have in effect a program of housing, building, and related code enforcement on a priority basis.	122.06	No, general rulemaking authority	No, general rulemaking authority
	Shall	The program shall include efforts (a) to eliminate blight in basically sound but deteriorating areas, and (b) to deal with serious threats to health and safety in blighted areas.	122.06	No, general rulemaking authority	No, general rulemaking authority
	Shall	The municipal corporation shall have in effect a continuing planning and programming process for orderly community development, which shall include the following elements...	122.06	No, general rulemaking authority	No, general rulemaking authority
	Shall	Those solutions shall address the problems of poor and minority citizens and the advancement of equal opportunity...	122.06	No, general rulemaking authority	No, general rulemaking authority
	Shall	...and shall include efforts to eliminate discriminatory barriers in the housing supply and to assure the availability of housing on an open occupancy basis.	122.06	No, general rulemaking authority	No, general rulemaking authority
	Shall	Efforts to develop solutions to the nonphysical problems associated with slums and blighted areas. Evidence that consideration has been given to the needs of minority citizens in planning, administrative resources, and capital programs shall be provided.	122.06	No, general rulemaking authority	No, general rulemaking authority
	Shall	The municipal corporation shall have identified and analyzed the gap, if any, between the number of low and moderate income families living in substandard housing, and the number of units existing at prices or rentals within the means of such families.	122.06	No, general rulemaking authority	No, general rulemaking authority
	Shall	The analysis shall also project total housing needs.	122.06	No, general rulemaking authority	No, general rulemaking authority
	Shall	The municipal corporation shall have identified what administrative capabilities exist or can be provided to deal with displaced families and individuals, and what housing resources are available within the municipality and its environs.	122.06	No, general rulemaking authority	No, general rulemaking authority
	Shall	The municipal corporation shall have taken action to assure continuing opportunity for the involvement of citizens, including the poor and minorities...	122.06	No, general rulemaking authority	No, general rulemaking authority
122:1-1-03 Certification	Shall	Written notice of the director of the development service agency's action shall be sent to the applicant within sixty days of receipt of an application.	122.06	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director shall take such action only after an application has been determined to completely address the criteria set forth in rule 122:1-2-02 of the Administrative Code or an application where the municipal corporation has failed to respond to the director's request for additional information or clarification within thirty days of receipt of written notice...	122.06	No, general rulemaking authority	No, general rulemaking authority
	Shall	In the event certification is not granted, the director shall provide the applicant with a written statement of the reasons therefore.	122.06	No, general rulemaking authority	No, general rulemaking authority

	Shall	The executive officer of the applying municipal corporation shall send, either together with the notice of a request for a formal conference or within a reasonable time thereafter, any additional information, evidence, or argument, which the chief executive officer contemplates the municipal corporation may wish to present in support of its application at the formal conference.	122.06	No, general rulemaking authority	No, general rulemaking authority
	Shall	Within thirty days from receipt of a request for a formal conference, the director of development services agency or the director's representative shall set a time and place for the formal conference.	122.06	No, general rulemaking authority	No, general rulemaking authority
	Shall not	The applying municipal corporation may provide at the formal conference in support of its application any additional information, evidence, or argument, which shall not be restricted to that submitted earlier.	122.06	No, general rulemaking authority	No, general rulemaking authority
	Shall	Within ten days after the formal conference the director shall notify the applying municipal corporation of his decision on rehearing which may be any of the following...	122.06	No, general rulemaking authority	No, general rulemaking authority
	Shall	Certification of "Impacted City" status obtained pursuant to division (C)(2) of section 1728.01 of the Revised Code shall last for two years from the date of the certification from the director of the development services agency...	122.06	No, general rulemaking authority	No, general rulemaking authority
	Shall not	and shall not be renewed unless the declaration on which the status is based continues in effect beyond the designated time frame of the clarification...	122.06	No, general rulemaking authority	No, general rulemaking authority
122:1-1-04 Recertification and reporting requirements	Shall	In order to retain the certification of a workable program certified other than on the basis of current federal certification, a municipal corporation shall submit two years after certification and every two years thereafter to the director of the development services agency the following items...	122.06	No, general rulemaking authority	No, general rulemaking authority
	Shall	Statements shall be due thirty days prior to the two year anniversary date and thirty days prior to every subsequent two year anniversary date of the date of the director of the development service agency's original certification.	122.06	No, general rulemaking authority	No, general rulemaking authority
	Shall	If a municipal corporation that is certified as an impacted city under Chapter 1728. of the Revised Code fails to provide the materials required pursuant to this rule, the director shall determine that such failure to provide recertification materials renders that municipal corporation's workable program out of compliance with the criteria of rule 122:1-1-02 of the Administrative Code.	122.06	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director of the development services agency shall send to the executive officer of the municipal corporation notice that the workable program of the municipal corporation is suspended effective upon receipt of the notice.	122.06	No, general rulemaking authority	No, general rulemaking authority
	May not	While such suspension is in place, a municipal corporation may not undertake any action or project with a community urban redevelopment corporation pursuant to section 1728.07 of the Revised Code or avail itself of any of the other rights or authorities previously conferred upon it by virtue of its status as an impacted city under Chapter 1728. of the Revised Code.	122.06	No, general rulemaking authority	No, general rulemaking authority
	Shall	If a municipal corporation is suspended pursuant to this rule and fails to provide the materials required under this rule within ninety days of its receipt of the notice of suspension, it shall be subject to decertification pursuant to rule 122:1-1-05 of the Administrative Code.	122.06	No, general rulemaking authority	No, general rulemaking authority

122:1-1-05 Decertification	Shall	If upon review of the statement required by paragraph (A) of rule 122:1-1-04 of the Administrative Code, the director of the development services agency determines that a workable program no longer meets the criteria of rule 122:1-1-02 of the Administrative Code, then the director shall send to the executive officer of the municipal corporation notice that the workable program of the municipal corporation is decertified effective thirty days after receipt of the notice.	122.06	No, general rulemaking authority	No, general rulemaking authority
	Shall	The notice of decertification shall include the reasons for decertification.	122.06	No, general rulemaking authority	No, general rulemaking authority
	Shall	A request for a formal conference shall stay decertification of the municipal corporation's workable program.	122.06	No, general rulemaking authority	No, general rulemaking authority
	Shall	The executive officer of the applying municipal corporation shall send, either together with the notice of a request for a formal conference or within a reasonable time thereafter, any additional information, evidence, or argument...	122.06	No, general rulemaking authority	No, general rulemaking authority
	Shall	Within thirty days from receipt of a request for a formal conference, the director of the development services agency or the director's representative shall set a time and place for the formal conference.	122.06	No, general rulemaking authority	No, general rulemaking authority
	Shall not	The applying municipal corporation may provide at the formal conference in support of continued certification any additional information, evidence, or argument, which shall not be restricted to that submitted earlier.	122.06	No, general rulemaking authority	No, general rulemaking authority
	Shall	Within ten days after the formal conference the director shall notify the applying municipal corporation of his decision on rehearing which may be any of the following...	122.06	No, general rulemaking authority	No, general rulemaking authority
	Shall	If a municipal corporation that has become decertified pursuant to paragraph (A) of this rule wishes to regain its status as an impacted city under Chapter 1728. of the Revised Code, it shall complete a new application consistent with that chapter and rules 122:1-1-02 and 122:1-1-03 of the Administrative Code.	122.06	No, general rulemaking authority	No, general rulemaking authority
122:4-1-01 Enterprise zone characteristics definitions	Shall	As used in division (A)(1)(d) of section 5709.61 of the Revised Code, a prevalence shall mean that at least five per cent of the commercial or industrial structures in the area proposed as an enterprise zone are vacant or demolished, or are vacant and the taxes charged thereon are delinquent.	5709.61(A)(1)(h), 5709.67(A), 5709.671	No, general rulemaking authority	No, general rulemaking authority
	Shall	A retail facility in the area shall be counted as a commercial structure.	5709.61(A)(1)(h), 5709.67(A), 5709.671	No, general rulemaking authority	No, general rulemaking authority
	Shall	Facilities which are both vacant or demolished, and vacant and tax delinquent, shall only be counted once.	5709.61(A)(1)(h), 5709.67(A), 5709.671	No, general rulemaking authority	No, general rulemaking authority
	Shall	The applicable county or municipal corporation shall certify the accuracy of the criteria set forth in this paragraph...	5709.61(A)(1)(h), 5709.67(A), 5709.671	No, general rulemaking authority	No, general rulemaking authority
	Shall	...and shall also certify that the creation of the enterprise zone will most likely result in the reduction of vacant and demolished, and vacant and tax delinquent, structure in the area of the county or corporation shall also specify a rationale to explain the basis of the certification.	5709.61(A)(1)(h), 5709.67(A), 5709.671	No, general rulemaking authority	No, general rulemaking authority
	Shall	The applicable county or municipal corporation shall update the criteria set forth in this paragraph every two years to maintain the status of the area as an enterprise zone.	5709.61(A)(1)(h), 5709.67(A), 5709.671	No, general rulemaking authority	No, general rulemaking authority

	Must	As used in division (A)(1)(g) of section 5709.61 of the Revised Code, documentation must be submitted with the application demonstrating, to the satisfaction of the director of the development services agency, that the structure is vacant or under-utilized or used for a non-intended purpose.	5709.61(A)(1)(h), 5709.67(A), 5709.671	No, general rulemaking authority	No, general rulemaking authority
	Shall	The applicable county or municipal corporation shall specifically identify such structures in the agreement.	5709.61(A)(1)(h), 5709.67(A), 5709.671	No, general rulemaking authority	No, general rulemaking authority
	Shall	Agreement which include structures that were not included in the municipal corporation's, or county's, petition for enterprise zone designation shall be revoked by the director...	5709.61(A)(1)(h), 5709.67(A), 5709.671	No, general rulemaking authority	No, general rulemaking authority
	Shall	and the tax incentives for that year shall be disallowed unless excepted by division (A)(1)(h) of section 5709.61 of the Revised Code.	5709.61(A)(1)(h), 5709.67(A), 5709.671	No, general rulemaking authority	No, general rulemaking authority
	Shall	As used in division (A)(1)(h) of section 5709.61 of the Revised Code, no averaging of values between or among multiple school districts shall be permitted.	5709.61(A)(1)(h), 5709.67(A), 5709.671	No, general rulemaking authority	No, general rulemaking authority
	Shall	Documentation shall be provided by the applicable county or municipal corporation to demonstrate, to the satisfaction of the director, that the enterprise zone boundary either corresponds do, or does not exceed, the boundary of the eligible school district.	5709.61(A)(1)(h), 5709.67(A), 5709.671	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director shall provide a list of eligible school districts...	5709.61(A)(1)(h), 5709.67(A), 5709.671	No, general rulemaking authority	No, general rulemaking authority
	Shall	...and shall update the list using information supplied by the tax commissioners every two years to any interested party.	5709.61(A)(1)(h), 5709.67(A), 5709.671	No, general rulemaking authority	No, general rulemaking authority
122:4-1-02 Enterprise zone agreement tax exemption fee	Shall	The state's application fee for applications submitted to a municipal corporation or county to enter into an agreement under section 5709.62, 5709.63, or 5709.632 of the Revised Code shall be seven hundred fifty dollars.	5709.671, 5709.68(C)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Payment shall be in the form of a check or money order made payable to the Ohio development services agency by an enterprise at the time of application...	5709.671, 5709.68(c)	No, general rulemaking authority	No, general rulemaking authority
	Shall	...and shall be forwarded to the Ohio development services agency with the executed agreement by the municipal corporation or county.	5709.671, 5709.68(C)	No, general rulemaking authority	No, general rulemaking authority
	Shall	If the application does not result in the approval of the agreement, then the fee shall be refunded to the applicant by the municipal corporation or county.	5709.671, 5709.68(C)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Otherwise, such fee shall be non-refundable.	5709.671, 5709.68(C)	No, general rulemaking authority	No, general rulemaking authority
	Shall	No more than one fee shall be collected per application.	5709.671, 5709.68(C)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director of the development services agency shall notify the tax commissioner to withhold the approval of all tax exemptions pertaining to an agreement which has not met the enterprise zone tax exemption fee requirements set forth in this rule.	5709.671, 5709.68(C)	No, general rulemaking authority	No, general rulemaking authority
122:4-1-03 Municipal corporation enterprise zone designation criteria	Shall	As used in division (A) of section 5709.62 and division (A) of section 5709.632 of the Revised Code, the petition shall be in a form prescribed by the director of the development services agency.	5709.67(A)	No, general rulemaking authority	No, general rulemaking authority
	Shall	As used in division (C) of section 5709.62 of the Revised Code, "establish" shall mean the creation of a facility which is determined to the satisfaction of the director of the development services agency to entail significant investment in real and/or tangible personal property other than inventory.	5709.67(A)	No, general rulemaking authority	No, general rulemaking authority
122:4-1-04 Seasonal business criteria	Shall	As used in division (A)(3) of section 5709.64 of the Revised Code, seasonal business shall refer to the employment in any industry in which it is customary to operate only during regularly recurring periods of less than twenty-six weeks in any calendar year.	5709.64(A)(3), 5709.67(A)	No, general rulemaking authority	No, general rulemaking authority

	Shall not	The director of the development service agency's determination shall not be effected by the fact that employees engage in nonseasonal activities, if such work constitutes a minor, or incidental, part of the seasonal operations.	5709.64(A)(3), 5709.67(A)	No, general rulemaking authority	No, general rulemaking authority
122:4-1-05 Nonretail position criteria	Shall	As used in section 5709.64 of the Revised Code, a nonretail position shall mean the position of one full-time employee whose principal tasks or duties do not include the effecting of transactions wherein one party is obligated to pay the price and the other party is obligated to provide a service or to transfer title to or possession of the item sold, or who is employed at an establishment other than one used primarily for making retail sales.	5709.64(A)(2), 5709.67(A)	No, general rulemaking authority	No, general rulemaking authority
122:4-1-06 Municipal corporation and county enterprise zone report	Shall	As used in division (A) of section 5709.68 of the Revised Code, the report shall be in a form prescribed by the director of the development services agency.	5709.67(A)	No, general rulemaking authority	No, general rulemaking authority
122:4-1-08 Tax incentive review council reporting requirements	Shall	Tax incentive review councils shall annually submit a copy of the written recommendations required by division (C)(1) of section 5709.85 of the Revised Code to the director of the development services agency.	5709.67(A)	No, general rulemaking authority	No, general rulemaking authority
122:4-1-09 Relocation provisions	Shall	Net increase in employment shall be calculated by verifying the total employment of the facilities affected by the proposed project including any such facility in which positions will be transferred from without replacement.	5709.671	No, general rulemaking authority	No, general rulemaking authority
	Shall	As used in section 5709.69 of the Revised Code, application for late service by a legislative authority of a municipality or county to an affected municipality or county of a proposed relocation shall be made in writing to the director of the development services agency...	5709.671	No, general rulemaking authority	No, general rulemaking authority
	Shall	...and shall contain sufficient information for the director to determine whether or not earlier service is not possible or whether the realization of the project is in jeopardy because of the required thirty-day notice period.	5709.671	No, general rulemaking authority	No, general rulemaking authority
122:4-1-10 Enterprise zone program employee tax credit	Shall	Applicants for the Ohio enterprise zone program's employee tax credit shall provide the name, social security number, employment start date, the county of residence for the twelve months prior to employment and the type of assistance the employee received (temporary assistance for needy families or predecessor) at the time of employment as a result of an enterprise zone agreement for each employee claimed as eligible.	5709.66(A)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Business shall also provide: (1) Documentation of a valid enterprise zone agreement for a project occurring in a designated metropolitan statistical area central city or an appalachian county...	5709.66(A)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director of the development services agency shall confirm each eligible employee with the department of human services or its successor prior to issuing the employee tax credit certificate.	5709.66(A)	No, general rulemaking authority	No, general rulemaking authority
122:5-1-02	Shall	Written notification of intent to withhold or suspend CSBG funds. The deputy chief of the community services division shall provide a written "Notification of Intent to Withhold or Suspend CSBG Funds" by certified mail, return receipt requested, to the chairperson of the governing board of the eligible entity to effectuate the process of withholding or suspension of CSBG funds.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The "Notification of Intent to Withhold or Suspend CSBG Funds" shall specify:	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The corrective actions and the date (not less than thirty days after the date of the notice) by which they must be taken:	122.68(E)	No, general rulemaking authority	No, general rulemaking authority

	Shall	In extreme cases, when the deputy chief of the office of community assistance has determined termination of CSBG funding is appropriate in accordance with rule 122-2-03 of the Administrative Code, the "Notification of Intent to Withhold or Suspend CSBG Funds" shall be accompanied by a "Notification of Intent to Terminate" as described in rule 122-2-03 of the Administrative Code.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
122:5-1-03	Shall	The deputy chief of the community services division shall provide a written "Notification of Intent to Terminate" by certified mail, return receipt requested, to the chairperson of the governing board of the eligible entity.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The notification shall include the charges for such proposed action; sections of the statutes, rules, regulations or contractual obligations that the eligible entity is charged with violating; a statement informing the eligible entity of their right to request a public hearing on the proposed termination by making a written request within thirty days of the time of the mailing of the notice.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The notice shall also inform the party that the eligible entity may be represented by an attorney, or by such other representative as designated by a majority of the governing board of the eligible entity.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	When any notice required by this provision to be sent by certified mail is returned because of inability to deliver, the notice required shall be sent by ordinary mail evidenced by a certificate of mailing to the chairperson of the eligible entity.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The failure of the deputy chief of the community services division to give notice in the manner provided in this rule shall invalidate any termination order entered pursuant to such hearing.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
122:5-1-04	Shall	The hearing shall be within fifteen days of the request, but not prior to seven days, of the date of the "Notification of Intent to Terminate" unless otherwise agreed upon in writing by both the division and the eligible entity.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	After the hearing officer has called the hearing to order, the parties may be given an opportunity to present opening statements; thereafter, the parties shall present their evidence in the sequence determined by the hearing officer.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	When a witness is introduced to provide testimony or evidence in a contested case hearing, the witness shall, prior to testifying, be identified by name and address...	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	...and shall take an oath of affirmation administered by the hearing officer.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The hearing officer shall be a state of Ohio employee not involved in the decision to terminate.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The hearing procedures shall include, but are not limited to, the following:	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall not	The hearing officer shall not be bound by the "Ohio Rules of Evidence" and shall prescribe the conduct of the hearing;	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The hearing officer shall not be bound by the "Ohio Rules of Evidence" and shall prescribe the conduct of the hearing;	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Additional procedures may be set forth by the hearing officer, or at the request of the parties if approved by the hearing officer in whose sole discretion hearing procedures shall rest.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
122:5-1-05	Shall	The hearing officer shall, within fifteen calendar days following the hearing, provide the deputy chief of the community services division with a written decision.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority

	Shall	Within seven calendar days of the receipt of the written decision of the hearing officer, the deputy chief of the community services division shall provide the director of the Ohio development services agency with a written recommendation.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall not	Within fifteen calendar days of the receipt of the written recommendation of the deputy chief of the community services division, the director of the Ohio development services agency , or his designee who shall not be an officer or employee within the community services division, shall issue a final decision on behalf of the state.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Within fifteen calendar days of the receipt of the written recommendation of the deputy chief of the community services division, the director of the Ohio development services agency , or his designee who shall not be an officer or employee within the community services division, shall issue a final decision on behalf of the state.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	A proposed and final decision shall include findings of fact and regulations supporting such actions.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Findings of fact shall be based solely on the evidence in the record and on matters officially noticed in the record, and, if set forth in statutory language, shall be accompanied by a concise and explicit statement of underlying facts supporting the findings.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Findings of fact shall be based solely on the evidence in the record and on matters officially noticed in the record, and, if set forth in statutory language, shall be accompanied by a concise and explicit statement of underlying facts supporting the findings.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The deputy chief of the community services division shall give prompt notice of the decision of the director of the Ohio development services agency by mailing a copy of the decision by certified mail, return receipt requested, to the chairperson of the governing board of the eligible entity.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
122:5-2-01	Shall	"Chief elected official" means the mayor of a municipal corporation or, if no mayor is directly elected in a municipal corporation, then the person designated to act as such by the legislative authority of a municipal corporation shall be considered its chief elected official, and each county commissioner.	122.68	No, general rulemaking authority	No, general rulemaking authority
122:5-2-02	Shall	A nonprofit agency or organization shall be deemed to have obtained the endorsement of a chief elected official of a municipal corporation or county within the community to be served by the agency or organization when written notice of such endorsement is received by certified mail by the office of community services at the following address: "Office of Community Assistance , Ohio Development Services Agency , P.O. Box 1001, Columbus, Ohio 43216-1001."	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	A copy of the notice of endorsement shall be provided by such chief elected official to the nonprofit agency or organization seeking designation as a community action agency.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Notice of endorsement by a chief elected official of a municipal corporation or county of a nonprofit agency or organization seeking designation as a community action agency shall remain effective until a notice of rescission of endorsement is received by certified mail by the office of community assistance at the same address.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	A copy of the notice of rescission of endorsement shall be provided by such chief elected official to the nonprofit agency or organization seeking designation as a community action agency.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority

	Shall	A designated community action agency shall be determined to have provided a range of services and opportunities having a measurable and potentially major impact on the causes of poverty in the community or those areas of the community where poverty is a particularly acute problem based on the extent to which its program activities, conducted in compliance with fiscal and programmatic guidelines as set forth in these rules, meet the goals and objectives delineated in its annual program plan as approved by the office of community assistance .	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	As part of its annual program plan and budget submission each designated community action agency shall submit to the office of community assistance a board roster along with certification that the composition of the board meets the following requirements:	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Each designated community action agency shall submit to the office of community assistance along with its annual program plan and budget, a certification that a copy of the program plan and budget was made available to the chief elected officials of the municipal corporations and counties within the service area at least ten days prior to submission of the plan and budget to the office of community assistance .	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Each designated community action agency shall submit to the office of community assistance as part of its annual program plan and budget, assurances that it will comply with the prohibitions against discrimination and political activity, as provided for in the Community Services Block Grant Act.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Any and all such complaints shall be forwarded by the office of community assistance to the agencies or tribunals having jurisdiction to investigate such complaints.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Adjudications by such agencies or tribunals shall be considered in determining whether C.S.B.G. providers are in compliance with the prohibitions against discrimination and political activity as provided in the Community Services Block Grant Act.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Each designated community action agency shall be subject to audit to determine compliance with fiscal and program requirements as set forth in these rules and as amplified and revised from time to time by federal bulletins which shall be automatically forwarded without charge to designated community action agencies, and upon request to any citizen who requests copies by writing to the office of community assistance at the following address: "Office of Community Assistance , Ohio Development Services Agency , P.O. Box 1001, Columbus, Ohio 43216-1001."	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Each designated community action agency shall be subject to audit to determine compliance with fiscal and program requirements as set forth in these rules and as amplified and revised from time to time by federal bulletins which shall be automatically forwarded without charge to designated community action agencies, and upon request to any citizen who requests copies by writing to the office of community assistance at the following address: "Office of Community Assistance , Ohio Development Services Agency , P.O. Box 1001, Columbus, Ohio 43216-1001."	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
122:5-2-03	Shall	Each designated community action agency shall:	122.68(E)	No, general rulemaking authority	No, general rulemaking authority

	Shall	Annually apply for C.S.B.G. funds through submission of a program plan and budget which, upon approval by the office of community assistance, shall become part of a grant agreement between the Ohio development services agency, office of community assistance, and the designated community action agency.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The program shall include activities which provide a range of services and opportunities having a measurable and potentially major impact on the causes of poverty in the community or those areas of the community where poverty is a particularly acute problem, including, but not limited to:	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The required reports shall be submitted according to the instructions and schedule provided by the office of community assistance.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The office of community assistance shall provide all required report forms with instructions and forward them to all designated community action agencies. Required program and fiscal reports shall include, but not be limited to, the following:	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The office of community assistance shall provide all required report forms with instructions and forward them to all designated community action agencies. Required program and fiscal reports shall include, but not be limited to, the following:	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Persons at or below one hundred twenty-five per cent of the official poverty line shall be eligible for all services provided to program participants by designated community action agencies with C.S.B.G. program funds.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Income shall include:	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Must	The period to be used in determining annual income must not be more than twelve months nor less than the ninety-day period preceding the request for assistance by the individual applicant;	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Must	The income of all members of each family unit residing in the same residence must be included in determining the income eligibility;	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Must	When the applicant applies for any service provided by the C.S.B.G. provider, the applicant must sign a self-declaration statement indicating its annual income and the income of any other members of the family unit;	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Must	The C.S.B.G. provider must make a reasonable number of spot checks of family units to verify income given in the self-declaration statements.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The applicant shall be informed that the C.S.B.G. provider will check to verify the information on the self-declaration statement, and that by signing the "Certification and Waiver of Privacy Rights" statement the applicant authorizes the release of confidential information for income verification purposes.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
122:5-2-04	Shall	Each board of directors of designated community action agencies shall annually conduct a self-evaluation of its policies and programs, using forms provided by the office of community assistance, according to the following criteria:	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The results of the evaluation, and recommendations for improved administration of the community action agencies, shall be submitted annually within sixty days of the program starting date, in the form of a report to the office of community assistance at the following address: "Office of Community Assistance, Ohio Development Services Agency, P.O. Box 1001, Columbus, Ohio 43216-1001."	122.68(E)	No, general rulemaking authority	No, general rulemaking authority

	Shall	Local governments, social services' organizations, businesses and low-income persons shall be involved in the local evaluation process to provide broad community participation.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Evidence of such participation shall be included in the community action agency's annual self-evaluation report.	122.68(E)	No, general rulemaking authority	No, general rulemaking authority
122:5-3-01	Shall	Sources of income excluded from "household income" shall be those sources of income identified as excluded by the director annually as part of the annual LIHEAP plan and published in the annual energy assistance guidelines.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Must	"PIPP Plus anniversary date" means the calendar date by which the PIPP plus customer must be current on his/her income based PIPP plus payments to continue participation in PIPP plus for the subsequent twelve months.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The PIPP plus anniversary date shall be at or about twelve months from when the customer is enrolled in PIPP plus.	4928.53	No, general rulemaking authority	No, general rulemaking authority
122:5-3-02	Must	An individual must be a residential customer of an electric distribution utility or a participating electric cooperative or municipal electric company to participate in the PIPP plus program.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Any customer whose annual household income is one hundred fifty per cent or less than the federal poverty guideline for the corresponding household size shall be eligible to participate in the PIPP plus program.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director shall review sources of income annually and publish specific exclusions from household income as part of the annual LIHEAP plan.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	After such public hearings as required by federal law for the annual LIHEAP plan, the director shall publish exclusions from household income in the annual energy assistance guidelines, which the director shall make available through various publication channels throughout the state, including at local agencies, by request to the office of community assistance and by publication on the development services agency website.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	After such public hearings as required by federal law for the annual LIHEAP plan, the director shall publish exclusions from household income in the annual energy assistance guidelines, which the director shall make available through various publication channels throughout the state, including at local agencies, by request to the office of community assistance and by publication on the development services agency website.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Must	Any customer who enrolls in the PIPP plus program must be willing to participate actively in the program and contribute in a meaningful way to the cost of their electric service.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Any overpayment of PIPP plus or Graduate PIPP plus payments shall be applied to future PIPP plus or graduate PIPP plus payments once any default balance has been paid.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Any customer enrolling in the PIPP plus program shall also apply to participate in any other energy assistance program for which such customer may be eligible for those programs that do not require a payment from the PIPP plus customer.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Require	Any customer enrolling in the PIPP plus program shall also apply to participate in any other energy assistance program for which such customer may be eligible for those programs that do not require a payment from the PIPP plus customer.	4928.53	No, general rulemaking authority	No, general rulemaking authority

	Shall	If a customer is determined to be eligible for energy assistance through other programs, then as condition of continuing eligibility for the PIPP plus program such customer shall actively participate in any such energy assistance programs that do not require payment from the customer as a condition for participation.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Require	If a customer is determined to be eligible for energy assistance through other programs, then as condition of continuing eligibility for the PIPP plus program such customer shall actively participate in any such energy assistance programs that do not require payment from the customer as a condition for participation.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Any PIPP plus customer who is the owner of a residence for which energy efficiency and weatherization services are offered by the director shall be required to accept such services as a condition for continuing eligibility for the PIPP plus program for those services that do not require a payment from the PIPP plus customer.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Require	Any PIPP plus customer who is the owner of a residence for which energy efficiency and weatherization services are offered by the director shall be required to accept such services as a condition for continuing eligibility for the PIPP plus program for those services that do not require a payment from the PIPP plus customer.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Require	If a customer fails to actively participate in any such energy assistance programs that do not require payment from a customer as a condition for participation, the director may give thirty days prior written notice of termination of the customer's continued participation in the PIPP plus program.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	If a PIPP plus customer resides in a rental property and energy efficiency and weatherization services are offered by the director for such rental property, such PIPP plus customer shall be required to accept such services as a condition for continuing eligibility for the PIPP plus program unless the residence owner refuses consent for energy efficiency and weatherization services.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall not	A PIPP plus customer shall not be required to accept energy efficiency and weatherization services that require payment by the customer.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Require	A PIPP plus customer shall not be required to accept energy efficiency and weatherization services that require payment by the customer.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The obligation of a PIPP plus customer to accept energy efficiency and weatherization services as provided in this rule shall continue as long as the PIPP plus customer continues to participate in the PIPP plus program.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall not	The director, through the office of community assistance, a local agency, or other agent or contractor, may (but shall not be required to) send reminders to PIPP plus customers in advance of bill due dates to make on-time payments, and receipt of any such payment reminders that may be given shall be considered a condition for participation in the PIPP plus program.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director, through the office of community assistance, a local agency, or other agent or contractor, may (but shall not be required to) send reminders to PIPP plus customers in advance of bill due dates to make on-time payments, and receipt of any such payment reminders that may be given shall be considered a condition for participation in the PIPP plus program.	4928.53	No, general rulemaking authority	No, general rulemaking authority

	Shall	PIPP plus customers shall be encouraged by the office of community assistance and local agencies to participate in any consumer education programs, including programs about energy conservation and demand reduction, made available to customers at their local agencies, readily accessible in their local communities, or offered locally by their electric distribution utility.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	If a PIPP plus customer fails to pay monthly PIPP plus installment amounts and such non-payment causes the customer's electric service to be subject to disconnection by a utility for non-payment or actually disconnected by a utility for non-payment, it shall be the responsibility of the PIPP plus customer to avoid disconnection by paying the minimum amount as provided by the commission in paragraph (B) of rule 4901:1-18-05 of the Administrative Code (or any successor rule of substantially the same effect) or to have service reconnected as provided by the commission in rule 4901:1-18-07 of the Administrative Code (or any successor rule of substantially the same effect), except that for purposes of this rule, the minimum amount to avoid disconnection or to reconnect will not include accrued arrearages on the PIPP plus customer's account prior to non-payment of monthly PIPP plus installment amounts.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	None of the delinquent amounts, including any past due monthly PIPP plus installment amounts and other charges commission rules permit the utility to collect from a customer to avoid disconnection or to reconnect electric service (but not including accrued arrearages prior to the non-payment of monthly PIPP plus installment amounts), shall be charged to or paid from the fund. A customer will cease to be an active PIPP plus customer if a utility disconnects electric service to such PIPP plus customer for non-payment and electric service remains disconnected through the end of, that billing cycle and the utility shall report such customer as an inactive customer.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	None of the delinquent amounts, including any past due monthly PIPP plus installment amounts and other charges commission rules permit the utility to collect from a customer to avoid disconnection or to reconnect electric service (but not including accrued arrearages prior to the non-payment of monthly PIPP plus installment amounts), shall be charged to or paid from the fund. A customer will cease to be an active PIPP plus customer if a utility disconnects electric service to such PIPP plus customer for non-payment and electric service remains disconnected through the end of, that billing cycle and the utility shall report such customer as an inactive customer.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	A PIPP plus customer who has ceased to be an active PIPP plus customer as a result of disconnection for non-payment shall be ineligible to participate in the PIPP plus program until such customer pays any delinquent amounts through the date the office of community assistance identifies the customer for removal as an active PIPP plus customer...	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Must	To be eligible to continue in the PIPP plus program for the subsequent twelve months, the PIPP plus customer must be current on his/her PIPP plus installment on his/her anniversary date.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The utility shall reinstate the PIPP plus customer into PIPP plus when the PIPP plus customer pays all missed installments and current monthly charges for those months when the PIPP plus customer was not enrolled in the program, less any payments the customer has made (up to the account arrearage).	4928.53	No, general rulemaking authority	No, general rulemaking authority

	Shall	The utility shall provide notice to the office of community assistance of both the drop and the reinstatement through the nightly confirmation files.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Must	A PIPP customer who is income eligible, voluntarily leaves PIPP plus, and within twelve months re-enrolls in PIPP plus, must pay the difference between the PIPP plus installments for the months the customer received service but was not on the program, less payments made by the customer during the same time period up to the amount of the customer's arrearage.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	If a utility disconnects electric service to the residence of a PIPP plus customer as permitted by commission rules due to any fraudulent act to obtain service, tampering, or theft of service by the customer or any consumer who is a member of the customer's household, the customer shall cease to be eligible to participate in the PIPP plus program, for that utility, while such fraud, tampering, or theft continues and until the customer completes the actions required to reconnect service as provided in applicable commission rules.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	No charges for electric service accrued during any period that the customer is ineligible to participate in the PIPP plus program pursuant to this rule and none of the costs described in paragraph (E)(3) of rule 4901:1-18-03 of the Administrative Code or any other commission rule providing for reconnection of service following disconnection for fraud, tampering, or theft shall be charged to or paid from the fund.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	In the event the director finds that a PIPP plus applicant is enrolled in the PIPP plus program or continues to participate in the PIPP plus program as a result of fraudulent enrollment, the director shall terminate such applicant's enrollment in the PIPP plus program with immediate effect, demand that the applicant make restitution of all payments made from the fund for the benefit of such applicant during the period the applicant was fraudulently enrolled in the PIPP plus program, and reverse any arrearage credits received by such applicant during the period that the applicant was fraudulently enrolled in the PIPP plus program.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	In addition, any such applicant found to have fraudulently enrolled in the PIPP plus program shall be ineligible to participate in the PIPP plus program for twenty-four months and until any demand for restitution is satisfied.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Any such applicant terminated for non-compliance in the PIPP plus program shall be ineligible to participate in the PIPP plus program for twenty-four months and until any demand for restitution is satisfied.	4928.53	No, general rulemaking authority	No, general rulemaking authority
122:5-3-03	Shall	To the extent practicable, the director shall maintain a one-stop application and eligibility determination process for customers administered by the office of community assistance .	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The eligibility determination process shall include periodic verification of continuing eligibility to participate in the PIPP plus program.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The office of community assistance and local agencies designated by the director to accept applications for the PIPP plus program shall collect information from customers in the form required by the director from time to time.	4928.53	No, general rulemaking authority	No, general rulemaking authority

	Require	The director may also require such local agencies to use such computer programs and web-based applications as the director may provide in connection with the administration of the PIPP plus program.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	All requests by customers to participate in the PIPP plus program shall be referred for eligibility determination to the office of community assistance or a local agency designated by the director to accept applications for the PIPP plus program.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director shall provide information about the referral process to electric distribution utilities and to the commission.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director shall also make reasonable efforts to make referral information generally available to the public, including by publication on the development services agency website.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	May not	Customers may not be enrolled in the PIPP plus program directly by utility companies.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall not	Consistent with the commission rule set forth in paragraph (A) of rule 4901:1-18-15 of the Administrative Code (or any successor rule of substantially the same effect), a PIPP plus customer who is current on his/her payment of monthly PIPP plus installment amounts shall not be denied a transfer of service to a new address based solely on the customer's accrued arrearages. PIPP plus customers relocating within the service territory of an electric distribution utility are not required to re-enroll or reverify eligibility to participate in the PIPP plus program as a condition for transferring electric service.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director shall identify the customer-level information necessary and useful for purposes of determining customer eligibility and administering customer participation in the PIPP plus program.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	As provided for in rule 122:5-3-07 of the Administrative Code, the director shall prepare a form of application, which may be a single combined application for all low-income customer assistance plans.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director shall make applications for the PIPP plus program available to customers at various locations and through various publication channels throughout the state, including at local agencies, by request to the office of community assistance and by publication on the development services agency website. The application form may be updated from time to time by the director.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Income eligibility determinations shall be made based upon income information provided by an applicant and reviewed using the same income verification procedures employed by the director for the home energy assistance program.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director shall review the verification procedures annually and shall publish such procedures in the annual energy assistance guidelines.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director shall review the verification procedures annually and shall publish such procedures in the annual energy assistance guidelines.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director shall provide copies of the annual energy assistance guidelines to the local agencies and shall make the guidelines available to the public, including by publication on the development services agency website.	4928.53	No, general rulemaking authority	No, general rulemaking authority

	Shall	The director shall provide copies of the annual energy assistance guidelines to the local agencies and shall make the guidelines available to the public, including by publication on the development services agency website.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The office of community assistance or the local agency, whichever accepts a customer application to participate in the PIPP plus program, shall notify such applicant in writing of the eligibility determination and, if the applicant is determined to be eligible, such customer's monthly PIPP plus installment amount.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	If a customer is determined not to be eligible to participate in the PIPP plus program, the office of community assistance or the local agency shall include in the notice a reasonably detailed description of the reason for that determination.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The office of community assistance shall notify electric distribution utilities about eligibility determinations through electronic data transfers made each business day.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Electric distribution utilities shall update customer records promptly to reflect customer enrollment information and return to the office of community assistance an electronic file confirming that customer account records have been updated to reflect enrollment and/or noting any exceptions for PIPP plus account files that could not be processed or reconciled with customer account records and specifying for each exception the proper exception code from the list of exception codes provided by the office of community assistance.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall not	Electric distribution utilities shall not unilaterally change a customer's monthly PIPP plus installment amount from the amount provided in the office of community assistance electronic data transfer.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Electric distribution utilities are not required to send PIPP plus customers separate written notices of PIPP plus enrollment or monthly PIPP plus installment amounts following enrollment, but electric distribution utilities shall reflect a PIPP plus customer's monthly PIPP plus installment amount on such customer's bills as required by applicable commission rules.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Must	Requests for reconsideration may be made verbally or in writing but, in either case, must provide a reasonably detailed basis for the dispute and such supporting documentation as may be reasonably requested by the office of community assistance or the local agency.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Must	Requests for reconsideration must be made within sixty days after the date of the disputed determination or installment calculation, and shall be considered and resolved promptly by the office of community assistance or the local agency receiving the request. Responses to requests for reconsideration shall be made to the customer in writing.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Requests for reconsideration must be made within sixty days after the date of the disputed determination or installment calculation, and shall be considered and resolved promptly by the office of community assistance or the local agency receiving the request. Responses to requests for reconsideration shall be made to the customer in writing.	4928.53	No, general rulemaking authority	No, general rulemaking authority

	Shall	Requests for reconsideration must be made within sixty days after the date of the disputed determination or installment calculation, and shall be considered and resolved promptly by the office of community assistance or the local agency receiving the request. Responses to requests for reconsideration shall be made to the customer in writing.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director shall use such application information to determine continuing income eligibility.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall not	The amount due shall not exceed the amount of the customer's arrearage.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The office of community assistance or the local agency, whichever re-verifies a customer's continuing eligibility to participate in the PIPP plus program, shall notify such PIPP plus customer in writing of the re-verification determination and, if the PIPP plus customer continues to be eligible, the monthly PIPP plus installment amount based on re-verified income.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	If a customer is determined not to be eligible for continued participation in the PIPP plus program, the office of community assistance or the local agency shall include in the notice a reasonably detailed description of the reason for that determination and the customer may request reconsideration as provided in paragraph (B)(5) of this rule.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The office of community assistance shall notify electric distribution utilities about re-verification determinations through electronic data transfers made each business day.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Electric distribution utilities shall update customer records promptly to reflect customer re-verification information and return to the office of community assistance an electronic file confirming that customer account records have been updated to reflect re-verification and/or noting any exceptions for PIPP plus account files that could not be processed or reconciled with customer account records and specifying for each exception the proper exception code from the list of exception codes provided by the office of community assistance.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall not	Electric distribution utilities shall not unilaterally change a customer's monthly PIPP plus installment amount from the amount provided in the office of community assistance electronic data transfer.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Electric distribution utilities are not required to send PIPP plus customers separate written notices of changes to monthly PIPP plus installment amounts following re-verification, but electric distribution utilities shall reflect a PIPP plus customer's monthly PIPP plus installment amount on such customer's bills as required by applicable commission rules.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Promptly after receipt of notice that a PIPP plus customer is not eligible to continue in the PIPP plus program, the electric distribution utility shall remove the affected customer from PIPP plus billing and notify the customer about any payment plans or other utility-sponsored programs for which the customer may be eligible as a former participant in PIPP plus.	4928.53	No, general rulemaking authority	No, general rulemaking authority

122:5-3-04	Shall	Monthly PIPP plus installment amount. For a PIPP plus customer with an electric baseload residence, the monthly PIPP plus installment amount shall be the greater of six per cent of such customer's monthly household income, as determined based on current income information provided by the PIPP plus customer at the time of application or subsequent income verification, or the minimum monthly PIPP plus installment amount described in paragraph (C) of rule 122:5-3-02 of the Administrative Code.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	For a PIPP plus customer with an electrically heated residence, the monthly PIPP plus installment amount shall be the greater of ten per cent of such customer's monthly household income, as determined based on current income information provided by the PIPP plus customer at the time of application or subsequent income verification, or the minimum monthly PIPP plus installment amount.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	PIPP plus customers shall be required to remit their monthly PIPP plus installment amounts directly to electric distribution utilities each month. Subject to commission rules applicable to customer billing, paragraph (G) of rule 4901:1-10-22 of the Administrative Code (or any successor rule of substantially the same effect), and any agreements between the director and electric distribution utilities regarding PIPP plus procedures, the monthly PIPP plus installment amounts will be shown on monthly bills for electric service.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Customer payments shall be credited to the accounts of PIPP plus customers by each electric distribution utility in accordance with payment crediting rules of the commission.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall not	Consistent with the commission rule as set forth in paragraph (C) of rule 4901:1-18-15 of the Administrative Code (or any successor rule of substantially the same effect), electric distribution utilities shall not charge late payment fees to any PIPP plus customer as long as such customer continues to be an active PIPP plus customer and no late fees shall be charged to or payable from the fund.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Consistent with the commission rule as set forth in paragraph (C) of rule 4901:1-18-15 of the Administrative Code (or any successor rule of substantially the same effect), electric distribution utilities shall not charge late payment fees to any PIPP plus customer as long as such customer continues to be an active PIPP plus customer and no late fees shall be charged to or payable from the fund.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Money other than HEAP, emergency HEAP, or money provided on a monthly basis by a public or private agency for the purpose of paying utility bills shall first be applied to the customer's defaulted current monthly payment obligation (this could be PIPP plus default, graduate PIPP plus default, or extended payment plan default), if any, then applied to the customer's current monthly income-based payment obligation (this could be PIPP plus installment, graduate PIPP plus installment, or extended payment plan obligation), and lastly, shall be applied to the customer's arrearages.	4928.53	No, general rulemaking authority	No, general rulemaking authority

	Shall	Money other than HEAP, emergency HEAP, or money provided on a monthly basis by a public or private agency for the purpose of paying utility bills shall first be applied to the customer's defaulted current monthly payment obligation (this could be PIPP plus default, graduate PIPP plus default, or extended payment plan default), if any, then applied to the customer's current monthly income-based payment obligation (this could be PIPP plus installment, graduate PIPP plus installment, or extended payment plan obligation), and lastly, shall be applied to the customer's arrearages.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Current bill balances have been charged to the director monthly and paid from the fund. From and after the effective date of this rule, the director shall continue to pay from the fund accrued arrearages upon initial enrollment of an eligible customer in the PIPP plus program and monthly current bill balances according to the payment procedures described in rule 122:5-3-05 of the Administrative Code.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Each electric distribution utility will maintain accurate records of all customer arrearages paid or reimbursed to the utility through any percentage of income payment plan mechanism, and such records shall be maintained in a form that such electric distribution utility can readily report customer arrearages on a per customer and aggregate basis.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall not	Electric distribution utilities shall not be paid any amount included in any customer arrearages that has previously been paid or reimbursed to the utility through any percentage of income payment plan mechanism.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall not	Monthly payment amounts not counted as arrearages. Electric distribution utilities shall not be entitled to recover from the fund, and they shall not charge to the director, any deficiencies accruing as a result of a PIPP plus customer's failure to pay monthly PIPP plus installment amounts. Such deficiencies also shall not be counted as customer arrearages for purposes of the arrearage crediting program provided by this rule.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall not	Monthly payment amounts not counted as arrearages. Electric distribution utilities shall not be entitled to recover from the fund, and they shall not charge to the director, any deficiencies accruing as a result of a PIPP plus customer's failure to pay monthly PIPP plus installment amounts. Such deficiencies also shall not be counted as customer arrearages for purposes of the arrearage crediting program provided by this rule.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall not	Monthly payment amounts not counted as arrearages. Electric distribution utilities shall not be entitled to recover from the fund, and they shall not charge to the director, any deficiencies accruing as a result of a PIPP plus customer's failure to pay monthly PIPP plus installment amounts. Such deficiencies also shall not be counted as customer arrearages for purposes of the arrearage crediting program provided by this rule.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Each PIPP plus customer who makes an on-time payment of the monthly PIPP plus installment amount shall receive a credit applied in the same month as the on-time payment against customer arrearages as described in this paragraph.	4928.53	No, general rulemaking authority	No, general rulemaking authority

	Shall	The amount of the arrearage credit that may be earned by a PIPP plus customer each month for making an on-time payment of the monthly PIPP plus installment amount shall be the sum of the current bill balance, plus an accrued arrearage credit determined by the electric distribution utility as provided in this rule.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The accrued arrearage credit shall be the amount that would reduce the PIPP plus customer's accrued arrearages to zero over a twenty-four month period assuming on-time payment of all monthly PIPP plus installment amounts during that period.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The electric distribution utility shall calculate the customer's arrearage credit amount upon the customer's enrollment in the PIPP plus program and provide such customer's PIPP plus arrearage credit amount to the office of community assistance via an electronic data transfer.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The accrued arrearage credit amount shall be reviewed annually by the electric distribution utility at or about the customer's PIPP plus anniversary date and, for each PIPP plus customer who has not made each monthly payment on-time during the prior year, adjusted to account for months for which the ontime payment credit was not earned by the customer.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The recalculated accrued arrearage credit shall be an amount equal to one twenty-fourth of the customer's accrued arrearages, including any accrued arrearage amount for which a credit was not earned during the prior year and any current bill balance(s) for which a credit was not earned during the prior year, but not including any missed monthly PIPP plus installment amounts.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The electric distribution utility shall provide such customer's recalculated PIPP plus arrearage credit amount to the office of community assistance via an electronic data transfer.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	For a PIPP plus customer who made each monthly payment on-time during the prior year, the accrued arrearage credit amount shall remain the same as during the prior year. For a PIPP plus customer with no accrued arrearage, the monthly arrearage credit would be an amount equal to the customer's current bill balance for that billing cycle.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	May not	Arrearage credits will be applied against customer arrearages only. PIPP plus customers may not earn arrearage credits pursuant to this rule for any missed monthly PIPP plus installment amounts.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	May not	Arrearage credits may not be accumulated on a customer account that is current and applied against future service.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	At the time of such refund, the electric utility shall remove the account from PIPP plus and inform the customer of the availability of a more suitable payment plan option.	4928.53	No, general rulemaking authority	No, general rulemaking authority

	Shall	The customer's accrued arrearage credit shall be noted on the customer's utility bill promptly after it is received from the electric distribution utility via the electronic data transfer described in paragraph (B)(3) of this rule.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Such electric distribution utility shall apply arrearage credits for such customer beginning with the next billing cycle after the calculation or recalculation of such customer's accrued arrearage credit amount.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Electric distribution utilities shall apply arrearage credits to each bill for which an on-time payment of the monthly PIPP plus installment amount is made.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Must	To qualify for graduate PIPP plus transition assistance and post-PIPP plus arrearage credits, a customer must pay all missed monthly PIPP plus installment amounts, if any, owed to the electric distribution utility for which transition assistance or arrearage credits will be provided.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	May not	Arrearage credits may not be accumulated on a customer account that is current and applied against future service.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	If such customer's graduate PIPP plus transition installment amount would not reduce each current monthly bill balance to zero, then during the twelve-month period under this rule, the electric distribution utility shall apply a credit to the graduate PIPP plus customer's account for the difference between the transition installment amount and the actual cost of service and may submit such credit amount to the fund for reimbursement as transition assistance.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The graduate PIPP plus arrearage credit will be earned and shall be applied to such customer's account for each month during the twelvemonth period that the customer makes an on-time payment for electric service to the electric distribution utility until the customer arrearage has been fully credited.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	If the customer fails to make twelve on-time payments for electric service during the twelve-month graduate PIPP plus arrearage credit period, the uncredited balance of the customer arrearage shall remain on the customer's account.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Upon notice from the office of community assistance to the electric distribution utility that the customer has ceased to participate in PIPP plus, the utility shall determine the customer arrearages as of the effective date of such notice and calculate the monthly arrearage credit as an amount equal to one-twelfth of such customer arrearages, but not including any missed monthly PIPP plus installment amounts.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The electric distribution utility shall notify the office of community assistance of the monthly graduate PIPP plus arrearage credit amount, and the utility shall apply the graduate PIPP plus arrearage credit as provided in this paragraph.	4928.53	No, general rulemaking authority	No, general rulemaking authority

	Shall	The electric distribution utility shall notify the office of community assistance of the monthly graduate PIPP plus arrearage credit amount, and the utility shall apply the graduate PIPP plus arrearage credit as provided in this paragraph.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	For customers on company-specific arrearage crediting payment plans as of the implementation date of these rules, such former PIPP plus customer shall be enrolled in and receive graduate-PIPP plus arrearage credits as described in paragraph (A) of this rule provided that such customer makes regular payments for electric services under a budget plan offered by the electric distribution utility or for the cost of electric service as billed.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Post-PIPP plus - customer account closed. When an electric distribution utility closes the account of a PIPP plus customer (i.e., account "finaled"), the utility shall report to the office of community assistance the amount of any customer arrearage for which the utility was previously paid by the fund or through any other percentage of income payment plan mechanism.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Each electric distribution utility shall notify such PIPP plus customer that post-PIPP plus arrearage credits will be available during the next twelve-month period to reduce the customer's final bill amount and request that such customer contact the utility company for additional information.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Each electric distribution utility shall enter into a payment arrangement with any former PIPP plus customer who will agree to make payments against such customer's arrearage on a finaled account.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Must	In order to receive a post-PIPP plus arrearage credit, the amount of the customer payment must be at least onesixtieth of the customer arrearage on the finaled account.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The post-PIPP plus arrearage credit shall be calculated by the electric distribution utility as of the customer arrearage on the finaled account, and the electric distribution utility shall apply the credit against the customer arrearage each time that a customer payment is made as described in this paragraph.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The post-PIPP plus arrearage credit shall be calculated by the electric distribution utility as of the customer arrearage on the finaled account, and the electric distribution utility shall apply the credit against the customer arrearage each time that a customer payment is made as described in this paragraph.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	If a post-PIPP plus customer fails to make payments against customer arrearages on a finaled account during the -month post-PIPP plus arrearage credit period, the uncredited balance of the customer arrearage shall remain on the customer's account.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	May not	Arrearage credits provided in paragraph (B) of this rule may not be earned based on payments made from federal funds administered by the office of community assistance.	4928.53	No, general rulemaking authority	No, general rulemaking authority

	Shall	The director shall periodically review and analyze data collected in connection with the administration of the PIPP plus program and evaluate the payment and arrearage crediting arrangements, the operation and performance of the PIPP plus program as a means of assisting low-income households to maintain electric service and the fiscal implications of the PIPP plus program for ratepayers, generally.	4928.53	No, general rulemaking authority	No, general rulemaking authority
122:5-3-05	Shall	If an electric distribution utility has collected a deposit from a customer who subsequently enrolls in the PIPP plus program, the electric distribution utility shall apply the deposit to the customer's account in a manner consistent with rule 4901:1-10-14 of the Administrative Code (or any successor rule of substantially the same effect) promptly following delivery of notice by the director that the customer has enrolled in the PIPP plus program.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall not	Consistent with the commission rule set forth in paragraph (B) of rule 4901:1-18-15 of the Administrative Code (or any successor rule of substantially the same effect), electric distribution utilities shall not charge or collect deposits from any PIPP plus customer as long as such customer continues to be an active PIPP plus customer and customer deposits shall not be charged to or payable from the fund.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall not	Consistent with the commission rule set forth in paragraph (B) of rule 4901:1-18-15 of the Administrative Code (or any successor rule of substantially the same effect), electric distribution utilities shall not charge or collect deposits from any PIPP plus customer as long as such customer continues to be an active PIPP plus customer and customer deposits shall not be charged to or payable from the fund.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director shall make monthly payments from the fund to electric distribution utilities on behalf of active PIPP plus customers.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	For each active PIPP plus customer, the director shall pay an amount equal to the difference between the cost of electric service provided by the relevant electric distribution utility to such active PIPP plus customer during the applicable billing cycle and the monthly PIPP plus installment amount for such customer for the corresponding billing cycle whether or not the customer has paid the monthly PIPP plus installment amount.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	It shall be the responsibility of each electric distribution utility to collect monthly PIPP plus installment amounts, which shall not be paid from the fund for any electric service provided after the effective date of this rule.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall not	It shall be the responsibility of each electric distribution utility to collect monthly PIPP plus installment amounts, which shall not be paid from the fund for any electric service provided after the effective date of this rule.	4928.53	No, general rulemaking authority	No, general rulemaking authority

	Shall	The director shall also make monthly payments from the fund to electric distribution utilities for transition assistance for eligible graduate PIPP plus customers as provided in paragraph (B)(5)(a) of rule 122:5-3-04 of the Administrative Code.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	May not	Electric distribution utilities may not bill the director for electric service or any other charges to a customer's account for any time during which electric service to such customer was disconnected or for any time during which such customer was not an active PIPP plus customer, and no such amounts will be paid from the fund.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Electric distribution utilities shall submit invoices to the director monthly by the fifteenth day of the month for all billing cycles ended during the preceding revenue month.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	"Revenue months" shall be periods established by each electric distribution utility corresponding to its respective billing activities and listed in an annual schedule that shall be provided to the director.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	"Revenue months" shall be periods established by each electric distribution utility corresponding to its respective billing activities and listed in an annual schedule that shall be provided to the director.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Invoices shall be in the form further described in paragraph (F)(1) of this rule.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director shall use its commercially reasonable efforts to remit payments from the fund to the electric distribution utility within fifteen days after receipt of a proper invoice for such services.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	In the event the director fails to remit payment within thirty days after receipt of a proper invoice for services, the director shall be obligated to pay interest on the late payment at the rate then provided for in section 126.30 of the Revised Code.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	In the event a municipal electric utility or an electric cooperative elects to participate in the low-income customer assistance programs as permitted by section 4928.51 of the Revised Code, such municipal electric utility or electric cooperative shall be subject to all applicable conditions and requirements of sections 4928.51 to 4928.61 of the Revised Code and the rules in this chapter of the Administrative Code.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	A detailed plan for participation of a municipal electric utility or an electric cooperative and administration of low-income customer assistance programs for the customers of the municipal electric utility or electric cooperative shall be developed by the director and such municipal electric utility or electric cooperative and memorialized in a written agreement.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Each electric distribution utility shall remit to the director all universal service rider revenue collected by such electric distribution utility and all revenue collected by such electric distribution utility in respect of any customer arrearages for which the electric distribution utility was at any time paid from the fund or otherwise through a PIPP plus rider mechanism.	4928.53	No, general rulemaking authority	No, general rulemaking authority

	Shall	Such revenue shall be paid over to the director by the fifteenth day of the month immediately following the month in which the revenue is received by the electric distribution utility.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	In the event an electric distribution utility fails to remit timely any universal service rider revenue or revenue from the collection of customer arrearages, such electric distribution utility shall be obligated to pay interest on the late payment at the rate then provided for in section 126.30 of the Revised Code.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Each payment from an electric distribution utility to the director shall be accompanied by a revenue report as further described in paragraph (F)(2) of this rule.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Payments shall be made to the director by electronic funds transfer according to funds transfer instructions provided by the director from time to time.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	All revenue remitted by any electric distribution utility to the director in connection with the PIPP plus program shall be deposited promptly by the director into the fund.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director shall have a reasonable time to review all invoices and revenue reports submitted by electric distribution utilities.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall not	Payment of invoices and acceptance of remittances shall not foreclose the director from disputing any error or deficiency found by the director upon review of invoices or revenue reports.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	In the event the director finds any invoice or revenue report to be deficient or in error, the director shall notify the affected electric distribution utility in writing, and the director shall be entitled to recover from the electric distribution utility any overcharges for service or underpayment of collections with interest accruing from the date such payments were made or should have been made at the rate provided for in section 126.30 of the Revised Code.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	In the event the director finds any invoice or revenue report to be deficient or in error, the director shall notify the affected electric distribution utility in writing, and the director shall be entitled to recover from the electric distribution utility any overcharges for service or underpayment of collections with interest accruing from the date such payments were made or should have been made at the rate provided for in section 126.30 of the Revised Code.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	If the electric distribution utility disputes the director's finding of error or deficiency, representatives of the director and the electric distribution utility shall meet in person to review the respective calculations of the disputed amounts and work in good faith to resolve the dispute.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Invoices shall provide the director customer-level and aggregate information about the electric service provided to PIPP plus customers during the billing cycles covered by the invoice.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Invoices shall be submitted in form and substance as required by the director from time to time.	4928.53	No, general rulemaking authority	No, general rulemaking authority

	Shall	The director shall notify electric distribution utilities in writing of any changes to the required form or substance for invoices and allow a reasonable time for electric distribution utilities to transition to the modified invoice requirements.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Revenue reports shall provide information to the director regarding collections and universal service fund revenue remitted to the director in connection with the PIPP plus program.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Revenue reports shall be submitted in form and substance as required by the director from time to time.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director shall notify electric distribution utilities in writing of any changes to the required form or substance for revenue reports and allow a reasonable time for electric distribution utilities to transition to the modified revenue report requirements.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	On or before the fifteenth day of each month (or if the fifteenth is not a business day, the next business day after the fifteenth), each electric distribution utility shall report to the director about all customers of such electric distribution utility participating in either or both the PIPP plus program or the home energy assistance program during the preceding calendar month.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Monthly customer information reports shall be submitted in form and substance as required by the director.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director shall notify electric distribution utilities in writing of any changes to the required form or substance for customer information reports and allow a reasonable time for electric distribution utilities to transition to the modified customer information report requirements.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	From time to time to assist the office of community assistance with the administration and/or evaluation of low-income customer assistance programs, the director may make special information requests of electric distribution utilities and shall provide a reasonable period of time for reply.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The electric distribution utilities shall respond to the special information requests within the time permitted.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	If an electric distribution utility is unable to respond completely to a special information request, the electric distribution utility shall notify the office of community assistance promptly and cooperate with the office of community assistance to address any issues that would delay or impair compliance with the information request.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	All invoices, revenue reports, monthly customer information reports, and any special information requests that may be reasonably requested by the director from time to time shall be submitted to the director electronically.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	In addition, each electric distribution utility shall submit to the director a paper copy of each invoice and revenue report certified by a responsible officer of the utility as being true, correct and complete.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Technical guidelines and protocols for electronic data interchange shall be established and maintained by the director and provided to each electric distribution utility.	4928.53	No, general rulemaking authority	No, general rulemaking authority

	Shall	To the extent practicable, the director shall provide electric distribution utilities notice and an opportunity to review and comment on any proposed change to electronic data interchange technical guidelines and protocols, and the director shall allow a reasonable time for electric distribution utilities to implement system modifications necessary to conform to any technical changes adopted by the director.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	To the extent practicable, the director shall provide electric distribution utilities notice and an opportunity to review and comment on any proposed change to electronic data interchange technical guidelines and protocols, and the director shall allow a reasonable time for electric distribution utilities to implement system modifications necessary to conform to any technical changes adopted by the director.	4928.53	No, general rulemaking authority	No, general rulemaking authority
122:5-3-06	Shall	The director shall review from time to time the feasibility of aggregating PIPP plus customers as contemplated by section 4928.54 of the Revised Code.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	If the director determines that a market has developed in which aggregating PIPP plus customers is feasible and substantial savings for the PIPP plus program can be realized by aggregating customers for the purpose of competitively auctioning the supply of competitive retail electric generation services, then the director shall undertake to consult with the commission and electric light companies and develop rules consistent with the requirements of section 4928.54 of the Revised Code.	4928.53	No, general rulemaking authority	No, general rulemaking authority
122:5-3-07	Shall	Federal funds received by the director for the purpose of providing home energy assistance or energy efficiency and weatherization services shall be administered in accordance with any applicable federal laws and program guidelines in effect from time to time.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Each year, the director shall develop a plan for administration of the home energy assistance program taking into account the amount of program funds to be received by the state from the federal government, any additional funds that may be made available for such programs by the state and the timing of the availability of all such funds for distribution to eligible recipients.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The plan for administration, including the priorities for distribution of funds, shall be as provided in the annual LIHEAP plan for the applicable program year.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The annual LIHEAP plan shall set forth the eligibility criteria for the program year and describe the manner in which home energy assistance funds will be made available for the crisis assistance component of the home energy assistance program.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Eligibility for home energy assistance program benefits shall be as set forth in the annual LIHEAP plan.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director shall make information about the home energy assistance program, including customer eligibility requirements, available to the public at public hearings, through local agencies and various other communication channels, including publication on the development services agency website.	4928.53	No, general rulemaking authority	No, general rulemaking authority

	Shall	Each year, the director shall develop a plan for administration of the home weatherization assistance program funds taking into account the amount of program funds to be received by the state from the federal government, any additional funds that may be made available for such programs by the state and the timing of the availability of all such funds for distribution to eligible recipients.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The plan for administration, including the priorities for distribution of funds, shall be as provided in the annual HWAP plan for the applicable program year.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The annual HWAP plan shall set forth the eligibility criteria for such program year and describe the manner in which home weatherization assistance funds will be made available to authorized energy efficiency and weatherization service providers.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Energy efficiency and weatherization service providers shall adhere to applicable guidelines of the federal agencies providing funds in selecting households to receive energy efficiency and weatherization services.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Eligibility for home weatherization assistance program grants shall be as set forth in the annual state plan for the home weatherization assistance program.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director shall make information about the home weatherization assistance program, including customer eligibility requirements, available to the public at public hearings, through local agencies and various other communication channels, including publication on the development services agency website.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director shall identify the customer-level information necessary and useful for purposes of determining customer eligibility and administering customer participation in the home energy assistance program and home weatherization assistance program.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director shall prepare a form of application, which may be a single combined application for all low-income customer assistance plans.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director shall make applications for the home energy assistance program and the home weatherization assistance program available to customers at various locations and through various publication channels throughout the state, including at local agencies, by request to the office of community assistance and by publication on the development services agency website.	4928.53	No, general rulemaking authority	No, general rulemaking authority
122:5-3-08	Shall	To the extent practicable, energy efficiency and weatherization services supported with resources from the fund shall be targeted to the certified territories of an electric distribution utility in the same proportion as the revenue remitted by such electric distribution utility to the director for the fund as corresponds to the total revenue remitted from all electric distribution utilities to the director for the fund.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	In the event any electric distribution utility makes any other funding contribution to the director to support energy efficiency or weatherization services, such additional funding shall be targeted to delivery of energy efficiency and weatherization services in such electric distribution utility's service territory.	4928.53	No, general rulemaking authority	No, general rulemaking authority

	Shall	The director shall establish and maintain criteria designed to target energy efficiency and weatherization services to high-cost, high-use structures, provided that such criteria may allow flexibility to perform cost-effective energy efficiency and weatherization services for residences of PIPP plus customers and customers then eligible to participate in the PIPP plus program even though such residences may not be the highest cost or highest use structures. Such criteria may include, among others identified by the director from time to time:	4928.53	No, general rulemaking authority	No, general rulemaking authority
	May not	The director shall establish and maintain criteria designed to target energy efficiency and weatherization services to high-cost, high-use structures, provided that such criteria may allow flexibility to perform cost-effective energy efficiency and weatherization services for residences of PIPP plus customers and customers then eligible to participate in the PIPP plus program even though such residences may not be the highest cost or highest use structures. Such criteria may include, among others identified by the director from time to time:	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	Any energy efficiency or weatherization measure projected to yield a savings-to-investment ratio of greater than one shall be considered a cost-effective measure.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Require	As a condition to providing energy efficiency and weatherization services for a rental property, the director may require the owner of such rental property to agree:	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall not	Replacement of consumables (e.g., light bulbs and furnace filters) and tenant-owned appliances shall not require landlord approval or a funding contribution from the landlord.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Require	Replacement of consumables (e.g., light bulbs and furnace filters) and tenant-owned appliances shall not require landlord approval or a funding contribution from the landlord.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director shall establish and maintain standards for the selection and performance of service providers who offer energy efficiency and weatherization services to participants in low-income customer assistance programs.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	No service provider shall hold itself out as a development services agency authorized provider unless the service provider has a current designation of such status from the director.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The standards for authorized service providers shall require, without limitation, service providers to:	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Require	The standards for authorized service providers shall require, without limitation, service providers to:	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director may modify the standards for authorized service providers from time to time, and the current standards for authorized service providers shall be made available upon request to the office of community assistance and posted on the website of the development services agency.	4928.53	No, general rulemaking authority	No, general rulemaking authority

	Shall	The director shall periodically review and analyze data collected from authorized service providers and otherwise in connection with low-income customer assistance programs to evaluate the results of energy efficiency and weatherization services.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	In particular, the director shall determine whether such data provides evidence of reduced energy consumption by households receiving such services and reduced costs of electric service provided to PIPP plus customers.	4928.53	No, general rulemaking authority	No, general rulemaking authority
122:5-3-09	Shall	Any such designation under this chapter shall continue to be effective for purposes of this chapter unless and until it is terminated or superseded in writing, notwithstanding any succession in the office of director or assistant director.	4928.53	No, general rulemaking authority	No, general rulemaking authority
122:5-3-10	Shall not	If any clause, provision or application of any rule in this chapter is determined to be invalid or unenforceable under applicable law, such determination shall not affect the remainder of such rule or other application of the rule or other rules of this chapter, which shall be applied as if the invalid or unenforceable portion or application or references to the invalid or unenforceable portion did not exist.	4928.53	No, general rulemaking authority	No, general rulemaking authority
	Shall	If any clause, provision or application of any rule in this chapter is determined to be invalid or unenforceable under applicable law, such determination shall not affect the remainder of such rule or other application of the rule or other rules of this chapter, which shall be applied as if the invalid or unenforceable portion or application or references to the invalid or unenforceable portion did not exist.	4928.53	No, general rulemaking authority	No, general rulemaking authority
122:6-1-02	Shall	Annually, the administering body shall adopt or reaffirm guidelines to address eligibility and application evaluation criteria and other requirements governing the housing programs funded with housing trust fund monies.	174.03(D)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Any eligible applicant receiving housing trust fund monies not restricted by division (A) of section 174.02 of the Revised Code shall only use such funding to provide supportive services and/or acquire, finance, construct, lease, rehabilitate, remodel, improve or equip housing affordable to low- and moderate-income persons, as prescribed in guidelines adopted by the administering body.	174.03(D)	No, general rulemaking authority	No, general rulemaking authority
122:6-1-03	Shall	Funds granted or loaned from the housing trust fund shall be paid to the eligible applicant based on the guidelines adopted by the administering body for the housing program being administered.	174.03(D)	No, general rulemaking authority	No, general rulemaking authority
122:6-1-04	Shall	Each eligible applicant receiving a grant, loan, loan guarantee or loan subsidy funded with housing trust fund monies for activities that provide, or assist in providing, rental housing shall reasonably ensure that the rental housing will be affordable to those families and individuals targeted for the rental housing for the useful life of the rental housing project or for thirty years, whichever is longer	174.03(D)	Yes, state law	Yes, state law
	Shall	Each eligible applicant receiving a grant, loan, loan guarantee or loan subsidy made from the housing trust fund for activities that will provide, or assist in providing, housing shall prepare and implement a plan to reasonably assist any families and individuals displaced by an applicant's project funded under the housing programs in obtaining decent affordable housing.	174.03(D)	Yes, state law	Yes, state law

	Shall	Each eligible applicant receiving a grant loan, loan guarantee or loan subsidy funded with housing trust fund monies shall certify, using forms prescribed by the administering body, compliance with all applicable state and federal laws, including, but not limited to, fair housing and anti-discrimination statutes.	174.03(D)	No, general rulemaking authority	No, general rulemaking authority
122:6-1-05	Shall	Each eligible applicant receiving funds from the housing trust fund shall report periodically on program and fiscal activities in the manner prescribed by the administering body.	174.03(D)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Prior to close-out of a grant, loan, loan guarantee or loan subsidy funded with housing trust fund monies, the administering body shall conduct a monitoring visit to assure that all provisions of the grant, loan, loan guarantee or loan subsidy have been met and to ensure compliance with division (H) of section 4112.02 of the Revised Code and <u>nondiscrimination against families with children</u> .	174.03(D)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The administering body shall determine and make public median income limits for low- and moderate income persons in each county, based on income available for housing, family size, the cost and condition of available housing, ability to pay the amounts the private market charges for decent, safe, and sanitary housing without federal subsidy or state assistance, and the income eligibility standards of federal programs.	174.03(D)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The administering body shall establish a reporting system to assure that division (D)(1) of section 174.03 of the Revised Code long-term affordability requirements are met.	174.03(D)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The administering body shall annually solicit public comment on the activities, programs, policies and administration of the housing trust fund.	174.03(D)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The administering body shall submit a report to, and be available to meet with, the housing trust fund advisory committee at least annually regarding the status of housing projects and housing programs funded with housing trust fund monies.	174.03(D)	No, general rulemaking authority	No, general rulemaking authority
122:6-1-06	Shall	Any use of housing trust fund monies by the eligible applicant in a manner which violates any terms or conditions of a grant or loan shall result in the administering body taking appropriate corrective action, including, but not limited to, immediate repayment and civil or criminal legal action.	174.03(D)	Yes, state law	Yes, state law
	Shall	When repayment of a grant, loan, loan guarantee or loan subsidy funded with housing trust fund monies is directed by the administering body, a repayment plan may be negotiated with the administering body. All monies received by the administering body shall immediately be returned to the housing trust fund.	174.03(D)	No, general rulemaking authority	No, general rulemaking authority
	Shall	When repayment of a grant, loan, loan guarantee or loan subsidy funded with housing trust fund monies is a condition of receipt of housing trust fund monies, all repayments received by the administering body shall immediately be returned to the housing trust fund.	174.03(D)	No, general rulemaking authority	No, general rulemaking authority
122:7-1-01	Shall	The calculation of "full-time equivalent employees" shall exclude any and all hours that are included as part of a tax credit under section 122.171 of the Revised Code.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Payroll increase factor means a numerical percentage determined by the authority to represent retained payroll growth, and which shall be applied annually during the term of the tax credit to adjust the "baseline payroll," as defined in division (A)(2) of section 122.17 of the Revised Code.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The payroll increase factor shall be a minimum of one.	122.71(I)	No, general rulemaking authority	No, general rulemaking authority

	Shall	The payroll increase factor shall be multiplied by the current taxable year's baseline payroll to equal the next taxable year's baseline payroll for each year during the term of the tax credit.	122.71(I)	No, general rulemaking authority	No, general rulemaking authority
	Must	Post-term reporting period means the time period a taxpayer must report to the authority and director to verify the maintenance of operations at the project location.	122.71(I)	No, general rulemaking authority	No, general rulemaking authority
	Must	In calculating the "substantial number of employment positions" threshold, the taxpayer must aggregate the payroll from all relocated employees under paragraph (B) of rule 122:7-1-09 of the Administrative Code for each year during the term of the tax credit.	122.71(I)	No, general rulemaking authority	No, general rulemaking authority
122:7-1-02	Shall	The authority shall act only at a meeting conducted in accordance with this rule.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	No action shall be taken by the authority without the concurrence of a majority of the membership.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Roberts Rules of Order shall govern the proceedings at all meetings.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The development services agency shall provide the authority with an adequate meeting place, supplies, and staff assistance, including an executive director.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Upon request, the authority shall provide at least four days' notice of the time, place, and purpose of its regular meetings to any person.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The authority shall give twenty-four hours advance notice of the time, place, and purpose of all special meetings to the news media that have requested notification.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The authority shall notify, as soon as possible, the news media that have requested notification regarding the time, place, and purpose of the meeting.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The chairman of the authority shall prepare an agenda for each regular meeting.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The agenda shall be distributed by mail, facsimile or electronic transmission to the members of the authority at least four days prior to each regular meeting.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The chairman or authority calling a special meeting of the authority shall prepare an agenda for such meeting and include a copy of the agenda with a notice of such meeting.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
122:7-1-03	Shall	The director, or the director's designee, shall serve as chairperson of the authority.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	After the authority has approved tax credits for a project, the chairperson or a professional employee of the development services agency to whom the chairperson has delegated such authority shall execute all agreements with the business entities for tax credits .	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The authority shall annually elect one of its members to serve as vice-chairperson.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	In the absence of the chairperson or the chairperson's designee, the vice-chairperson shall act as chairperson of the authority.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
122:7-1-04	Shall	At the time each taxpayer enters into a tax credit agreement, the taxpayer shall pay to the development services agency a servicing fee in an amount equal to four hundred dollars times the term of years of the tax credit..	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	A separate servicing fee, each calculated as described in the preceding sentence, shall be assessed for each taxpayer that is party to a tax credit agreement.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	An amendment that requests the addition of taxpayer(s) following the initial approval of the tax credit shall be subject to payment of the servicing fee for each added taxpayer.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority

	Shall	A taxpayer that has already received project approval from the authority for tax credit assistance shall submit a three hundred dollar fee to the development services agency in connection with a taxpayer's request to amend a previously approved tax credit project.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall not	provided that the amendment fee shall not be assessed for ministerial amendments.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The determination of the executive director of the authority about the nature of an amendment as ministerial or substantive shall be final.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	A taxpayer that does not submit a complete annual report or annual certification postmarked by or received by the director prior to March first of the year the report or certification is due shall be assessed a late fee of five hundred dollars for each month the report or certification is not received on or before the first day of each ensuing calendar month until the taxpayer submits a complete annual report or annual certification under paragraphs (A) and (D) of rule 122:7-1-07 of the Administrative Code.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	If an annual report or annual certification submitted to the director is not complete, the director, or his or her designee, shall notify the taxpayer of the deficiencies in the submission,	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	and the taxpayer shall have thirty days from the date of the notice to provide supplemental information to the director that completes the annual report or annual certification.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall not	A tax credit certificate shall not be issued to any taxpayer with unpaid fees under this rule.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	All fees assessed in connection with the job creation tax credit program shall be utilized to offset the administrative costs of the program.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
122:7-1-05	Shall not	All or any portion of a project determined to be retail shall not be eligible for tax credits pursuant to section 122.17 of the Revised Code.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Must	A taxpayer that sells or derives revenue from the performance of services rather than the sale of goods, must demonstrate to the satisfaction of the authority that at least fifty-one per cent of the sales or revenues attributable to the proposed project are projected to be generated from outside the state of Ohio by the metric evaluation date to be eligible for tax credits pursuant to section 122.17 of the Revised Code.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Each taxpayer shall certify to the authority the amount of baseline payroll for individuals employed at the project location as of the date of the job creation tax credit application is submitted.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Acceptance of tax credit award shall constitute the taxpayer's confirmation that the amount of existing payroll certified to the authority is accurate and will be relied upon by the authority in issuing tax credit certificates.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The tax credit shall be calculated on payroll attributed to full-time equivalent employees employed by the taxpayer in excess of the existing payroll, as accepted by the authority, provided that the taxpayer executes and returns the tax credit agreement, within sixty days of delivery of the agreement.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The taxpayer shall include with any agreement returned more than sixty days after delivery the amount of the taxpayer's payroll at the project location not more than ten business days prior to the date the taxpayer signs the agreement.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Such payroll amount shall be certified as accurate by the chief executive officer, chief financial officer, or other officer authorized to sign tax returns for the taxpayer.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority

	Shall	If the authority does not approve a taxpayer's application in which it receives a recommendation under division (C) of section 122.17 of the Revised Code, the Ohio development services agency shall notify the taxpayer of such determination along with any reasons for such determination identified by the authority. The taxpayer may be eligible to reapply, unless otherwise determined by the authority.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Must	By the metric evaluation date and each year of the term thereafter, to remain eligible to receive a tax credit certificate, the taxpayer must:	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	If the taxpayer fails to satisfy the requirements of paragraph (G) of rule 122:7-1-05 of the Administrative Code no tax certificate shall be issued for that year and the taxpayer may be subject to remedial action as set forth in division (E) of section 122.17 of the Revised Code	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
122:7-1-06	Shall not	Except as otherwise provided in paragraph (E) of this rule, the authority shall not grant a tax credit in which the estimated value to the taxpayer exceeds seventy five per cent of the estimated excess income tax revenue to be received by the state.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall not	Except as otherwise provided in paragraph (F) of this rule, the authority shall not grant a tax credit that exceeds a term of ten years. The tax credit may be claimed by the taxpayer only for the consecutive taxable years during the term.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The authority shall consider the following factors in determining the tax credit percentage and term to be granted to a taxpayer:	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	In addition to the tax credit percentage and term, the authority shall also annually determine the "pay increase factor," as defined in paragraph (P) of rule 122:7-1-01 of the Administrative Code, for each project approved.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Once determined, the pay increase factor shall be fixed for the term of the tax credit.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The authority shall determine the pay increase factor by an examination of the average per cent change in the consumer price index - all urban consumers - midwest urban during each of the previous five years for which such consumer price index data are then available.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall not	At the time the authority approves the project, the estimated value of the tax credit shall not exceed the project's estimated excess income tax revenue.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall not	The authority shall not grant a tax credit that exceeds a term allowable under division (D)(2) of section 122.17 of the Revised Code.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
122:7-1-07	Shall	Each taxpayer that is party to a tax credit agreement shall report to the director annually during the term of the tax credit the number of eligible full-time equivalent employees first employed by the taxpayer at the project location as a result of the project, the total number of full-time equivalent employees employed by the taxpayer at the project location, the total payroll from operations at the project location, the income tax revenue from operations at the project location, Ohio employee payroll from operations at the project location as defined in division (A) of section 122.17 of the Revised Code, the average hourly wage of the full-time equivalent employees, the amount of any transferred payroll during the tax year, the original cost of fixed-asset investment made at the project location, and any other information the director deems necessary to perform the director's duties under section 122.17 of the Revised Code.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority

	Shall	Each taxpayer's report to the director shall be certified as accurate and complete by the original signature of any authorized officer of the taxpayer.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The taxpayer's annual report shall be postmarked prior to or received by the director no later than March first of each year immediately succeeding the calendar year that is the subject of the annual report.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Each taxpayer shall maintain substantial operations at the project location for a time period consistent with division (D)(3) of section 122.17 of the Revised Code.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	During the post-term reporting period, the taxpayer shall submit an annual certification to the director postmarked prior to or received by the director no later than March first of each year succeeding the calendar year that is the subject of the annual certification.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	the taxpayer shall submit to the director a certification that includes, but is not limited to, information demonstrating the taxpayer maintains operations at the project location and the total full-time equivalent employees at the project location.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Each taxpayer and any professional employer organization utilized in the project shall establish and maintain for at least four years from the conclusion of the post-term reporting period such records of the taxpayer and professional employer organization that substantiate the employment, investment, and operations on which the tax credits are granted and issued.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The taxpayer and any professional employer organization shall organize and make available such records for the review and verification of the director or the director's representatives and appropriate state agencies or officials.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The taxpayer and any professional employer organization shall permit such officials and their representatives to audit, examine and make excerpts or transcripts from records maintained under this rule at any time during normal business hours upon written notice as often as the director may deem necessary.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Require	In the event the director determines a taxpayer has submitted an annual report containing erroneous data or data not supported by the records maintained under this rule, the director may, after providing notice, require the taxpayer to resubmit corrected annual reports for the years in which such reports were filed with the applicable fees described in rule 122:7-1-04 of the Administrative Code.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Thereafter, the director shall issue amended certificates consistent with amended data and report such amendments to the tax commissioner.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	If a taxpayer fails to file any complete annual report during the term of the tax credit, as described in paragraph (A) of this rule, within one hundred eighty days of the March first deadline, the taxpayer may be deemed to have discontinued operations at the project location and shall be subject to the refund provisions of division (K) of section 122.17 of the Revised Code.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	A complete annual report shall be one that meets the requirements of paragraph (H) of this rule.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	If a taxpayer fails to file any complete annual post-term reporting period annual certification, as described in paragraph (D) of this rule, within one hundred eighty days of the March first deadline, the taxpayer may be deemed to have discontinued operations at the project location and shall be subject to the refund provisions of division (K) of section 122.17 of the Revised Code.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	A complete annual certification shall be one that meets the requirements of paragraph (H) of this rule.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority

	Shall	For the purposes of this rule, a complete annual report or complete annual certification shall mean an annual report or annual certification that complies with the filing timeframes of paragraphs (C) and (D) of this rule and includes all of the information required by paragraphs (A) and (D) of this rule in a manner proscribed by the director.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
122:7-1-08	Shall	The authority shall cause written notice to be given to the affected taxpayer of any proposed action to reduce the percentage or term of the tax credit or to terminate the tax credit agreement.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Such notice shall be given at least thirty days prior to the authority meeting at which the action is to be considered.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	such notice shall be effective if sent in accordance with the notice requirements of the tax credit agreement.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The authority shall specify in any action reducing the percentage or term of a tax credit or terminating a tax credit agreement the taxable year for which the remedial action shall first be effective.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The authority shall specify in any action reducing the percentage or term of a tax credit or terminating a tax credit agreement the taxable year for which the remedial action shall first be effective.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
122:7-1-09	Shall	A taxpayer that relocates a substantial number of employment positions from other operations elsewhere in the state , other than the local jurisdiction of the project location, to the project location shall notify, by certified mail, delivery confirmed courier or acknowledged personal delivery, the legislative authority of the county(s), township(s) or municipal corporation(s) from which the relocated employment positions are to be moved prior to the relocation of such employment positions.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The taxpayer shall also concurrently send a copy of the notice to the executive director.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The notice shall contain the following information	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	If a taxpayer or affiliated entity relocates any employment position(s) from other operations elsewhere in the state to the project location, the taxpayer shall certify the amounts of transferred payroll in the annual report required under paragraph (A) of rule 122:7-1-07 of the Administrative Code that is due in the year immediately following the relocation.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The annual report shall include the items listed in paragraph (A) of this rule.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	If a taxpayer or affiliated entity relocates a substantial number of employment positions, as defined in paragraph (S) of rule 122:7-1-01 of the Administrative Code, to the project location, the transferred payroll attributable to the relocated employment positions shall be added to both the project's Ohio employee payroll, as defined in division (A) of section 122.17 of the Revised Code and baseline payroll, as defined in division (A) of section 122.17 of the Revised Code.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	If a taxpayer or affiliated entity relocates fewer than a substantial number of employment positions, as defined in paragraph (S) of rule 122:7-1-01 of the Administrative Code , to the project location, then the transferred payroll attributable to the relocated positions shall be added to the baseline payroll , as defined by division (A)(2) of section 122.17 of the Revised Code, in the year following the tax year in which the relocation occurred.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	A taxpayer shall derive no tax credit benefit under section 122.17 of the Revised Code from the relocation of employees in the year in which the relocation occurred.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority

	Shall	When the executive director believes there has been a violation of paragraph (A) or (B) of this rule, the executive director shall inform the director.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	When a violation has occurred the director shall issue amended tax certificates, if necessary, to the taxpayer to properly account for the effect of the relocated payroll for each tax year in which the relocated employees were employed at the project location.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director shall forward a copy of each corrected tax certificate to the tax commissioner or in the case of an insurance company, to the superintendent of insurance.	122.17(I)	No, general rulemaking authority	No, general rulemaking authority
122:9-1-01	Shall	The state's application fee for applications submitted to a municipal corporation or county to enter into an agreement under section 3735.671 of the Revised Code shall be seven hundred fifty dollars.	3735.672(C)	Yes, state law	Yes, state law
	Shall	Payment shall be in the form of a check or money order made payable to the development services agency by the owner of the property or an authorized designee of the property owner.	3735.672(C)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Payment shall be collected by the municipal corporation or county at the time of application	3735.672(C)	Yes, state law	Yes, state law
	Shall	Payment . . . shall be forwarded to the development services agency with the executed agreement by the municipal corporation or county.	3735.672(C)	Yes, state law	Yes, state law
	Shall	If the application does not result in the entering of an agreement, then the fee shall be refunded to the applicant by the municipal corporation or county.	3735.672(C)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Otherwise, such fee shall be non-refundable.	3735.672(C)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director of the development services agency shall notify the tax commissioner to withhold the approval of all tax exemptions pertaining to an agreement which has not met the community reinvestment area tax exemption fee requirements set forth above.	3735.672(C)	No, general rulemaking authority	No, general rulemaking authority
122:9-1-02	Shall	Net increase in employment shall be calculated by verifying the total employment of the business entity's operations affected by the proposed project including any such facility in which positions will be transferred without replacement.	5709.671	No, general rulemaking authority	No, general rulemaking authority
	Shall	As used in section 3735.673 of the Revised Code, application for late service by a legislative authority of a municipality or county to an affected municipality or county of a proposed relocation shall be made in writing to the director of the development services agency	5709.671	No, general rulemaking authority	No, general rulemaking authority
	Shall	and shall contain sufficient information for the director to determine whether or not earlier service is not possible or whether the realization of the project is in jeopardy because of the required thirty-day notice period.	5709.671	No, general rulemaking authority	No, general rulemaking authority
122:11-1-01	Shall	The state's application fee for applications submitted to a municipal corporation or county to enter into an agreement under section 5709.88 of the Revised Code shall be seven hundred fifty dollars.	5709.882(C)	Yes, state law	Yes, state law
	Shall	Payment shall be in the form of a check or money order made payable to the treasurer of the state of Ohio by an enterprise at the time of the application	5709.882(C)	Yes, state law	Yes, state law
	Shall	shall be forwarded to the Ohio development services agency with the executed agreement by the municipal corporation or county.	5709.882(C)	No, general rulemaking authority	No, general rulemaking authority
	Shall	If the application does not result in the approval of the agreement, then the fee shall be refunded to the applicant by the municipal corporation or county.	5709.882(C)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Otherwise, such fee shall be non-refundable.	5709.882(C)	No, general rulemaking authority	No, general rulemaking authority
	Shall	No more than one fee shall be collected per application.	5709.882(C)	No, general rulemaking authority	No, general rulemaking authority

	Shall	The director of the Ohio development services agency shall notify the tax commissioner to withhold the approval of all tax exemptions pertaining to an agreement which has not met the contaminated site program agreement tax exemption fee requirements set forth in this rule.	5709.882(C)	No, general rulemaking authority	No, general rulemaking authority
122:12-1-02	Shall	The deputy chief of the community services division shall provide, by certified mail, a written "Notification of Intent to Terminate" to the governing board of the grantee.	122.02	No, general rulemaking authority	No, general rulemaking authority
	Shall	The notification shall include the charges for such proposed action.	122.02	No, general rulemaking authority	No, general rulemaking authority
	Shall	The notice shall also inform the party that the grantee may be represented by an attorney or by such other representative as designated by a majority of the governing board of the grantee.	122.02	No, general rulemaking authority	No, general rulemaking authority
	Shall	When any notice required by this rule to be sent by certified mail is returned because of inability to deliver, the notice required shall be sent by ordinary mail evidenced by a certificate of mailing to the chairperson of the grantee.	122.02	No, general rulemaking authority	Yes, federal law
	Shall	The failure of the deputy chief of the community services division to give notice in the manner provided in this rule shall invalidate any termination order entered pursuant to such hearing.	122.02	No, general rulemaking authority	No, general rulemaking authority
122:12-1-03	Shall	The hearing shall be within thirty days of the request, but not prior to fourteen days, of the date of the "Notification of Intent to Terminate" unless otherwise agreed upon in writing by both the division and the grantee.	122.02	No, general rulemaking authority	No, general rulemaking authority
	Require	The hearing officer may require the parties to appear at a prehearing conference to consider any of the following:	122.02	No, general rulemaking authority	No, general rulemaking authority
	Shall	After the hearing officer has called the hearing to order, the parties may be given an opportunity to present opening statements; thereafter, the parties shall present their evidence in the sequence determined by the hearing officer.	122.02	No, general rulemaking authority	No, general rulemaking authority
	Shall	When a witness is introduced to provide testimony or evidence in a contested case hearing, the witness shall, prior to testifying, be identified by name and address	122.02	No, general rulemaking authority	No, general rulemaking authority
	Shall	and shall take an oath of affirmation administered by the hearing officer.	122.02	No, general rulemaking authority	No, general rulemaking authority
	Shall	The hearing officer shall be a state of Ohio employee not involved in the decision to terminate.	122.02	No, general rulemaking authority	No, general rulemaking authority
	Shall	The hearing procedures shall include, but are not limited to, the following:	122.02	No, general rulemaking authority	No, general rulemaking authority
	Shall not	The hearing officer shall not be bound by the "Ohio Rules of Evidence" . . .	122.02	No, general rulemaking authority	No, general rulemaking authority
	Shall	. . . and shall prescribe the conduct of the hearing;	122.02	No, general rulemaking authority	No, general rulemaking authority
	Shall	Additional procedures may be set forth by the hearing officer or at the request of the parties if approved by the hearing officer in whose sole discretion hearing procedures shall rest.	122.02	No, general rulemaking authority	No, general rulemaking authority
122:12-1-04	Shall	The hearing officer shall, within fifteen calendar days following the hearing, provide the deputy chief of the community services division and the chairperson of the governing board of the grantee with a proposed written decision.	122.02	No, general rulemaking authority	No, general rulemaking authority
	Shall	A proposed decision shall include findings of fact and regulations supporting such action.	122.02	No, general rulemaking authority	No, general rulemaking authority
	Shall	Findings of fact shall be based solely on the evidence in the record and on matters officially noticed in the record, and, if set forth in statutory language,	122.02	No, general rulemaking authority	No, general rulemaking authority
	Shall	. . . shall be accompanied by a concise and explicit statement of underlying facts supporting the findings.	122.02	No, general rulemaking authority	No, general rulemaking authority

	Shall	Within seven calendar days of the receipt of the written decision of the hearing officer, the deputy chief of the community services division shall provide the director of the Ohio development services agency with a written recommendation.	122.02	No, general rulemaking authority	No, general rulemaking authority
	Shall not	Within fifteen calendar days of the receipt of the written recommendation of the deputy chief of the community services division, the director of the Ohio development services agency, or his designee who shall not be an officer or employee within the community services division,	122.02	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall issue a final decision on behalf of the state.	122.02	No, general rulemaking authority	No, general rulemaking authority
	Shall	The deputy chief of the community services division shall give prompt notice of the final decision of the director of the Ohio development services agency by mailing a copy of the decision by certified mail, return receipt requested, to the chairperson of the governing board of the grantee.	122.02	No, general rulemaking authority	No, general rulemaking authority
	Shall	In the event of a final decision to terminate funding, the deputy chief of the community services division, in accordance with 10 C.F.R. 600, shall provide notification of the effective date of termination and close-out instructions to the chairperson of the governing board of the grantee within seven days of the final decision of the director of the Ohio development services agency.	122.02	No, general rulemaking authority	No, general rulemaking authority
122:12-3-01	Shall	Applicants shall apply for the funds using the application and in compliance with other relevant rules and procedures established by the development services agency in this section.	122.075(C)	Yes, state law	Yes, state law
	Must	Applications must be submitted to the development services agency by the prescribed deadline.	122.075(C)	No, general rulemaking authority	No, general rulemaking authority
122:12-3-02	Shall	Under no circumstances may funds used for the purchase and installation of an alternative fuel refueling or distribution facility or terminal exceed eighty percent of the cost of the facility or terminal, except that at least twenty per cent of the total cost of the facility or terminal shall be incurred by the grant recipient and not compensated for by any other source.	122.075(C)	Yes, state law	Yes, state law
	Shall not	Funds used for the purchase of alternative fuel shall not exceed eighty per cent of the cost of the fuel or, in the case of blended biodiesel or blended gasoline, eighty per cent of the incremental cost of the blended biodiesel or blended gasoline.	122.075(C)	Yes, state law	Yes, state law
122:15-1-01	Must	the agreement must be ancillary to the contract for which the development service agency is guaranteeing a bond	122.90(B)	No, general rulemaking authority	No, general rulemaking authority
	Must	must be required to be performed by the same principal,	122.90(B)	No, general rulemaking authority	No, general rulemaking authority
	Must	and must be customarily required in the relevant trade or industry.	122.90(B)	No, general rulemaking authority	No, general rulemaking authority
	Shall	In addition, for each type of bond described in paragraphs (F)(1) through (F)(3) of this rule, loss shall include all reasonably and customary expenses incurred by the surety in adjusting claims, in meeting bond obligations and in securing, or attempting to secure, recoveries.	122.90(B)	No, general rulemaking authority	No, general rulemaking authority
	Require	A payment bond cannot require the surety to pay an amount that exceeds the claimant's actual loss or damage.	122.90(B)	No, general rulemaking authority	No, general rulemaking authority
122:15-1-02	Shall	The director of the development service agency or his/her designee shall develop the EDGE bond guarantee program application and procedures.	122.90(B)	No, general rulemaking authority	No, general rulemaking authority
	Must	The surety must obtain the development service agency's approval through the application process below before a guaranteed bond can be issued.	122.90(B)	No, general rulemaking authority	No, general rulemaking authority
	Shall	A surety who desires to participate in the EDGE bond guarantee program shall submit an application to the division of minority business affairs in the development services agency.	122.90(B)	No, general rulemaking authority	No, general rulemaking authority

	Shall	The director of the development services agency or his/her designee shall review and approve or disapprove the application.	122.90(B)	No, general rulemaking authority	No, general rulemaking authority
	Must	If the application is approved, the surety must enter into a participation agreement with the director in order to become a participating surety in the EDGE bond guarantee program.	122.90(B)	No, general rulemaking authority	No, general rulemaking authority
	Must	When submitting a bond guarantee program request for guarantee to the development services agency for a bond guarantee, the principal must certify that it meets the eligibility requirements set forth in section 123.152 of the Revised Code.	122.90(B)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The director of development services agency or his/her designee shall review the EDGE bond guarantee program request for guarantee and make a determination whether to approve the request based on program fund availability and principal's eligibility . . .	122.90(B)	No, general rulemaking authority	No, general rulemaking authority
	Shall	. . . and said determination shall be final.	122.90(B)	No, general rulemaking authority	No, general rulemaking authority
	Shall not	The total amount to be bonded (e.g. all bonds combined under the contract: performance, payment and bid bonds) shall not exceed \$1,000,000 in face value at the time of the bond or bond's execution . . .	122.90(B)	No, general rulemaking authority	No, general rulemaking authority
	Must	. . . and must comply with the requirement set forth in section 122.90(A) of the Revised Code.	122.90(B)	No, general rulemaking authority	No, general rulemaking authority
122:15-1-04	Shall	The surety shall monitor the principal's progress on bonded contracts guaranteed by the development services agency in a reasonable manner determined by the surety, which may include job status reports from obligees of final bonds guaranteed by the development services agency	122.90(B)	No, general rulemaking authority	No, general rulemaking authority
	Must	The surety must maintain documentation of its monitoring and provide such documentation upon the request of the development services agency.	122.90(B)	No, general rulemaking authority	No, general rulemaking authority
	Shall not	A surety shall not charge a principal a premium amount greater than that authorized by the Ohio department of insurance.	122.90(B)	No, general rulemaking authority	No, general rulemaking authority
	Shall not	The surety shall not require the principal to purchase casualty or other insurance or any other services from the surety or any affiliate or agent of the surety.	122.90(B)	No, general rulemaking authority	No, general rulemaking authority
	Shall not	The surety shall not charge non-premium fees to a principal unless the surety performs other services for the principal,. . .	122.90(B)	No, general rulemaking authority	No, general rulemaking authority
	Prohibit	. . . Ohio law does not prohibit the additional fee, and the principal agrees to the fee..	122.90(B)	No, general rulemaking authority	No, general rulemaking authority
	Shall	There shall be no execution or approval of a bond by a surety after commencement of work under a contract unless the surety obtains prior written approval from the development services agency . . .	122.90(B)	No, general rulemaking authority	No, general rulemaking authority
122:15-1-05	Shall	A surety shall submit claims for reimbursement of losses on a bond guarantee on a form approved by the development services agency according to the terms of the EDGE bond guarantee agreement entered into between the surety and the development services agency.	122.90(B)	No, general rulemaking authority	No, general rulemaking authority
	Must	Unless otherwise notified by the development services agency to the contrary, the surety must handle and process all claims under the bond, all settlements and all recoveries in the same manner and under the same standards as it uses for non-guaranteed bonds.	122.90(B)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The surety shall be entitled to reimbursement for the guaranteed share of losses, including financing of the bond principal to avoid an imminent default, as long as it paid the losses in good faith and in accordance with its normal procedures and reasonable industry standards.	122.90(B)	No, general rulemaking authority	No, general rulemaking authority

	Shall	The surety shall pursue indemnity and recovery on account of such losses in accordance with its normal procedures and reasonable industry standards.	122.90(B)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The development services agency shall reimburse the surety for the guaranteed percentage of the cost of such indemnity and recovery efforts, . . .	122.90(B)	No, general rulemaking authority	No, general rulemaking authority
	Shall	. . . and the surety shall remit to the development services agency the guaranteed percentage of all indemnity or recovery received by the surety.	122.90(B)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Within thirty days of surety's receipt of notification from the development services agency that a claim or any portion of a claim was improperly paid by the development services agency to the surety , the surety shall repay the specified amounts to the development services agency .	122.90(B)	No, general rulemaking authority	No, general rulemaking authority
122:16-1-01	Must	Metric evaluation date means the date by which the taxpayer must meet certain commitments included in the tax credit agreement.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Must	Post-term reporting period means the time period a taxpayer must report to the authority and director to verify that the maintenance of operations at the project site.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Must	In reaching the "substantial number of employment positions" threshold, the taxpayer must aggregate the payroll from all relocated employees under paragraph (B) of rule 122:16-1-07 of the Administrative Code over the entire term of the tax credit agreement.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
122:16-1-02	Shall	At the time each taxpayer enters into the tax credit agreement, the taxpayer shall pay to the development services agency a servicing fee, in an amount equal to four hundred dollars times the term of years of the tax credit.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall	A separate servicing fee, each calculated as described in the preceding sentence, shall be assessed for each taxpayer that is party to a tax credit agreement.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall	An amendment that requests the addition of taxpayer(s) following the initial approval of the tax credit shall be subject to the servicing fee for each added taxpayer.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall	A taxpayer that has already received project approval from the authority for tax credit assistance shall submit a three hundred dollar fee to the development services agency in connection with a taxpayer's request to amend a previously approved tax credit project . . .	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall not	provided that the amendment fee shall not be assessed for ministerial amendments.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The determination of the executive director of the authority about the nature of an amendment as ministerial or substantive shall be final.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall	A taxpayer that does not submit a complete annual report or annual certification postmarked by or received prior to March first of the year the report or certification is due shall be assessed a late fee of five hundred dollars for each month the report or certification is not received on the first day of each ensuing calendar month until the taxpayer submits the complete annual report or annual certification under paragraphs (A) and (D) of rule 122:16-1-05 of the Administrative Code.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall	If an annual report or annual certification submitted to the director is not complete, the director, or his or her designee shall notify the taxpayer of the deficiencies in the submission, . . .	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall	. . . and the taxpayer shall have 30 days from the date of the notice to provide supplemental information to the director that completes the annual report or annual certification.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority

	Shall	In the event the authority terminates a tax credit agreement as a result of a taxpayer's failure to submit a complete annual report, the taxpayer shall be required to pay as liquidated damages for the breach of the agreement an amount equal to ten percent of the total amount of tax credit certificates issued to the taxpayer pursuant to the agreement.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall not	A tax credit certificate shall not be issued to any taxpayer with unpaid fees under this rule.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall	All fees assessed in connection with the job retention tax credit program shall be utilized to offset the administrative costs of the program.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
122:16-1-03	Must	To remain eligible for a tax credit, the taxpayer must in accordance with the tax credit agreement accomplish the following:	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall not	All or any portion of a project determined to be retail shall not be eligible for tax credits pursuant to section 122.171 of the Revised Code.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall	No taxpayer shall receive a retention tax credit under section 122.171 of the Revised Code that counts as retained any employees that have been counted within the twelve months prior to the authority's approval of the retention tax credit as new employees, for which Ohio employee payroll has been included in the calculation of excess payroll, under a tax credit agreement authorized by section 122.17 of the Revised Code.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Each taxpayer shall certify to the authority the amount of existing payroll for individuals employed at the project site as of the date of the job retention tax credit application.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Acceptance of tax credit award shall constitute the taxpayer's confirmation that the amount of existing payroll certified to the authority is accurate and will be relied upon by the authority in issuing tax credit certificates.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The tax credit shall be calculated on payroll attributed to full-time equivalent employees employed by the taxpayer at the project site, provided that the taxpayer executes and returns the tax credit agreement, within sixty days of delivery of the agreement to the taxpayer.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall	If the authority does not approve a taxpayer's application in which it receives a recommendation under division (C) of section 122.171 of the Revised Code, the Ohio development services agency shall notify the taxpayer of such determination along with any reasons for such determination identified by the authority. The taxpayer may be eligible to reapply, unless otherwise determined by the authority.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
122:16-1-04	Shall not	The authority shall not grant a tax credit under section 122.171 of the Revised Code in which the estimated value to the taxpayer exceeds seventy-five per cent of the state income tax revenue estimated to be withheld from full-time equivalent employees of the taxpayer located at the project site.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall not	Except as otherwise provided in paragraph (D) of this rule, the authority shall not grant a tax credit that exceeds a term of ten years.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The authority shall consider the following factors in determining the tax credit percentage and term to be granted to a taxpayer:	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall not	The authority shall not grant a tax credit that exceeds a term allowable under division (B) of section 122.171 of the Revised Code.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority

122:16-1-05	Shall	Each taxpayer that is party to a tax credit agreement shall report to the director annually during the term of the tax credit the number of full-time equivalent employees employed by the taxpayer at the project site as a result of the project, the total payroll from operations at the project site, the total Ohio employee payroll from operations at the project site, the income tax revenue from operations at the project site, the average hourly wage of full-time equivalent employees, the amount of any transferred payroll during the tax year and any other information the director deems necessary to perform the director's duties under section 122.171 of the Revised Code.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Each taxpayer's report shall be certified as accurate and complete by the original signature of any authorized officer of the taxpayer.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The taxpayer's annual report shall be postmarked prior to or received by the director no later than March first of each year immediately succeeding the calendar year that is the subject of the annual report.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Each taxpayer shall maintain substantial operations at the project site for a time period consistent with division (E)(3) of section 122.171 of the Revised Code.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall	During the post-term reporting period, the taxpayer shall submit an annual certification to the director postmarked prior to or received by the director no later than March first of each year succeeding the calendar year that is the subject of the annual certification.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The taxpayer shall submit to the director a certification that includes, but is not limited to, information demonstrating the taxpayer maintains operations at the project site and the total number of full-time equivalent employees at the project site.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Each taxpayer and any professional employer organization utilized in the project shall establish and maintain for at least four years after the conclusion of the post-term reporting period such records of the taxpayer and professional employer organization that substantiate the employment, investment, and operations on which the tax credits are granted and issued.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The taxpayer and any professional employer organization shall organize and make available such records for the review and verification by the director or the director's representatives and appropriate state agencies or officials.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall	The taxpayer and any professional employer organization shall permit such officials and their representatives to audit, examine and make excerpts or transcripts from records required to be maintained under this rule at any time during normal business hours upon written notice as often as the director may deem necessary.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Require	In the event the director determines a taxpayer has submitted an annual report containing erroneous data or data not supported by the records maintained under this rule, the director may, after providing notice, require the taxpayer to resubmit corrected annual reports for the years in which such reports were filed with the applicable fees described in rule 122:16-1-02 of the Administrative Code.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall	Thereafter, the director shall issue certificates consistent with the amended data and report such amendment to the tax commissioner.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority

	Shall	If a taxpayer fails to file any complete annual report during the term of the tax credit, as described in paragraph (A) of this rule, within one hundred eighty days of the March first deadline, the taxpayer may be deemed to have discontinued operations at the project site and shall be subject to the refund provisions of division (J) of section 122.171 of the Revised Code.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall	A complete annual report shall be one that meets the requirements of paragraph (H) of this rule.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall	If a taxpayer fails to file any complete post-term reporting period annual certification, as described in paragraph (D) of this rule, within one hundred and eighty days of the March first deadline, the taxpayer may be deemed to have discontinued operations at the project site and shall be subject to the refund provisions of division (J) of section 122.171 of the Revised Code.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall	A complete annual certification shall be one that meets the requirements of paragraph (H) of this rule.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
	Shall	For the purposes of this rule, a complete annual report or complete annual certification shall mean an annual report or annual certification that complies with the filing timeframes of paragraphs (C) and (D) of this rule and includes all of the information required by paragraphs (A) and (D) of this rule in a manner prescribed by the director.	122.171(K)	No, general rulemaking authority	No, general rulemaking authority
122:16-1-06	Shall	The authority shall cause written notice to be given to the affected taxpayer of any proposed action to reduce the percentage or term of the tax credit or to terminate the tax credit agreement.	122.171	No, general rulemaking authority	No, general rulemaking authority
122:16-1-06	Shall	Such notice shall be given at least thirty days prior to the authority meeting at which the action is to be considered, and such notice shall be effective when sent in accordance with the notice requirements of the tax credit agreement.	122.171	No, general rulemaking authority	No, general rulemaking authority
122:16-1-06	Shall	The authority shall specify in any action reducing the percentage or term of a tax credit or terminating a tax credit agreement the taxable year for which the remedial action shall first be effective.	122.171	No, general rulemaking authority	No, general rulemaking authority
122:16-1-07	Shall	A taxpayer that relocates a substantial number of employment positions from other operations elsewhere in the state, other than the local jurisdiction of the project site , to the project site shall notify, by certified mail, delivery confirmed courier or acknowledged personal delivery, the legislative authority of the county(s), township(s), or municipal corporation(s) from which the relocated employment positions are to be moved prior to the relocation of such employment positions.	122.171	No, general rulemaking authority	No, general rulemaking authority
122:16-1-07	Shall	The taxpayer shall also concurrently send a copy of the notice to the executive director.	122.171	No, general rulemaking authority	No, general rulemaking authority
122:16-1-07	Shall	The notice shall contain the following information:	122.171	No, general rulemaking authority	No, general rulemaking authority
122:16-1-07	Shall	A taxpayer or affiliated entity that relocates any employment position(s) from other operations elsewhere in the state to the project site shall certify the amounts of transferred payroll in the annual report required under paragraph (A) of rule 122:16-1-05 of the Administrative Code that is due in the year immediately following the relocation.	122.171	No, general rulemaking authority	No, general rulemaking authority
122:16-1-07	Shall	The annual report shall include the items listed in paragraph (A) of this rule.	122.171	No, general rulemaking authority	No, general rulemaking authority
122:16-1-07	Shall	If a taxpayer or affiliated entity relocates a substantial number of employment positions, as defined in paragraph (Q) of rule 122:16-1-01 of the Administrative Code, the transferred payroll attributable to the relocated employment positions shall be excluded from the calculation of the tax credits.	122.171	No, general rulemaking authority	No, general rulemaking authority

122:16-1-07	Shall	If a taxpayer or affiliated entity relocates fewer than a substantial number of employment positions, as defined in paragraph (Q) of rule 122:16-1-01 of the Administrative Code, then the transferred payroll attributable to the relocated employment positions shall be added to the project's Ohio employee payroll, as defined by division (A)(4) of section 122.171 of the Revised Code, in the year following the tax year in which the relocation occurred.	122.171	No, general rulemaking authority	No, general rulemaking authority
122:16-1-07	Shall	A taxpayer shall derive no tax credit benefit under section 122.171 of the Revised Code from the relocation of employees in the year in which the relocation occurred.	122.171	No, general rulemaking authority	No, general rulemaking authority
122:16-1-07	Shall	When the executive director believes there has been a violation of paragraph (A) or (B) of this rule, the executive director shall inform the director.	122.171	No, general rulemaking authority	No, general rulemaking authority
122:16-1-07	Shall	When a violation has occurred the director shall issue amended tax credit certificates, if necessary, to the taxpayer to properly account for the effect of the relocated payroll for each tax year in which the relocated employees were employed at the project location.	122.171	No, general rulemaking authority	No, general rulemaking authority
122:16-1-07	Shall	The director shall forward a copy of each corrected tax certificate to the tax commissioner, or in the case of an insurance company, to the superintendent of insurance.	122.171	No, general rulemaking authority	No, general rulemaking authority
122:19-1-01	Shall	Row houses that were designed and constructed as a single building or complex shall be considered a single project provided the applicant owns each building included in the application.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-02	Shall	Specific application submission schedules shall be established by the director in the program policies published not less than three months prior to the beginning of each application period.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-02	Must	The applicant must submit an application that complies with the program policies as established by the director to be evaluated for an historic preservation tax credit.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-02	Shall	The director shall review applications for completeness and may request that applicants provide missing or additional information following their application submission. An applicant may only submit missing information upon request from the director.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-02	Shall	If an application is incomplete and the applicant does not submit the requested information within a timeframe established in the program policies, the director shall notify the applicant that the application has been rejected.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-02	Prohibit	A rejection issued by the director for a specific application period does not prohibit an applicant from submitting an application in a future application period.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-03	Must	An application for the historic preservation tax credit must include evidence, reasonably acceptable to the director, that the applicant is the current owner in fee simple title of the historic building or a qualified lessee pursuant to section 149.311 of the Revised Code.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-03	Must	An application for the historic preservation tax credit must include documentation that the subject building is a historic building.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-03	Must	All rehabilitation identified in the historic preservation tax credit application must meet applicable rehabilitation standards.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-03	Shall	An application for the historic preservation tax credit shall include, in a format acceptable to the officer and director, a description of the proposed project rehabilitation activities sufficient to determine whether the applicable rehabilitation standards will be met if the rehabilitation is undertaken as proposed in the application.	149.311	No, general rulemaking authority	No, general rulemaking authority

122:19-1-03	Must	An application for the historic preservation tax credit must include evidence, reasonably acceptable to the director, that the tax credit is a major factor in the applicant's decision to rehabilitate the historic building or to increase the level of the applicant's investment in such rehabilitation.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-04	Shall	The director shall ensure that a mix of both high qualified rehabilitation expenditure and low qualified rehabilitation expenditure applications are approved in accordance with division (B)(2) of section 149.311 of the Revised Code.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-04	Shall	The director shall prepare and evaluate a cost-benefit analysis in accordance with division (D)(1) of section 149.311 of the Revised Code for each application.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-04	Shall	As part of the application the applicant shall provide project information and data to be used in this cost-benefit analysis.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-04	Shall	No application shall be approved without completion of a cost-benefit analysis.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-04	Shall	The director shall notify each applicant in writing of the status of its application upon completion of the relevant application period.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-05	Shall	The director shall establish and make available the form to request amendments to an application.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-05	Must	For a change to be effective, an applicant must request and receive approval of the director for any amendment to the application.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-05	Shall not	The director may, but shall not be obligated to, give written notice of rejection following failure of the approval.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-05	Shall not	If an application has been approved with a rehabilitation period not exceeding twenty-four months as provided in division (A)(7)(a) of section 149.311 of the Revised Code, that application shall not be amended to a rehabilitation period not exceeding sixty months as provided in division (A)(7)(b) of section 149.311 of the Revised Code.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-06	Must	Within ninety calendar days after the project completion date or completion of a project stage, the applicant must notify the director in a format acceptable to the director that the project or project stage is complete in accordance with the application and request that the director issue a historic preservation tax credit certificate.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-06	Shall	The cost certification shall include an itemization of the rehabilitation activities, the actual costs, and the portion eligible as qualified rehabilitation expenditures as determined under 26 U.S.C. 47;	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-06	Shall	Pass through entities such as partnership, S-corporation, limited liability company (LLC), non-profit corporation, or other such pass through entity shall provide a list of partners or members, including for each the correct legal name, taxpayer identification number, and proportion of ownership interest in the entity for allocation of the tax credit.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-06	Shall	The certificate issued by the director shall include the name of the applicant, the address and location of the project, the amount of qualified rehabilitation expenditures as certified by the applicant to the director, the amount of the historic preservation tax credit (which may be less than the certified qualified rehabilitation expenditures) and any additional information as established in the program policies for the application period.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-07	Shall not	Status reports shall not be requested more than twice during a calendar year.	149.311	No, general rulemaking authority	No, general rulemaking authority

122:19-1-07	Must	An applicant must provide the director sufficient evidence of reviewable progress as required in division (D)(4) of section 149.311 of the Revised Code and in accordance with the program policies.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-07	Shall	The applicant shall complete and return the form completed in full within forty-five days of the director's request.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-07	Shall	The applicant shall establish and maintain for a period of at least four years from the certification of project completion date such records as required by the director.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-07	Shall	The applicant shall make such records available for review and verification by the director or tax commissioner or appropriate staff of the director or the tax commissioner as well as other appropriate state agencies.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-07	Require	In the event the director determines an applicant has submitted reports or other information containing erroneous information or data not supported by records established and maintained under this rule, the director may, after providing notice, require the applicant to submit revised and accurate reports.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-08	Shall	Each applicant shall submit an application fee in an amount established annually by the director and officer in a schedule of historic preservation tax credit program fees with each historic preservation tax credit application.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-08	Shall	Each applicant that is approved for a historic preservation tax credit shall pay a servicing fee in an amount established annually by the director and officer in a schedule of historic preservation tax credit fees.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-08	Shall	No application approval shall be effective unless the servicing fee has been paid to the director. Servicing fees are non-refundable even if an application is withdrawn or rescinded.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-08	Shall	Each applicant that is approved for a historic preservation tax credit shall pay a certification fee at the time the applicant notifies the director of project completion or completion of a project stage.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-08	Shall	The certification fee shall be in accordance the amounts established annually by the director and officer in a schedule of historic preservation tax credit fees.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-08	Shall	The director and state historic preservation officer shall establish the schedule of historic preservation tax credit program fees as set forth in this rule for each state fiscal year.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-08	Shall	The schedule of the application, servicing and certification historic preservation tax credit program fees shall be published by the director on the Ohio development services agency's website.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:19-1-08	Shall	All fees shall be collected by the director and allocated between the Ohio development services agency and Ohio historic preservation office as determined by the director and officer.	149.311	No, general rulemaking authority	No, general rulemaking authority
122:20-1-02	Shall	An application shall have one identified eligible applicant.	122.083	No, general rulemaking authority	No, general rulemaking authority
122:20-1-02	Shall	That entity, if awarded assistance, shall be the sole grantee under an agreement with the director and the director's sole point of contact for the job ready site project.	122.083	No, general rulemaking authority	No, general rulemaking authority
122:20-1-02	Shall	All applications forwarded by a district public works integrating committee shall be reviewed and evaluated by the director.	122.083	No, general rulemaking authority	No, general rulemaking authority
122:20-1-02	Shall	An otherwise eligible project which involves remediation of contaminated property conducted under the voluntary action program set forth under Chapter 3746. of the Revised Code shall meet the requirements of the job ready sites program.	122.083	No, general rulemaking authority	No, general rulemaking authority
122:20-1-02	Shall	An eligible applicant shall provide the balance of investment necessary to complete the eligible project.	122.083	No, general rulemaking authority	No, general rulemaking authority

122:20-1-02	Must	Prior to execution of the job ready site grant agreement, an eligible applicant must demonstrate that all local match funds identified as part of the approved project have been made available or that a binding commitment for local match funds exists.	122.083	No, general rulemaking authority	No, general rulemaking authority
122:20-1-02	Must	To be included as local match, the costs must be of the same character or type as allowable costs under the job ready site program.	122.083	No, general rulemaking authority	No, general rulemaking authority
122:20-1-02	Must	A private, for-profit entity must receive prior approval from the director to be considered an eligible applicant.	122.083	No, general rulemaking authority	No, general rulemaking authority
122:20-1-02	Must	Such a request must be submitted in a format acceptable to the director and received by the director not less than forty-five days prior to the date on which applications are due to the local district public works integrating committee.	122.083	No, general rulemaking authority	No, general rulemaking authority
122:20-1-02	Shall	The director shall establish and publish a maximum allowable level, to be expressed as a percentage of the available acreage and/or square footage of the job ready site, for mixed use occupancy at the eligible project site including, but not limited to, retail and/or residential activities.	122.083	No, general rulemaking authority	No, general rulemaking authority
122:20-1-03	Must	Applications must be completed in a format acceptable to the director and include the content set forth in section 122.089 of the Revised Code.	122.086	No, general rulemaking authority	No, general rulemaking authority
122:20-1-03	Shall	The director shall establish scoring criteria, scoring instruments, and materials for use by the district public works integrating committees and the Ohio development services agency in reviewing applications under the job ready site program.	122.086	No, general rulemaking authority	No, general rulemaking authority
122:20-1-03	Shall	The scoring criteria, instruments and materials shall be consistent with the factors set forth in section 122.0816 of the Revised Code.	122.086	No, general rulemaking authority	No, general rulemaking authority
122:20-1-03	Must	An application must include documentation of regional support for the eligible project, including but not limited to, legislation enacted by the board of county commissioners and city council where the project is located.	122.086	No, general rulemaking authority	No, general rulemaking authority
122:20-1-03	Must	An eligible applicant must submit its application materials to the district public works integrating committee for the district in which the eligible project is located on or before the published deadline.	122.086	No, general rulemaking authority	No, general rulemaking authority
122:20-1-03	Shall	If the eligible project is located in more than one committee's jurisdiction, for purposes of filing a job ready site application, the committee with jurisdiction over the largest area comprising the eligible project shall receive and review the application.	122.086	No, general rulemaking authority	No, general rulemaking authority
122:20-1-04	Must	An eligible applicant selected by the director and approved by the state controlling board must enter into a job ready site grant agreement with the director.	122.083	No, general rulemaking authority	No, general rulemaking authority
122:20-1-04	Require	Among other things, the job ready site grant agreement will authorize the director to terminate the agreement and require a repayment of all or a portion of the grant moneys disbursed to the grantee if the director determines that the grantee is not in compliance with the terms of the grant agreement.	122.083	No, general rulemaking authority	No, general rulemaking authority
122:20-1-04	Must	Prior to making any changes to an approved job ready site project, the grantee must request and receive written approval of the director for the proposed change.	122.083	No, general rulemaking authority	No, general rulemaking authority
122:20-1-05	Shall	Grantees shall submit requests for reimbursement of allowable costs in a format acceptable to the director.	122.083	No, general rulemaking authority	No, general rulemaking authority
122:20-1-05	Shall	Grantees shall include such supporting documentation of costs and expenditure of local match as the director may reasonably require.	122.083	No, general rulemaking authority	No, general rulemaking authority
122:20-1-05	Shall	Upon verification of such costs and expenditure of local match, the director shall reimburse grantee from the grant funds awarded.	122.083	No, general rulemaking authority	No, general rulemaking authority

122:20-1-05	Must	Grantees must submit to the director an annual progress report in a format acceptable to the director during the each year of the term of the agreement.	122.083	No, general rulemaking authority	No, general rulemaking authority
122:20-1-05	Shall	The term of the agreement shall be defined in the job ready site grant agreement and shall include a post construction completion period necessary to evaluate the effectiveness of the job ready site project.	122.083	No, general rulemaking authority	No, general rulemaking authority
122:20-1-05	Shall	The report shall detail progress of the project and any additional information as may be requested.	122.083	No, general rulemaking authority	No, general rulemaking authority
122:20-1-05	Shall	Annual progress reports shall be certified as accurate and complete by the grantee's chief elected officer or chief executive officer, as applicable.	122.083	No, general rulemaking authority	No, general rulemaking authority
122:21-1-02	Must	An applicant who is a corporation, partnership, limited liability company, or other form or business entity must be registered with the Ohio secretary of state to do business in Ohio.	122.085	No, general rulemaking authority	No, general rulemaking authority
122:21-1-02	Must	Any application submitted must be submitted on a form prescribed by the director and meet the requirements set forth in division (B) of section 122.85 of the Revised Code and the budgetary requirements of division (C) of section 122.85 of the Revised Code.	122.085	No, general rulemaking authority	No, general rulemaking authority
122:21-1-02	Shall	Eligible production expenditures shall be as authorized by section 122.85 of the Revised Code, which does not include alcoholic beverages.	122.085	No, general rulemaking authority	No, general rulemaking authority
122:21-1-02	Shall not	Eligible production expenditures shall not include the expenditures for the purchase of alcoholic beverages.	122.085	No, general rulemaking authority	No, general rulemaking authority
122:21-1-02	Must	The application must include a certification by the applicant that the production does not require records to be maintained under 18 United States Code 2257 with respect to sexually explicit content.	122.085	No, general rulemaking authority	No, general rulemaking authority
122:21-1-02	Shall	The application process shall include the following steps:	122.085	No, general rulemaking authority	No, general rulemaking authority
122:21-1-02	Must	The application must be verified for completeness by the director.	122.085	No, general rulemaking authority	No, general rulemaking authority
122:21-1-02	Shall	Within sixty days of the determination of completeness, the director shall review and make a determination as to whether the application may be certified as a tax credit eligible production.	122.085	No, general rulemaking authority	No, general rulemaking authority
122:21-1-02	Must	The applicant must respond to the director within thirty days after the date of the request.	122.085	No, general rulemaking authority	No, general rulemaking authority
122:21-1-02	Shall	Upon completion of the review, the director shall notify the applicant in writing of the determination of tax credit eligibility.	122.085	No, general rulemaking authority	No, general rulemaking authority
122:21-1-03	Shall	Upon certification by the director that the project proposed by the applicant is a tax credit-eligible production, the director shall issue the applicant an invoice for a non-refundable application fee in an amount equal to one-half per cent of the estimated value of the credit, as calculated in section four of the application, up to a maximum application fee of ten thousand dollars.	122.085	No, general rulemaking authority	No, general rulemaking authority
122:21-1-03	Shall	The applicant shall pay the non-refundable fee within forty-five days of the invoice date.	122.85	No, general rulemaking authority	No, general rulemaking authority
122:21-1-03	Shall	The applicant's failure to pay the application fee within the timeframe proscribed above shall result in rescission of the director's certification that the application is a tax credit-eligible production.	122.085	No, general rulemaking authority	No, general rulemaking authority
122:21-1-04	Shall	Reviewable progress reports in a format acceptable to the director shall be due within ninety days of certification of the application as a tax credit-eligible production as required within division (B) of section 122.85 of the Revised Code.	122.085	No, general rulemaking authority	No, general rulemaking authority

122:21-1-04	Shall	The independent certified public accountant report due to the director under division (D) of section 122.85 of the Revised Code shall certify to the director that the applicant's reported costs of a tax credit- eligible production are eligible production expenditures as defined in section 122.85 of the Revised Code.	122.085	No, general rulemaking authority	No, general rulemaking authority
122:21-1-04	Shall	In addition, the independent certified public accountant shall:	122.085	No, general rulemaking authority	No, general rulemaking authority
122:21-1-04	Shall not	The costs of the certified public accountant's report shall not qualify as an eligible production expenditure.	122.085	No, general rulemaking authority	No, general rulemaking authority
122:21-1-04	Shall	Within sixty days of receipt of the independent certified public accountant's report, the director shall review and provide a written notice to the applicant accepting the report or identifying any deficiencies in the report, and if the report is accepted, identifying any disallowance of expenditures claimed and providing the reason for any disallowance.	122.085	No, general rulemaking authority	No, general rulemaking authority
122:21-1-04	Shall	If the report does not satisfy the reporting requirements, the applicant shall have thirty days after the notice date to cause the independent certified public accountant to remedy the identified deficiencies.	122.085	No, general rulemaking authority	No, general rulemaking authority
122:21-1-04	Shall	The director shall consider all relevant information submitted and respond in writing.	122.085	No, general rulemaking authority	No, general rulemaking authority
122:21-1-04	Shall	Upon reconsideration, the director's determination shall be final.	122.085	No, general rulemaking authority	No, general rulemaking authority
122:21-1-05	Shall	The credit certificate shall be issued to the applicant as the certificate owner and shall not be transferable.	122.085	No, general rulemaking authority	No, general rulemaking authority
122:21-1-05	Shall	If the certificate owner is a pass through entity, such as a partnership, S-corporation, limited liability company (LLC), or other such pass through entity, the pass through entity shall provide the director a list of partners or members, including the correct legal name, taxpayer identification number, and proportion of ownership interest in the entity for allocation of the tax credit.	122.085	No, general rulemaking authority	No, general rulemaking authority
122:21-1-05	Shall	No credit certificate shall be issued before the completion of the tax credit eligible production.	122.085	No, general rulemaking authority	No, general rulemaking authority
122:21-1-05	Shall	The tax credit certificate shall include the amount of the tax credit and be calculated as set forth in division (C) of section 122.85 of the Revised Code.	122.085	No, general rulemaking authority	No, general rulemaking authority
122:21-1-05	Shall	The tax credit shall be claimed in accordance with section 5733.59 or section 5747.66 of the Revised Code.	122.085	No, general rulemaking authority	No, general rulemaking authority
122:22-1-02	Shall not	To comply with the limitation set forth in division (C) of section 5725.33 of the Revised Code, the aggregate amount of credit allocations made by the director to all state allocatees each fiscal year shall not exceed ten million dollars.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-02	Shall	The director shall make credit allocations to qualified CDE's through a competitive process.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-02	Shall	The director shall establish and announce by public notice application periods during which qualified CDE's may submit applications for credit allocations.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-02	Must	Applications must be signed by an authorized representative of the applicant and submitted so as to be received by the director not later than the closing time for the application period as announced by the director.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-02	May not	Except for responses to specific requests for information as part of the completeness review, an applicant may not amend its application.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-02	Shall	The director shall set forth in the program guidelines the schedule of events for each application period.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-02	Must	In order for a state allocatee to transfer its allocation authority to a subsidiary, the state allocatee must demonstrate, at a minimum, that it exercises and will maintain a controlling influence over the investment decisions of the subsidiary.	5725.33	No, general rulemaking authority	No, general rulemaking authority

122:22-1-02	May not	A state allocatee may not designate equity investments as qualified equity investments in an amount that would cause aggregate new markets tax credit claims in excess of the state allocatee's credit allocation for the period in which the qualified equity investments are made.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-02	May not	A state allocatee may not designate any equity investment that it issues as a qualified equity investment if such investment is issued by the state allocatee more than twelve months after the allocation date unless such expiration is extended by the director in writing as provided in the following sentence.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-03	Shall	Within sixty days after receiving a qualified equity investment for which a new markets tax credit is to be allowed, the state allocatee shall notify the director of such investment.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-03	Shall	The notice shall be in a form approved by the director and shall contain information necessary to determine the identity of the investor and the NMTC claimant in addition to the adjusted purchase price.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-03	Shall	Within sixty days after closing each qualified low-income community investment made in this state for which a new markets tax credit is to be allowed, the state allocatee shall notify the director of such investment and certify to the director that the investment has been made in a qualified active low-income community business.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-03	Shall	The notice shall be in a form approved by the director and shall contain information about the qualified active low-income community business.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-03	Shall	The CDE shall provide a copy of the certificate of the NMTC claimant.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-03	Shall	The tax credit certificate shall contain the name and address of the CDE, the name and identifying information of the investor, the total amount of the tax credit, the applicable tax credit percentage, the current credit allowance dates, the adjusted purchase price, and any other information collected by the director and deemed useful in identifying the tax credit claimant and tax credit amount.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-04	Shall	The state allocatee shall submit an annual report to the director, which shall include a complete copy of any report submitted by the state allocatee to the community development financial institutions fund (or any successor fund or agency administering the federal new markets tax credit program) for the corresponding reporting period, together with an Ohio annual report supplement.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-04	Shall	The state allocatee shall submit its annual report no later than one hundred eighty days following the end of the CDE's fiscal year each year beginning the year after the allocation date and continuing through the year following the expiration of the last credit allowance period for any qualified equity investment designated by the state allocatee based on the credit allocation made in the allocation agreement.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-04	Shall	The Ohio annual report supplement shall be in the form required by the director.	5725.33	No, general rulemaking authority	No, general rulemaking authority

122:22-1-04	Shall	Among other information that may be required by the director, the state allocatee shall report for each qualified equity investment the purchase price for the equity investment, the adjusted purchase price for the equity investment, the first credit allowance date, all NMTC claimants (including name, address, and federal employer identification number for each NMTC claimant) whether or not the NMTC claimant is then a holder of the qualified equity investments, the amount of the adjusted purchase price attributable to each NMTC claimant, the status of each NMTC claimant as the original holder or a transferee of the qualified equity investment, and the effective date of each transfer of the qualified equity investment.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-04	Require	The director may also require the state allocatee to report from time to time such information about its qualified low-income community investments as may be necessary or useful for the director to evaluate the new markets tax credits program.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-04	Shall	Each report and notice required by this rule shall contain a certification signed by an authorized representative of the state allocatee that the information reported is true, correct, and complete.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-05	Shall	The state allocatee shall notify the director of any notice of recapture or any potential event of recapture pursuant to section 45D(g) of the Internal Revenue Code and section 1.45 D-1(e)(2) of Title 26 of the Code of Federal Regulations, as such federal laws and regulations exist on the effective date of the enactment of section 5725.33 of the Revised Code, October 16, 2009.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-05	Shall	Such notice shall be given in writing and submitted to the director promptly, but in any event within thirty days of the recapture event.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-05	Shall	In the event of any recapture pursuant to section 45D(g) of the Internal Revenue Code and section 1.45 D-1(e)(2) of Title 26 of the Code of Federal Regulations, as such federal laws and regulations exist on the effective date of the enactment of section 5725.33 of the Revised Code, October 16, 2009, all new markets tax credits claimed by any taxpayer in respect of each equity investment subject to recapture of federal new markets tax credits shall also be subject to recapture by the state of Ohio.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-05	Shall	Following receipt of notice by the state allocatee of a recapture event of federal new markets tax credits, the director shall notify the tax commissioner and the superintendent and request that taxes be assessed against each NMTC claimant subject to the jurisdiction of the tax commissioner and the superintendent, respectively, in the aggregate amount of new markets tax credits claimed by each such taxpayer in respect of the affected equity investments and all applicable interest.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-05	Shall	In addition to recapture under the circumstances described in paragraph (B) of this rule, new markets tax credits shall be subject to recapture if the director determines that more than fifteen per cent of the proceeds of an investment for which the tax credit is claimed were used other than for qualified low-income community business investments.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-05	Shall	The director shall notify the state allocatee in writing if the director identifies any circumstance indicating potential recapture under this paragraph.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-05	Shall	The state allocatee shall have thirty days after the date of the director's notice to respond in writing.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-05	Shall	The director shall issue a preliminary written determination, which shall state the director's findings and conclusion on which the recapture determination is based.	5725.33	No, general rulemaking authority	No, general rulemaking authority

122:22-1-05	Shall	The state allocatee shall have the right to request within thirty days after the date of the preliminary determination a hearing with the director to refute any of the director's findings and conclusions.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-05	Shall	Thereafter, the director shall issue a final written determination.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-05	Shall	If the director determines that a recapture event has occurred, the director shall notify the tax commissioner and the superintendent and request that taxes be assessed against each NMTC claimant subject to the jurisdiction of the tax commissioner and the superintendent, respectively, in the aggregate amount of new markets tax credits claimed by each such taxpayer in respect of the affected equity investments and all applicable interest.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-06	Shall	Each applicant shall submit with its application for a credit allocation an application fee in the amount of fifteen hundred dollars.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-06	Shall	Each state allocatee shall pay a servicing fee in the amount of seventeen thousand five hundred dollars.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-06	Shall	No allocation agreement shall be effective unless the servicing fee has been paid.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-07	Shall	Any such designation under this chapter shall continue to be effective unless and until it is terminated or superseded in writing, notwithstanding any succession in the office of director or assistant director.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:22-1-08	Shall not	If any clause, provision or application of any of the rules in rule 122:22-1-01 to 122:22-1-08 of the Administrative Code is determined to be invalid or unenforceable, such determination shall not affect the remainder of such rule, other application of the rule, or application of other rules of this chapter, which shall be applied as if the invalid or unenforceable portion, application or references to the invalid or unenforceable portion did not exist.	5725.33	No, general rulemaking authority	No, general rulemaking authority
122:23-1-02	Shall	An application for certification shall be in the form and contain the substance required by the director.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-02	Must	To be considered, the application for certification must be complete, accompanied by all required supporting documentation and submitted by an authorized representative of the applicant.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-02	Must	An application for certification must be submitted to the director no later than the close of business on the last day for application as provided in division (E) of section 5727.75 of the Revised Code.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-02	Shall	If an application for certification is incomplete, the director shall notify the applicant and identify in reasonable detail the information or supporting documentation necessary to complete the application.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-02	Shall	The applicant shall have thirty days after notice from the director to cure any deficiencies in the application.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-02	Must	An application for certification must identify the location where any tangible personal property or real property that is part of the energy project will be located including: each county in which any real or tangible personal property will be located, the taxing units in which any real or tangible personal property will be located, and the permanent parcel numbers for parcels within each county on which any part of the energy project will be located.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-02	Must	An application for certification must also provide a mailing address for the board of county commissioners of each county and for the taxing authority of each taxing unit listed in the application.	5727.75	No, general rulemaking authority	No, general rulemaking authority

122:23-1-02	Must	To satisfy the requirement for certification provided in division (E)(3) of section 5727.75 of the Revised Code, each applicant for certification of an energy project as a qualified energy project must submit a certification by an authorized representative of the applicant that no portion of the energy facility was used to supply electricity before December 31, 2009.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-02	Shall	Any such request shall be made in writing to the director.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-02	Shall	The board shall be entitled to receive, and the director shall grant, one extension of thirty days.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-02	Shall	If, within thirty days after the director forwards an application for certification to boards of county commissioners for the affected counties (or within any extension of that time granted by the director upon request of a county or otherwise), no board of county commissioners for a county in which any part of the energy project is located provides a resolution approving the application for certification or approving an alternative energy zone in which a part of the energy project is located, the director shall deny the application for certification.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-02	Shall	The director shall notify the applicant in writing of such denial and provide a copy of the denial notice to the commissioner and the board of county commissioners for each county in which any part of the energy project is located.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-02	Shall	The director shall review each application for certification and determine if the application and supporting documentation satisfies the requirements of division (E)(2) of section 5727.75 of the Revised Code for certification of the energy project as a qualified energy project.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-02	Shall	The director shall notify the applicant in writing of such determination.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-02	Shall	For any energy project determined to be a qualified energy project, the director shall issue a certificate in the form determined by the director, in consultation with the commissioner.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-02	Shall	The certificate shall identify the applicant, each county in which any part of the qualified energy project is located, and the proposed nameplate capacity of the qualified energy project.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-02	Shall	The director shall provide to the commissioner, the board of county commissioners, auditor and treasurer of each county in which any part of the qualified energy project is located, and to the applicable taxing units in which any real or tangible personal property is located, a copy of the qualified energy project certificate issued by the director to the applicant.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-03	Shall	The applicant shall file with the director a construction progress report in the form and containing the substance required by the director from time to time.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-03	Must	A construction progress report must be received by the director not later than the close of business on March first each year following any calendar year during which any construction or installation of the energy project occurred and was not completed by December thirty-first.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-03	Shall	The work remaining as of December thirty-first of the reporting period shall be expressed as a percentage of the total project.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-03	Shall	The applicant shall file with the director a construction completion report within ninety days after the energy project is placed in service.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-03	Shall	The construction completion report shall be in the form and contain the substance required by the director from time to time.	5727.75	No, general rulemaking authority	No, general rulemaking authority

122:23-1-03	Shall	The applicant shall identify the date on which construction is completed and the energy project is placed in service.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-03	Must	The construction completion report must include an appendix listing each item of tangible personal property of a qualified energy project to be exempt from taxation, the cost of each such item of tangible personal property, and the county in which the item of tangible personal property is located.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-03	Shall	The applicant shall also include in the appendix a final complete list of permanent parcel numbers for the parcels of real property on which any part of the qualified energy project is located and sufficient detail about the location of tangible personal property constituting the energy facility and the buildings, structures, improvements, or fixtures exclusively used to house, support, or stabilize the tangible personal property constituting the energy facility or that are otherwise necessary for the operation of that property so that the county auditor can determine the boundaries of the real property that may be entitled to exemption from taxation consistent with the definition of energy facility in division (P) of section 5727.01 of the Revised Code.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-03	Shall	Along with the construction completion report, the applicant shall submit the following documentation:	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-03	Must	If the applicant has an agreement with the county engineer, the county engineer must also certify to the director that the applicant is not then in default of any of its obligations under such agreement.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-03	Must	The applicant must also provide a copy of each agreement it has with any county engineer related to the energy project and a copy of any bond provided to a county engineer or required by the power siting board related to the repair, rebuilding, and reinforcement of roads, bridges, and culverts affected by the energy project.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-04	Must	The construction progress report must include an employment report including the number of days during the reporting period that construction was in progress, the total number of hours worked by employees employed in the construction or installation of the energy project during the reporting period, and the total number of hours worked by Ohio-domiciled employees employed in the construction or installation of the energy project during the reporting period.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-04	Must	The construction completion report must include a list of individuals employed in the construction or installation of the energy project during the construction period, their residence addresses, and the number of hours worked by each employee employed in the construction or installation of the energy project. Each employee for which hours of employment are reported should be designated either as an Ohio-domiciled employee or an employee domiciled outside Ohio.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-04	Shall	The applicant shall also provide a signed certificate in the form prescribed by the director from each employee with an Ohio address that he or she is Ohio-domiciled.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-04	Shall	The applicant shall retain, and cause any contractor involved in the project to retain, in its records for a period of at least three years after the energy project is placed in service the employee certificates of Ohio domicile together with evidence of each such employee's Ohio domicile.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-04	Shall	Upon request of the director, the applicant shall provide evidence of Ohio domicile for each employee designated as Ohio-domiciled.	5727.75	No, general rulemaking authority	No, general rulemaking authority

122:23-1-05	Shall	Following review and acceptance of the applicant's submitted construction completion report, the director shall issue a certificate of verification confirming compliance with the requirements of section 5727.75 of the Revised Code.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-05	Shall	The certificate shall identify the date the qualified energy project is placed into service, provide the Ohio-domiciled employee ratio, and describe the tangible personal property and real property to be exempt from taxation in sufficient detail that the commissioner and county auditor can determine the personal property subject to exemption and the boundaries of the real property including buildings, structures, and fixtures that are entitled to exemption from taxation.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-05	Shall	The director shall provide a copy of the certificate of verification to the applicant, the commissioner, the board of county commissioners, auditor and treasurer of each county in which any part of the qualified energy project is located, and to the applicable taxing units in which any real or tangible personal property is located.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-05	Shall	Upon receipt of the certificate of verification from the director, the county auditor of each county for which an exemption was approved shall place the real property described in the certification on the exempt list and remit or refund taxes for such tax years as are necessary to give effect to the qualified energy property certificate.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-06	Shall	The applicant shall file annual nameplate capacity reports which shall be in the form and contain the substance required by the director from time to time.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-06	Must	An annual nameplate capacity report must be signed by an authorized representative of the applicant and received by the director not later than the close of business on March first each year during which an exemption under section 5727.75 of the Revised Code is in effect for the energy project.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-06	Shall	The reporting period for each annual nameplate capacity report shall be the calendar year ending December thirty-first prior to the March first reporting deadline.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-06	Must	To satisfy the requirements provided in section 5727.75 of the Revised Code for the qualified energy project exemption to continue, each applicant that receives such an exemption must certify to the director with its annual nameplate capacity report, and provide supporting documentation if requested, the following:	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-06	Shall	Upon receipt of the nameplate capacity report, the director shall determine the annual service payment amount in lieu of tax to be made by the owner, or lessee pursuant to a sale and leaseback transaction, of a qualified energy project according to the provisions of division (G) of section 5727.75 of the Revised Code.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-06	Shall	The director shall send a copy of such determination to the applicant, the commissioner, and the auditor and treasurer of each county in which any part of the qualified energy project is located.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-06	Shall	The director shall consult with the commissioner and publish on the development services agency website a form of receipt to be used by county treasurers to certify receipt or non-receipt of annual service payments.	5727.75	No, general rulemaking authority	No, general rulemaking authority

122:23-1-06	Shall	If ownership of the qualified energy project changes during the reporting period, the applicant shall identify the transferee of the energy project and provide the date on which ownership changed, the nature of the transaction in which property comprising the energy project was transferred, a description of the property transferred, and a letter signed by the transferee agreeing to comply with the provisions of section 5727.75 of the Revised Code.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-06	Shall	The director shall review the information submitted and provide notice of the transfer to the applicant, the transferee, the commissioner and the board of county commissioners, auditor and treasurer of each county in which any part of the qualified energy project is located.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-06	Shall	If the applicant decommissioned any part of the energy project during the reporting period covered by an annual nameplate capacity report, the applicant shall include with the nameplate capacity report an appendix listing each item of tangible personal property of the qualified energy project decommissioned during the reporting period and for each such item of tangible personal property the original cost and year it was placed in service.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-06	Shall	If the decommissioning of any item of equipment is temporary, the applicant shall report the duration of the decommissioning.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-06	Shall	The applicant shall also include in the appendix a list of permanent parcel numbers for real property on which the decommissioned property was located and indicate for each permanent parcel number whether any tangible property that is part of the qualified energy project remains on such real property.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-06	Shall	The applicant shall certify to the director that any decommissioning was undertaken in a manner that complied with all applicable regulations.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-06	Shall	Applicant shall make available, or cause any contractor involved in the qualified energy project to make available, at the request of the director, its agents or other appropriate state agencies or officials, all books and records regarding the qualified energy project.	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-07	Shall	Shall include a certification	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-08	Shall	shall include written notice	5727.75	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall describe in reasonable detail	5727.75	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall have 30 days to respond	5727.75	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall notify the applicant	5727.75	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall deliver any notice	5727.75	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall have an opportunity to cure	5727.75	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall allow the applicant 60 days to resolve the noncompliance	5727.75	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall notify the applicant	5727.75	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall restore the real property	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-09	Shall	any such designation under this chapter shall continue to be effective	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:23-1-10	Shall not	such determination shall not affect the remainder of such rule	5727.75	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall be applied	5727.75	No, general rulemaking authority	No, general rulemaking authority
122:24-1-01	Shall	terms shall have the following meaning	122.86	No, general rulemaking authority	No, general rulemaking authority
	Shall	sales shall also mean rental income	122.86	No, general rulemaking authority	No, general rulemaking authority
	Require	registration may require the establishment of an Ohio business gateway account	122.86	No, general rulemaking authority	No, general rulemaking authority
	Must	must register separately	122.86	No, general rulemaking authority	No, general rulemaking authority
	Must	must certify the accuracy of the information provided	122.86	No, general rulemaking authority	No, general rulemaking authority
122:24-1-02	Must	the following acts must occur	122.86	No, general rulemaking authority	No, general rulemaking authority
	Must	must register with the investOhio program	122.86	No, general rulemaking authority	No, general rulemaking authority
	Must	must reach an agreement	122.86	No, general rulemaking authority	No, general rulemaking authority
	Must	must occur in the same state fiscal biennium	122.86	No, general rulemaking authority	No, general rulemaking authority
	Must	must apply to the investOhio program	122.86	No, general rulemaking authority	No, general rulemaking authority

	Must	must make the investment	122.86	No, general rulemaking authority	No, general rulemaking authority
	Must	must make allowed expenditures	122.86	No, general rulemaking authority	No, general rulemaking authority
	Shall	the certificate shall establish the maximum amount of the tax credit that may be claimed	122.86	No, general rulemaking authority	No, general rulemaking authority
122:24-1-03	Shall	registration shall be accomplished using the Ohio business gateway	122.86	No, general rulemaking authority	No, general rulemaking authority
	Must	following information must be provided	122.86	No, general rulemaking authority	No, general rulemaking authority
	Must	the investment must be for the acquisition of capital stock or other equity interest in a small business enterprise	122.86	No, general rulemaking authority	No, general rulemaking authority
	Must	must provide the following language	122.86	No, general rulemaking authority	No, general rulemaking authority
	Must	must affirm the accuracy of this information	122.86	No, general rulemaking authority	No, general rulemaking authority
122:24-1-04	Must	must have exchanged the information necessary	122.86	No, general rulemaking authority	No, general rulemaking authority
	Shall	information necessary shall include	122.86	No, general rulemaking authority	No, general rulemaking authority
	Must	which must be an investment of money	122.86	No, general rulemaking authority	No, general rulemaking authority
	Must	must occur within the same state of Ohio fiscal biennium	122.86	No, general rulemaking authority	No, general rulemaking authority
	Shall	failure to comply with this division shall render a small business investment certification all, or partially, void	122.86	No, general rulemaking authority	No, general rulemaking authority
122:24-1-05	Must	the eligible investor must supply	122.86	No, general rulemaking authority	No, general rulemaking authority
	Must	time of investment must occur within 30 days of the date supplied	122.86	No, general rulemaking authority	No, general rulemaking authority
	Must	must supply to the director evidence of such expenditures	122.86	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall prescribe guidelines	122.86	No, general rulemaking authority	No, general rulemaking authority
	Must	must supply to the director evidence of such expenditures	122.86	No, general rulemaking authority	No, general rulemaking authority
	Must	must provide to the director a list of partners or members	122.86	No, general rulemaking authority	No, general rulemaking authority
	Must	must supply a list of partners or members	122.86	No, general rulemaking authority	No, general rulemaking authority
	Shall	this process shall continue until all listed parties are individuals subject to the tax found in Chapter 5747	122.86	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall determine the amount of the tax credit	122.86	No, general rulemaking authority	No, general rulemaking authority
122:4-1-06	Shall	shall be issued to the eligible investor	122.86	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall receive a small business investment certificate	122.86	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall be entitled to claim more tax credit	122.86	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall only issue a small business investment certificate equal to ten percent of the lesser of the following	122.86	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall issue a partial small business investment certificate	122.86	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall issue a partial small business investment certificate	122.86	No, general rulemaking authority	No, general rulemaking authority
	May not	may not issue any additional small business investment certificates for that fiscal biennium	122.86	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall be claimed in accordance with section 5747.81	122.86	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall submit the small business investment certificate	122.86	No, general rulemaking authority	No, general rulemaking authority
122:24-1-08	Must	must employ at least 50 full time equivalent employees	122.86	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall be in a format established by the director	122.86	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall provide the director with information necessary	122.86	No, general rulemaking authority	No, general rulemaking authority
122:24-1-09	Shall	shall supply to the director evidence of its continued ownership interest	122.86	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall supply to the director evidence of its continued ownership interest	122.86	No, general rulemaking authority	No, general rulemaking authority
	Shall not	shall not issue a tax credit	122.86	No, general rulemaking authority	No, general rulemaking authority
	Shall not	shall not issue a tax credit	122.86	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall issue tax credit certificates	122.86	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall restore that amount	122.86	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall cease reinstatement	122.86	No, general rulemaking authority	No, general rulemaking authority
122:24-1-10	Shall	such efforts shall include	122.86	No, general rulemaking authority	No, general rulemaking authority
	Shall	director shall notify the small business enterprise	122.86	No, general rulemaking authority	No, general rulemaking authority
	Shall	director shall notify the small business enterprise	122.86	No, general rulemaking authority	No, general rulemaking authority
	Shall	director shall notify the small business enterprise	122.86	No, general rulemaking authority	No, general rulemaking authority
	Shall	director shall stop processing transactions	122.86	No, general rulemaking authority	No, general rulemaking authority
122:24-1-11	Shall	shall be required to maintain records	122.86	No, general rulemaking authority	No, general rulemaking authority
	Shall	the burden of proof shall rest with the eligible investor	122.86	No, general rulemaking authority	No, general rulemaking authority
	Must	all records must be preserved for a period of 5 years	122.86	No, general rulemaking authority	No, general rulemaking authority
	Must	must maintain, among other things, complete and accurate records	122.86	No, general rulemaking authority	No, general rulemaking authority
	Must	must maintain, among other things, complete and accurate records	122.86	No, general rulemaking authority	No, general rulemaking authority
122:24-1-12	Shall	shall include an attestation	122.86	No, general rulemaking authority	No, general rulemaking authority

122:24-1-13	Shall	any such designation under this chapter shall continue to be effective	122.86	No, general rulemaking authority	No, general rulemaking authority
122:24-1-14	Shall not	such determination shall not affect the remainder of such rule	122.86	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall be applied as if the invalid or unenforceable portion	122.86	No, general rulemaking authority	No, general rulemaking authority
122:25-1-02	Shall	shall submit an application	HB 59 Section 701.40/ORC 189	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall select an approved training program	HB 59 Section 701.40/ORC 189	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall review applications	HB 59 Section 701.40/ORC 189	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall notify the applicant	HB 59 Section 701.40/ORC 189	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall establish scoring criteria	HB 59 Section 701.40/ORC 189	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall evaluate an application	HB 59 Section 701.40/ORC 189	No, general rulemaking authority	No, general rulemaking authority
	Prohibit	does not prohibit an applicant from resubmitting	HB 59 Section 701.40/ORC 189	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall provide scoring sheets	HB 59 Section 701.40/ORC 189	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall vote on eligible projects for funding quarterly	HB 59 Section 701.40/ORC 189	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall notify each applicant	HB 59 Section 701.40/ORC 189	No, general rulemaking authority	No, general rulemaking authority
122:25-1-03	Shall	awardee shall submit a progress report	HB 59 Section 701.40/ORC 189	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall be provided by the awardee	HB 59 Section 701.40/ORC 189	No, general rulemaking authority	No, general rulemaking authority
122:26-1-02	Shall	an application shall identify one eligible applicant	122.9511	No, general rulemaking authority	No, general rulemaking authority
	Shall	the eligible applicant shall be the site owner or a representative authorized to submit an application	122.9511	No, general rulemaking authority	No, general rulemaking authority
	Shall	the applicant shall designate a sole point of contact	122.9511	No, general rulemaking authority	No, general rulemaking authority
	Shall	the eligible applicant shall comply with any other criteria	122.9511	No, general rulemaking authority	No, general rulemaking authority
122:26-1-03	Shall	an eligible applicant shall submit an application	122.9511	No, general rulemaking authority	No, general rulemaking authority
	Shall	the director shall evaluate an application	122.9511	No, general rulemaking authority	No, general rulemaking authority
	Shall	the director shall issue a rejection letter	122.9511	No, general rulemaking authority	No, general rulemaking authority
	Prohibit	a rejection letter issued by the director for a specific application does not prohibit an applicant from resubmitting	122.9511	No, general rulemaking authority	No, general rulemaking authority
	May not	may not be appealed	122.9511	No, general rulemaking authority	No, general rulemaking authority
122:26-1-04	Shall	the director shall issue an approval letter	122.9511	No, general rulemaking authority	No, general rulemaking authority
	Shall	the director shall include the name of the recipient	122.9511	No, general rulemaking authority	No, general rulemaking authority
122:26-1-05	Shall	the recipient shall file an annual status report	122.9511	No, general rulemaking authority	No, general rulemaking authority
	Shall	the report shall detail progress on site marketing	122.9511	No, general rulemaking authority	No, general rulemaking authority
	Require	require the recipient to submit a revised report	122.9511	No, general rulemaking authority	No, general rulemaking authority
	Shall	the recipient shall establish and maintain for a period of at least 3 years from the issuance of the Site Ohio certificate all materials submitted	122.9511	No, general rulemaking authority	No, general rulemaking authority
	Shall	the recipient shall make such records available	122.9511	No, general rulemaking authority	No, general rulemaking authority
122:26-1-06	Shall	the director shall issue an approval letter	122.9511	No, general rulemaking authority	No, general rulemaking authority
	Shall	the director shall include the name of the recipient		No, general rulemaking authority	No, general rulemaking authority
122:26-1-07	Shall	each applicant shall submit an application fee	122.9511	No, general rulemaking authority	No, general rulemaking authority
	Shall not	shall not exceed 2500	122.9511	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall pay a certification fee within 30 days of receipt of the director's approval letter	122.9511	No, general rulemaking authority	No, general rulemaking authority
	Shall not	the certification fee shall not exceed 5000	122.9511	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall pay a recertification fee	122.9511	No, general rulemaking authority	No, general rulemaking authority
	Shall not	the recertification fee shall not exceed 3000	122.9511	No, general rulemaking authority	No, general rulemaking authority
	Shall not	fees shall not exceed 11,000	122.9511	No, general rulemaking authority	No, general rulemaking authority
122:27-1-02	Must	applicants must be physically located in a county that contains all or a portion of a distressed lake	122.641	No, general rulemaking authority	No, general rulemaking authority
	Must	applicants must have been in continual operation for at least 24 months prior to the date of the lake's declaration	122.641	No, general rulemaking authority	No, general rulemaking authority
	Must	applicants must demonstrate a significant reduction in gross revenue	122.641	No, general rulemaking authority	No, general rulemaking authority
122:27-1-03	May not	applicants may not receive funding from more than one of the programs	122.641	No, general rulemaking authority	No, general rulemaking authority
	Shall	applicants shall use the application form	122.641	No, general rulemaking authority	No, general rulemaking authority
	Shall	the applicant shall declare on the application which program it prefers	122.641	No, general rulemaking authority	No, general rulemaking authority
	Must	applications must be submitted within 12 months after the applicable distressed lake designation	122.641	No, general rulemaking authority	No, general rulemaking authority
122:27-1-04	Must	applicants must provide evidence	122.641	No, general rulemaking authority	No, general rulemaking authority
	Must	applicants must demonstrate that the loan will help	122.641	No, general rulemaking authority	No, general rulemaking authority

122:27-1-05	Shall	the interest rate for loans provided under this program shall be zero during the time that an applicable lake has been declared a distressed lake	122.641	No, general rulemaking authority	No, general rulemaking authority
	May not	the term of the loan may not exceed 7 years	122.641	No, general rulemaking authority	No, general rulemaking authority
122:27-1-06	Shall	shall submit to the director of the ODSA a progress report	122.641	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall submit to the director of the ODSA an annual report	122.641	No, general rulemaking authority	No, general rulemaking authority
122:27-1-07	Shall	a late fee of 100 shall be assessed for each month the annual report is not received	122.641	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall notify the submitter of the deficiencies	122.641	No, general rulemaking authority	No, general rulemaking authority
127-1-04	Shall	a business shall submit the following	122.74	No, general rulemaking authority	No, general rulemaking authority
	Shall	all premiums for business bonds shall be paid in advance	122.74	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall be paid into the minority business bonding program	122.74	No, general rulemaking authority	No, general rulemaking authority
	Shall	a retainage of money shall be paid	122.74	No, general rulemaking authority	No, general rulemaking authority
	Shall	the maximum amount of any bond issued by the director under the minority business bonding program shall be one million dollars	122.74	No, general rulemaking authority	No, general rulemaking authority
	Shall	any business that shall have defaulted	122.74	No, general rulemaking authority	No, general rulemaking authority
	Shall not	shall not be eligible for any other bond	122.74	No, general rulemaking authority	No, general rulemaking authority
	Shall	in the event of a default on a bond, the board shall recommend that the director take any action the director considers appropriate	122.74	No, general rulemaking authority	No, general rulemaking authority
150-1-01	Shall	the program administrator shall have the authority to secure loans to the program fund	150.03	No, general rulemaking authority	No, general rulemaking authority
	Shall	the program administrator shall structure the loans to ensure that payments of principal, interest or interest equivalent due in any fiscal year do not exceed 20 million dollars	150.03	No, general rulemaking authority	No, general rulemaking authority
	Shall	the program administrator shall invest not less than 75% of program monies under its investment authority in "ohio-based venture capital funds"	150.03	Yes, state law	Yes, state law
	Shall not	any single venture capital fund shall not exceed 10 million dollars	150.03	Yes, state law	Yes, state law
	Shall not	the commitment shall not exceed 50% of the total amount of capital committed to that venture capital fund from all sources	150.03	Yes, state law	Yes, state law
	Shall not	the commitment shall not exceed 20% of the total amount of capital committed to that venture capital fund from all sources	150.03	Yes, state law	Yes, state law
	Shall	the program administrator shall include commitments to a venture capital fund and to any other venture capital fund under the same management as that venture capital fund	150.03	No, general rulemaking authority	No, general rulemaking authority
	Shall	the program administrator shall consider a venture capital fund to be under the "same management" as another fund if	150.03	No, general rulemaking authority	No, general rulemaking authority
	Shall not	the program administrator shall not commit capital from the program fund to a venture capital fund until the venture capital fund receives a commitment from other investors in the venture capital fund	150.03	Yes, state law	Yes, state law
	Require	the program administrator will require that an draws against program fund commitments	150.03	No, general rulemaking authority	No, general rulemaking authority
	Shall not	shall not exceed the program fund's pro rata share of the aggregate commitments to the venture capital fund from all investors	150.03	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall satisfy the matching commitment	150.03	No, general rulemaking authority	No, general rulemaking authority
	Must	the remainder of the matching commitment must be satisfied with new commitments	150.03	No, general rulemaking authority	No, general rulemaking authority
	Shall	a venture capital funds shall be deemed to be an "existing venture capital fund"	150.03	No, general rulemaking authority	No, general rulemaking authority
	Shall not	the following funds shall not satisfy the matching commitment	150.03	No, general rulemaking authority	No, general rulemaking authority
	Require	the program administrator will require that not less than an amount equal to 50% of program fund money invested in any venture capital fund be invested by the venture capital fund in an "Ohio-based business enterprise".	150.03	Yes, state law	Yes, state law
	Shall	the venture capital fund shall consider a variety of factors	150.03	No, general rulemaking authority	No, general rulemaking authority

	Shall	the program administrator shall use the same factors	150.03	No, general rulemaking authority	No, general rulemaking authority
	Shall	determination shall be final	150.03	No, general rulemaking authority	No, general rulemaking authority
	Require	the program administrator will require that, commencing with the first program fund commitment to each venture capital fund, the aggregate amount funded into "Ohio-based business enterprises" by all venture capital funds to which the program fund has made commitments will be not less than the aggregate amount of all program fund monies funded into those venture capital funds	150.03	Yes, state law	Yes, state law
	Require	require that each venture capital fund provide it with information	150.03	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall report to the authority on such compliance	150.03	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall immediately certify an lender's loss incurred in connection with the lender's loan	150.03	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall develop a system for issuing tax credit certificates	150.03	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall apply program fund revenue first	150.03	No, general rulemaking authority	No, general rulemaking authority
	Must	which loan must be equal to	150.03	No, general rulemaking authority	No, general rulemaking authority
	May not	but may not exceed, 1% of the amount of outstanding loans by other lenders to the program fund	150.03	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall then pay to the authority for deposit	150.03	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall be made in accordance with the provisions of the agreement	150.03	No, general rulemaking authority	No, general rulemaking authority
	Shall	the authority shall issue a tax credit certificate	150.03	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall be payable from monies in the program fund	150.03	No, general rulemaking authority	No, general rulemaking authority
	Shall not	shall not be deemed to be an "investment of money from the program fund"	150.03	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall submit to the authority for approval	150.03	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall at all times act in accordance with the investment process	150.03	No, general rulemaking authority	No, general rulemaking authority
	Shall	shall submit a written description of the alteration, including the rationale therefore, to the authority for approval	150.03	No, general rulemaking authority	No, general rulemaking authority