



## Ohio Administrative Code Rule 5122:3-1-01 Definitions.

Effective: January 3, 2023

---

As used in this chapter:

- (A) "A/E" means an architectural or engineering firm whose principal or principals are licensed by the state of Ohio to practice their respective professions in Ohio.
- (B) "Applicant" means any of the following who submit an application to the department for community assistance capital funds:
- (1) A state agency other than the department authorized to provide mental health or addiction services;
  - (2) A board of county commissioners;
  - (3) A political subdivision of the state of Ohio;
  - (4) A board of alcohol, drug addiction, and mental health services; or
  - (5) A nonprofit corporation specifically chartered to provide a mental health or substance use service when such a service fulfills a public purpose as provided by division (F) of section 154.20 of the Revised Code.
- (C) "Approved tax credit manager" means a nonprofit corporate applicant that is a general partner or managing member of an approved tax credit owner.
- (D) "Approved tax credit owner" means a limited partnership or limited liability company that meets all of the following criteria:
- (1) Is eligible to participate in the nonprofit set-aside described in section 42(h)(5) of the Internal



Revenue Code of 1986, 100 Stat. 2198, 26 U.S.C. 42;

(2) Is eligible to participate in the Ohio housing finance agency's housing tax credit program for the purpose of making use of low-income housing tax credits in support of housing for individuals with a mental illness or substance use disorder; and

(3) Is controlled by an approved tax credit manager.

(E) "Board" means a board of alcohol, drug addiction, and mental health services as defined in Chapter 340. of the Revised Code.

(F) "Capital facilities" means buildings, structures and other improvements, equipment, and real property and interests in real property as defined by division (J) of section 154.01 of the Revised Code.

(G) "Chief" means the business operations manager or designee of the bureau of capital planning and management within the department.

(H) "Community capital assistance projects process guidelines" or "guidelines" means a document published by the bureau of capital planning and management implementing applicable Revised Code requirements and department administrative processes that is distributed with each community capital application approval letter.

(I) "Community mental health facility" means a building and necessary land used to provide a mental health or substance use treatment or support service or program, including housing as defined and required by the department.

(J) "Construction" means the construction of new buildings or renovation of existing buildings as provided by divisions (J) and (K) of section 154.01 of the Revised Code, except that renovation shall not include work that consists primarily of maintenance repairs and replacement due to normal use, wear and tear, or deterioration.

(K) "Controlling board" means the board created by section 127.12 of the Revised Code.



(L) "DAS/GSA" means the general services administration of the department of administrative services created by section 121.02 of the Revised Code.

(M) "Department" means the Ohio department of mental health and addiction services created by section 121.02 of the Revised Code.

(N) "Deputy director" means the deputy director of capital and support services for the department.

(O) "Director" means the chief executive officer or designee of the Ohio department of mental health and addiction services as provided by division (K) of section 121.02 of the Revised Code.

(P) "Federal funds" means funds provided by any department or agency of the United States government for participation in community mental health or addiction services facilities project costs.

(Q) "Local funds" means funds provided by the applicant for a community mental health or addiction services facilities project, exclusive of funds that flow through the department.

(R) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code.

(S) "Priorities" means the types of housing and service programs approved by the director for community mental health or addiction services capital construction projects in which the department proposes to participate during the forthcoming and subsequent biennia.

(T) "Project" means the construction or purchase and renovation of facilities, including equipment, for a community mental health or addiction treatment or support service or program as proposed and set forth in an application for state construction assistance.

(U) "Project costs" means total costs of capital facilities as defined in division (K) of section 154.01 of the Revised Code, and includes, without limitation thereto, purchase or acquisition costs for land and/or buildings, construction or renovation costs, architect fees, fixtures and equipment, and other miscellaneous costs related to a project.



(V) "Renovation" means work done to a building to restore it to an acceptable condition and to make it functional for the purpose(s) set forth in an application, including architectural and structural changes and the modernization of mechanical and electrical systems. Renovation does not include work that consists primarily of maintenance repairs and replacement due to normal use, wear and tear, or deterioration.

(W) "Service program" means a program providing community mental health services or community addiction services pursuant to Chapter 340. of the Revised Code, and rules relating to such programs adopted under section 5119.36 of the Revised Code by the department.

(X) "State funds" means funds appropriated by the general assembly and approved by the governor for each biennium to the department for community mental health or addiction services facilities, which funds may be generated through sale of bonds or otherwise.

(Y) "Substance use disorder" has the same meaning as in 42 C.F.R. 2.11. "Substance use disorder" includes alcoholism and drug addiction, as defined in section 5119.01 of the Revised Code, but excludes tobacco or caffeine use.

(Z) "Variance" means written permission granted by the department to an applicant to meet a modified requirement of a rule of the Administrative Code.

(AA) "Waiver" means written permission granted by the department to an applicant to be exempted from a rule or specific provision of a rule of the Administrative Code.

In addition, consistent with section 1.02 of the Revised Code, "and" may be read "or" and "or" maybe read "and" if the sense requires it.