



Ohio Administrative Code Rule 5122:3-1-17 Waivers and variances.

Effective: January 3, 2023

(A) The director may grant a waiver or variance from any provision of Chapter 5122:3-1 of the Administrative Code, or portion thereof, that does either of the following:

(1) Requires the applicant to give or maintain for the benefit of the department a prior or subordinate mortgage(s) in project property sufficient to secure the amount of state funds reimbursed by the department for approved project costs. Such waiver or variance may be granted for a period of time determined by the director and may be subject to any conditions imposed by the director. However, requests for waivers and variances that, in the directors sole discretion, are determined to impose a risk for adversely affecting the security of the state funds will not be granted.

(2) Requires the participation of a board in the application process or board resolution to support and monitor the project program.

(B) An applicant will submit a written request to the department for a waiver or variance. The written request will state clearly the rationale and need for the requested waiver or variance, as well as provide a comprehensive explanation of how other project underwriting and oversight factors help assure the project's compliance and protect the security of the state funds. Within thirty days of receipt of the written request, the department will do one or more of the following:

(1) Request any additional information or rationale from the applicant;

(2) Provide a specific response to the request; or

(3) Provide an estimate to the agency of the timeframe in which the department will be able to provide a specific response to the request.
