

# **The Construction Conversation**

## **Ohio's Legislative, Administrative, and Judicial Two-Way Newsletter**

April 2026

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### **Legislative: Commercial Roofing Contractor License**

Senate Bill 125 if passed would mandate licensure of commercial roofing contractors for projects of \$20,000.00 or more by the Ohio Construction Industry Licensure Board. (Cont'd p. 2).

### **Legislative: Non-Governmental Organization Model Rulemaking**

The Senate General Government Committee held its third hearing for Opponent Testimony, regarding Senate Bill 268 which would require agencies to disclose any involvement with a "regulatory-focused, non-governmental organization", such as the International Code Council which offers model Building Code provisions for adoption. (Cont'd p. 3).

### **Legislative: Building Zoning Approvals**

The House Local Government Committee recently heard from 22 witnesses on House Bill 361, which is intended to streamline the housing development zoning process, supported by the Ohio Home Builders Association after almost a year of consideration. (Cont'd p. 3).

### **Judicial: Evidence Fatal in Discovery**

When a home builder sued an owner for damages, the owner filed a counterclaim, on which the trial court granted summary judgment based on the parties failing to

follow procedural, discovery rules related to the evidence in the case. (Cont'd p. 3).

### **Judicial: Strict Rules Compliance for Mechanics' Lien**

Three Hamilton County Common Pleas Courts required strict compliance with rules for the formation of a valid mechanics' lien, and determining its enforceability. (Cont'd p. 4).

### **Administrative: Third Frontier and Water Grants**

The Ohio Department of Development announced \$2.6 million in Third Frontier Grants, and the Ohio EPA announced \$2.8 million for 122 public water systems in 58 counties. (Cont'd p. 4).

### **Administrative: University Renovations**

State Universities requested funding in the pending Capital Appropriation for specialty trades construction, to accommodate student enrollment changes on campuses. (Cont'd p. 5).

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## **Legislative: Commercial Roofing Contractor License (Cont'd)**

Sponsored by Senator Tom Patton (R, Strongsville), the legislation creates the Roofing Section with “five members, one of whom is a building inspector employed by the department of commerce or a municipal corporation, two of whom are roofing contractors who have no affiliation with any union representing roofers, and two of whom are roofing contractors who are signatories to agreements with unions representing roofers.”

The bill is undergoing hearings in the Senate Workforce Development Committee, which heard testimony from Fred Horner of Advanced Industrial Roofing and President of the Ohio Roofing Contractors Association, among others.

Horner testified that, “the Association has been working for over 30 years to find “a fair, efficient, and mutually beneficial commercial roofing licensing system for our members and for our customers,”

Horner continued, “This bill creates an accessible and level playing field for large and small contractors alike, including those classified as independent contractors.”

“If anything, it may be a detriment to our company to make a small up-start company look the same on paper as my business that’s been in operation for over 37 years. That is worth it to me if those contractors are allowed the same opportunity my family has had, to truly be a competitor in control of our own financial future and I feel blessed to be part of this industry.”

With two hearings complete, the

Committee needs to hold a third hearing for Opponent Testimony before a Committee and Senate Floor vote, before summer recess June 30, 2026.

## **Legislative: Non-Governmental Organization Model Rulemaking (Cont'd)**

Sponsored by Senators George Lang (R, West Chester) and Alessandro Cutrona (R, Canfield), the bill broadly defines "Regulatory focused non-governmental organization" as “any private organization that drafts model administrative rules intended for adoption by a state agency.”

When an agency considers adopting such model language, the agency must provide notice of extensive information relating to any agency involvement in such NGO, including membership and funding.

The bill has enjoyed three Committee hearings, and therefore is ready for a vote, but may not have enough time for similar consideration in the House before summer break.

## **Legislative: Building Zoning Approvals (Cont'd)**

Sponsored by Representatives Brian Lorenz (R, Powell) and Tex Fischer (R, Youngstown), the legislative intent is to hold local entities accountable to apply zoning rules fairly and equally across the board, adding it will help in the construction of more housing to address the state’s shortage.

With five hearings completed and two substitute bills, the current proposal runs 80 pages to address the elements of a comprehensive plan, and to make other changes regarding building inspections,

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local regulations, and zoning. The Ohio Municipal League testified against the bill.

Little time remains for passage before legislative recess to return to the local district, for re-election campaigns.

## **Judicial: Evidence Fatal in Discovery** **(Cont'd)**

The owner served Requests for Admissions on the contractor, who had 28 days to answer under Civ.R. 36(A)(1). The contractor waited three months, with the excuse that the contractor was “extremely busy”.

The trial court held that by not answering the requests for admissions, the contractor admitted to breaching the owner’s contract, and was liable for the counterclaim.

As to damages, the owner attached invoices and an expert report to their counterclaim, but did not file them as “evidence” to the owner’s Motion for Summary Judgment, Civ.R. 56(C).

Since Summary Judgment supersedes the need for a trial, the record must contain sworn affidavits to authenticate any evidence. As the owner failed to provide an affidavit, the owner must return for a trial only on damages against the contractor.

Thus, while the parties might have had evidence contrary to the trial court’s findings, not following the rules in discovery was fatal.

*Nahas Constr. Corp. v. Brustoski*, 9<sup>th</sup> Dist.  
Summit, 2026-Ohio-1362

## **Judicial: Strict Rules Compliance for Mechanics’ Lien** **(Cont’d)**

While generally thought to provide real estate for security of a separate construction claim, the essential purpose of a mechanics’ lien is to provide standing to sue a remote owner of the real estate who is not in privity of contract with the lien claimant, i.e.: a “leap-frog” lawsuit.

In the first case, the contractor admitted that the Mechanics’ Lien Affidavit was not served within 30 days upon the owner, nor posted at the property, even though claiming “reasonable efforts”. R.C. 1311.07 requires service or posting. Therefore, “the Lien was never perfected and is invalid.”

*Hogan v. Morris*, C.P. Hamilton, 2026-Ohio  
Misc. LEXIS 758

In the second case, the trial court accepted the property owner’s tender of a cash deposit in lieu of a bond, to discharge the contractor’s Mechanics’ Lien, R.C. 1311.11(C).

*Draxton v. Flourish Design, LLC*, C.P.  
Hamilton, 2026-Ohio Misc. LEXIS 819

In the third case, the owner posted a bond to release the mechanics’ lien in order to close a sale on the property. The owner sued the contractor for failing to serve the lien affidavit and for slander of title; the contractor counterclaimed for its lien damages.

The trial court held that merely posting a bond “does not adjudicate the factual accuracy of the lien affidavit at the time of filing”, nor adjudicate the remaining disputes. Therefore, the trial court did not discharge the lien as invalid, nor rule on

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either parties' claims in contract or tort.

*TRU Life Dev., Inc. v. Sparkman, C.P.*  
Hamilton, 2026-Ohio Misc. LEXIS 786

## **Administrative: Third Frontier and Water Grants (Cont'd)**

The water grants are funded through the USEPA's Drinking water State Revolving Fund, to maintain a continuous supply of safe drinking water. The awards prioritized emergency generator projects to maintain power during outages.

The Third Frontier Grants went to 10 companies to support commercialization and innovations. Included is an award of \$200,000.00 to Vitruvian LLC in Athens, to commercialize a modular assembly shelter for small construction crews using hand tools only, reducing the need for field welding, cranes, and specialty contractors.

## **Administrative: University Renovations (Cont'd)**

The University of Akron requested \$13.9 million to renovate Schrank Halls due to lack of need for existing space. UA also requested \$3 million for electrical infrastructure maintenance.

The University of Toledo detailed plans to consolidate campus buildings due to shrinking enrollment. UT requested \$10 million to replace exterior design materials, \$9 million for utility improvements, and \$10 million for weatherproofing.

Miami University requested \$40 million for its Polytechnic Institute for laboratories and private employer workforce training.

Youngstown State University seeks

\$13.8 million to renovate aging facilities, including its Dental Hygiene Clinic, with an expected 30% to 40% enrollment increase.

Shawnee State University requested \$21 million for renovation of its health and natural science labs, supporting student growth potential.

Wright State University requested \$13 million to fund construction in support of workforce development programs, improved instructional spaces, and expanded capacity for private employer collaboration.

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## **The Construction Conversation Call-In**

on

**Wednesday, May 13, 2026**  
**3:30 pm**

Luther L Liggett is inviting you to a scheduled Zoom meeting.

Topic: April Construction Conversation  
Wednesday, May 13, 2026 03:30 PM  
Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/82871934941?pwd=V5EsAIRz8hb32ejJyfo9E17Tt3fDAz.1>

Meeting ID: 828 7193 4941  
Passcode: 465495

Telephone 305-224-1968

