

## Publications

### Ohio Department of Development Issues Brownfield Remediation and Building Demolition Funding Guidelines – Local Governments Need to Act Fast

#### Related Attorneys

Ryan D. Elliott

Christopher J. Knezevic

David M. Edelstein

#### Related Services

Tax and Economic Development  
Incentives

#### AUTHORED ARTICLE | Winter 2021

This article originally appeared in the Winter 2021 edition of *Development Incentives Quarterly*.

On December 7, 2021, Governor DeWine issued [Executive Order 2021-16D](#) authorizing the Ohio Department of Development (ODOD) to adopt temporary rules for the [Brownfield Remediation Fund](#) (the “Brownfield Program”) and the [Building Demolition and Site Revitalization Program](#) (the “Demolition Program”). The ODOD issued Brownfield Program [guidelines](#) and Demolition Program [guidelines](#) on the same day. The rules will remain in effect until the earlier of approval of final rules or April 7, 2022.

The following are key aspects of both Programs:

#### BROWNFIELD PROGRAM

It provides grants for the assessment and cleanup and remediation of brownfield sites for future economic development.

##### 1. Application process

Applications for the Brownfield Program will occur in three rounds:

- Round 1: NOW – January 31, 2022 (ODOD is expected to make applications available online the week of December 13-17, 2021)
- Round 2: March 1, 2022 – April 30, 2022
- Round 3: July 1, 2022 – September 30, 2022

An applicant that is awarded grant funds must enter into a brownfield remediation program agreement with ODOD.

##### 2. Availability of funding

- \$350 million for the assessment and cleanup or remediation of brownfield sites

- \$1 million set aside for each county in Ohio (\$88 million)
  - Available through June 30, 2022 via the first two rounds of applications
  - No match fund requirement
- Remaining \$262 million available statewide on a **first-come, first served basis** – after the \$1 million set aside for a particular county has been allocated – via any of the three rounds of applications
  - Up to \$300,000 available for each assessment project
  - Up to \$10 million available for each cleanup and remediation project
    - Includes cost to acquire brownfield property (limited to 10% of total project)
    - Requires matching fund contribution of at least 25% of total project cost
- Costs incurred prior to the grant agreement beginning date are not eligible for reimbursement

### 3. Eligible Applicants

- Eligible applicants include Ohio counties, townships, municipal corporations, port authorities, and conservancy districts or park districts.
- Other eligible applicants include a county land revitalization corporation, nonprofit organization, or organization for profit that has entered into an agreement with a unit of local government to work in conjunction on a Brownfield Program project.
- Entities that caused or contributed to the contamination at a property are **NOT** eligible applicants.

### 4. Other key points:

- "Assessment" means a phase I and phase II property assessment conducted in accordance with ORC 3746.04 and/or an asbestos survey for asbestos abatement.
- "Brownfield" means an abandoned, idled, or under-used industrial, commercial, or institutional property where expansion or redevelopment is complicated by known or potential releases of hazardous substances or petroleum.
- "Cleanup or remediation" means any action to contain, remove, or dispose of hazardous substances or petroleum at a brownfield. "Cleanup or remediation" includes the acquisition of a brownfield, demolition performed at a brownfield, and the installation or upgrade of the minimum amount of infrastructure that is necessary to make a brownfield operational for economic development activity.

## DEMOLITION PROGRAM

It provides grants for the demolition of non-brownfield commercial and residential buildings and revitalization of surrounding properties that are not brownfields.

### 1. Application process

- Lead Entities must submit a grant user access form identifying the person who will need access to the online application for grant completion. **Grant user access forms must be submitted to ODOD on or before December 20, 2021.** A copy of the grant user access form is available [here](#).

- ODOD will provide access to the online application by December 22, 2021.

**Applications must be submitted on or before February 28, 2022.**

## 2. Availability of funding

- \$150 million available for costs associated with building demolition projects, including certain administrative costs, pre-demolition assessment and preparation costs, demolition and material removal costs, and post-demolition costs including site restoration.
  - \$500,000 set aside for each county (\$44 million)
    - No match required
  - \$106 million available statewide on a first-come, first-served basis
    - Requires matching fund contribution of at least 25% of total project cost
- Grantees must comply with Prevailing Wage Rates and Labor Standards under ORC 4115.03-4115.16 with respect to payment of all mechanics and laborers employed in work financed with grant funds.

## 3. Eligible Applicants

- Eligible applicants are the “Lead Entity” established for each Ohio county.
  - For counties where a land reutilization corporation (LRC) has been established, the LRC is the Lead Entity.
  - For counties where a LRC has not been established, the Board of County Commissioners must submit a Lead Entity letter of intent to ODOD identifying the Board of County Commissioners or another unity of local government within the county as the Lead Entity.
- **Lead Entity letters of intent must be submitted to ODOD on or before December 20, 2021.**