

## Publications

### Applications Open December 5, 2023 for Ohio Brownfield Remediation Program

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#### CLIENT ALERT | 11.28.2023

On July 4, 2023, Ohio Governor Mike DeWine signed Amended Substitute House Bill 33 (H.B. 33 or the Budget Bill), which creates the biennial budget for state fiscal years (SFY) 2024-2025 (July 1, 2023-June 30, 2025). The Budget Bill amended section 122.6511 of the Ohio Revised Code and provides the Ohio Department of Development (Development) \$350,000,000 for the Brownfield Remediation Program (Brownfield Program) over the two years of the biennium.

Here are the key facts and applicable deadlines:

- The Budget Bill changed which entity can apply for Brownfield Program funds. In the previous biennium, applications were directly submitted to Development by units of local government or by operating businesses. Now, all applications are required to be submitted by a designated lead applicant before they can be submitted to Development.
- Development has already identified the eligible lead applicants under the amended statute, and provided the list by county ([available here](#)).
- Applications open on December 5, 2023 and close on April 1, 2024.
- \$175 million will be available each year of the biennium with \$1 million set-aside per county and the remaining funds available on a first-come, first served basis.
- Lead applicants can only file one application per project site.
- Eligible sub-recipients include local governments, nonprofit organizations, community development corporations, regional planning commissions, community action agencies, etc. For-profit entities will work directly with lead entities or eligible sub-recipients.
- The lead applicant must have an agreement with each sub-recipient and include the agreement in the application.
- The Brownfield Program guidelines from Development were recently released ([available here](#)). A redline showing the changes against the prior guidelines (FY2022) is [available here](#).

- Development specified in the guidelines that eligible infrastructure costs, which includes utilities such as water, sewer, electric and gas, shall be limited to no more than 20% of the total award request.
- For each county, the initial \$1 million of Brownfield Program award funds do not require cost-share/matching funds. Awards after that initial \$1 million do require cost-share/matching funds, and may be up to 75% of a project's total eligible cost with a maximum award of \$10 million.
- All work must be completed by June 30, 2025, with grant-eligible work beginning no earlier than July 4, 2023 (though cost-share/matching funds back to July 4, 2021 may be included).
- Additional information is available from Development at [Brownfield-Remediation-Program](#).

Vorys encourages you to contact your Vorys attorney or advisor with questions about this incentive provision. Please feel free to contact the following Vorys attorneys: Scott Ziance, 614.464.8287, [sziance@vorys.com](mailto:sziance@vorys.com); Aaron Berke, 330.208.1017, [asberke@vorys.com](mailto:asberke@vorys.com); Chris Knezevic, 614.464.5627, [cjknezevic@vorys.com](mailto:cjknezevic@vorys.com); Sean Byrne, 614.464.8247, [spbyrne@vorys.com](mailto:spbyrne@vorys.com); Jon Stock, 614.464.5647, [jkstock@vorys.com](mailto:jkstock@vorys.com) or Elissa Wilson, 614.464.6224, [rewilson@vorys.com](mailto:rewilson@vorys.com).