

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 1301:7-7-11

Rule Type: New

Rule Title/Tagline: Construction Requirements for Existing Buildings.

Agency Name: Department of Commerce

Division: Division of State Fire Marshal

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I. Rule Summary

1. Is this a five year rule review? No

A. What is the rule's five year review date?

2. Is this rule the result of recent legislation? No

3. What statute is this rule being promulgated under? 119.03

4. What statute(s) grant rule writing authority? 3737.82, 3737.83, 3737.22

5. What statute(s) does the rule implement or amplify? 3737.82, 3737.83, 3737.22

6. What are the reasons for proposing the rule?

The State Fire Marshal is filing rule errata items to correct non-substantive editorial and grammatical errors in the recently enacted 2017 Ohio Fire Code and to correct errors that occurred during the filing process of the 2017 Ohio Fire Code.

7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

The provisions of this rule govern construction requirements for buildings constructed prior to the adoption of the rule where existing conditions constitute a distinct hazard to the life of building occupants or to property.

Section 1103.5 and Table 1103.1 are being amended in accordance with an IFC errata package and to make the OFC consistent with other changes made in the most recent IFC and OFC updates. Specifically, in 1103.5 sprinkler requirements are being deleted for Group A-2 occupancies and the remaining sections are being renumbered accordingly; consistent with these changes, the citation reference in 1103.5.2 is being corrected and Table 1103.1 is being edited to reflect the changes and other typographical errors. Table 1104.18 is being amended to reinsert language regarding "Group M" occupancies that was inadvertently omitted in the filing of the 2017 OFC; Group R-1 sprinklered travel distance is being changed from "400" to "250" as was previously published; this will align the OFC with prior OFC and industry standards and the requirements in the IFC; Table 1104.18 fn g is being amended to delete language that is a duplication of fn f and to insert correct language for fn g that was inadvertently omitted when the 2017 OFC was filed; 1105.6.1.1 is being amended to add inadvertently omitted language which clarifies refuge area calculations; all of this language was proposed to stakeholders during the 2017 OFC update.

In addition, non-substantive, grammatical and/or formatting changes are being made at sections 1103.5.2 (correct citation); 1103.8.1 (change "protected" to "provided"); 1103.9 (italicize date to indicate it is an Ohio-ization; un-bold the "e" in "existing"); 1105.1 (change "provision" to "provisions"); 1105.5 (change "paragraph" to "paragraphs"); Table 1105.2 (change "system1111" to "system"); 1105.5.1 (change "Exist" to "Exit"); 1105.6 (correct citation); 1105.7 (correct citations); 1105.9 (correct citation).

8. Does the rule incorporate material by reference? Yes
9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.

It is infeasible for the SFM to file referenced material electronically due to copyright laws held by the relevant standards making associations.

Materials incorporated by reference in OFC are listed in Ohio Administrative Code (OAC) section 1301:7-7-80 and are generally available to affected persons (including members of the fire service, persons responsible for life safety in public occupancies, and design professionals) via the following:

- i) All referenced text and materials are published by either other governmental agencies, private organizations or industry associations. All of these publications may be obtained by the publishing companies that distribute this material nationally or by any person, without any restriction, from the organization that promulgated the material or text. Some of the referenced materials are free and some may be purchased for a reasonable fee. O.A.C. 1301:7-7-80 lists the incorporated material and contact information for each of the organizations that publish the listed incorporated material.

- ii) Most of the incorporated material is also available at Ohio public libraries, the Division of State Fire Marshal, the Board of Building Standards, or at local government offices, including fire departments.
- 10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**
- Not Applicable*
- II. Fiscal Analysis**
- 11. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**
- This will have no impact on revenues or expenditures.
- 0
- Not applicable.
- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**
- Changes to section 1103.5 are being updated to conform to national code changes made to the IFC. The changes reflect other changes made in the IFC and the 2017 OFC. The deletion of the language eliminates these automatic sprinkler requirements for Group A-2 occupancies and are, therefore, anticipated to result in a cost savings for this group. Table 1103.1 is merely being amended to reflect the updated provisions. Language is being added in Table 1104.18 for Group M occupancies. This language is not new; it was contained in the 2011 OFC but was inadvertently omitted during the filing of the 2017 OFC. The footnote being added to the table and language being added at section 1105.6.1.1 were proposed in the 2017 OFC but inadvertently deleted during the filing process. However, the language merely clarifies terminology. Because the language being amended here only reflects other recent updates and/or reinserts language consistent with prior provisions and that have long constituted industry standards, there is no cost impact anticipated for these changes.
- Other proposed changes to this rule are non-substantive in nature and correct grammatical, formatting or citation errors. There is no anticipated cost impact.
- 13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). Yes**

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

III. Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common Sense Initiative Office? Yes

16. Does this rule have an adverse impact on business? Yes

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes

The rules contain general civil penalties for violations of the Ohio Fire Code as specified in R.C. 3737.51(B)-(F); additionally, pursuant to the Ohio Revised Code sec. 3737.51(A) there is a criminal penalty for knowingly violating any provision of the Ohio Fire Code.

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No

Rule Summary and Fiscal Analysis

Part B - Local Governments Questions

1. Does the rule increase costs for:

- | | |
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| A. Public School Districts | No |
| B. County Government | Yes |
| C. Township Government | Yes |
| D. City and Village Governments | Yes |

2. Please estimate the total cost, in dollars, of compliance with the rule for the affected local government(s). If you cannot give a dollar cost, explain how the local government is financially impacted.

Counties, townships and municipal corporations will be affected to the extent that fire service members will need to be educated regarding the new rules and will generally have to determine whether to obtain new code book errata packages for their staff. The code changes will also be available on-line, at no cost, through Lawriter and the SFM website. However, if jurisdictions opt to purchase hard copy errata publications, the cost will be established by the publishing company. It is not known how much the publisher may charge for this service, but purchase of a hard-copy publication of the entire printed Ohio Fire Code ranges from \$75 to \$125 depending on membership status. Of course, each jurisdiction will have to determine the quantity that will be purchased.

3. Is this rule the result of a federal government requirement? No

- A. If yes, does this rule do more than the federal government requires? Not Applicable**
- B. If yes, what are the costs, in dollars, to the local government for the regulation that exceeds the federal government requirement?**

Not Applicable

4. Please provide an estimated cost of compliance for the proposed rule if it has an impact on the following:

- A. Personnel Costs**

Not applicable.

B. New Equipment or Other Capital Costs

Not applicable

C. Operating Costs

Not applicable

D. Any Indirect Central Service Costs

Not applicable

E. Other Costs

Please see above.

5. Please explain how the local government(s) will be able to pay for the increased costs associated with the rule.

Please see above. There are no mandated costs associated with this rule. Any textbooks or training that an entity engages in would be elective. Free on-line texts are available and free on-line training is available.

6. What will be the impact on economic development, if any, as the result of this rule?

This rule does not impact economic development.