

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4101:1-4-01

Rule Type: Amendment

Rule Title/Tagline: Special detailed requirements based on use and occupancy.

Agency Name: Department of Commerce

Division: Board of Building Standards: Ohio Building Code

Address: 6606 Tussing Road P.O. Box 4009 Reynoldsburg OH 43068-9009

Contact: Regina S. Hanshaw **Phone:** 614-728-1841

Email: regina.hanshaw@com.state.oh.us

I. Rule Summary

1. Is this a five year rule review? No
 - A. What is the rule's five year review date? 11/1/2022
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? 3781.10(A)(1)
5. What statute(s) does the rule implement or amplify? 3781.10, 3781.11, 3791.04
6. What are the reasons for proposing the rule?

The amendments to this rule are primarily proposed to clarify the storm shelter requirements for first-responder buildings, to incorporate ICC errata, and to incorporate clarifying text from the 2018 International Building Code (IBC).

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

This rule outlines specific requirements for many different occupancy groups such as mall buildings, high-rise buildings, atriums, motor vehicle related buildings, Group I-2, Group I-3, etc.

The specific changes are made to incorporate clarifications and new exemptions from the 2018 International Building Code (IBC) model code Section 404.6 relating to atria; to reorganize Section 406 based upon the 2018 IBC language for the purpose of clarifying the motor-vehicle related occupancy requirements; to modify Section 423 for the purpose of clarifying and simplifying the storm shelter requirements for first responder buildings; and to incorporate ICC Errata.

- 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.**

The referenced standards are generally available to the affected parties. The referenced standards can easily be purchased from or may be viewed on websites of the standards making organizations. The affected parties typically would be product manufacturers, design professionals, builders, and contractors. These parties would be expected to already own or have access to the standards in order to conduct their business of manufacturing, testing, designing, and installing the building systems and products.

It was infeasible for the agency to file the text electronically due to copyright issues with the standards making organizations. The standards are generally available.

- 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.

0.00

This rule addresses building design issues. The requirements of the rule do not fiscally affect the Board of Building Standards, the Department of Commerce, or the state.

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

Due to the variance in allowed building designs, it is nearly impossible to ascertain, in dollars, a cost increase or decrease in the design cost of a building as a result of this proposed rule change.

The board does not estimate an increased cost to the business community to comply with the changes proposed in this rule. Cost to purchase, from the publisher, update pages for a code book is approximately \$25. However, the board does post adopted amendments to the board's rules on its website and provides free online access to eCodes via a link from the board's website: <http://www.com.ohio.gov/dico/BBS>

The proposed clarifications may possibly save the owner the cost of improper enforcement and added design options and exceptions always have the potential to save construction costs.

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

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? No

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