

Rule Summary and Fiscal Analysis (Part A)**Department of Commerce**

Agency Name

**Board of Building Standards: Ohio
Mechanical Code**

Division

Regina S Hanshaw

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4101:2-5-01

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Exhaust systems.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **3781.10(A)**

5. Statute(s) the rule, as filed, amplifies or implements: **3781.10, 3781.11, 3791.04**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is proposed in response to a request from the Ohio Department of Aging and the Ohio Department of Health to coordinate agency rules intended to allow nursing homes to be constructed more like a residential environment to safely enhance the quality of life for elders.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule prescribes the requirements for exhaust systems in buildings.

Sections 505.1, 505.3, and 507.2.3 are proposed to be changed in response to a coordinated effort with the Ohio Department of Aging and the Ohio Department of Health.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

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

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

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 the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. 119.032 Rule Review Date: 11/1/2016

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.**

This will have no impact on revenues or expenditures.

\$0.00

This is a building design issue. It does not fiscally affect the board.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

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 in this rule. Cost to purchase, from the publisher, update pages for a code book is approximately \$32. 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.aspx>

Many of the proposed amendments provide coordination with other agency requirements to help streamline compliance which may actually reduce costs.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

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**