MEMORANDUM

TO: Regina Hanshaw, Ohio Board of Building Standards

FROM: Emily Kaylor, Regulatory Policy Advocate

DATE: March 14, 2016

RE: **CSI Review – Ohio Building Code (OAC 4101:1-1-01 through 4101:1-35-01 and 4101:7-7-01)**

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of one new and 35 amended[1] rules submitted by the Ohio Board of Building Standards for its statutorily-required five-year review. It was submitted to the CSI Office on January 3, 2017 and the comment period closed on January 18. On February 7, the Board sent a notification for comments on new Ohio Administrative Code (OAC) 4101:7-7-01 which moved the fee schedule out of OAC 4101:1-1-01. The comment period closed for this package on February 14. The Board requested the new rule be included with the building code package and submitted a revised BIA on February 23. Eight comments were received during the CSI comment periods. The Board held additional stakeholder discussions and made further changes to the rules, submitting their final drafts on February 28.

The Ohio Building Code provides uniform requirements for construction, repair, and maintenance of nonresidential buildings to ensure safe and sanitary structures. Another building code regulates

[1] The 35 rules are being amended to the extent that the Legislative Service Commission requires the Board to rescind the rules and replace them with new rules of the same rule numbers.

residential requirements, but this is specifically the commercial building code. Attached to the BIA is a summary of the changes made to the rules, generally to comply with the 2015 edition of the International Building Code while also maintaining Ohio-specific revisions. The rules include definitions, facility classifications, fire resistance measures, energy efficiency requirements, quality assurance plans, electrical components, roof standards, and many other building-related items.

The BIA explains that there are increased costs of construction and a $150 cost to obtain the new code publication. However, because buildings vary greatly in their designs, quantifying the construction costs was not performed. The Board lists nine changes that were explicitly identified by code stakeholders as producing increased costs, and they are generally related to fire-resistance measures and elevator requirements. Based on a stakeholder petition, the Board also updated the National Electrical Code reference to the 2017 edition which may increase electrical-related construction costs. The fees found in OAC 4101:7-7-01 are the same fees previously found in OAC 4101:1-1-01 and no comments were submitted regarding this new rule.

The Board did extensive stakeholder outreach which led to changes that they explain in their BIA and attached documents. The eight comments received during CSI review led to additional rule changes regarding fire concerns, definition corrections, formatting issues, and care facilities. Institutional occupancies of group homes for individuals with developmental disabilities was the main stakeholder issue that required multiple follow-up conversations with stakeholders. While the Board has made multiple changes and clarifications to the rules, it has also agreed to provide educational documents to address individual situations that arise. Through phone calls and stakeholder meetings, the Board and developmental disability stakeholders agree on the rules but stakeholders would like more information regarding their individual situations.

After reviewing the proposed rules and the BIA, the CSI Office has determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the rule package is justified.

Recommendation

For the reasons explained above, the CSI office does not have any recommendations for this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Ohio Board of Building Standards should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.