



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

TO: Regina Hanshaw, Ohio Board of Building Standards

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: February 14, 2020

RE: **CSI Review – Ohio Building Code (OAC 4101:1-1-01, 4101:1-10-01, 4101:1-13-01, 4101:1-15-01, 4101:1-29-01, and 4101:1-35-01)**

On behalf of Lt. Governor Jon Husted, 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 six amended rules proposed by the Ohio Board of Building Standards (Board). This rule package was submitted to the CSI Office on November 11, 2019, and the public comment period was held open through December 13, 2019. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on November 11, 2019.

The rules in this package set forth requirements for various aspects of the Ohio Building Code (Code). Ohio Administrative Code (OAC) 4101:1-1-01 addresses the administration of the Code, including duties of building department personnel, approvals for construction and modification, and inspections. The rule includes amendments that exempt model homes from requirements and express the inclusion of the International Building Code 2015 within the rules. OAC 4101:1-10-01 establishes the requirements for buildings to feature means of egress, which include standards for the number and types of exits, stairways, and safety measures. The rule includes amendments that include new occupant load requirements for business use areas, new sections addressing security turnstiles, and clarifications regarding current usage of exit passageways and corridors. OAC

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4101:1-13-01 establishes energy efficiency requirements for buildings and is being amended to allow Group R-3 occupancy buildings to comply with the Residential Code of Ohio through Ohio Home Builder Association (OHBA) guidelines. OAC 4101:1-15-01 addresses roof assemblies and rooftop structure and includes new sections addressing the use of building-integrated photovoltaic roof panels. OAC 4101:1-29-01 sets forth requirements for plumbing systems and is being amended to introduce new exceptions for separate plumbing facilities. OAC 4101:1-35-01 lists the standards referenced throughout the Code and includes amendments that update certain references.

During early stakeholder outreach, the Board sent the rules to relevant stakeholders for feedback and welcomed input during public meetings. The Board received five comments during this time. Several stakeholders opposed the inclusion of OHBA guidelines. The Board stated that, after an analysis of the guidelines, the Board had determined that the OHBA guidelines would coincide with the new Residential Code of Ohio. During the CSI public comment period, the Board received comments from stakeholders that stated that the Board should not allow R-3 buildings to gain energy code compliance through the OHBA guidelines. The Board stated that the amendments would provide builders with flexible options for meeting energy conservation requirements while removing what could be a disincentive for R-3 buildings. The Board did not make changes based on these suggestions.

The business community impacted by these rules includes all individuals and businesses involved in the design, construction, and ownership of buildings. The adverse impact created by these rules is largely comprised of the time and effort spent by businesses complying with the requirements of the rules, including periodic updates. In the BIA, the Board states that the rules and the proposed amendments provide guidelines for buildings that is consistent with Ohio statute and offers businesses clear requirements.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.