Ohio | 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 Chapters 4 and 34 (OAC 4101:1-4-01 and 4101:1-34-01)**

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 two 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.

Ohio Administrative Code (OAC) 4101:1-4-01 establishes special detailed requirements for the Ohio Building Code that are based on use and occupancy, including malls, high-rise buildings, children's play structures, and ambulatory care facilities, among others. The rule is being amended to include new changes from the International Building Code into sections of the rule concerning atriums and motor vehicle related occupancies. OAC 4101:1-34-01 sets forth requirements for the maintenance, alteration, repair, addition, and change of occupancy of existing buildings and structures. The rule includes amendments that address storm shelters, first responder buildings, and fire walls, as well as providing clarifying edits to the rule.

During early stakeholder outreach, the Board sent the rules to relevant stakeholders for feedback and welcomed input during public meetings. The Board received one comment during this time, which suggested changes regarding storm shelters in schools. The Board made changes to the relevant section in response to changes to the authorizing statute. During the CSI public comment period, the Board received comments from one stakeholder that suggested including instructions for changing occupancy of buildings. The Board did not make changes based on these comments, as they were outside the scope of the rules.

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 are consistent with Ohio statute and offer 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.