



Common Sense Initiative

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Business Impact Analysis

Agency, Board, or Commission Name: Board of Building Standards

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Regulation/Package Title (a general description of the rules' substantive content):

2024 OBC, OMC & OPC Amendments

Rule Number(s): 4101:1-1-01, 4101:1-2-01, 4101:1-3-01, 4101:1-4-01, 4101:1-5-01, 4101:1-9-01, 4101:1-10-01, 4101:1-11-01, 4101:1-13-01, 4101:1-17-01, 4101:1-19-01, 4101:1-29-01, 4101:1-30-01, 4101:1-31-01, 4101:1-34-01, 4101:1-35-01, 4101:2-1-01, 4101:2-4-01, 4101:2-6-01, 4101:2-9-01, 4101:2-11-01, 4101:2-13-01, 4101:2-15-01, 4101:3-1-01, 4101:3-3-01, 4101:3-4-01, 4101:3-5-01, 4101:3-6-01, 4101:3-7-01, 4101:3-15-01

Date of Submission for CSI Review: April 14, 2025

Public Comment Period End Date: May 9, 2025

Rule Type/Number of Rules:

New/ rules

No Change/ rules (FYR?)

Amended/ 30 rules (FYR? N)

Rescinded/ rules (FYR?)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

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Reason for Submission

1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a. Requires a license, permit, or any other prior authorization to engage in or operate a line of business.
- b. Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.
- c. Requires specific expenditures or the report of information as a condition of compliance.
- d. Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.

Regulatory Intent

2. Please briefly describe the draft regulation in plain language.
Please include the key provisions of the regulation as well as any proposed amendments.

The Board of Building Standards is proposing rule amendments to the 2024 Ohio, Mechanical & Plumbing Codes to add provisions for modular rooms, add provisions for alarm notification priorities based upon emergency response plan, exclude institutions of higher education from exception for separate facilities, add provisions for use of GRFP, adopt 2024 IMC Chapter 11, add language from 2024 IPC for use of plastic pan for water heaters, and to make other editorial corrections and clarifications.

3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.

Revised Code § 3781.10: <http://codes.ohio.gov/orc/3781.10>
Revised Code § 3781.11: <http://codes.ohio.gov/orc/3781.11>
Revised Code § 3791.04: <http://codes.ohio.gov/orc/3791.04v1>

4. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?

If yes, please briefly explain the source and substance of the federal requirement.

Yes. Proposed rule 4101:1-11-01 sets forth the accessibility requirements for buildings and compliance with these provisions creates a “safe harbor” for compliance with federal accessibility requirements. The Department of Justice publishes regulations implementing the Americans with Disabilities Act (ADA) for title II (State and local government services) and title III (public accommodations and commercial facilities) and coordinates with the 2010 Standards for Accessible Design (“2010 Standards”) referenced by the proposed rules. The 2010 Standards can be found here: http://www.ada.gov/2010ADASTandards_index.htm

5. If the regulation implements a federal requirement, but includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

NA

6. **What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

Revised Code § 3781.10 directs the Board to “formulate and adopt rules governing the erection, construction, repair, alteration and maintenance of all buildings specified in section 3781.06 of the Revised Code...” Additionally, Revised Code 3781.06 provides:

Any building that may be used as a place of resort, assembly, education, entertainment, lodging, dwelling, trade, manufacture, repair, storage, traffic, or occupancy by the public, any residential building, and all other buildings or parts and appurtenances of those buildings erected within this state, shall be so constructed, erected, equipped, and maintained that they shall be safe and sanitary for their intended use and occupancy.

This statute defines safe and sanitary as follows:

“Safe,” with respect to a building, means it is free from danger or hazard to the life, safety, health, or welfare of persons occupying or frequenting it, or of the public and from danger of settlement, movement, disintegration, or collapse, whether such danger arises from the methods or materials of its construction or from equipment installed therein, for the purpose of lighting, heating, the transmission or utilization of electric current, or from its location or otherwise.

“Sanitary,” with respect to a building, means it is free from danger or hazard to the health of persons occupying or frequenting it or to that of the public, if such danger arises from the method or materials of its construction or from any equipment installed therein, for the purpose of lighting, heating, ventilating, or plumbing.

The building codes set forth the construction standards for nonresidential buildings in the State of Ohio to ensure that they are safe and sanitary. Additionally, Revised Code § 3781.01 provides that local governments may not adopt regulations that conflict with the Board’s rules to facilitate the uniform application of the standards.

Revised Code 3781.11 lists conditions that rules of the Board must address, including:

(1) For nonresidential buildings, provide uniform minimum standards and requirements, and for residential buildings, provide standards and requirements that are uniform throughout the state, for construction and construction materials, including construction of industrialized units, to make residential and nonresidential buildings safe and sanitary as defined in section 3781.06 of the Revised Code;

(2) Formulate such standards and requirements, so far as may be practicable, in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability;

(3) Permit, to the fullest extent feasible, the use of materials and technical methods, devices, and improvements, including the use of industrialized units which tend to reduce the cost of construction and erection without affecting minimum requirements for the health, safety, and security of the occupants or users of buildings or industrialized units and without preferential treatment of types or classes of materials or products or methods of construction;

(4) Encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material, and techniques, including methods employed to produce industrialized units;

7. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

The enforcement of these rules will be implemented by certified township, city, and county building departments. Rule 4101:1-1-01 lays out the administrative procedures certified building departments must follow to implement the substantive requirements of these rules to determine compliance. These provisions require a builder or owner to make application to a building department to obtain an approval to build (permit). As part of this application the owner must submit sufficient information and/or construction documents for the building official/plans examiner to determine whether the proposed work complies with the code. After the builder or owner obtains the approval (permit), construction may commence and the building department inspectors will inspect the construction to ensure that the work conforms with the original approval. Rule 4101:1-1-01 § 105.3 provides that in the absence of fraud or a serious safety or sanitation hazard, any non-residential structure built in accordance with approved plans shall be conclusively presumed to comply with these rules. The Board requires that certified nonresidential building departments submit an annual yearly operational report which lists the following information: current employees and their certifications, total number of permits issued during the year for each type of occupancy, total number of inspections made, the total value of construction, and the total number of appeals of the code requested by a builder or owner during the year.

8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?

If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.

No

Development of the Regulation

9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

The Board maintains a stakeholder distribution including building department personnel, contractors, designers and professional associations. The stakeholder list is available upon request.

On January 30, 2020, the Board received Petition 23-02 from the American Concrete Institute (ACI), ACI Central Ohio Chapter and Ohio Concrete Association requesting the Board amend the OBC to recognize ACI 440.11-22: Structural Concrete Buildings Reinforced Internally with Glass Fiber Reinforced Polymer (GFRP) Bars. The Board originally denied the petition while informing the petitioner to resubmit for consideration after the 2024 OBC was adopted in 2024. On May 3, 2024, resubmitted the petition for consideration. At its meeting on May 31, 2024, the Board approved the resubmitted petition the use of GRFP in concrete.

On September 17, 2024, the Board received Petition 24-02 from Greg Johnson requesting the Board amend the OMC to amend the section regarding refrigerant pipe shafts to allow the exception for piping in direct refrigerant system apply to all refrigerants. At its meeting on January 31, 2025, the Board approved Petition 24-02, as well as the replacement of OMC Chapter 11 with 2024 International Mechanical Code (IMC) language regarding refrigerants, to address problems being encountered by building owners to comply with requirements where newer refrigerant technology is available and proposed.

On February 12, 2025, the Board sent an email to all agency stakeholders informing them of opportunity to provide written comments on the proposed rules by February 26, 2025. The notice summarized the proposed rules and provided other information, background and resources for stakeholder review: [Proposed 2024 Ohio Building, Mechanical & Plumbing Code Amendments](#)

10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

In addition to the petitioner input discussed in Question 9, the Board received a comment from Jeremy Fauber supporting the changes to OMC Chapter 11 and requesting adoption of newer edition of ASHRAE Standards 15 & 34. At its meeting on February 27, 2025, the Board's Code Committee reviewed the comment and recommended approval of the change to be incorporated in the rule package.

11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

Continuing law is based on the 2021 International Building Code (IBC) promulgated and amended by the International Code Council (ICC). The model codes developed by ICC are updated every three years through a process that incorporates petitioning, public hearings and voting by ICC members. The ICC Committees that oversaw the development of the different provisions 2021 IBC included building and fire code officials, architects, engineers, contractors, and representatives from the National Association of Home Builders, Underwriters Laboratories, and other professional organizations.

When a petition to amend the model code is submitted, the proponent of the change must submit the proposed language of the amendment, the reason for the amendment including scientific data when applicable, and the cost impact of the amendment. All submitted petitions are then published prior to initial code development hearings on the petitions. Interested persons may review the proposed changes and attend the code development hearing and provide comments. A report then is published on the public hearings for review and then final action is taken on the proposed changes at final action hearings. All successful changes are incorporated into the next edition of the model code.

Upon publication the Board's code committee reviews each substantive change included in the newest edition of the code and determines whether to recommend the change to the Board for adoption. The Board last fully updated the OBC on March 1, 2024.

These proposed amendments to the codes incorporate approved petition language, address problems owners are encountering complying with refrigerant requirements in the mechanical code, and make other editorial and clarifying changes.

12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives? *Alternative regulations may include performance-based regulations, which define the required outcome, but do not dictate the process the regulated stakeholders must use to comply.*

See Question 11.

13. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

Editorial changes are routinely made to the rules to provide consistency with the Ohio Revised Code and other Board and agencies' rules. Additionally, RC § 3781.10 gives the Board sole authority to adopt rules which regulate the erection, construction, repair, alteration, and maintenance of all buildings or classes of buildings specified RC 3781.06 including residential and non-residential buildings.

14. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

For these rules to be enforced by a local government, its building department must be certified by the Board. The Board also certifies the personnel who work within these departments to ensure only qualified personnel are enforcing the Board's rules. Certified personnel must complete continuing education to maintain their certifications and continue to be authorized to enforce these rules. The Board has authority to suspend or revoke certifications for failure to properly enforce the rules. Also, the Board has two staff members dedicated to responding to complaints by persons affected by the Board rules. This program helps promote consistent and predictable application of the Board rules.

Adverse Impact to Business

15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:

a. Identify the scope of the impacted business community, and

- Building owners
- Design Professionals
- Contractors
- Building Department Personnel

b. Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a representative business. Please include the source for your information/estimated impact.

Becoming familiar with the changes through research and training

- 16. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify. (*Reductions in regulatory burden may include streamlining reporting processes, simplifying rules to improve readability, eliminating requirements, reducing compliance time or fees, or other related factors*).**

While not a reduction in in regulatory burden, the proposed amendments recognize newer construction materials, address problems being encountered by building owners complying with current OMC requirements for refrigerants and provide other clarifying changes to Ohio's building codes to aid in their application.

- 17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

See Question 16.

Regulatory Flexibility

- 18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

The rules do not have special exemptions or alternative means of compliance specifically for small business. The building code requires a building official to issue an adjudication order to an owner when the design or construction of a building does not comply with the code. The adjudication order must comply with Revised Code Chapter 119 and give the owner an opportunity to appeal. This mechanism is often utilized by an owner voluntarily to obtain a variance from the requirements. Variance requests are heard by either the Ohio Board of Building Appeals or a certified local board of building appeals.

Also, the building code permits alternative engineered designs prepared by a registered design professional to not strictly comply with the prescriptive requirements of the rules. To obtain approvals based on alternative engineered designs, the design professional must submit sufficient technical information to demonstrate that the performance meets the intent of the rules.

- 19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the**

regulation?

Revised Code § 3781.102 does not authorize the Board to set the fees and/or penalties assessed by local certified building departments in connection with the enforcement of these rules. Compliance with the rules is accomplished through construction conforming to the certificate of plan approval (permit). Therefore, there are no potential paperwork violations of these rules.

20. What resources are available to assist small businesses with compliance of the regulation?

The Board offers training and resources to building department personnel to prepare them to enforce new code provisions.

The Board has contracted with the International Code Council to publish Ohio's code for free public use: [Ohio Building Codes - ICC Digital Codes](#)

These amendments will be incorporated into these digital versions to provide access to Ohio's construction community at no cost.

Additionally, the Board's technical staff spends approximately 25% of their time responding to questions on the building codes and educating design professionals, contractors, the public, and code officials of the intent of the Board's rules assisting all parties in compliance.