

**MEMORANDUM**

**TO:** Regina Hanshaw, Ohio Board of Building Standards

**FROM:** Christopher Smyke, Regulatory Policy Advocate

**DATE:** May 1, 2018

**RE:** **CSI Review – Ohio Building Code Amendments (OAC 4101:1-1-01, 4101:1-2-01, 4101:1-3-01, 4101:1-7-01, 4101:1-9-01, 4101:1-10-01, 4101:1-16-01, 4101:1-22-01, 4101:1-23-1, 4101:1-25-01, 4101:1-26-01, 4101:1-34-01, and 4101:1-35-01)**

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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 13 amended rules submitted by the Ohio Board of Building Standards for their statutorily-required five-year review. It was submitted to the CSI Office on March 16, 2018 and the comment period closed on April 11, 2018; seven comments were received during CSI review. The Board submitted an additional rule change on April 18, 2018.

The rules in this package pertain to the Ohio Building Code for commercial buildings. The rules under review cover administrative provisions, including definitions, classification of facilities, and references. The rules also address various material types, including steel, wood, gypsum board, plaster, and plastic, as well as safety features such as fire resistance, sprinkler systems, egress, and structural design.

The amendments add language regarding fire walls, fire official coordination, non-mandatory luminous egress path markings, concrete rehabilitation and repair, and text from the International Existing Building Code. The rules clarify the classification of primitive transient lodging

structures, the intent for exempting signs and retaining walls, work which is exempt from approval, and deletes the requirement for a certificate of compliance for steel joists. The rules also incorporate numerous corrections (errata) approved by the International Code Council, which include modifications to definitions, format, code references, eliminating unnecessary language, and clarifying existing language. Changes are also being made to incorporate petition 17-01 to require damper access doors and petition 17-05 to eliminate the exception on fire extinguishers when occupancies are equipped with quick response sprinklers. Finally, the rules also include non-substantive changes in the form of code reference updates, renumbering sections, fixing equations, and making minor editorial fixes.

Prior to filing the rules with CSI, the Board notified a stakeholder list comprised of building department personnel, contractors, designers, and professional associations. In addition to accepting comments via email, the Board held a public stakeholder meeting on January 5, 2018. The Board worked extensively with Hocking Hills vacation rental owners to develop the language specific to primitive transient lodging structures. The Board also received petitions 17-01 and 17-05 regarding damper access doors and fire extinguishers respectively; both petitions were accepted and the suggestions were incorporated into the rules. Additional substantive comments addressed a clarification of the risk analysis in the “existing structures” chapter, as well as sprinkler requirements in certain care facilities; the former suggestion was incorporated, however the latter was not, as the Board had worked extensively with the care provider industry to develop the sprinkler requirements. Finally, three comments were received regarding minor editorial corrections, which the Board incorporated in the rules.

At the public stakeholder meeting, several code officials requested changes to the newly proposed exemptions for signs and retaining walls. The Ohio Building Officials Association (OBOA) prepared and submitted petition 18-07, formally proposing their suggestions. The Board incorporated the proposed modifications to exception 19 of section 101.2 of OAC 4101:1-1-01 and to the definition, but tabled the rest of the suggestions pending further discussion with OBOA.

Three comments were received during the CSI public comment period and four additional comments were received shortly after the end of the comment period on April 11. All seven comments expressed support for the addition of the concrete repair and rehabilitation language, which is incorporated in the proposed rules.

The Board identifies the impacted business community as building owners, design professionals, contractors, schools, vacation rental operators, and code enforcement personnel. In addition, the BIA cites the changes from petition 17-01 and 17-05 as the major net change in the adverse impact; both requiring damper door access and removing the fire extinguisher exemption may increase the material cost for building owners. Otherwise, given the extremely large scope and

variability of applicability of the building code rules, an analysis of the existing impacts of the rules is not feasible though the Board acknowledges that each rule contains building regulations that will cost stakeholders money, sometimes in very large sums.

The Board justifies the proposed rules as necessary to protect the health and safety of the public by carrying out its statutory duty under ORC 3781.10 to adopt safety and sanitation standards for commercial buildings under construction and maintenance. In addition, petitions 17-01 and 17-05 include justification for each of their proposed changes. After reviewing the proposed rules and 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.

CC: Emily Kaylor, Lt. Governor's Office