

**MEMORANDUM**

TO: Regina Hanshaw, Executive Secretary, Ohio Board of Building Standards

FROM: Sophia Papadimos, Regulatory Policy Advocate

DATE: September 11, 2015

RE: **CSI Review – Ohio Building Code Amendments (OAC 4101:1-1-01, 4101:1-2-01, 4101:1-3-01, 4101:1-4-01, 4101:1-5-01, 4101:1-7-01, 4101:1-9-01, 4101:1-27-01, 4101:1-29-01, 4101:1-31-01, 4101:1-35-01)**

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 eleven amended rules being proposed by the Ohio Board of Building Standards pertaining to the Ohio Building Code. The rule package was submitted to the CSI Office on August 6, 2015 and the public comment period was held open through August 28, 2015.

Most amendments to the rules are for clarification purposes regarding the scope of the code and exemptions. However, some of the proposed amendments do modify fees that are required by the Division of Industrial Compliance. In some cases, the purpose of the fee modifications is to provide the Division with additional flexibility to ensure that the fees charged to businesses actually reflect the cost of reviews and inspections, including a new fee structure designed for temporary structures. The proposed rules originally included a new program, the Incidental Inspection Program, which would allow building officials to conduct certain inspections that were previously done by electrical safety inspectors. Due to the large volume of comments expressing concern about the new program, the Board notified the CSI Office on September 4, 2015 that it would be removing the program from the proposed rule (OAC 4101:1-1-01) and engage stakeholders in further discussions.

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The BIA submitted by the Board explains in detail the proposed amendments and the adverse impacts created as a result of the amendments. No comments were received in opposition to the amendments, aside from those related to the Incidental Inspection Program. Therefore, after reviewing the proposed rules and associated BIA, the CSI Office has determined that purpose of the rules is justified.

Recommendations

For the reasons discussed 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.