



## Department of Commerce

Division of Industrial Compliance  
& Labor

Ted Strickland, Governor  
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### Ohio Board of Building Standards 2009 Model Code Update December 16, 2009

The Board of Building Standards (“Board”) is charged with the duty to formulate and adopt, amend, modify or repeal rules of the Administrative Code governing the erection, construction, repair, alteration, and maintenance of residential and nonresidential structures. Since 1998, the Board has increasingly based these rules on model codes developed by the International Code Council (“ICC”). ICC develops the International Building, Mechanical, Plumbing, and Residential Codes as part of the family of codes which are maintained and updated through an open code development process to provide consistent enforceable regulation for the built environment. Every three years ICC publishes an update to these model codes. This year ICC published its 2009 updates.

At its meeting October 2, 2009, the Board’s Code Committee recommended that the Board move the changes included in the 2009 model codes with Ohio modifications to public hearing which it conducted on November 13, 2009, and file the proposed rules with the Joint Committee on Agency Rule Review. These actions were consistent with previous proceedings of the Board in updating the State’s building codes. Regularly reviewing and updating the State’s building codes is a priority ensuring the State’s building codes are based on the most up-to-date scientific and technical data.

This code update cycle, however, is occurring in the midst of difficult circumstances not seen in Ohio for decades. The State of Ohio along with the rest of the country continues to experience serious economic conditions: unemployment within the State has reached double-digits; residential and nonresidential construction activity within the State has plummeted; Governor Strickland and the legislature are continuing to work to address unprecedented budget deficits; and local governments are laying off workers and some are shuttering their building departments altogether.

Mindful of Governor Strickland’s Executive Order 2008-04S which directed all agencies to implement a “common sense” approach to business regulation, and in consultation with the Governor’s Office, the Board has determined that it will put on hold the Administrative Code rule adoption process for updates to all the building codes to allow for further discussion and review of the proposed changes for potential impact on the State’s struggling economy. Given the nature of building codes, particularly the nonresidential codes, the Board is

aware that quantifying the exact cost impact in dollars is impossible due to the variable nature of the construction industry. As a result, the Board asks for help and input from stakeholders as it further reviews the potential impact versus benefits of the proposed changes.

Building Departments, the enforcers of the building codes, are struggling more than ever in these economic times to be able to properly implement the codes already in place. At this time, the Board does not want to throw additional burdens on these already beleaguered departments such as training on new codes and the costs of purchasing the necessary books and resources. Therefore, this period of review will also be an opportunity for the Board to shift resources to provide additional support to building departments to assist them in the fulfillment of their duties under the current codes.

At the public hearing on November 13, 2009, the Board heard from stakeholders regarding the nonresidential codes. Many comments received were directed at specific code provisions, while others were directed at the adoption of the codes in general, including requesting the Board to consider the economic situation of the State. The Board also heard from advocates of the 2009 International Energy Conservation Code (“IECC”) and the 2007 ASHRAE 90.1 Standard. The Board is aware that the ultimate adoption of these codes or their equivalent is critical to the State in fulfilling its obligations under the American Reinvestment and Recovery Act. The Board will direct staff to monitor recommendations and guidelines from the United States Department of Energy regarding compliance with the Recovery Act, as well as monitor upcoming ICC code change hearings to identify updates which may be included in the next edition of the IECC.

Finally, the Residential Construction Advisory Committee is currently reviewing updates to the Residential Code of Ohio in fulfillment of the Committee’s statutory duties. The Board requests that the Committee continue its work with specific consideration given to the economic impact of the updates.

To accomplish the foregoing goals, the Board will work in concert with the Governor’s Office, the Ohio Department of Commerce, the Ohio Department of Development, the State Fire Marshal, the Residential Construction Advisory Committee, building departments and other stakeholders, and will regularly provide updates to these entities on the Board’s progress.

The Board welcomes and encourages comments and suggestions. The Board can be contacted at:

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