Dear Stakeholders:

The Board of Building Standards (BBS) is pleased to distribute this monthly publication to its stakeholders to provide timely and relevant information such as building code topics, continuing education events, proposed rules, rule effective dates and upcoming meetings. The board will also continue to notify stakeholders of updates when issues arise.

Sincerely,
Regina Hanshaw
Executive Secretary
Ohio Board of Building Standards

Residential Code of Ohio

At its June 25 meeting, the Residential Construction Advisory Committee (RCAC) recommended draft rules to update the Residential Code of Ohio to the 2018 edition of the International Residential Code with Ohio amendments to the board. In making the recommendation, the RCAC provided a written report to the board on the RCAC’s consideration of the draft code’s impact on public safety, its economic reasonableness and technical feasibility, and impact on affordable housing. The board accepted the recommendation and announced a stakeholder meeting to hear comments and respond to questions on the draft code on Aug. 17 at 11 a.m. in Training Room 1, 6606 Tussing Road, Reynoldsburg, Ohio 43068. The proposed draft code can be viewed here: [BBS Proposed Rules](#).

Proposed Certification Rules

The board will conduct a stakeholder meeting on proposed amendments to the Certification...
Amendments to Ohio Building, Plumbing and Mechanical Codes and Boiler Rules

At its meeting on July 13, the board adopted amendments to the Ohio Building, Plumbing and Mechanical Codes and Boiler rules effective Aug. 1, 2018.

The board initiated the rule change process in December 2017 and the rules have been available in draft form on the board’s website. The final adopted rules, with detailed summaries, can be found at the following links:

Ohio Building Code Rules
Ohio Plumbing Code Rules
Ohio Mechanical Code Rules
Boiler Rules

BBS Memos

A technical memo regarding the moratorium for storm shelters in Group E occupancies has recently been posted on the board’s website: BBS Memos

eCodes

The board has contracted with the International Code Council again to provide free online public access to Ohio’s codes, as well as selected reference standards. Previous editions of the codes are available, as well. Visit https://codes.iccsafe.org/public/collections/OH to access Ohio’s bookshelf.

Code Topic of the Month

Topics covered in this section are based on recent code questions emailed to board staff and our response. They are intended to provide guidance only to code users and should be not considered formal interpretations of the board. Code questions can be emailed to BBS@com.state.oh.us.
The board has received several inquiries regarding classification of daycare facilities. With the adoption of the 2017 Ohio Building Code (O.B.C.), effective Nov. 1, 2017, the classification of daycare facilities is broader than existed under previous code editions. Several contributing factors include new definitions in the code, removal from the code of requirements related to licensure, and changes in the delivery of care.

The O.B.C. is a set of rules establishing the minimum requirements to address the risks presented by both the building itself and the activities accommodated within the building. A certificate of occupancy issued by the certified building department for the jurisdiction will identify the classification group (types of risks and activities) that can safely occupy the building.

Often, licensing agencies or funding sources have conditions tied to the issuance of a license or granting of funding that will require an owner or operator to exceed the provisions in the code. These requirements should not dictate an occupancy classification group for the building. The building official for the jurisdiction is responsible for reviewing the owner’s application and determine if the occupancy classification group is appropriate and the applicable provisions of the code are met.

Since the focus of the code is provisions that address risk, requirements in previous editions of the OBC, derived from other sources (licensure, funding, operation, etc.) have been removed. One result is a more direct relationship between risk and the code provisions. The board recommends an owner or operator of a program receiving licensing, funding or oversight contact such agency or group for confirmation of any requirements the agency has regarding facilities or accommodations prior to making any application for plan approval to the building department.

To better identify the classification of a daycare facility, it is critical to develop an understanding of some new terms used in the code:

**Care Facility** is a “…building or portion of a building that is held out to the public for and intended to provide all the following: (1) housing or accommodation; (2) personal, custodial, or medical care; and (3) a supervised environment. Care provided in a dwelling or dwelling unit that is the permanent residence of the care provider is not a care facility.”

**Incapable of Self Preservation** is a person “…who, because of age, physical limitations, mental limitations, chemical dependency or medical treatment, cannot aid or participate in the completion of their own evacuation in response to an emergency situation.”

To help address the changes in the code related to care facilities of which daycare facilities are a part, a Care Facility Tool Kit is available on the board’s website: [https://www.com.ohio.gov/dico/bbs/default.aspx](https://www.com.ohio.gov/dico/bbs/default.aspx). The link is in the left-hand column under the “Building Departments” heading of the “Resources” pull-down tab. Documents found in the tool kit include a collection of frequently asked questions, a questionnaire, two flow charts and a matrix for classifying care facility occupancies.
The daycare industry, like most of the care industry, has expanded the variety of accommodations, sizes, locations and services. Also expanding is the degree of integration of persons with few needs (limited risks) and those with many care needs (higher risk level). Innovation in the industry may result in a change in risk (some less, some more). Traditionally, buildings that accommodated a daycare function were either Group I-4 or Group E, which remain today. With changes to the O.B.C. in response to changes in the delivery of care, other occupancies may accommodate day care functions. To date, the most notable additional classification that may accommodate daycare functions are Group A-3 and Group B occupancies when providing skill development. When care is being provided for five or fewer care recipients, the code permits daycare activities to be accommodated in the building and be classified as the same occupancy as the primary classification group.

Some day care programs will trigger licensure and a requirement for evidence from the building department that the building is safe and sanitary to house childcare and, at the same time, the use of the building does not meet the definition of a care facility. A current certificate of occupancy may provide sufficient evidence or the owner/operator may request an Existing Building certificate of occupancy from the building department. The building official is responsible for reviewing the owner’s application and confirming or denying that the occupancy classification group is appropriate for the activity accommodated.

Type A and Type B Family Day Care Homes remain unchanged. These are licensed daycare operations functioning in a dwelling. Following an initial inspection from the building department and the fire official, a report of their findings is presented to the Ohio Department of Job and Family Services for consideration in issuing a license to the operator. Once a license is issued, the Type A or Type B Family Day Care Home is exempt from the rules of the board and may continue to exist as such or until the owner makes a change of occupancy.

Upcoming Meetings

All meetings will take place at 6606 Tussing Road, Reynoldsburg, Ohio 43068 unless otherwise noted.

- Aug. 23, 10 a.m. - BBS Certification and Education Committees
- Aug. 23, 1 p.m. - BBS Code Committee
- Aug. 24, 10 a.m. - BBS Conference Meeting
- Aug. 29, 9 a.m. - RCAC Meeting

Ohio Board of Building Standards

- **Gerry Holland**, Fire Service, Chair
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- **Tim Galvin**, General Contractor, Vice Chair
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- **Dave Collins**, Architect
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