



OHIO BUILDING OFFICIALS ASSOCIATION



PO BOX 1506, COLUMBUS OH 43216-1506
www.oboa.org

Founded 1961

DATE: May 23, 2017

CHAPTER MEMBERS

TO: Ohio House of Representatives' Economic Development, Commerce, and Labor Committee

BOCONEO

FROM: Rick Helsinger, President

COCOA

SUBJECT: HB 128 Opponent Testimony

FBOA

MVBOC

1. Ohio Building Officials' Association (OBOA) is a professional association of over 1,000 members in nine component chapters involved in construction code enforcement including State of Ohio agencies, counties, municipalities, townships, private sector code administration personnel/agencies, architects, engineers, and members from the construction product manufacturers and construction trades. OBOA opposes HB 128 which excessively diminishes the State's, counties', municipalities', and townships' power to provide the public with a minimum level of building safety, building sanitation, building energy efficiency, and building (handicap) accessibility. The bill reflects a misunderstanding of the Board of Building Standards' (BBS) authority over Ohio Division of Industrial Compliance (DIC) Bureau of Building Code Compliance (BBCC) and local health departments/districts and the personnel of both those organizations (BBS has none). The bill shows a misunderstanding of the BBS's expertise regarding code administration when it provides for BBS issuing a Certificate of Occupancy. The bill also reflects a misunderstanding of existing law where building inspection is limited to ensuring construction is in accordance with the approved construction documents (drawings, specifications, etc.) which are the building owner's "license" to construct the building.

NCOBOA

2. You've heard testimony that existing law [OAC 4101:1-1 & 4101:8-1 Ohio Building Code (OBC) and Residential Code of Ohio (RCO) 108.1 requires work to be exposed and accessible for 4 business days. If inspection isn't accomplished within 4 business days, then OBC 108.1 & RCO 108.1 "... allows the work to proceed." OBOA suggests the constituent/proponent should submit petitions to BBS with proposed change and justification. Existing statute creates BBS and Residential Construction Advisory Committee with expertise and industry representation to consider this change.

NWOBOA

ODPCA

SWOBOA

SWOFSC

3. DIC BBCC and CMT& HD will have to change procedures with increased costs so that a building owner's/construction contractor's request (voice mail, e-mail, or via website) after business hours prior to a business day, the inspection's accomplished within 24 hours. More costly will be the

procedures to respond to an inspection request made after business hours prior to a non-business day (Saturday, Sunday, holiday) to accomplish the inspection within 24 hours during a non-business day.

4. You've heard sponsor and proponent testimony of the need for building owner/construction contractor power to accomplish inspections via private third party and for inspections to be accomplished with 24 hours of request. However, you haven't been provided any substantiating data supporting this testimony. National Association of Home Builders' Construction Inspections & Plan Review: Joint Results from Home Builder and Building Official Surveys March 2017 shows "... A builder who has problems obtaining a site inspection in a timely fashion faces substantial scheduling complications and attendant costs in time and money. Fortunately, such problems appear to be quite uncommon. Over 95 percent of both builders and building officials reported single-family construction inspections are typically obtainable within 48 hours of the request ... Given that timeliness of construction inspections doesn't appear to be a widespread problem, it's probably not surprising that contracting out inspections to a third party occurs relatively infrequently ..."
5. HB 128 lines 395-403 adding ORC 3781.181(E) provides new language to investigate building departments and/or their personnel. Existing law grants BBS authority to investigate and discipline neither DIC BBCC nor local health department/districts. Neither those entities nor personnel are required to be BBS certified. Existing law charges BBS to investigate and discipline (up to permanent decertification) counties, municipalities, and townships, and their personnel. Therefore, this HB 128 provision's unenforceable with regard to DIC BBCC and health districts. Also it's unnecessarily redundant regarding counties, municipalities, and townships.
6. HB 128 lines 417-421 adding ORC 3781.181(G) provides the building owner and general contractor the option of requesting BBS issue the Certificate of Occupancy reflects a misunderstanding of BBS's capabilities. BBS isn't organized to perform construction code administration with the exception of plan approval of industrialized units (modular construction buildings). The function of issuing a Certificate of Occupancy requires establishing all required inspections (including special inspections) and tests have been accomplished showing construction complies with the approved construction documents (drawings, specification, etc.).
7. HB 128 lines 422-452 adding ORC 3781.182 establishes an arbitration process of the building owner or representative (construction contractor) appealing inspection results within 24 hours. This reflects a misunderstanding of current law OAC 4101:1-1 & 4101:8-1 OBC 108.6.1 & RCO 108.6.1 establishing that the inspector merely is checking for the construction's compliance with the approved construction documents (drawings, specifications, etc.). If the inspector finds the construction isn't compliant with the approved construction documents, then the inspector

communicates this to the building owner's representative and advises the representative he/she can either bring the construction into compliance with the construction documents, submit revised construction documents for review/approval, or respond that neither action will be taken. If the building owner's representative responds that neither action will be taken, then the inspector refers the issue to the Building Official/Residential Building Official (BO/RBO) for determination. If the BO/RBO finds the deviation from the approved construction documents violates the OBC/Ohio Mechanical Code (OMC)/Ohio Plumbing Code (OPC)/RCO, then he/she issues an Adjudication Order pursuant to ORC 119 & 3781. OBC/OMC/OPC Adjudication Orders are appealable to the local (if existing) Board of Building Appeals or the Ohio Board of Building Appeals (ORC 3781.19 & 3781.20). RCO Adjudication Orders are appealable to the local Residential Board of Building Appeals (ORC 119, 3781.031, & RCO 110).

8. Feel free to contact either the OBOA Legislation Committee Chair, Charles Huber, ph 330-722-9221, e-mail chuber@fboa.org or myself at ph 513-867-5318, e-mail rhelsinger@fairfield-city.org if you've questions regarding my testimony.