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# BBS MEMO

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Ohio Board of Building Standards

April 1, 2008

6606 Tussing Road, P.O. Box 4009, Reynoldsburg, Ohio 43068-9009

## GOVERNOR ISSUES EXECUTIVE ORDER AUTHORIZING BBS TO FILE EMERGENCY RULES NEC and IECC for 1-, 2-, and 3-Family Dwellings

### **BACKGROUND:**

Early this year the Residential Construction Advisory Committee (RCAC) and the Board of Building Standards (BBS) were asked to consider actions that would allow the 2003 IECC and the 2005 NFPA 70 to continue to be used for 1-, 2-, 3-family dwellings. As a result, a decision was made to create committees to study the concerns related to the 2006 IECC and the 2008 NEC. Director of Commerce Kimberly Zurz selected the energy code committee, and it has already held its first meeting. Director Zurz will select the electrical code committee in the near future and it will start its work in early April. Over the past several months the RCAC and BBS have considered many different options to address these concerns, and the Board made its final decision at its March 28, 2008 meeting.

### **BOARD ACTION:**

At its March 28, 2008 meeting, the Board of Building Standards accepted the RCAC recommendations and directed staff to request an executive order authorizing the filing of Emergency Rules OAC 4101:1-35-01, 4101:2-15-01, 4101:3-13-01, and 4101:8-43-01.2. These emergency rules, when filed, would take effect immediately upon authorization to file the rules from the Governor and would allow the 2003 IECC and the 2005 NEC to be used **for 1-, 2-, and 3-family dwellings only.**

### **UPDATE:**

On March 28, 2008, BBS made a request to the Governor's Office for an executive order to authorize the filing of emergency rules. On March 31, 2008, the Governor signed Executive Order 2008-06S authorizing the BBS to file the emergency rules. BBS filed the emergency rules the same day and therefore, **as of March 31, construction documents for all residential 1-, 2-, and 3-family dwelling projects shall meet or exceed the 2003 IECC and the 2005 NEC to comply with the RCO.** The Board's permanent rules were filed on April 1, 2008, and will be heard at a public hearing on May 2, 2008. These rules will be made effective before the emergency rules expire so that the 2003 IECC and the 2005 NEC can seamlessly continue to be used without any gaps and will be used after the emergency rules expire on June 29, 2008. When the Board receives recommendations from the committees, the rules may be further modified and the Board will hold public hearings to receive comment on any proposed future changes. It is anticipated that the rules adopting the agreed-upon energy and electrical code modifications will be submitted to JCARR on or before October 1, 2008. The Board's permanent rules will remain in effect until rules containing agreed-to modifications are submitted to JCARR by no later than October 1, 2008. If the parties are not able to reach a compromise that allows the Board to submit modified rules by October 1, 2008, then the Board of Building Standards may submit its own permanent rules for implementation.

Non-residential construction will continue to use the 2006 IECC and the 2008 NEC for compliance throughout this time period; only 1-, 2-, and 3-family dwellings are affected by these emergency rules. The emergency rules do not affect 1-, 2-, and 3-family dwellings for which applications for plan approval were submitted between January 1 and March 31, 2008. Any application for plan approval submitted to the Residential Building Department between January 1 and March 31, 2008 must use the 2006 IECC and the 2008 NEC.