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TRADE WARS

The fight for labor grows ugly, pitting builder against builder – Part 2 of 2

By Les Shaver, BUILDER Magazine (reprinted)

Editor's Note: Although the examples in this article are from other geographic regions in the country, the problem is universal and, if it hasn't affected our builders yet, it most certainly will. Being forewarned is being forearmed.



Competing for Limited Supply

With starts rising and a limited pool of trades, how does a builder compete? French has been creative. He relied on relationships with area business owners. "Here in College Station, we couldn't get the labor, but we knew a guy who owned a truss factory and had additional capacity," he explains.

French made a proposal to the owner, offering to buy his trusses if the factory produced and installed them turnkey. The factor owner agreed, and French suddenly doubled his framing capacity in College Station.

If you don't have those relationships, the simple way to secure labor is to pay more. In fact, 46% of builders and contractors responded that they're increasing pay and benefits to keep labor. To become a "builder of choice,"

(Article continued on page 3)

In This Issue ...

Group-Rating Safety
Accountability

Where Your Dues Dollars Go

Fall Parade Sponsors

Important Steps To Take
When a Work Injury Occurs

Ohio Residential Code
Interpretations, BBS Memo
& More



Kenneth Cleveland	1,055.5*
Calvin Smith, Life Dir.	594.5
Bob Knight	92.5
John Sumodi	67
Russ Sturgess	29
Doug Leohr	22
Mark Zollinger	12
Ed Belair	3.0
Mike Hudak	2.5
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Ted Curran	1
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Above list has been updated via the most current NAHB Spike Club Roster Report
 *Current Life Spike status



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31% of respondents of the Metrostudy report said they increased their pay. But that's only a short-term solution. Long-term, the industry has to push for real change with immigration, training, and most importantly, perception of construction as a career.

But even in the short-term, builders can do more than just increase a contractor's pay. To become a builder of choice, 25% of respondents to Metrostudy's survey said they were paying faster. Having a well-managed site can set a builder apart. Securing trades "may mean going from a monthly payroll to every two weeks," says Kevin Wilson, VP purchasing and national accounts for TRI Pointe, about securing labor. "It might be using various online auto pay tools. And, it may mean just having our sites ready so once they walk on site, they're profitable from the minutes their guys hit our jobsite."

Wilson says the quality and organization of jobsites can have a big effect on the success of its subs. "I would say that we are more focused on keeping track and monitoring how good our superintendents are doing," he adds. "If a builder has a horribly managed jobsite, I'm only going to be able to attract the worst subs or have to pay a lot of money."

The delivery of materials also plays a role in the quality of the jobsite. Yet, only 4% of respondents said they adjusted their production schedule to combat labor loss. "Purchasing and estimating is a part of the overall ability to attract and retain good subs," says Mike Schmidt, vice president of operations at Irvine, Calif.-based MBK Homes. "If they go on site and you're rolling subs and trades through, the logistics become unbearable for subs. If your superintendent schedules the guy right, they'll want to come back."

But despite all of the internal things builders can do to secure labor, it's probably the external situations that matter the most. A united building industry can solve these problems. But others rely on a much more volatile solution –politicians in Washington, D.C.

"If our industry is going to have access to labor, we'll need to meet demand as it

(Article continued on page 19)

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From the Executive Director

Members and Friends:

Even though it seems like Summer just started, Fall is right around the corner and it is a great time of year for buyers to be shopping for a new home, especially since conditions are better than they have been for a long time.

I urge you to use the resources available to you through your association to make the Fall season a successful one. Our warranty booklets and our standard contract can not only protect your interests, but they can save you time and money. Our discount programs through our various industry affiliations can help with your day to day expenses from fuel to rental cars, and our workers comp group discount program through Care Works can save you a full year dues payment in one month savings.

Put your membership to work for you and save!

Respectfully:

Dave LeHotan
Volunteer Executive Director



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Your MCHBA member dues also cover these memberships:

A photograph of a chrome Moen faucet in a white sink. The faucet is a single-lever design with a curved spout. Water is flowing from the spout. In the background, there is a vase with red tulips. The Moen logo is visible in the top left corner of the image.

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The logo for Wolff Bros. Supply Inc. features a stylized white wolf head with a red tongue, positioned above the word "WOLFF" in large, bold, red letters. Below "WOLFF" is the text "WOLFF BROS. SUPPLY INC." in smaller, red, all-caps letters.



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Arbour Green: S/L 21 Trellis Green, 1.5 acres well/sewer/cleared/level. **\$163,000.**

Four Seasons: S/L 17 Shade Rd., FREE GAS, 3.8 acres, well/septic. Wooded, horses permitted. **\$159,000.**

V/L 1481 Revere Dr.: 1.63 acres, cistern/septic. Dramatic, sweeping ravines. **\$119,000.**

Gary Stouffer 330-835-4900.

GRANGER

Western Reserve Homestead: Restrictions – 2200 sq.ft. min. Ranch / 2500 sq.ft. 2-story.

S/L 7 Windfall Rd. 2 acres, flat lot. Highland LSD. Well/septic. South of Granger Rd. Minutes from 71/271. **\$69,000.**

S/L 9 Granger Rd. 2.85 acres, flat lot. Highland LSD. Well/septic. South of Granger Rd. Minutes from 71/271. **\$49,900. Gary Stouffer 330-835-4900.**

Millers Meadow: 5 lots remaining. Plenty of options w/sizes ranging from 3.8-10.3 acres. Bring your own builder & enjoy public water with tap-pin paid. Minutes from 71/271/77. Highland LSD. Starting at **\$89,000. Gary Stouffer 330-835-4900.**

2+ acre lots in Granger Meadows starting at \$39,900. Also 42.6 ac in Granger Twp **\$275,000. Bill Nice 330-571-4516.**

HINCKLEY

River Rd: Ravine, Creek, Waterfall. Over 7 acre wooded lot. Pick a spot on your own private park to build. Borders Hinckley Hills Golf Course to East. Highland LSD. Between 403 and 417 River Rd. **\$184,900. Ryan Shaffer 330-329-6904.**

MONTVILLE

Maplewood Farm Development offers 7 beautiful lots, 2+ acres each, Medina Schools and septic approved starting at **\$39,000. Tom Boggs 330-322-7500** or **Gary Stouffer 330-835-4900.**

RICHFIELD

Glencairn Forest: Lots ranging from **\$80,000 to \$295,000.** Breathtaking views. Scenic waterfalls, babbling brooks, lakes, stunning homes. Water/sewer, tennis courts, playground. Easy access to 77 & 271. **Laura Horning Duryea 330-606-7131** or **Gary Stouffer 330-835-4900.**

3601 W Streetsboro Rd: Just over 10 acres backing up to Summit County Metroparks. One of a kind property creates the backdrop for any estate. Features 8-stall, 150'x50' horse barn w/ arena, breathtaking ravine views, calming creekside paths and over 4+ acres of pasture to provide your personal escape. **Gary Stouffer 330-835-4900.**

2802 Southern Rd.: Rare 42+ acre private parcel in Richfield Twp. Includes nearly 2000 sq.ft. home, income producing gas wells. 10 acre parcel pasture and 9 stall horse barn. Perfect property to build the estate of your dreams with endless potential in Revere SD. Septic/well. **Gary Stouffer 330-835-4900.**

SHARON TOWNSHIP

Highland Schools

Lots 37, 38 and 52 Osage Trail: 2+ acres, well & septic. Cleared. **\$76,000** each. **Gary Stouffer 330-835-4900.**

A/L 14467 Arbor Falls: 2.5 partially wooded acres overlooking pond in The Estates of Sharon. Public water/sewer. **\$197,500. Gary Stouffer 330-835-4900.**

The Ridge 5840 Spring Ridge Dr.: 2.36 acres. Long rear views. Bring your own builder. Minutes from 77/71. Well/septic. **\$87,500. Gary Stouffer 330-835-4900.**

Sharon Hts Development: 2+ acre private lots featuring lake, wooded lots, & rolling hills to create your own dramatic backdrop. Many w/walkout potential. Minutes from 71/76. Bring your own builder. Well/septic. Starting at **\$62,650. Gary Stouffer 330-835-4900.**

Blue Ridge Estates: VL 15 Irene Rd. & Osage Tr. Great opportunity to build on private corner lot. Peaceful & secluded. 2 acres. Well/septic. **\$71,500. Gary Stouffer 330-835-4900.**

STRONGSVILLE

Shenandoah Ridge: Don't miss your last chance to build in beautiful Shenandoah Ridge in Strongsville. Across from Strongsville HS. Close to shopping, dining & I-71, this .34 acre partially wooded lot affords privacy and a wonderful location. Public utilities. Strongsville Schools. **\$39,900. Enrique Arnedo Rojas 330-322-1528.**

YORK TOWNSHIP

Buckeye Schools

Emerald Woods:

S/L 20 4124 Sapphire Court

S/L 29 4105 Sapphire Court

Public water/septic. **\$52,500** each. **Gary Stouffer 330-835-4900.**

Tom Boggs – tomboggs1@gmail.com

Laura Horning Duryea –
LauraDuryea@stoufferrealty.com



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Know someone interested in joining the Medina County HBA? Call with their information and we'll send a member packet (330.725.2371) or visit our website and download our membership application.

New PUCO Call Before You Dig Rules To Be Adopted

As a result of passage of legislation at the end of the last G.A., the PUCO approved the rules in relation to Senate Bill 378. The Finding and Order is available on the PUCO website at <http://dis.puc.state.oh.us/DocumentRecord.aspx?DocID=3dde65bf-f531-442f-8bae-940b37a7b971>. The rules will

now be sent to Joint Committee on Agency Rule Review (JCARR) for its approval. Included in these changes are its new registration requirement and fee for anyone who participates in the Call Before You Dig system, as well as, rules for the Underground Technical Committee (UTC). OHBA has been in contact with PUCO on the new registration process. According to the Finding and Order issued by the agency, PUCO will be sending an invoice to those who have participated (either joined or called a one call provider) in either the prior or current year. With some questions about how this will work in practice, OHBA inquired about proactively registering to fulfill the new requirements. Per the PUCO, if you have members who would like to register the PUCO would be happy to add you to the list. They anticipate sending out notifications in March or April of next year. Given the timeframe and effective date, to proactively register with the PUCO, they suggested contacting after February 1, 2016, by calling (800) 686-7826, option 4 and providing your contact information.

discuss the rules in further detail.

Additionally, OEPA is continuing to work on the 401 WQC modification for the Nationwide Permits. The agency has been working out the details with the U.S. Army Corps of Engineers (USACE). After receiving comments from USACE on its draft modification, a revised draft has been sent to USACE, and meetings held to talk about next steps. Once OEPA works out the details with USACE, the rules will likely go out for public notice on the revised draft modification by the end of August.

Finally, as a result of language put in HB 64 Biennium Budget to establish a program for Wetland specialist certification, the OEPA is asking for stakeholder feedback on putting its rules together to run such program. OHBA plans on submitting a response to the survey.

Please contact OHBA with any questions or comments.

OHBA Continues Discussions On Contractor Registration

OHBA was again contacted by the Committee Chairman on HB 77 Contractor Registration for feedback on the most recent draft of the bill. The Chairman has requested another meeting to discuss next steps. He has not

(Article continued on next page)



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EPA Rule Packages

Over the Summer, the OEPA has been working on several rule packages with stakeholders, including OHBA. A portion of its Stream and Wetland Antidegradation rules have been the focus of smaller work groups meeting to



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yet indicated what his plans are for HB 77 when the legislature returns sometime in the fall.

Revised RCAC Interpretation and BBS Memo Issued

The Board of Building Standards has issued a new BBS Memo Washing Machine Drainage Units and revised Residential Code of Ohio Interpretation regarding Section 502.14 previously issued. The memos and revised interpretation have been approved by the Board of Building Standards and are attached to this newsletter on pages 21-26.

House Introduces Accessibility Grant Legislation

Two central Ohio Representatives introduced HB 293 recently. It would give Ohioans who build or retrofit homes to be more accessible the ability to seek grant funding to offset associated costs. Sponsors Rep. Cheryl Grossman (R-Grove City) and Rep. Michael Stinziano (D-Columbus) contended that the proposed Home Accessibility Grant Program (HB 293) would make homes safer for elderly and disabled Ohioans. Homeowners, contractors and renters would be able to apply for up

to \$5,000 in grant funding to cover the cost of installing features like ramps, wider doorways and first floor bathrooms under the proposal. The program would be allocated \$1 million annually to distribute these funds. Announcement of the proposed grant program came as the Ohio Developmental Disabilities Council touted its commissioned research suggesting that there's a demand for adding these accessibility features to homes. The report referenced can be found at the following link <http://www.ddc.ohio.gov/pub/visitability-report-6-15.pdf>

Please contact OHBA with any questions or comments.

2015 Dates To Remember

October 3-18, 2015

Fall Parade of Homes –

Attention All Builders - if you are building homes in Medina County, you can't afford to miss being in this event.

Associates - be sure to attend and support your fellow builder members!

Members ...

Remember, whenever possible, always try to do business with a fellow member and support your Medina County HBA & local community!



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Group-Rating Safety Accountability

Dear Employer:

Each year Ohio employers have the opportunity to participate in BWC's Group-Experience-Rating Program or Group-Retrospective-Rating Program. While these programs are not required, they do provide you with an opportunity to significantly reduce your workers' compensation premiums, while increasing your awareness of safety and risk-management strategies.

Workplace safety is an important component of these programs. To succeed in accident prevention, we encourage you to use the many resources available to you. We believe a group-rating program is a partnership that includes you and your employees, your sponsoring organization or third-party administrator (TPA) and BWC. Each



has specific roles and responsibilities, all designed to assist in preventing workplace accidents. This letter outlines the safety services expectations you should have as an employer enrolled in a group-rating program.

The employer will:

- Maintain a safe workplace;
- Attend safety training to enhance workplace safety;
- Use BWC's safety services as needed;
- Fulfill the required two-hour training requirement and provide proof of attendance to sponsor for claim(s) occurring within the last year.

(Article continued on next page)

(Group Rating Safety Accountability – Continued from previous page)

The certified primary and affiliated sponsoring organizations will:

- Sponsor eight hours of safety training (this may be done at one time or may be provided incrementally as long as the total is at least eight hours);
- Provide information regarding safety resources to group members;
- Possibly assist an employer in achieving its safety needs;
- Manage employer fulfillment of the two-hour training requirement, where applicable;
- Publish this letter to group members.

The TPA may:

- Assist sponsoring organizations with fulfilling the group-rating safety requirements;
- Assist an employer with its safety needs;
- Work in conjunction with sponsors to develop safety training and deliver safety resources;
- Provide resources for claims handling.

BWC will:

- Monitor all group-rating safety activities to confirm requirements are met;
- Remain in communication with sponsoring organizations to provide recommendations for fulfilling safety requirements;
- Provide safety training through Ohio's Center for Occupational Safety & Health;

- Offer on-site safety consultation (hazard assessments, air and noise monitoring, ergonomics evaluation, training) by a BWC safety professional;
- Offer publications and videos for safety program support;
- Conduct employer visits to confirm the employer is meeting group-rating requirements, when appropriate.

The goal of this collaborative effort is to make sure all your safety needs are met. Using these resources will assist you in preventing accidents, reducing claims costs and achieving the highest discounts possible. Below you'll find contact information for various resources.

TPA: CareWorksComp

BWC: <https://www.bwc.ohio.gov/employer/services/safetyhygiene.asp>
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Where do my dues dollars go?

Where do my dues dollars go? And what am I getting for what I pay? These questions are most often asked by current, new and future members. Just a reminder that the services provided, either directly or indirectly, are of higher value than the actual amount of the total dues. Let's take a look at the Medina County Home Builders Association (MCHBA) dues and what services are provided.

The total dues that the Medina County HBA currently invoices Builder members are \$590. Associate members' dues are \$490. It is important to know and remember that the amounts are split between three different associations (Medina County HBA, Ohio Home Builders Association, and National Association of Home Builders).

	Builders	Associates
National Association of Home Builders (NAHB)	\$182.00	\$182.00
Ohio Home Builders Association (OHBA)	\$90.00	\$90.00
Medina County Home Builders Association (MCHBA)	\$283.00	\$183.00
Total	\$555.00	\$455.00

Let's first take a look at the \$182 that is sent to the National Association of Home Builders (NAHB). The Medina County HBA is affiliated with NAHB. When you join our local Association, you also join NAHB. That membership entitles you to everything from discounts on car rentals, hotels, and office supplies to mobile phones, shipping, computers and other services. Your NAHB dues also support the University of Housing, which provides training and certification programs through our local association. One of the most significant services your dues support at the national level is representation on behalf of members at the nation's Capital. Promoting legislation that is favorable to homebuilders is something that must be done. No member can afford to do it alone at the national level.

Second is the \$90 that we forward to the Ohio Home Builders Association on your behalf. At the state level, your dues support representation in the legislature, as well as various offices within state government. The Medina County HBA is continually monitoring proposed laws and regulations that will affect your business. From building codes to land use, to environmental and energy codes, taxes, property rights and job site safety; you won't find anyone willing to monitor all proposed regulatory and legislative changes for the great rate of \$90.00 per year.

Third is the dollar amount that stays here locally at the Medina County HBA to maintain and run the local office. Our staff member takes care of the day to day association duties and passes on to the appropriate Board Member information regarding Association



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policies, governmental affairs and community relations, education and training, communications, meetings and programs, and administration of HBA business affairs. More importantly, our ongoing consumer and member events, the Spring and Fall Parade of Homes and the annual MCHBA Golf Outing are conducted to help your business increase leads and sales.

Together, these three Associations (local, state and national) form one of the nation's largest and strongest trade organizations that benefit an industry of such fundamental importance.

Our Associations comprise the only organization working around the clock exclusively in the interest of the residential building industry. ■

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Thank you **Ken Cleveland** For Continuing to **Make a** **Difference on** **Behalf of the** **Medina County** **Home Builders** **Association!**

Ken Cleveland recently made another very generous donation to the Medina County Home Builders Association.

Ken is a charter member of our association and one of the founding fathers which helped create the Medina County HBA back in 1973 - 42 years ago. Ken Cleveland is our top spike member and has shown unending support for our association and all it stands for. Without his support over the years, the organization may not have survived - for which we are grateful!

We congratulate Ken Cleveland for his continued support of our Association and sincerely thank him for his generous donations. This helps to continue the momentum of growth of our organization and helps us make a difference in our community. ■



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MAJOR EVENT SPONSORS

The Medina County Home Builders Association would like to take this opportunity to thank each and every one of our sponsors and supporters of the upcoming Fall Parade of Homes. Your response continues to be unprecedented and your participation will enable us to promote this event in a way we have only dreamed of over the past few years.

As I'm sure most of you are aware, there is a lot of activity in Medina County and your support will keep that momentum rolling.

Be sure to take time to visit each of the model homes being



presented. The builders have made a huge commitment themselves to being in this Parade, even some of the homeowners have allowed their homes to be presented as well. The best way we can support them, aside from what all of you have already done, is to tour the homes, tell your

friends and neighbors and show your support that way.

We would like to thank all of our Parade Builders as well for continuing to participate in this event that puts our association at the forefront of residential construction in Northeast Ohio. Participants for this event include: Artisan Building and Design, LLC, Carrington Homes, Inc., Charis Homes, FWM Homes, Inc., KNL Custom Homes, Inc., Legacy Homes of Medina, Mason Builders, Modern Home Concepts, LLC, Taeler-Made Construction, and Zollinger Builders LLC. ■



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Important Steps to Take When a Workplace Injury Occurs

Workplace safety is a high priority and concern for employers and employees alike. A workplace injury can affect a worker's life, health and ability to earn an income. Workers' compensation claims also have a direct impact on an employer's bottom line. Claims can result in higher workers' compensation premiums, affect worker moral and create labor shortages that affect completing projects on time. Despite our best efforts, accidents happen, and when they do it is very important to manage the claim effectively from the moment it occurs. All employees should be trained and familiar with injury protocols and procedures so when an incident occurs they know what is expected of them. This is especially important for businesses with employees who perform their duties off site without supervisors present. It should be company policy to immediately report all injuries to their supervisor or manager and all supervisors should be trained on the steps they need to take once the incident is reported to them. Most injuries are minor but, regardless, all incidents should be reported and an Incident Investigation Report completed and kept on file even if the employee refuses or does not require medical attention.

1. Obtain immediate medical attention if needed and report incident to supervisor/employer
 - Employer should have a Managed Care Organization (MCO) card or injury packet available to send with the injured worker to the medical provider.
 - Injured worker should be accompanied by his/her supervisor to the medical provider.
2. Secure the accident site and preserve evidence
 - This is especially important when there is a serious injury and equipment is involved.
3. Investigate and gather facts as soon as possible
 - The supervisor should complete an Incident Investigation Report which includes associate, supervisor and witness incident statements.
 - The report should include who was involved, date and time of the incident,



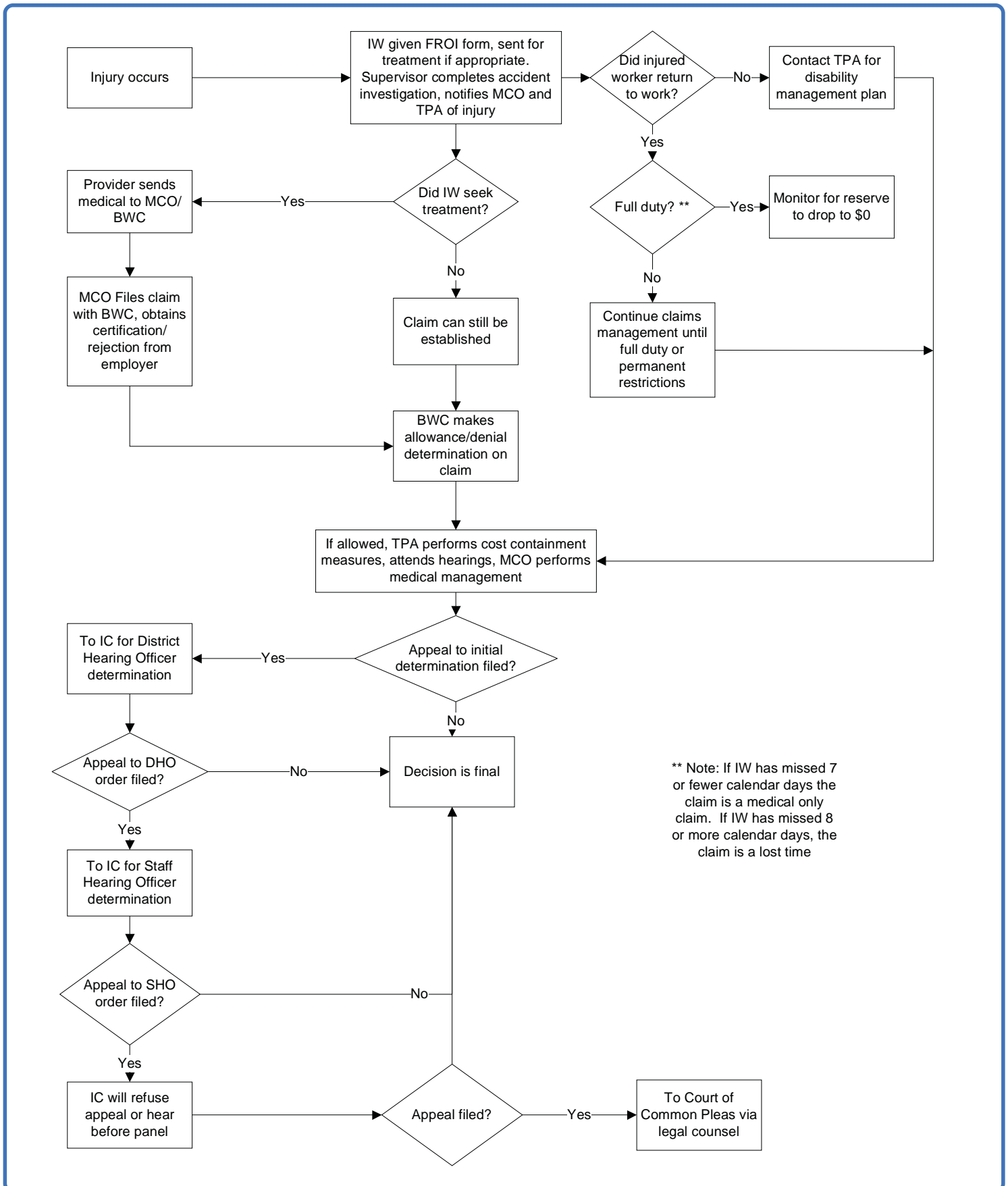
what duties were being performed, what equipment was being used, what were the work conditions, was personal protective equipment (PPE) being used and witness list and statements.

- Supervisor should conduct one on one witness interviews.

- Witness statements should include what they saw, heard, where they were at the time and should be notarized if possible.
 - Take photographs or make drawings of accident scene if necessary.
 - Determine if the incident was work related.
 - Injured worker should complete First Report of Injury (FROI), if possible, in his/her own handwriting.
4. Notify your Managed Care Organization (MCO) / Third Party Administrator (TPA) and OSHA (if reportable)
 - Report all claims to your MCO Case Specialist as soon as possible.
 - Contact your TPA claims examiner if you suspect fraud or a serious or potential lost time claim to discuss claim management strategies.
 - Contact OSHA if it is a reportable claim.
 - Stay in frequent contact with your MCO Case Specialist and TPA claim examiners / the employer's input is important.
 5. Evaluate findings and identify the root causes of the incident
 - Was PPE not used or improperly used?
 - Faulty equipment?
 - Distractions?
 - Failure to follow safety protocols/ unsafe work practices?
 - Lack of experience or inadequate training?
 - Fatigue or rushing to get the job done?
 - Unsafe work conditions?
 6. Report findings / implement corrective actions /evaluate effectiveness
 - Are new policies and procedures necessary?
 - Do you need to amend existing policies and procedures?
 - Is new equipment needed?
 - Is better safety training needed?



Workers' Compensation Claim Management Workflow



Calling all innovative employers!

Competition showcases solutions that reduce risk of workplace injuries

The Ohio Bureau of Workers' Compensation (BWC) is seeking employers who developed or implemented an innovative solution to an occupational safety or health issue for the next Safety Innovations Competition.

Private, public and self-insuring employers in Ohio are invited to apply for the competition, which showcases successful innovations and helps other Ohio employers in their safety efforts and inspires more innovative solutions.

Innovations can come in many forms, whether it's a change in equipment, machinery, processes or procedures. Employers should be prepared to share how their innovations reduced safety, ergonomic and occupational health risks for their employees.

The first round of judging starts in October. Finalists will compete for cash awards during the Ohio Safety Congress & Expo 2016, which will be held March 9 to 11, 2016, at the Greater Columbus Convention Center.

Cash prizes range from \$1,000 to \$6,000.

To be eligible, employers must have an Ohio BWC policy number and be current on all monies owed to BWC. The innovations must have been placed into service between July 1, 2010, and June 30, 2014, and be currently in use.

The deadline to apply for the Safety Innovations Competition is Sept. 30. For more information and to apply, visit bwc.ohio.gov.

Important Changes to OSHA's Recordkeeping Rule Effective January 1, 2015

The Occupational Safety and Health Administration (OSHA) has implemented changes to both reporting and recordkeeping guidelines effective January 1, 2015.

As of January 1, 2015, all employers covered under the Occupational Safety and Health Act must report:

- All work-related fatalities within 8 hours.
- All work-related inpatient hospitalizations, any amputation or loss of an eye within 24 hours.
- Employers can report to OSHA by:
 1. Calling OSHA's free and confidential number at 1-800-321-OSHA (6742)
 2. Calling their closest OSHA Area Office during normal business hours
 3. Using the new online form that will soon be available.

Only fatalities occurring within 30 days of the work-related incident must be reported to OSHA. Further, for an inpatient hospitalization, amputation or loss of an eye, these incidents must be reported to OSHA only if they occur within 24 hours of the work-related incident. Previously work-related fatalities and hospitalization of 3 or more employees required reporting.

OSHA has also updated the Recordkeeping Rule. Employers with ten or fewer employees at all times during the previous calendar year are still exempt from routinely keeping OSHA injury and illness records unless OSHA or the Bureau of Labor Statistics (BLS) asks them to do so. However, the rule updates the list of industries that are exempt from the requirement to keep OSHA injury and illness records due to relatively low occupational injury and illness rates.

For a complete list of all employers required to keep records, go to OSHA's Recordkeeping page at: www.osha.gov.

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BWC's FY/CY16 Guidelines for Group-Rating Training

If an employer participating in group-rating or a group-retrospective-rating plan has a claim within the green year period, the employer must attend two hours of annual safety training or complete BWC's online accident analysis form and associated accident analysis course as stated in Ohio Administrative Code 4123-17-68.

Green Period timelines

- o Private employers: Policy year beginning July 1, 2015, employers that had a claim in the green period (01-01-2014 to 09-30-2014)
- o Public employers: Policy year beginning Jan. 1, 2016, employers that had a claim in the green period (01-01-2014 to 3-31-2015)

When must employers complete training?

- o Private employers must complete the training from July 1, 2015, to June 30, 2016.
- o Public employers must complete the training from Jan. 1, 2016, to Dec. 31, 2016.

Two-hour training options

A variety of training sources are available for you to fulfill this requirement. They include the following offered through BWC's Division of Safety & Hygiene:

- o Ohio Safety Congress & Exposition safety-education sessions;
- o Ohio Center for Occupational Safety and Health courses;
- o Safety council seminars, workshops or conferences featuring a safety topic and are at least two-hours long. Safety council monthly meetings do not qualify;

Check out the current *Safety Services Catalog*, Education and Training Services section, at www.bwc.ohio.gov/catalog.

Available online courses that meet the two-hour criteria and are unique from courses taken in a previous year.

- o Single courses include:
 - Avoiding Back Trauma (two hours);
 - Food Service Safety (two hours);
 - OSHA Recordkeeping 101 (two hours);
 - Introduction to OSHA (two hours);
 - Developing A Safety Culture.
- o You may take any combination of the following courses totaling two or more hours of training:
 - Preventing Slips/ Trips /Falls (one hour);
 - Preventing Cuts and Lacerations (one hour);
 - Ladder/Stairway Safety (one hour);
 - Health Hazards in Construction (one hour);
 - A Five-Step Process for Preventing Work-related Musculoskeletal Disorders in your Workplace (one hour);
 - Food Service Safety (two hours);
 - Office Ergonomics: Computer Workstation and Mobile Computing Office (90 minutes).

BWC learning center instructions

Log in at <https://www.bwclearningcenter.com>.

- o Hover over **Learning Center** button at top of page; click **Course Catalog**.
- o Enter **DSH Online**, and click the **Search** button.
- o Click on the **Class title** of the online course you wish to take.
- o Click on **Access Item** to begin the online course.
- o Use only the **Back** and **Next** navigators to move within a specific module.

You must complete all pages of the online course and pass the test before you can print a certificate from the student transcript in the BWC Learning Center.

Note: When taking a class from the Learning Center, do not just exit or close your window. Taking a screen shot of your computer screen after completing all modules and saving to a WORD file is a best practice. This will be evidence of a course completion in the event your local machine does not communicate with our server.

Online accident analysis form and course

Complete the online accident analysis form as soon after the accident as possible. The form helps employers summarize the accident analysis for reporting purposes. You can find accident analysis resources at ohiobwc.com/employers/programs.

Guidelines for courses offered through non-BWC training forums

- o The group sponsor, third-party administrator or an independent source can sponsor a course, provided it meets the two-hour criteria.
- o The topic must be workplace safety related and at least two hours long or be two one-hour classes. The class may be held in a classroom, online or a Webinar with the proper documentation needed to submit to a group sponsor.
- o BWC pre-approval to qualified training is not required.
- o The class must be conducted by reliable and credible safety-training sources. If a sponsor has any questions about safety training that he or she wants to deliver, the sponsor may contact the assigned BWC safety consultant for guidance.
- o Employers can do in-house training provided they document it, and the training is beyond the expected regular day-to-day safety training in the workplace.

Sponsor documentation

- o Employers are responsible for submitting documentation on how they met the two-hour training requirement to their group sponsor or third-party administrator.
- o The sponsor must maintain documentation regardless of where the service is delivered.
- o Examples of documentation include, but are not limited to, signed class rosters or a certificate of completion.
- o Each policy owner needs to fulfill separately the two-hour training requirement.

increases,” Delibero says. “We need to get serious about working with colleges and technical schools to step up their training programs for skilled construction labor, and the federal government needs to ease restrictions on temporary work visas allowing more labor to enter the market.”

Immigration Reform

Brian Turmail, senior executive director of public affairs for the AGC, sees the widening labor gap (between what the construction industry needs and what



the workforce is supplying) as a long-term concern with a short-term fix and a longer-term fix.

“The demand for construction is growing,” he says. “Even if it flattens out, the demographics of the industry are such that we’ll have some severe immediate workforce needs.”

The immediate problem can be assuaged with foreign-born construction workers. Right now, those workers make up 23% of the labor pool, according to the NAHB. Traditionally, they’ve been right at 22%. Before more foreign workers can be added, Congress needs to figure out immigration and construction’s role in immigration. Turmail says past legislative proposals didn’t address the construction industry’s needs.

“We have long supported immigration reforms and giving folks in the country a path to legal status, and at the same time, changing our immigration policies so that it’s easier to bring people with construction skills into the country,” Turmail says.

The NAHB advocates for comprehensive immigration reform, with an emphasis

on the guest worker program. “The way people get in today is family based,” says Suzanne Beall, NAHB’s federal legislative director. “It’s a lot easier to get in and to show you have a sister or father or son or daughter in the country than it is to say, ‘I want to immigrate to America because of the skills I have.’”

But that’s only part of the problem. For every 1,000 housing starts annually, the NAHB says the construction industry needs 68 workers. Right now, immigration policy doesn’t provide an easier path for workers with construction skills like it does for workers in other industries.

“You can come in if you have proven skills in the technology sector or farming skills, but you can’t come in if you have construction skills,” Beall says. “We want to make sure that a new program will allow individuals with proven skills in construction to come in. It’s not that they would be trained here, but they have to prove that they have those skills already and then they could immigrate to America.”

Though it might sound overly optimistic, Beall remains hopeful that real change could happen after the 2016 election. “Frankly the system is still broken,” she says. “It’s a problem that needs to be addressed. It’s a big one and it’s easier to take care of a big issue like that immediately after the presidential election. It’s not going to go away. That’s for sure.”

Training and Perception

Despite the ink spilled over immigration reform, it’s not what ultimately will solve the labor riddle for builders. “We think of immigration relief as short-term fix,” Turmail says.

Long term, Turmail says the building industry needs to make construction a viable career path for students. Through its Home Building Institute, the NAHB provides training materials to high school student chapters and a variety of institutes. But despite those efforts, vocational training is being de-emphasized in many school districts across the U.S.

“Most high school students are not even getting exposed to the fact that

construction is a career to follow,” he says.

When workers do get into construction, they’re in their late 20s. That puts the onus on employers to train them – something those doing the hiring remain wary of, considering they might just be providing workers with skills to help their next employer. One solution would be for contractors to band together and create training, but companies in open shop markets can’t do that. Once again, Congress could provide the solution.

“We think Congress should change anti-trust laws so that companies in a market can band together to create a common training program,” Turmail says.

But ultimately, Turmail says the construction industry needs to convey that people can “make more than they would in some in a cube farm, work outside, and get the satisfaction of having built something.” We have to make construction a first choice, not a last choice, profession.”

The NAHB’s state chapters work with high schools and training institutes to generate interest in the construction trade. “Part of this new effort is showing that construction trades lead to the middle class,” Beall says. “On average, we found that carpenters made \$40,000 annually. That’s the type of information that we want to get out to high school students so they know these are well-paying jobs. If you’re a general manager or supervisor, you can make upwards of five figures annually.”

The industry’s associations want to change the notion that the younger generation seems to prefer to sit at a computer screen than to work on a construction site. It will be difficult to change, and, even if they’re successful, workers won’t start streaming in next week to fill immediate needs.

“You won’t change those attitudes and perceptions overnight, as much as we’d like to,” Turmail says. ■





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RESIDENTIAL CODE OF OHIO: INTERPRETATIONS



OHIO BOARD OF BUILDING STANDARDS

These code interpretations are based upon reviews and recommendations from the Residential Construction Advisory Committee (RCAC) to the Ohio Board of Building Standards. After deliberation and review of the recommendations from the RCAC, the Board's Code Committee reports its recommendation to the full Board for action at a regularly scheduled conference meeting. Upon formal action of the Ohio Board of Building Standards, pursuant to ORC Sections 3781.10 and 4740.14, the interpretation will apply for enforcement of the *Residential Code of Ohio for 1-, 2-, and 3-Family Dwellings*.

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OHIO BOARD OF BUILDING STANDARDS RESIDENTIAL CODE OF OHIO CODE INTERPRETATIONS

CHAPTER 5

No. 1-2013
Issued: DATE

RCO Section 502.14 Fire Resistance of Floors. *Floor assemblies, not required elsewhere in this code to be fire resistance rated, shall be provided with a ½ inch gypsum board membrane or a 5/8 inch wood structural panel membrane or an equivalent material on the underside of the floor framing member which complies with section 302.14.*

Exceptions:

1. Floor assemblies located directly over a space protected by an automatic sprinkler system designed and installed in accordance with Sections 313.1.1 or 313.2.1.
2. Floor assemblies located directly over an underfloor space as referenced in section 408 which is not intended for storage or fuel-fired appliances.
3. Portions of floor assemblies can be unprotected when complying with the following:
 - 3.1 The aggregate area of the unprotected portions shall not exceed 80 square feet per story.
 - 3.2 Fire blocking in accordance with Section 302.11.1 shall be installed along the perimeter of the unprotected portion to separate the unprotected portion from the remainder of the floor assembly.
4. Wood floor assemblies using dimension lumber or structural composite lumber equal to or greater than 2-inch by 10-inch nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance.

Q. What is the intent of this requirement?

A. The general intent is to provide a protective layer between a living space, basement, storage area, or a space containing a fuel fired appliance and the underside of engineered light frame floor construction. When explaining the effects of fire on structural elements, it is important to understand that the longer these elements can absorb heat energy (traditionally because of a structural element's mass), the longer it will resist the effects of that heat.

Fire science author, Frank Brannigan, in *Building Construction for the Fire Service*¹, explains why this is important today when he writes, "In recent years, the economics of using geometry (e.g., truss shapes) over



Illustration A

mass has had a tremendous effect on structures." By changing the shape of engineered light-frame components, the mass of structural components are configured in such a way that maximizes structural

¹ Brannigan, Francis J. *Building Construction for the Fire Service, Third Edition*. Quincy, Mass.: National Fire Protection Association, 1992.

characteristics while minimizing the amount of material it takes to “build” them. These components are not products of nature in the sense that sawn lumber is but are *composed* of products of nature that are modified and reconstituted to take advantage of the material’s natural properties while minimizing the amounts of material needed.

The positive results of this engineering of structural components are increases in spans, smaller dead loads, higher load carrying capacities, reduced impact on the resources, and the use of heretofore unused or “waste” materials. A negative consequence of the development of these wood products has been their susceptibility to mold, moisture, or fire. The last of which is why, when dealing with engineered light-frame construction, RCO Section 502.14 has been incorporated into the code.

During fire testing, unprotected floors assemblies of engineered light-weight construction have been shown to have a short time to failure (Illustration B). RCO Section 502.14 (Section 501.3 in the 2012 International Residential Code) requires some protection of these engineered light-frame construction structural elements when used in floor assemblies. This protection for these structural components takes the form of a membrane attached to the underside of the light-weight construction. This membrane is intended to provide more time to occupants for evacuation and for fire service to begin search and rescue operations by protecting these elements from the effects of heat and fire. This section is not included in the code to provide or be considered to be a fire rated assembly but to provide a layer of thermal protection to extend the amount of time these components have to resist the effects of heat and fire.



Illustration B

RCO Section 502.14 requires that:

- The layer of protection can be ½” gypsum or 5/8” structural panel membranes.
 - This layer is not required to be sealed with gypsum joint compound, taped, or sealed.
 - The layer components shall be butted to ductwork, other membrane sheets, piping, the plate at walls, or other structural or non-structural elements.
 - When butted to these elements, the elements themselves are a part of the thermal protection and do not constitute an opening in the membrane. (Refer to Figure 1)
 - Furthermore, if the protective membrane provided at the bottom of the lightweight framing members is not continuous above ductwork, no fire blocking is required if the space between the bottom of the engineered lightweight framing members and the top of the ductwork is a maximum of 1½” or less. (Refer to Figures 3 and 4)

Additionally, the new RCO code section (Section 501.3 in the 2012 IRC) also states that an “*equivalent material on the underside of the floor framing member which complies with section 302.14*” can be used.

- The intent of this provision is clarified when RCO Section 302.14 is read. The first paragraph of the section specifies the appropriate tests that must be used when a *rated assembly* is required in the code. As stated above, Section 502.14 does not require a rating; therefore this paragraph does not apply.
- The second paragraph of RCO Section 302.14 specifies that an *“equivalent fire resistive value can be derived by using Section 712 in the OBC or Resource A, Guidelines on Fire Ratings of Archaic Materials and Assemblies in the International Existing Building Code.”*
 - In order to allow for conditions that may occur in the field, this provision could be used, for instance, to address additions to existing buildings where there may be a protective layer of some sort beneath the existing floor system and a new floor is installed adjacent to the existing floor. Since that layer would need to be evaluated for compliance if it is to remain, the owner/builder and the building official have tools to make that evaluation.

RCO Section 502.14 EXCEPTIONS:

- **Exception 1** permits the protective layer to be omitted if the engineered light frame construction is *“located directly over a space protected by an automatic sprinkler system designed and installed in accordance with Sections 313.1.1 or 313.2.1.”*
 - These two referenced sections regulate the types of fire sprinkler systems that can be installed, whether the structure is an R-3 multi-family dwelling using the RCO pursuant to OBC Section 310, or a one-, two-, or three-family dwelling. The systems, NFPA 13, 13R, or 13D, must be designed and installed in accordance with RCO Section 2904 using the standards referenced and listed in RCO Chapter 44.
- **Exception 2** allows the protective layer to be omitted if the engineered light frame construction is *“located directly over an underfloor space as referenced in section 408 which is not intended for storage or fuel-fired appliances.”*
 - If the construction documents indicate that under-floor spaces are not to be used for storage or will not contain a fuel-fired appliance, the protective layer is not required to be installed.
 - The building official should reflect the condition that there will be no storage or fuel-fire appliances in the crawl space when completing the special conditions portion of the certificate of occupancy.
 - Some individuals have made the assumption that, if a concrete slab is used to cover the floor of an under-floor space, that space is assumed to be used for storage and, if it is earth or gravel with a Class I vapor retarder, it is not to be used for storage. Neither should be assumed but the applicant for plans approval should specify the intent or should be asked if it is not specified in the submission.
- **Exception 3** provides for a limited area where the protective layer can be omitted and the floor system can be unprotected. There are two conditions that must be complied with if this exception is to be used.
 - The first condition requires that the total or aggregate area of openings in the protective layer shall be 80 sq. ft. or less. This is not meant to require the totaling of the area of seams and joints as a part of the 80 sq. ft. but provides an allowable area where the membrane may be omitted. These openings could represent main supply and return ducts at the furnace, chimney or flue locations, or other places where access is needed.
 - The second condition requires that blocking shall be installed at the perimeter of any openings in the protective layer. This blocking at the perimeter of any openings in the protective layer assures that the remainder of the light frame construction remains protected. (Refer to Figure 2)
- **Exception 4** permits the omission of the protective layer if the wood floor assembly is constructed using *“dimension lumber or structural composite lumber equal to or greater than 2-inch by 10-inch nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance.”*
 - The exception requires floor framing to be sawn or structural composite lumber with nominal dimensions of 2”x10” or greater. Tests have shown that these types of framing provide more time for evacuation and for fire fighter search and rescue.
 - The minimum size requirement is meant to assure that framing members have a contiguous cross section with minimum nominal dimensions of 2” wide by 10” high. This assures a mass of sufficient size that these components can resist the effects of fire and heat for an amount of time to provide occupant egress and responder search and rescue. These minimum nominal dimensions are not the total cross sectional area of the members that make up a truss joist, I-joist, or other configuration of engineered light frame construction floor framing.
 - The exception also allows the protective layer to be omitted if Structural Composite Lumber is used.
 - Structural Composite Lumber is a family of solid and uniformly engineered wood products designed for structural use. It is created by layering dried and graded wood veneers, strands, or flakes with

exterior type adhesives into blocks of material. The blocks are cured in a heated press and sawn to consistent sizes that are easily worked in the field using conventional construction tools. These products include laminated veneer lumber, parallel strand lumber, laminated strand lumber, and oriented strand lumber. These products are commonly used in the same structural applications as conventional sawn lumber and timber including rafters, headers, beams, joists, rim boards, studs and columns.

- o Exception 4 also uses the phrase, "*or other approved floor assemblies demonstrating equivalent fire performance.*" The intent of this provision is to direct code users to the other approval methods the code provides for demonstrating compliance.
 - One compliance method is found in RCO Section 106.5 *Alternative Engineered Design*. If an Ohio registered design professional completes an application for plan approval and indicates that a system shown in their proposed design is being submitted as an alternative engineered design, the registered design professional must submit appropriate system manufacturer's installation instructions as well as sufficient technical data to substantiate their alternate engineered design to prove that it meets the intent of the code. Once evaluated for compliance with this section, the alternate design can be approved. The plan approval certification, certificate of occupancy, and permanent approval records should identify the design professional and that the project approval included an alternate engineered design submitted by the design professional.
 - Another common compliance method is found in RCO Section 114.2.1 *Research Reports and Listings*. If the product has obtained an appropriate evaluation report produced by a Board-approved evaluation service, the product, when installed according to the report and indicated as equivalent to sawn lumber under exception 4 in RCO Section 502.14, is deemed to comply.

If either of these options is selected by the owner for compliance under Exception 4 and the respective information is submitted to the building official, as required in RCO Sections 106.5 or 114.2.1, the building official has the information needed for determining equivalent fire performance.

RCO Section 502.14 and existing buildings:

Many questions can arise when dealing with existing buildings and what is required if a space is being altered that may have been built using engineered light frame construction before the requirements of RCO Section 502.14 were adopted. While this should not be a difficult problem, the easiest solution is to understand the intent of OBC Section 113, *Existing Buildings and Structures*. Section 113.4 makes it clear that, "*Portions of the structure not altered and not affected by the alteration are not required to comply with the code requirements for a new structure.*" The code should only, then, be applied to the work being done and to the extent of the alteration.

If you have further questions, please call the Board's office at 614-644-2613 or E-mail to dic.bbs@com.state.oh.us.

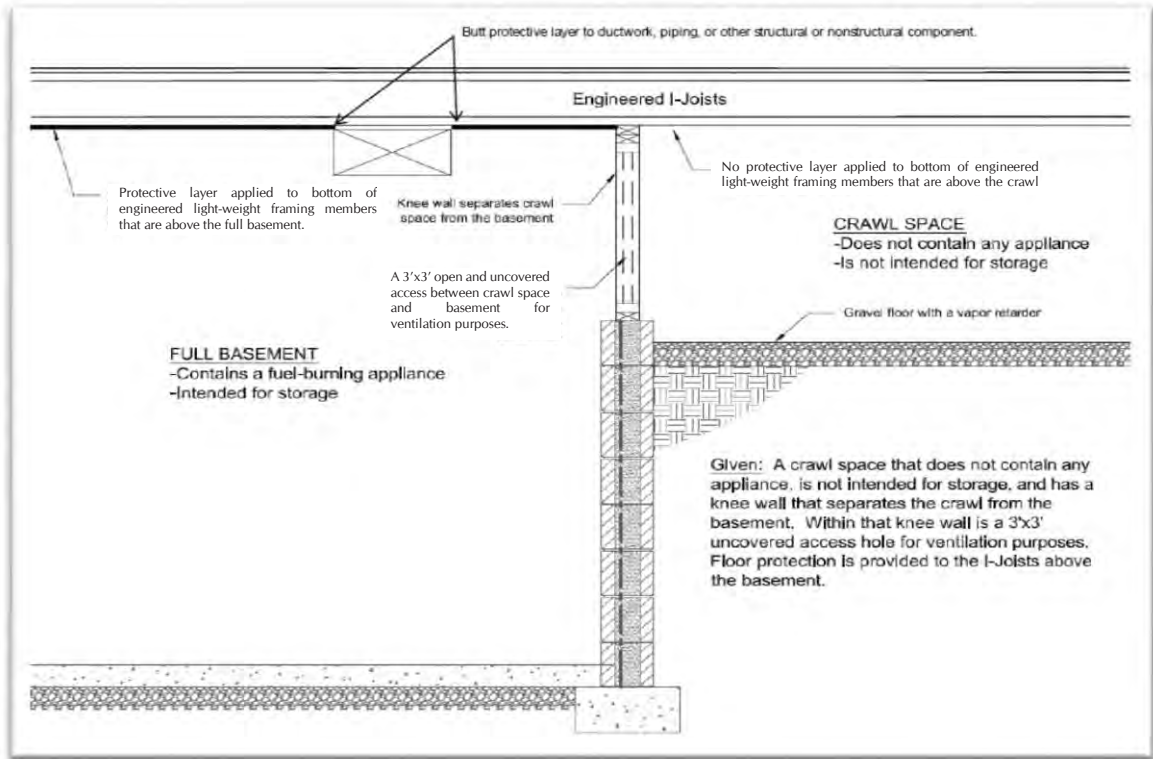


FIGURE 1

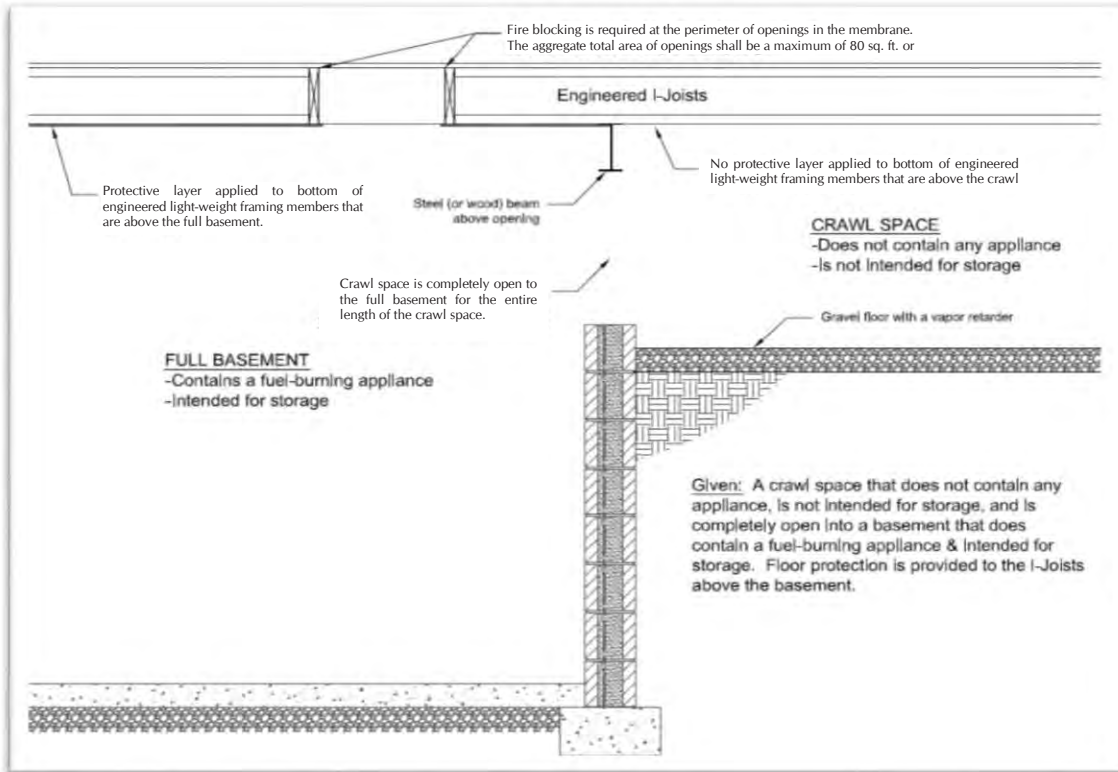


FIGURE 2

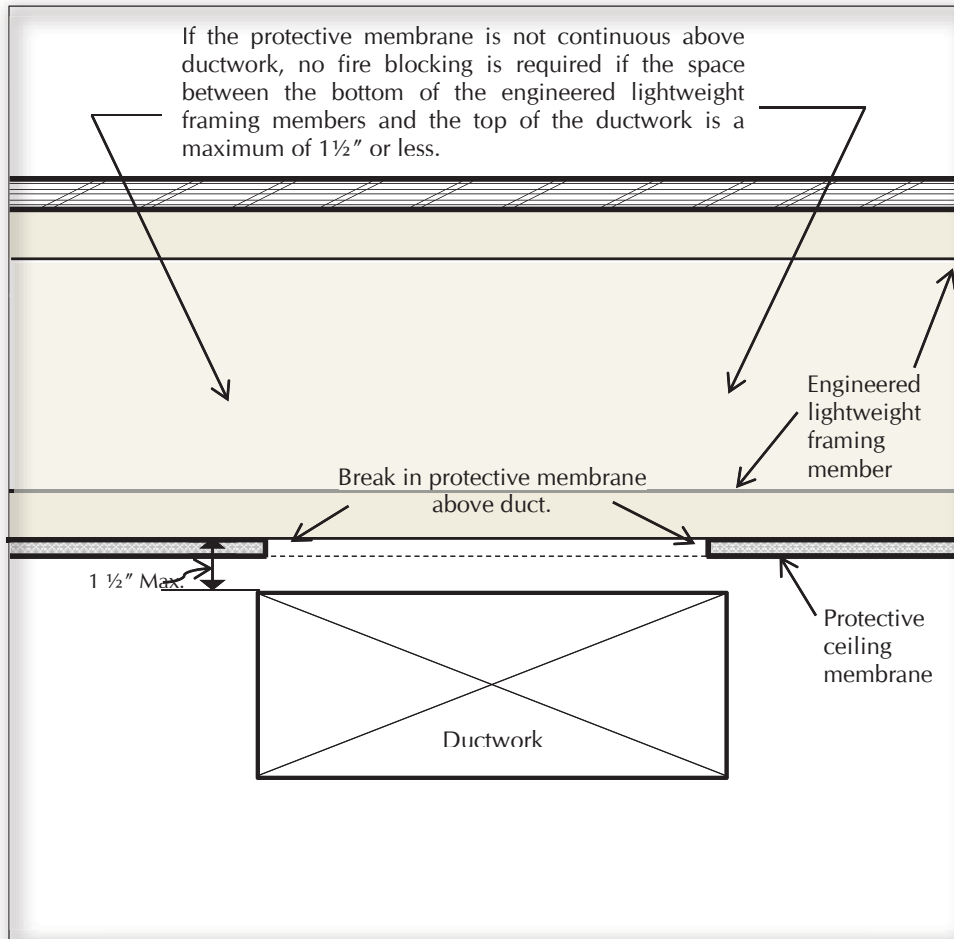


FIGURE 3

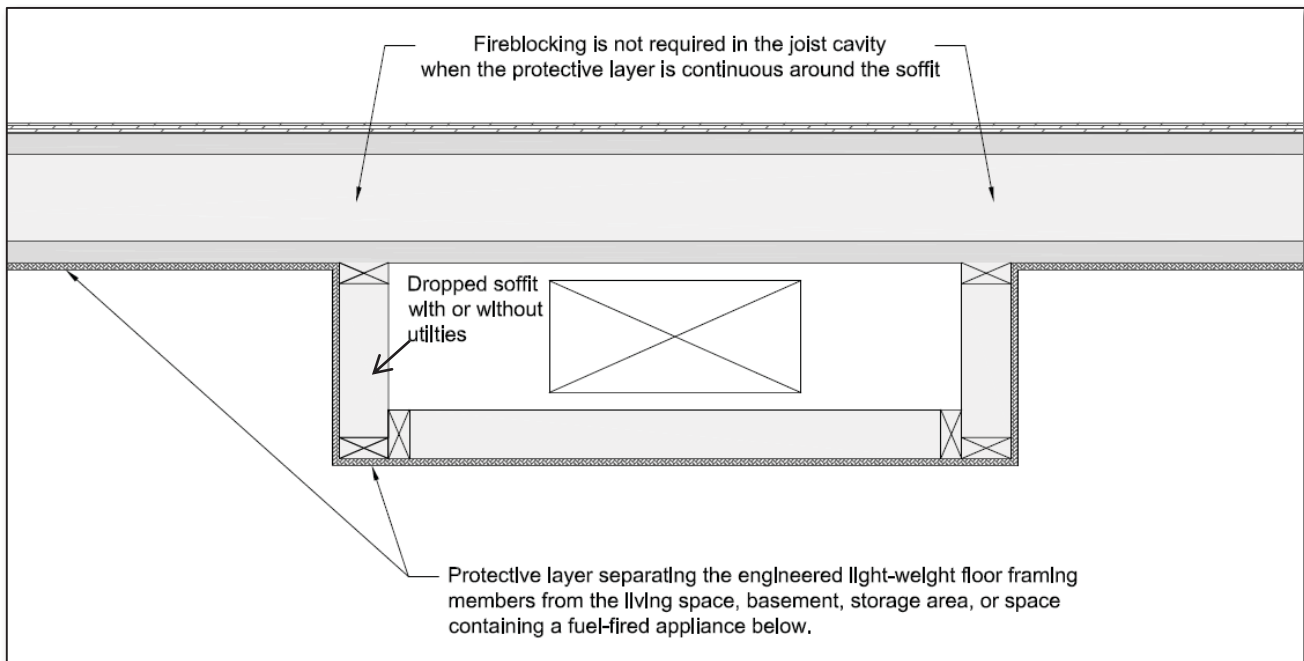


FIGURE 4



BBS MEMO

Ohio Board of Building Standards

July 23, 2015

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

Automatic Clothes Washing Machine Drainage Fixture Units

Many certified building departments and health departments charged with enforcing the Ohio Plumbing Code (OPC) have been incorrectly requiring/enforcing a drainage fixture unit (dfu) value of "30" for residential automatic clothes washing machines. **Ohio Plumbing Code Table 709.1 clearly states that a residential automatic clothes washing machine is assigned a dfu value of "2" and a commercial automatic clothes washing machine is assigned a dfu value of "3"**. These are the correct values for automatic clothes washers and should not be confused with OPC §709.3 which states:

709.3 Values for continuous and semicontinuous flow. Drainage fixture unit values for continuous and semicontinuous flow into a drainage system shall be computed on the basis that 1 gpm (0.06 L/s) of flow is equivalent to two fixture units.

Section 709.3 should not be interpreted as requiring a drainage fixture unit (dfu) value of "30" for residential automatic clothes washing machines. Table 709.1 *clearly* provides the prescriptive dfu value for residential automatic clothes washing machine.

Additionally, the International Code Council (ICC) Commentary to the 2009 edition of the International Plumbing Code (IPC) §709.3 indicates that the phrase "*continuous and semicontinuous flow*" is intended to apply to pumps and ejectors. Recognizing that this language has often been misunderstood and misapplied, the ICC Plumbing, Mechanical, and Fuel Gas Code Action Committee proposed a change (P192-15) to the 2015 IPC § 709.3 which will, hopefully, clarify the intent of this section in the 2018 IPC. The IPC Code Development Committee approved the following language as proposed:

709.3 Conversion of gpm flow into dfu values. Where discharges to a waste receptor or to a drainage system are only known in gallons per minute (L/s) values, the drainage fixture unit values for those flows shall be computed on the basis that 1 gpm (0.06 L/s) of flow is equivalent to two drainage fixture units.

If approved by the ICC membership, this language will further clarify that Section 709.3 is only intended to apply when Table 709.1 does not already prescribe a dfu value for the fixture.

Finally, please note that while the rules of the Board are intended to be liberally construed (See Ohio Building Code § 101.3), enforcement should be based on the actual text of the codes. *In this case OPC Table 709.1 provides a dfu value of "2" for residential automatic clothes washing machines and a dfu value of "3" for commercial automatic clothes washing machines and these values are those that are to be enforced.* Best practices or conflicting information that may be presented at code classes are not enforceable.

This clarification/guidance memo, like all BBS Memos, is issued in hopes of achieving uniform enforcement of the Board's rules across the state. If you have further questions regarding these requirements, please call the Board's office at 614-644-2613 or E-mail to BBS@com.state.oh.us.