

Ohio Strategic Compliance Plan Outline

Critical Steps to Achieve Full Compliance with Energy Codes

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BCAP

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Summary: A Plan to Achieve Full Energy Code Compliance in Ohio

The goal of this outline of a Strategic Energy Code Compliance Plan is to provide the basic framework of an approach for improving Ohio's building energy code policy adoption, implementation, and compliance. This plan corresponds with the Ohio Gap Analysis Report published by Building Codes Assistance Project (BCAP) and the Ohio Development Services Agency's Office of Energy and Redevelopment (OER) in September 2014. Major sections of that report include:

- **State Overview:** An overview of Ohio construction trends for residential and commercial buildings.
- **Adoption, Enforcement, and Implementation:** Identification of existing gaps in the adoption, enforcement, and implementation of the energy efficiency chapters of the Ohio Building Code (OBC) and the Residential Code of Ohio (RCO), and recommended strategies for improving each. Includes recommendations for training, support, education and outreach.
- **Conclusion:** Summarizes the main focus areas for achieving full compliance throughout the state, and includes a table of each of the gaps and recommendations with page numbers for referencing each.

Critical Pathways: Six Action Items Towards Full Compliance

This outline for a Strategic Energy Code Compliance Plan includes six action items necessary for achieving full compliance with the Ohio energy codes:

Action Item #1: Create an Ohio Energy Code Compliance Collaborative to engage stakeholders to support the implementation of compliance activities.

Action Item #2: Ensure consistent enforcement with residential energy codes across Ohio.

Action Item #3: Address the lack of incentive for residential general contractors to be licensed or educated about building energy codes. Without such requirements there is no motivation for those in the construction community to obtain formal education, or learn about the energy code.

Action Item #4: Determine current energy code compliance; establish a baseline from which to measure future improvements.

Action Item #5: Expand statewide energy code training.

Action Item #6: Educate and raise awareness of the importance of energy codes to key audiences: builders, designers, consumers, and other stakeholders.

Action Item #1: Create an Ohio Energy Code Compliance Collaborative to engage stakeholders to support the implementation of compliance activities.

An *Energy Code Compliance Collaborative* is a long-term initiative to assist a state in implementing a plan to achieve full compliance with energy codes. It is a diverse group of stakeholders that comes together to advise the state on energy code implementation and to help carry out critical tasks necessary to ensure greater compliance with the energy code. Collaborative members will know what can realistically be implemented statewide and be able to advise the Ohio energy office on how to prioritize and carry out the tasks necessary to ensure greater compliance with the energy code.

In addition, there may be some critical tasks that are outside the scope and ability of a state agency, such as policy changes that the state cannot take a stance on, but which would be tremendously helpful to its efforts. An Energy Code Compliance Collaborative can:

- Assist the state in implementing a plan to achieve full compliance with energy codes. States struggling with declining budgets, resources, and staff have found that assembling a team of local experts to assist the state is helpful as they work toward improving energy code compliance.
- Provide a forum for improving relations between diverse stakeholders affected by energy codes as they listen and learn about each other's concerns, and work together on common interests to achieve common goals (e.g., improving energy code compliance in Ohio);
- Help open doors as needed (e.g., during a compliance evaluation study);
- Work toward building positive relationships between diverse stakeholders.

The Ohio energy office should convene key stakeholders to form an Energy Code Compliance Collaborative to advise and/or assist the state in carrying out the compliance recommendations contained in the 2014 Ohio Gap Analysis report. Stakeholders should be geographically representative and include stakeholders from various sectors (see sidebar for suggested stakeholders). A strong collaborative can provide the critical influence and support necessary to improve energy code compliance. Support and incentives from multiple parties coordinated at the state level can motivate the enforcement, design, and construction professionals in ways that the state cannot achieve through mandates.

Collaborative Members

Consider the following stakeholders for inclusion:

- Enforcement community: OBOA/code officials, Energy Code Ambassadors
- City and county government
- Construction community (e.g., HBA, AIA, ASHRAE, AEE, ACCA, USGBC)
- State advocacy groups (e.g. Sierra Club; League of Conservation Voters)
- Utility companies
- Building product manufacturers
- State laboratories, universities, or other research groups that focus on energy policy or building performance
- Other groups that focus on energy policy or building performance (e.g., BCAP, Midwest Energy Efficiency Alliance (MEEA))
- Real estate, appraisal, and mortgage lending community
- Consumer advocates: (e.g., Office of Consumers Council, Better Business Bureau, low-income housing advocates)
- State Agencies: BBS, the Ohio energy office, OCILB, Home Weatherization Assistance Program, LIHEAP, EPA



Action Item #2: Ensure consistent enforcement with residential energy codes across Ohio

The Ohio energy office should coordinate with the BBS to consider the best approach to providing state-administered plan review and building code enforcement for residential dwellings in areas without enforcement. A precedent for state-enforcement of the building code already exists since the commercial building code has both local and state enforcement.

Action Item #3: Address the concern that neither residential general contractors nor their subs are required to be licensed nor obtain education about the energy code.

General contractors and their sub-contractors (designers, electrical, plumbing, etc.) should be licensed and required to obtain CEUs, as they are for commercial construction. This would help solve numerous building code compliance issues, and protect Ohio citizens from sub-standard construction that may be dangerous, not withstand severe weather events, and cause building owners to have high energy bills over the lifetime of the structure. The state has already made efforts to partner with the OHBA to offer classes to their members, and offers free training classes on building codes. However, attendance by builders is consistently low. This is a longer-term effort at protecting citizens from unsafe construction and high energy bills over the lifetime of the structures.

In the short-term, the state could create recognition or certification programs for building industry professionals and contractors. The state could work with OHBA in promoting a Certified Professional Builders program and other green building initiatives as a good model or successful starting point. This program could stipulate minimum expectations for continuing education relevant to energy codes, building science, and sustainability.

Action Item #4: Determine current energy code compliance; establish a baseline from which to measure future improvements

A statewide compliance verification study can help the state of Ohio identify the needs of local jurisdictions and other code users, and better understand where resources should be allocated to improve compliance. Other states have conducted compliance studies utilizing the DOE suggested methodology or other methodology. A list of state compliance studies can be found on BCAP's webpage called "State Compliance Studies".¹

The Energy Code Compliance Collaborative can be instrumental in helping determine the best approach for Ohio, and in opening doors to implement a random sample for the study. The US Department of Energy (DOE) has resources available to assist states in implementing a study, including a recommended methodology, and tools and resources for implementing a compliance evaluation, at

¹ See BCAP's OCEAN webpage "State Compliance Studies" <http://energycodesocean.org/state-compliance-studies>

<http://www.energycodes.gov/compliance-evaluation>. DOE is currently updating its methodology for and is expected to provide an updated methodology soon.

Action Item #5: Expand statewide energy code training

Ongoing, regularly scheduled training on Ohio's energy code is essential to improve energy code compliance. The Energy Code Compliance Collaborative should consider the following main sources of education on the energy code, and determine how to expand and promote these to code officials and builders:

- Periodic training offered by BBS
- The online BBS training website www.ohiobbseducation.com
- Energy Code Ambassadors (see Ohio Gap Analysis report)
- Annual conference of the Ohio Building Code Officials Association (OBOA)
- American Institute of Architects (AIA) members

The Energy Code Compliance Collaborative may determine additional education initiatives and opportunities as well.

Action Item #6: Educate on and raise awareness of the importance of energy codes to key audiences: builders, designers, consumers, and other stakeholders

The Energy Code Compliance Collaborative should consider ways to educate targeted audiences about the importance of energy codes; and promote and make resources available for stakeholders. Using their first-hand knowledge of how to reach specific market actors and what arguments compel them, the Collaborative will be well-positioned to craft and deliver messages to key groups / individuals. Real estate, appraisal, and lending professionals have a major influence over the marketability of homes and buildings that meet or exceed energy code standard, and whether the design and construction industries benefits from their efforts in building more efficient structures. Targeted outreach is crucial not only to raise awareness of the benefits of codes, but also to help these groups incorporate energy codes into their practices.