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S.B. 112
135th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Reported by Senate Education

Primary Sponsor: Sen. Rulli

Local Impact Statement Procedure Required: Yes

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Highlights

- Public schools that do not meet the bill's applicable standards for protective door assemblies will incur at least minimal costs in meeting those standards. Such costs will depend on the number of doors that need to be retrofitted or replaced to meet them.
- The Ohio Facilities Construction Commission (OFCC) estimates costs to update an assembly to the National Fire Protection Association's (NFPA) 101 standard could range from \$400 to \$1,000 per assembly, depending on the technology used to make the door compliant.

Detailed Analysis

The bill

The bill requires that all protective door assemblies¹ in school buildings comply with either of the following: (1) the National Fire Protection Association's (NFPA) 101,² or other standards required by the Board of Building Standards, if the protective door assembly was installed in 2015 or after, or (2) the NFPA 101 that was in effect on the date the protective door assembly was installed or, if the assembly was installed prior to NFPA 101 being in effect, the building code

¹ The bill defines "protective door assemblies" as: (1) doors with panic hardware or fire exit hardware, (2) door assemblies in exit enclosures, (3) electricity controlled egress doors, or (4) door assemblies with special locking arrangements, such as delayed egress, sensor release egress doors, and elevator lobby doors.

² The bill defines "NFPA 101" as the standards for the life safety code published by the NFPA, including the NFPA 80 standards for fire doors and other opening protectives.

standards in effect at the time of installation, if the protective door assembly was installed prior to 2015. In other words, the bill requires that protective door assemblies comply with the standards required at the time of installation. The bill also requires each school governing authority in Ohio to have each protective door assembly in every building used for student instruction inspected every 12 months by a qualified inspector, who has the requisite degree, certification, professional standing, or skill, and who has the knowledge, training, and experience to evaluate compliance of a particular door assembly with the applicable standards. Following each inspection, the inspector must provide a report to the school governing authority that indicates whether each protective door assembly is, or is not, compliant with the applicable standards or the protective door assembly is not compliant and is a serious risk for fire or life safety hazard. If each protective door assembly is deemed compliant, the school governing authority need not take any further action until the next inspection. However, if a protective door assembly is not compliant, the bill requires the school governing authority to take all the necessary steps to achieve compliance and have the protective door assembly re-inspected. Each school governing authority must maintain records verifying annual inspections.

Beginning 18 months after the bill's effective date, the authority having jurisdiction³ must annually review the records of each school governing authority to determine whether the protective door assemblies in its school buildings are compliant with the applicable standards and the bill. If a protective door assembly remains noncompliant for more than 18 months after an inspection, or 180 days if the assembly is noncompliant and is a serious risk for fire or life safety hazard, and the school governing authority is not actively taking steps to achieve compliance, the bill requires the authority having jurisdiction to issue a citation for each noncompliant door assembly. If a citation is issued, the school governing authority must post the citation on its website until the protective door assembly is deemed compliant. The bill prohibits an authority having jurisdiction from issuing citations to a school governing authority as long as it is actively taking steps toward compliance and from assessing a civil penalty or a fine associated with the citation. Any citation issued by an authority having jurisdiction may be appealed to the Ohio Board of Building Appeals.

Finally, the bill requires the State Fire Marshal to adopt rules for the enforcement of the applicable protective door assembly standards and work with the Board of Building Standards to implement such rules. The rules must require that protective door assemblies (1) be inspected annually and (2) continue to meet the compliance standards required at the time of installation.

Fiscal effects

Public schools

According to a spokesperson from the Department of Commerce (COM), the Ohio Building Code (OBC) and the Ohio Fire Code (OFC) currently contain NFPA 80 standards in the construction and renovation of school buildings, including for building features like protective door assemblies. The NFPA 101 standard is neither mentioned in the OBC nor the OFC for new school buildings, except for a life safety evaluation for assembly occupancies. Furthermore, according to a spokesperson from the Ohio Facilities Construction Commission (OFCC), OFCC's

³ The bill defines "authority having jurisdiction" as an organization, office, agency, or individual responsible for enforcing the requirements under the bill.

Ohio School Design Manual, which is a comprehensive set of standard guidelines for the design of school facilities, also does not reference NFPA 101. According to COM, NFPA 101 is a broader standard than NFPA 80 and addresses construction, protection, and occupancy features necessary to minimize the danger to life from the effects of fire (smoke, heat, and toxic gasses), whereas NFPA 80 relates more to the technical details of each assembly. The NFPA 80 standard applies to all buildings, not just schools, when there is an opening within a fire-resistance-rated wall assembly such as a fire wall, fire barrier, or fire-resistance-rated exterior wall. Both standards work together regarding smoke and fire control in buildings.

According to a spokesperson from OFCC, it is likely that all public schools designed or built under an OFCC school facilities program meets the bill's proposed applicable standards for protective door assemblies. It also appears that most schools not served under an OFCC program meet those standards. For any public schools that do not meet the bill's applicable standards, those schools will incur at least minimal costs to upgrade their buildings' protective door assemblies. The extent of these costs will depend on the number of doors that need to be retrofitted or replaced to meet them. Based on the bill's definition of "protective door assembly," OFCC estimates that approximately 15 to 75 doors in each school building (depending on the building's size) will need to be assessed under the bill. If a school has to update one or more protective door assemblies in its building or buildings, OFCC estimates that costs to update an assembly to, for example, an NFPA 101 standard could range from \$400 to \$1,000 per assembly, depending on the technology used to make the door compliant.

Presumably, the bill's inspections and testing will be performed in the course of the routine annual fire safety inspection that the Ohio Fire Code already requires. According to the Buckeye Association of School Administrators (BASA), fire safety inspections at schools are normally performed by local fire departments. If the bill's requirements for inspections and testing create additional workload, local fire district costs may increase. BASA indicated it was unlikely but possible that a local fire department will not have the required expertise to inspect and test door assemblies for compliance with NFPA 101 standards. In that event, school districts and other public schools may incur costs to obtain the services of an outside inspector. The cost of such inspections may vary depending on the number of buildings or doors requiring inspection.

Authority having jurisdiction

Under the bill, the authority having jurisdiction is ultimately responsible for determining the compliance of, and issuing a citation to a particular school governing authority with respect to any particular protective door assembly, as indicated in section 3737.42 of the Revised Code. This section applies to the fire marshal, an assistant fire marshal, or a certified fire inspector. Therefore it appears that one of these entities would be the authority having jurisdiction under the bill. In any case, an authority having jurisdiction may incur costs for fulfilling its responsibilities under the bill.

The authority is permitted to issue citations under the bill. However, the bill prohibits the issuance of any fines or civil penalties associated with that citation. The bill prohibits citations from being issued to a school governing authority as long as it is actively taking steps toward compliance, and requires the school to post notice of the violation. The bill permits citations to be appealed to the State Board of Building Appeals. Because the bill prohibits the inspecting authority from levying any civil penalties, the inspecting authority would not receive any fine

revenue that could offset any inspection costs under the bill. The State Board of Building Appeals may incur some minimal costs resulting from any appeals of citations issued under the bill.