

---

---

# BBS MEMO

---

---

Ohio Board of Building Standards

December 2, 2022

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

*December 2022 Update: The moratorium in R.C. 3781.1010 which prohibited the Board's rules from requiring the installation of a storm shelter in any school building operated by a public or private school expired on November 30, 2022. The moratorium also expired for any school building undergoing or about to undergo construction, alteration, repair, or maintenance unless "financing has been secured" prior to November 30, 2022. The Ohio Attorney General issued Opinion 2019-027 in response to the Board's request for guidance on the meaning of "financing has been secured" in R.C. 3781.1010. The Opinion is available [here](#).*

*September 2020 Update: HB 164 adopted by the Ohio General Assembly on June 11, 2020, amended R.C. 3781.1010 to extend the storm shelter moratorium to November 30, 2022.*

*August 2019 Update: HB 166 adopted by the Ohio General Assembly on July 17, 2019, amended R.C. 3781.1010 to extend the storm shelter moratorium to September 15, 2020. Additionally, the Ohio Attorney General has issued Opinion 2019-027 in response to the Board's request for guidance on the meaning of "financing has been secured" in R.C. 3781.1010. The Opinion is available [here](#).*

On June 7, 2018, the Ohio General Assembly adopted House Bill (HB) 21 effective September 28, 2018 which includes new Revised Code (R.C.) § 3781.1010 enacting a moratorium on the building code requirement for schools to have storm shelters until September 15, 2019. The 2017 Ohio Building Code (OBC) adopted by the Board last year and effective November 1, 2017 included new Section 423.4 requiring storm shelters constructed in accordance with ICC 500 in Group E occupancies. New R.C. § 3781.1010 provides:

No rule of the board of building standards for the erection, construction, repair, alteration, and maintenance of buildings adopted under section 3781.10 of the Revised Code shall require the installation of a storm shelter in any school building operated by a public or private school prior to September 15, 2019, or in any such school building undergoing or about to undergo construction, alteration, repair, or maintenance for which financing has been secured prior to that date. Any rule adopted by the board that conflicts with this section shall not be effective with respect to any school building prior to September 15, 2019.

As used in this section, 'school building,' 'public school,' and 'private school' have the same meanings as in section 3781.106 of the Revised Code.

Building departments and school districts should consider the following when evaluating how new R.C. § 3781.1010 may affect proposed school construction project designs and submittals:

- (1) Projects submitted before November 1, 2017: Proposed school building designs (new buildings, additions, alterations) submitted to the building department prior November 1, 2017 are subject to the requirements of the code in effect at the time of application. Therefore, OBC § 423.4 does not apply and would not be affected by HB 21.
- (2) Projects submitted between November 1, 2017 and September 28, 2018: In R.C. § 3781.1010, the General Assembly prohibited requiring storm shelters in schools until September 15, 2019. Building

Officials should consult with their legal counsel regarding whether resubmittal of the project is needed for the moratorium to apply.

- (3) Projects submitted on or after September 28, 2018: The moratorium applies; therefore, a storm shelter constructed in accordance with ICC 500 is not required if the project is submitted prior to September 15, 2019. Additionally, if financing has been secured for a project prior to September 15, 2019 the moratorium applies regardless of when the project is submitted. Building Officials should consult with their legal counsel regarding what constitutes the securing of financing for the purposes of R.C. § 3781.1010.

After the expiration of the moratorium on September 15, 2019, a storm shelter constructed in accordance with ICC 500 will be required in Group E occupancies unless one of the above conditions apply, the project falls within a listed exception in OBC § 423.4, a variance is granted, or the project is for an alteration of an existing building and a storm shelter would not otherwise be required under OBC Chapter 34.