

May 2017

# Dayton BOMA

Building Owners & Managers Association



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- Vice President – Sheri Simpson
- Past President – Sharon Rislund
- Secretary – Maureen Bereda
- Treasurer – Tony Pinto
- Principal Director – Karen Basista
- Principal Director – Dave Wallace
- Associate Director – Alan Denny
- Associate Director – Ryan Hoffman

## From The President



Happy May everyone! Spring is upon us, which is traditionally the time for BOMA Ohio's Advocacy Day in Columbus. By

the time you read this article, a few of our members and myself will have met with members of the Ohio House of Representatives and the Ohio Senate. If you've never been involved with Advocacy Day, I highly encourage you to try it out. It really is a great opportunity to get some face time with our local legislators and advocate for issues that affect the commercial real estate market. This year our focus is on three issues: 1) the expansion of sales tax, would include such items as landscape design, interior design and decorating, parking, etc., 2) we want them to continue to support the Ohio Historic Preservation Tax Credit, and 3) energy related items such as support for Alliance for Energy Choice, to maintain energy deregulation in Ohio which saves consumers money, and to remove language in PUCO's authority, limiting building owner's rights on submetering to their tenants.

These issues really do affect all of us. Obviously the expansion of sales tax, but also the Historic Preservation Tax Credit. How many times in the news recently have we heard about a project in Dayton applying for or receiving historic tax credits to help support a development project? We need these credits to remain to continue to drive development.

The submetering issue is also one of concern. With the way the language is currently written in PUCO's order, if you submeter and charge anything higher than the default rate charged by the local public utility, you can be considered a public utility yourself and be subject to lawsuits from your tenants.

How timely was our recent speaker Beth Trombold, Commissioner with PUCO? I thought she gave a great overview of what her office does, but she also spoke some about the submeter issue. She provided a great background on the subject for those unfamiliar with the issue. Although, she couldn't comment on her stance on the matter or timing of any resolution, it will be something we will want to keep an eye on.

We had a great luncheon in March with the tour of Sinclair's Fire Science and Automotive Technology Program. It was fascinating for me to see a live fire put out by a suppression system. Fortunately, I had never seen a system in action and would prefer to only see it in a controlled environment such as that.

We have some great things in the works for the upcoming months, such as a breakfast and learn with Emerson Climate Technologies on May 19th, our next monthly luncheon will be a tour of the new Dayton Children's tower on June 13th and then our 32nd Annual Dayton BOMA Golf Outing on July 24th. Please help support this our organization by getting involved with any of our events.

- Sean Turner

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## 2017 Committee Chairs

### Membership

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### Government Affairs

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### Newsletter

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### Emergency Preparedness Chair

Dave Wallace / (937) 865-7084  
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## Upcoming Events and Speakers

Reminder...Our membership luncheons are held on the second Tuesday of each month from 11:30 until 1:00.

If you'd like to recommend a future speaker or topic, please contact Nancy Ferrara at [nancy.bae.boma@ameritech.net](mailto:nancy.bae.boma@ameritech.net) or by calling (937) 299-2662.

**May 9th** – Mike Grauwelman, Executive Director with the Montgomery County Land Reutilization Corporation (Land Bank) will join us as our guest speaker.

**May 19th** – Breakfast & Learn with Emerson Climate Technologies. This event will be held from 8:30 until 10:00 at Heapy Engineering, located at 1400 W. Dorothy Lane in Dayton.

**June 13th** – We will be touring Dayton Children's Hospital new patient tower this month.

**July 24th** – Dayton BOMA 32nd Annual Golf Outing to be held at Walnut Grove Country Club. 9am shotgun start!

**September 12th** – Dayton BOMA Trade Show, 11:30-1:00 at the Presidential Banquet Center in Kettering.

## After Hours Networking Events

A BIG Thank You goes out to Karen Basista, Sheri Simpson, Sharon Rislund, James Abrams and Miller-Valentine Group Realty Services for sponsoring our After Hours Event in April. What a great time to come out and socialize with your fellow BOMA members.

If you weren't able to join us in April, be sure to note our next After Hours Event will be in May. More details to follow. This event will be sponsored by Sean Turner, Maureen Bereda and Turner Property Services Group.

If you're interested in sponsoring an After Hours Event, please give Nancy a call at (937) 299-2662.

## Member Highlight



Scarlett Biggs moved to Beavercreek- her original hometown- after residing seven years in Leiden, the Netherlands where she obtained her MSc in International Criminal Justice.

In her free time, Scarlett is a self-defense advocate who regularly instructs classes via Sinclair Community College's Jukado program- a mix of several different Japanese martial arts. In addition to practicing the arts of Jujitsu and Judo.

She is the proud owner of a white Chihuahua named Babygirl who goes with her on adventures around the world. Her passion is traveling to exotic new places to see other cultures.

Scarlett welcomes the opportunity to build off previous experience in Sales and Marketing and is pleased to build off this foundation with Certa Pro-Painters.

## BOMA International Accepts Tenth ENERGY STAR® Award

At an awards ceremony on April 26 in Washington, D.C., BOMA International was honored by the U.S. Environmental Protection Agency (EPA) with a 2017 ENERGY STAR® Partner of the Year Sustained Excellence Award for its continued leadership in the area of sustainability and its long-term commitment to energy efficiency in the commercial real estate industry. BOMA International now has received a total of 10 ENERGY STAR awards, making it the most decorated commercial real estate association. In 2009, BOMA International also received the Climate Protection Award, EPA's highest honor.

BOMA International was in good company at the awards ceremony, as a number of member companies also were honored with 2017 ENERGY STAR awards for impressive sustainability efforts and achievements. For more information about ENERGY STAR's awards program and a complete list of 2017 winners, visit [www.energystar.gov/awardwinners](http://www.energystar.gov/awardwinners).

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# Who Will Be Our Next Star?



*Pictured are Sean Turner, President of Dayton BOMA and Ryan Hoffman with Heapy Engineering.*

Congratulations goes out to our Membership Star Award winners for the month of April.

Becky Edgren with PuroClean Emergency Services continues to offer her office as a location for the Dayton BOMA Board to hold their monthly meetings. Becky also sponsored our first After Hours Event this year.

Ryan Hoffman with Heapy Engineering continues to show his support of Dayton BOMA by providing education to our members and allowing us to use the Heapy conference room to hold educational sessions.

Please join us in congratulating Becky and Ryan as our Membership Star winners for April. THANK YOU both for your time and the support you give Dayton BOMA.

A special THANK YOU goes out to Bill Mangus and Chuck Baker with Securitas Security for their starring role as our Membership Star Sponsor!



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# BOMA 360 PERFORMANCE PROGRAM CONTINUES GLOBAL EXPANSION

The Building Owners and Managers Association (BOMA) International has conferred the BOMA 360 Performance Program® designation upon properties across the globe, including the Akihabara UDX in Tokyo, the second building to earn the BOMA 360 designation in Japan. The program continues to expand its reach in more than 70 markets worldwide.

The BOMA 360 Performance Program evaluates commercial properties in six major areas: building operations and management; life safety/security/risk management; training and education; energy; environment/sustainability; and tenant relations/community involvement. Since the program's inception in 2009, nearly 1,500 designations have been conferred. Earning a BOMA 360 designation offers buildings tangible results, measured through higher tenant retention and satisfaction scores, higher rental rates and documented operations and management savings and efficiencies as reported in designee surveys, BOMA Experience Exchange Report data and by Kingsley Associates.

"BOMA International is pleased to announce the continued expansion of the BOMA 360 program into Japan, as well as the addition of new properties across North America," said BOMA International Chair Brian M. Harnetiaux, senior vice president of Asset Management at McCarthy Cook. "In an increasingly global marketplace, building owners and managers value the competitive edge that the BOMA 360 designation gives properties."

For more information about the BOMA 360 Performance Program and to view all the buildings that have received the BOMA 360 designation, visit [www.boma.org/BOMA360](http://www.boma.org/BOMA360).

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**Don't Forget!**  
Mark your calendar  
for the Dayton BOMA 32nd  
Annual Golf Outing!

**Monday, July 24th, 2017**  
Walnut Grove Country Club  
9am shotgun start!

## BOMA INTERNATIONAL LAUNCHES NEW TECHNOLOGY COMMITTEE

From apps that allow tenants to track maintenance requests to sensors that collect vital building usage data, technology is playing an increasingly critical role in commercial property management. To better help BOMA members find the best technology solutions for their properties, BOMA International is launching a new committee to evaluate emerging technologies, security against cyber-attacks and malware, successful system integration strategies and more.

If you are interested in lending your expertise to the Technology Committee, please contact Henry Chamberlain at [hchamberlain@boma.org](mailto:hchamberlain@boma.org). The committee will hold regular conference calls and meet at BOMA International's conferences, beginning with the annual conference this June in Nashville, Tennessee.

### BOMA'S MISSION

To enhance the human, intellectual and physical assets of the commercial real estate industry through advocacy, education, research, standards and information.

## BOMA STANDARDS



For 100 years, BOMA International has set the standard for measuring buildings. In 1915, BOMA first published the Standard Method of Floor Measurement for Office Buildings, an accepted and approved methodology by the American National

Standards Institute. Throughout the years, the standard has been revised to reflect the changing needs of the real estate market and the evolution of office building design. Today, BOMA International is the secretariat of a suite of measurement standards:

- **Office Buildings:** Standard Methods of Measurement (ANSI/BOMA Z65.1 – 2010)
- **Industrial Buildings:** Standard Methods of Measurement (ANSI/BOMA Z65.2 – 2012)
- **Gross Areas of a Building:** Standard Methods of Measurement (ANSI/BOMA Z65.3 – 2009)
- **Multi-Unit Residential Buildings:** Standard Methods of Measurement (ANSI/BOMA Z65.4 – 2010)
- **Retail Buildings:** Standard Methods of Measurement (ANSI/BOMA Z65.5 – 2010)
- **Mixed-Use Properties:** Standard Methods of Measurement (ANSI/BOMA Z65.6 – 2012)

To purchase these standards, visit BOMA International's online bookstore at [store.boma.org](http://store.boma.org).



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## **BOMA International Supports ADA Legislation Introduced in House**

Congressman Ted Poe (R-Texas) recently introduced legislation in the U.S. House of Representatives that would amend the Americans with Disabilities Act (ADA) to curb the practice of "drive-by" lawsuits-frivolous lawsuits filed by unscrupulous attorneys against building owners citing ADA noncompliance issues. H.R. 620, the ADA Education and Reform Act, provides a "notice and cure" provision that allows building owners 120 days to correct identified ADA violations before the commencement of litigation.

BOMA International's advocacy team has been working hard on this matter for years, making lawmakers aware of the issue and securing bipartisan support for this legislation. If you have been negatively affected by a "drive-by" lawsuit, please contact BOMA International's Manager of Advocacy, Dylan Isenberg, at [disenberg@boma.org](mailto:disenberg@boma.org). Your story may help BOMA's efforts on Capitol Hill.

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-VINCE LOMBARDI



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## ***BOMA State and Local Associations Honored for Advocacy Excellence***



*(From left: Scott Esterly, Krista Macomber, Byron Bright MCR, and BOMA International Vice President, Advocacy, Codes and Standards John Bryant.)*

During its 2017 Winter Business Meeting, BOMA International recognized four BOMA local associations for their excellence in grassroots and issues advocacy through the Government Affairs Awards of Recognition Program, popularly known as the "GOVIES." The entries highlight the creative initiatives designed to strengthen commercial real estate's voice at the state and local level.

**BOMA/Greater Cleveland** was chosen for **Outstanding Single Government Affairs Issue – Medium BOMA Local Association** for leading a coalition that successfully lobbying for numerous changes to a proposed ordinance requiring periodic façade inspections of buildings in Cleveland, making the final ordinance much less onerous to building owners and managers.

The final version of the legislation included many provisions BOMA/Greater Cleveland lobbied for, including: a phase-in requirement for older buildings; requiring a detailed inspection only in the event that a visual inspection reveals unsafe façade condition; eliminating a requirement to post framed façade inspection certificates (similar to elevator inspections) at all entrances of a building; and including a sunset clause, which requires the City of Cleveland's Building & Housing Department to provide an update to City Council after one year and two years of enactment of the legislation. City Council must vote to reauthorize the façade inspection requirement.

The logo for GreenScape Horticultural Services features a stylized green leaf graphic above the company name. Below the name is the website address and the name and title of the owner.

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## ***Tour of Sinclair Community College, Building 20***



In March of this year Dayton BOMA members toured the Sinclair Community College, Fire Science/Automotive Technology Building. Andrew Steele, Fire Marshal with the Dayton Fire Department joined us to give us a firsthand look at an active fire suppression system.

What a great learning experience!

### ***June Conference***

**BOMA 2017**  
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Your commercial real estate success story began with the first steps you took toward building relationships to make your business thrive. Take the next steps toward boosting your property—and your career—at the industry's premier professional event: the BOMA International Annual Conference & Expo.

Held in Music City in downtown Nashville, Tennessee, in 2017, the preeminent event promises three days of learning, networking and innovation for the commercial real estate industry. Your next chapter begins here.

# A Letter from The Foodbank



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[www.thefoodbankdayton.org](http://www.thefoodbankdayton.org)

**Leading the Charge to Solve Hunger  
in the Miami Valley**

Dayton BOMA  
C/O Nancy Ferrara  
PO Box 680  
Dayton, OH 45409

February 27, 2017

Dear Dayton BOMA,

**You did it!** Thanks to you 120 pounds of food were donated to The Foodbank. Your donations help provide food to a network of more than 110 programs aimed at eliminating hunger in our area.

These organizations, in turn, feed those who do not have enough to eat on a daily basis. In Montgomery, Greene, and Preble counties alone, there are 127,630 men, women, and children who do not know where their next meal will come from. Your donations join fresh produce, shelf-stable goods, bakery, dairy, meats, and frozen items to provide much needed food resources to our neighbors.

**Thank you** for helping solve hunger in the Miami Valley.

Sincerely,

Lizz Kelly Mahar  
Manager of Programs & Data Analysis

P.S. Roughly 2,500 volunteers help The Foodbank check, sort, repack, and distribute food donations each year! You are a vital piece of the puzzle and we really appreciate the variety of foods received in food drive barrels.

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## BOMA's MOB Guidebook Is Just What the Doctor Ordered

The healthcare real estate sector is in the midst of countless fundamental transformations. Mergers and acquisitions are reshaping the corporate landscape. New healthcare delivery models are driving healthcare systems to nontraditional locations. The fate of the Affordable Care Act hangs in the balance, causing uncertainty for the very tenants who occupy medical office buildings (MOBs).

BOMA's comprehensive MOB Guidebook takes a deep dive into the major aspects of healthcare real estate development, financing, leasing and management to help you navigate these emerging trends, confront new challenges head-on and seize the resulting opportunities.

This indispensable publication features analysis and explanations of the complex issues facing healthcare real estate professionals: Pre-Development and Development | Financing | Forms of Ownership Architectural Issues | Leasing | Management | Evolving Business Models | Healthcare Reform.

Save 20% when you order Developing, Lasing and Managing Healthcare Facilities in an Evolving Healthcare Environment in May at [www.store.boma.org](http://www.store.boma.org)



Commissioner Beth Trombold with the Public Utilities Commission of Ohio (PUCO), joined us as our guest speaker at our April membership luncheon.

*Pictured are Commissioner Trombold, Nancy Ferrara (Dayton BOMA BAE), Sean Turner (President of Dayton BOMA) and Adam Miller (President of BOMA Ohio).*

## Just Announced: BOMA 2017's Marquee Speakers Are Out of This World



Join us at the 2017 **BOMA International Conference & Expo** at the Music City Center in Nashville, Tennessee, to hear highly decorated astronauts, retired U.S. Navy captains and twin brothers Mark and Scott Kelly share their perspectives on leadership,

teamwork and innovation.

Drawing on their history-making careers, Mark and Scott Kelly will reflect candidly on the experiences and lessons that shaped their views on teamwork and leadership, overcoming adversities and dealing with tragedy, as well as personal strategies for harnessing courage and adapting to change. With these keynote speakers, you are sure to leave the conference inspired and motivated.

Visit [www.bomaconvention.org](http://www.bomaconvention.org)

## STATE & LOCAL ISSUES

Now more than ever, state legislatures and regulatory agencies are poised to impact the commercial real estate industry. Increasingly, "hot" issues often take root in numerous legislatures simultaneously. State and local trends, whether motivated by public officials or private interests, play a larger role in advocacy programs across a wide spectrum of organizations.

BOMA International's advocacy team works in close coordination with BOMA's state and local associations to protect commercial real estate's interests before state and local governments.

BOMA International encourages all members to subscribe to its State and Local Issues Forum Listserv, which is a great venue to exchange valuable information on state and local government issues affecting the commercial real estate industry throughout the country. To subscribe to the listserv, please contact John Bryant, BOMA International's Vice President of Advocacy, Codes and Standards, at [jbryant@boma.org](mailto:jbryant@boma.org).

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# OSHA Final Rule and Regulations Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems)

BOMA International encourages all building owners to become familiar with the most recent changes to the OSHA Walking-Working Surface regulations released on November 17, 2016. The new fall protection regulations are intended to increase worker safety and limit the number accidents associated with the use of stairs, ladders and other elevated work surfaces. The regulations will apply to all buildings and facilities and while some areas within the building will be "grandfathered", there are a number of conditions that must be replaced or inspected and certified before they can be used (see timeline below).

BOMA encourages all building owners and property managers to read the Fact Sheet on the new rules that apply to all general industry workplaces and facilities. BOMA also encourages its members to conduct background checks on all contractors who may offer to provide these services and verify that they meet the qualifications for inspecting and certifying any anchorage points of the roof. A majority of the regulations were enforced as of January 2017, however, OSHA has extended parts of the regulation and extended the compliance dates to correct hazardous conditions that cannot be accomplished before the rules go into effect.

*The following are some of the Frequently Asked Questions taken from OSHA website. To see the full list of questions, visit the FAQ webpage at [osha.gov/walking-working-surfaces/faq.html](http://osha.gov/walking-working-surfaces/faq.html)*

## Who and what does the final rule cover?

The final rule applies to all general industry workplaces and covers all walking-working surfaces, which include horizontal and vertical surfaces such as floors, stairs, roofs, ladders, ramps, scaffolds, elevated walkways, and fall protection systems. The final rule covers a wide variety of general industry firms including building management services, utilities, warehousing, retail, window cleaning, chimney sweeping, and outdoor advertising.

## What are the major changes in the final rule?

The final rule includes a number of revisions to the existing general industry standards. These changes and new requirements include:

- **Fall protection flexibility (§1910.28(b)).** The final rule allows employers to protect workers from falls by choosing from a range of accepted fall protection systems, including personal fall protection systems. It eliminates the existing mandate to use guardrails as the primary fall protection method and gives employers the flexibility to determine what method they believe will work best in their particular workplace situation. This approach has been successful in

the construction industry since 1994. The final rule allows employers to use non-conventional fall protection practices in certain situations, such as designated areas on low-slope roofs for work that is temporary and infrequent and fall protection plans on residential roofs when employers demonstrate guardrail, safety net, or personal fall protection systems are not feasible or create a greater hazard (§1910.28(b)(1) and (b)(13));

- **Updated scaffold requirements (§1910.27(a)).** The final rule replaces the outdated general industry scaffold standards with the requirement that employers comply with OSHA's construction scaffold standards;
- **Phase-in of ladder safety systems or personal fall arrest systems on fixed ladders (§1910.28(b)(9)).** The final rule phases in over 20 years a requirement to equip fixed ladders (that extend over 24 feet) with ladder safety or personal fall arrest systems and prohibits the use of cages and wells as a means of fall protection after the phase-in deadline. There is wide recognition that cages and wells do not prevent workers from falling from fixed ladders or protect them from injury if a fall occurs. The final rule grandfathers in cages and

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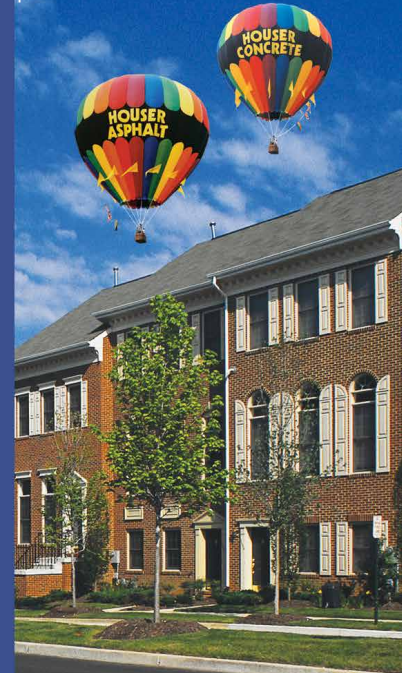
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wells on existing ladders, but requires during the phase-in period that employers equip new ladders and replacement ladders/ladder sections with ladder safety or personal fall arrest systems;

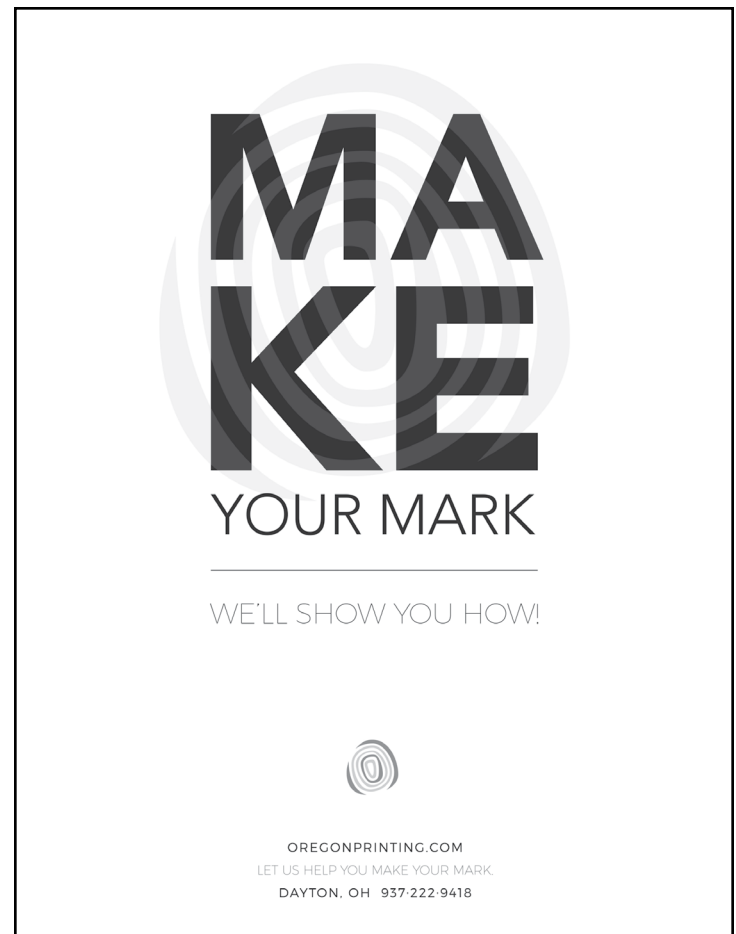
- **Phase-out of the “qualified climber” exception in outdoor advertising (§1910.28(b)(10)).** The final rule phases out OSHA’s directive allowing qualified climbers in outdoor advertising to climb fixed ladders on billboards without fall protection and phases in the requirement to equip fixed ladders (over 24 feet) with ladder safety or personal fall arrest systems. Outdoor advertising employers must follow the fall protection phase-in timeline for fixed ladders. However, if ladders do not have any fall protection, outdoor advertising employers have 2 years to comply with the existing standard (i.e., install a cage or well) or, instead, they may install a ladder safety or personal fall arrest system, both of which are cheaper than cages or wells;
- **Rope descent systems (RDS) and certification of anchorages (§1910.27(b)).** The final rule codifies OSHA’s memorandum for employers who use RDS to perform elevated work. The final rule prohibits employers from using RDS at heights greater than 300 feet above grade unless they demonstrate it is not feasible or creates a greater hazard to use any other system above that height. In addition, the final rule requires building owners to provide and employers to obtain information that permanent anchorages used with RDS have been inspected, tested, certified, and maintained as capable of supporting at least 5,000 pounds per employee attached.
- **Personal fall protection system performance and use requirements (§1910.140).** The final rule, which allows employers to use personal fall protection systems (i.e., personal fall arrest, travel restraint, and positioning systems), adds requirements on the performance, inspection, use, and maintenance of these systems. Like OSHA’s construction standards, the final rule prohibits the use of body belts as part of a personal fall arrest system;
- **Inspection of walking-working surfaces (§1910.22(d)).** The final rule requires that employers inspect walking-working surfaces regularly and as needed and correct, repair, or guard against hazardous conditions; and
- **Training (§1910.30).** The final rule adds requirements that employers ensure workers who use personal fall protection and work in other specified high hazard situations are trained, and retrained as necessary, about fall and equipment hazards, including fall protection systems. Employers must provide information and training to each worker in a manner the worker understands.

## When does the final rule become effective?

The final rule became effective in January 2017, which was 60 days after publication in the Federal Register. OSHA also provides delayed or phased-in compliance dates for several requirements in the final rule, including:


- Training workers on fall and equipment hazards -- **May 17, 2017**;
- Inspection and certification of permanent building anchorages -- **November 20, 2017**
- Installation of fall protection (personal fall arrest systems, ladder safety systems, cages, wells) on existing fixed ladders (over 24 feet) that do not have any fall protection -- **November 19, 2018**
- Installation of ladder safety or personal fall arrest systems on new fixed ladders (over 24 feet) and replacement ladders/ladder sections -- **November 19, 2018** and
- Installation of ladder safety systems or personal fall arrest systems on all fixed ladders (over 24 feet) -- **November 18, 2036**

For more information regarding the Final Rule visit the OSHA webpage [osha.gov/walking-working-surfaces/index.html](https://www.osha.gov/walking-working-surfaces/index.html). If you have any questions or need additional information, be sure to contact Steve Orlowski at [sorlowski@boma.org](mailto:sorlowski@boma.org).



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