

As Reported by the House Commerce and Labor Committee

128th General Assembly

Regular Session

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Sub. H. B. No. 362

Representative Chandler

Cosponsors: Representatives Weddington, Williams, B., Yuko, Domenick,

Newcomb

—

A BILL

To amend sections 3781.10, 4740.14, and 5302.30 and 1
to enact section 3781.032 of the Revised Code to 2
require carbon monoxide alarms and portable fire 3
extinguishers in residential buildings, to direct 4
the Board of Building Standards to adopt rules 5
that establish product and installation standards 6
for carbon monoxide alarms and portable fire 7
extinguishers, and to require transferors of 8
residential real property to disclose whether 9
carbon monoxide alarms and portable fire 10
extinguishers are installed in their property. 11

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3781.10, 4740.14, and 5302.30 be 12
amended and section 3781.032 of the Revised Code be enacted to 13
read as follows: 14

Sec. 3781.032. If a person wishes to bring a claim against a 15
manufacturer or supplier of a carbon monoxide alarm or portable 16
fire extinguisher required to be installed under rules adopted by 17
the board of building standards pursuant to division (A) of 18

section 3781.10 of the Revised Code for a defect in operation of 19
any component of such a carbon monoxide alarm or portable fire 20
extinguisher, the person shall bring that action in accordance 21
with sections 2307.71 to 2307.80 of the Revised Code. 22

Sec. 3781.10. (A)(1) The board of building standards shall 23
formulate and adopt rules governing the erection, construction, 24
repair, alteration, and maintenance of all buildings or classes of 25
buildings specified in section 3781.06 of the Revised Code, 26
including land area incidental to those buildings, the 27
construction of industrialized units, the installation of 28
equipment, and the standards or requirements for materials used in 29
connection with those buildings. The board shall incorporate those 30
rules into separate residential and nonresidential building codes. 31
The standards shall relate to the conservation of energy and the 32
safety and sanitation of those buildings. The board shall include 33
both of the following in the rules governing residential 34
buildings: 35

(a) A requirement that carbon monoxide alarms and portable 36
fire extinguishers shall be installed within each residential 37
building; 38

(b) Rules specifying the locations and product and 39
installation standards for those carbon monoxide alarms and 40
portable fire extinguishers to be installed in residential 41
buildings in accordance with the rules the board adopts under 42
division (A)(1) of this section. 43

(2) The rules governing nonresidential buildings are the 44
lawful minimum requirements specified for those buildings and 45
industrialized units, except that no rule other than as provided 46
in division (C) of section 3781.108 of the Revised Code that 47
specifies a higher requirement than is imposed by any section of 48
the Revised Code is enforceable. The rules governing residential 49

buildings are uniform requirements for residential buildings in 50
any area with a building department certified to enforce the state 51
residential building code. In no case shall any local code or 52
regulation differ from the state residential building code unless 53
that code or regulation addresses subject matter not addressed by 54
the state residential building code or is adopted pursuant to 55
section 3781.01 of the Revised Code. 56

(3) The rules adopted pursuant to this section are complete, 57
lawful alternatives to any requirements specified for buildings or 58
industrialized units in any section of the Revised Code. Except as 59
otherwise provided in division (I) of this section, the board 60
shall, on its own motion or on application made under sections 61
3781.12 and 3781.13 of the Revised Code, formulate, propose, 62
adopt, modify, amend, or repeal the rules to the extent necessary 63
or desirable to effectuate the purposes of sections 3781.06 to 64
3781.18 of the Revised Code. 65

(B) The board shall report to the general assembly proposals 66
for amendments to existing statutes relating to the purposes 67
declared in section 3781.06 of the Revised Code that public health 68
and safety and the development of the arts require and shall 69
recommend any additional legislation to assist in carrying out 70
fully, in statutory form, the purposes declared in that section. 71
The board shall prepare and submit to the general assembly a 72
summary report of the number, nature, and disposition of the 73
petitions filed under sections 3781.13 and 3781.14 of the Revised 74
Code. 75

(C) On its own motion or on application made under sections 76
3781.12 and 3781.13 of the Revised Code, and after thorough 77
testing and evaluation, the board shall determine by rule that any 78
particular fixture, device, material, process of manufacture, 79
manufactured unit or component, method of manufacture, system, or 80
method of construction complies with performance standards adopted 81

pursuant to section 3781.11 of the Revised Code. The board shall 82
make its determination with regard to adaptability for safe and 83
sanitary erection, use, or construction, to that described in any 84
section of the Revised Code, wherever the use of a fixture, 85
device, material, method of manufacture, system, or method of 86
construction described in that section of the Revised Code is 87
permitted by law. The board shall amend or annul any rule or issue 88
an authorization for the use of a new material or manufactured 89
unit on any like application. No department, officer, board, or 90
commission of the state other than the board of building standards 91
or the board of building appeals shall permit the use of any 92
fixture, device, material, method of manufacture, newly designed 93
product, system, or method of construction at variance with what 94
is described in any rule the board of building standards adopts or 95
issues or that is authorized by any section of the Revised Code. 96
Nothing in this section shall be construed as requiring approval, 97
by rule, of plans for an industrialized unit that conforms with 98
the rules the board of building standards adopts pursuant to 99
section 3781.11 of the Revised Code. 100

(D) The board shall recommend rules, codes, and standards to 101
help carry out the purposes of section 3781.06 of the Revised Code 102
and to help secure uniformity of state administrative rulings and 103
local legislation and administrative action to the bureau of 104
workers' compensation, the director of commerce, any other 105
department, officer, board, or commission of the state, and to 106
legislative authorities and building departments of counties, 107
townships, and municipal corporations, and shall recommend that 108
they audit those recommended rules, codes, and standards by any 109
appropriate action that they are allowed pursuant to law or the 110
constitution. 111

(E)(1) The board shall certify municipal, township, and 112
county building departments and the personnel of those building 113

departments, and persons and employees of individuals, firms, or 114
corporations as described in division (E)(7) of this section to 115
exercise enforcement authority, to accept and approve plans and 116
specifications, and to make inspections, pursuant to sections 117
3781.03, 3791.04, and 4104.43 of the Revised Code. 118

(2) The board shall certify departments, personnel, and 119
persons to enforce the state residential building code, to enforce 120
the nonresidential building code, or to enforce both the 121
residential and the nonresidential building codes. Any department, 122
personnel, or person may enforce only the type of building code 123
for which certified. 124

(3) The board shall not require a building department, its 125
personnel, or any persons that it employs to be certified for 126
residential building code enforcement if that building department 127
does not enforce the state residential building code. The board 128
shall specify, in rules adopted pursuant to Chapter 119. of the 129
Revised Code, the requirements for certification for residential 130
and nonresidential building code enforcement, which shall be 131
consistent with this division. The requirements for residential 132
and nonresidential certification may differ. Except as otherwise 133
provided in this division, the requirements shall include, but are 134
not limited to, the satisfactory completion of an initial 135
examination and, to remain certified, the completion of a 136
specified number of hours of continuing building code education 137
within each three-year period following the date of certification 138
which shall be not less than thirty hours. The rules shall provide 139
that continuing education credits and certification issued by the 140
council of American building officials, national model code 141
organizations, and agencies or entities the board recognizes are 142
acceptable for purposes of this division. The rules shall specify 143
requirements that are compatible, to the extent possible, with 144
requirements the council of American building officials and 145

national model code organizations establish. 146

(4) The board shall establish and collect a certification and 147
renewal fee for building department personnel, and persons and 148
employees of persons, firms, or corporations as described in this 149
section, who are certified pursuant to this division. 150

(5) Any individual certified pursuant to this division shall 151
complete the number of hours of continuing building code education 152
that the board requires or, for failure to do so, forfeit 153
certification. 154

(6) This division does not require or authorize the board to 155
certify personnel of municipal, township, and county building 156
departments, and persons and employees of persons, firms, or 157
corporations as described in this section, whose responsibilities 158
do not include the exercise of enforcement authority, the approval 159
of plans and specifications, or making inspections under the state 160
residential and nonresidential building codes. 161

(7) Enforcement authority for approval of plans and 162
specifications and enforcement authority for inspections may be 163
exercised, and plans and specifications may be approved and 164
inspections may be made on behalf of a municipal corporation, 165
township, or county, by any of the following who the board of 166
building standards certifies: 167

(a) Officers or employees of the municipal corporation, 168
township, or county; 169

(b) Persons, or employees of persons, firms, or corporations, 170
pursuant to a contract to furnish architectural, engineering, or 171
other services to the municipal corporation, township, or county; 172

(c) Officers or employees of, and persons under contract 173
with, a municipal corporation, township, county, health district, 174
or other political subdivision, pursuant to a contract to furnish 175
architectural, engineering, or other services. 176

(8) Municipal, township, and county building departments have jurisdiction within the meaning of sections 3781.03, 3791.04, and 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters for which they are certified under this section.

(9) Certification shall be granted upon application by the municipal corporation, the board of township trustees, or the board of county commissioners and approval of that application by the board of building standards. The application shall set forth:

(a) Whether the certification is requested for residential or nonresidential buildings, or both;

(b) The number and qualifications of the staff composing the building department;

(c) The names, addresses, and qualifications of persons, firms, or corporations contracting to furnish work or services pursuant to division (E)(7)(b) of this section;

(d) The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E)(7) of this section;

(e) The proposed budget for the operation of the building department.

(10) The board of building standards shall adopt rules governing all of the following:

(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E)(7) of this section. The rules shall disqualify any employee of the department or person who contracts for services with the department from performing services for the department when that employee or

person would have to pass upon, inspect, or otherwise exercise 207
authority over any labor, material, or equipment the employee or 208
person furnishes for the construction, alteration, or maintenance 209
of a building or the preparation of working drawings or 210
specifications for work within the jurisdictional area of the 211
department. The department shall provide other similarly qualified 212
personnel to enforce the residential and nonresidential building 213
codes as they pertain to that work. 214

(b) The minimum services to be provided by a certified 215
building department. 216

(11) The board of building standards may revoke or suspend 217
certification to enforce the residential and nonresidential 218
building codes, on petition to the board by any person affected by 219
that enforcement or approval of plans, or by the board on its own 220
motion. Hearings shall be held and appeals permitted on any 221
proceedings for certification or revocation or suspension of 222
certification in the same manner as provided in section 3781.101 223
of the Revised Code for other proceedings of the board of building 224
standards. 225

(12) Upon certification, and until that authority is revoked, 226
any county or township building department shall enforce the 227
residential and nonresidential building codes for which it is 228
certified without regard to limitation upon the authority of 229
boards of county commissioners under Chapter 307. of the Revised 230
Code or boards of township trustees under Chapter 505. of the 231
Revised Code. 232

(F) In addition to hearings sections 3781.06 to 3781.18 and 233
3791.04 of the Revised Code require, the board of building 234
standards shall make investigations and tests, and require from 235
other state departments, officers, boards, and commissions 236
information the board considers necessary or desirable to assist 237
it in the discharge of any duty or the exercise of any power 238

mentioned in this section or in sections 3781.06 to 3781.18, 239
3791.04, and 4104.43 of the Revised Code. 240

(G) The board shall adopt rules and establish reasonable fees 241
for the review of all applications submitted where the applicant 242
applies for authority to use a new material, assembly, or product 243
of a manufacturing process. The fee shall bear some reasonable 244
relationship to the cost of the review or testing of the 245
materials, assembly, or products and for the notification of 246
approval or disapproval as provided in section 3781.12 of the 247
Revised Code. 248

(H) The residential construction advisory committee shall 249
provide the board with a proposal for a state residential building 250
code that the committee recommends pursuant to division (D)(1) of 251
section 4740.14 of the Revised Code. Upon receiving a 252
recommendation from the committee that is acceptable to the board, 253
the board shall adopt rules establishing that code as the state 254
residential building code. 255

(I)(1) The committee may provide the board with proposed 256
rules to update or amend the state residential building code that 257
the committee recommends pursuant to division ~~(E)~~(F) of section 258
4740.14 of the Revised Code. 259

(2) If the board receives a proposed rule to update or amend 260
the state residential building code as provided in division (I)(1) 261
of this section, the board either may accept or reject the 262
proposed rule for incorporation into the residential building 263
code. If the board does not act to either accept or reject the 264
proposed rule within ninety days after receiving the proposed rule 265
from the committee as described in division (I)(1) of this 266
section, the proposed rule shall become part of the residential 267
building code. 268

(J) The board shall cooperate with the director of job and 269

family services when the director promulgates rules pursuant to 270
section 5104.05 of the Revised Code regarding safety and 271
sanitation in type A family day-care homes. 272

(K) The board shall adopt rules to implement the requirements 273
of section 3781.108 of the Revised Code. 274

Sec. 4740.14. (A) There is hereby created within the 275
department of commerce the residential construction advisory 276
committee consisting of nine persons the director of commerce 277
appoints. Of the advisory committee's members, three shall be 278
general contractors who have recognized ability and experience in 279
the construction of residential buildings, two shall be building 280
officials who have experience administering and enforcing a 281
residential building code, one, chosen from a list of three names 282
the Ohio fire chief's association submits, shall be from the fire 283
service certified as a fire safety inspector who has at least ten 284
years of experience enforcing fire or building codes, one shall be 285
a residential contractor who has recognized ability and experience 286
in the remodeling and construction of residential buildings, one 287
shall be an architect registered pursuant to Chapter 4703. of the 288
Revised Code, with recognized ability and experience in the 289
architecture of residential buildings, and one, chosen from a list 290
of three names the Ohio municipal league submits to the director, 291
shall be a mayor of a municipal corporation in which the Ohio 292
residential building code is being enforced in the municipal 293
corporation by a certified building department. 294

(B) The director shall make appointments to the advisory 295
committee within ninety days after May 27, 2005. 296

Terms of office shall be for three years, with each term 297
ending on the date three years after the date of appointment. Each 298
member shall hold office from the date of appointment until the 299
end of the term for which the member was appointed. The director 300

shall fill a vacancy in the manner provided for initial 301
appointments. Any member appointed to fill a vacancy in an 302
unexpired term shall hold office for the remainder of that term. 303

(C) The advisory committee shall do all of the following: 304

(1) Recommend to the board of building standards a building 305
code for residential buildings. The committee shall recommend a 306
code that it may model on a residential building code a national 307
model code organization issues, with adaptations necessary to 308
implement the code in this state. If the board of building 309
standards decides not to adopt a code the committee recommends, 310
the committee shall revise the code and resubmit it until the 311
board adopts a code the committee recommends as the state 312
residential building code. 313

(2) Advise the board regarding the establishment of standards 314
for certification of building officials who enforce the state 315
residential building code; 316

(3) Assist the board in providing information and guidance to 317
residential contractors and building officials who enforce the 318
state residential building code; 319

(4) Advise the board regarding the interpretation of the 320
state residential building code; 321

(5) Provide other assistance the committee considers 322
necessary; 323

(6) Provide the board with a written report of the 324
committee's findings for each consideration required by division 325
(D) of this section. 326

(D) The committee shall not make its recommendation to the 327
board pursuant to divisions (C)(1), (2), and (4) of this section 328
until the advisory committee has considered all of the following: 329

(1) The impact that the state residential building code may 330

have upon the health, safety, and welfare of the public;	331
(2) The economic reasonableness of the residential building code;	332 333
(3) The technical feasibility of the residential building code;	334 335
(4) The financial impact that the residential building code may have on the public's ability to purchase affordable housing.	336 337
(E) <u>The advisory committee shall include both of the following in the recommendations the advisory committee makes to the board pursuant to division (C)(1) of this section:</u>	338 339 340
(1) <u>A requirement that carbon monoxide alarms and portable fire extinguishers be installed within each residential building;</u>	341 342
(2) <u>Rules specifying the locations and product and installation standards for carbon monoxide alarms and portable fire extinguishers.</u>	343 344 345
(F) The advisory committee may provide the board with any rule the committee recommends to update or amend the state residential building code or any rule that the committee recommends to update or amend the state residential building code after receiving a petition described in division (A)(2) of section 3781.12 of the Revised Code.	346 347 348 349 350 351
(F) (G) Members of the advisory committee shall receive no salary for the performance of their duties as members, but shall receive their actual and necessary expenses incurred in the performance of their duties as members of the advisory committee and shall receive a per diem for each day in attendance at an official meeting of the committee, to be paid from the labor operating fund in the state treasury, using fees collected in connection with residential buildings pursuant to division (F)(2) of section 3781.102 of the Revised Code and deposited in that	352 353 354 355 356 357 358 359 360

fund.	361
(G) (H) The advisory committee is not subject to divisions (A)	362
and (B) of section 101.84 of the Revised Code.	363
Sec. 5302.30. (A) As used in this section:	364
(1) "Good faith" means honesty in fact in a transaction	365
involving the transfer of residential real property.	366
(2) "Land installment contract" has the same meaning as in	367
section 5313.01 of the Revised Code.	368
(3) "Political subdivision" and "state" have the same	369
meanings as in section 2744.01 of the Revised Code.	370
(4) "Residential real property" means real property that is	371
improved by a building or other structure that has one to four	372
dwelling units.	373
(B)(1) Except as provided in division (B)(2) of this section,	374
this section applies to any transfer of residential real property	375
that occurs on or after July 1, 1993, by sale, land installment	376
contract, lease with option to purchase, exchange, or lease for a	377
term of ninety-nine years and renewable forever. For purposes of	378
this section, a transfer occurs when the initial contract for	379
transfer is executed, regardless of when legal title is	380
transferred, and references in this section to transfer offers and	381
transfer agreements refer to offers and agreements in respect of	382
the initial contract for transfer.	383
(2) This section does not apply to any transfer of	384
residential real property that is any of the following:	385
(a) A transfer pursuant to court order, including, but not	386
limited to, a transfer ordered by a probate court during the	387
administration of a decedent's estate, a transfer pursuant to a	388
writ of execution, a transfer by a trustee in bankruptcy, a	389
transfer as a result of the exercise of the power of eminent	390

domain, and a transfer that results from a decree for specific	391
performance of a contract or other agreement between persons;	392
(b) A transfer to a mortgagee by a mortgagor by deed in lieu	393
of foreclosure or in satisfaction of the mortgage debt;	394
(c) A transfer to a beneficiary of a deed of trust by a	395
trustor in default;	396
(d) A transfer by a foreclosure sale that follows a default	397
in the satisfaction of an obligation secured by a mortgage;	398
(e) A transfer by a sale under a power of sale following a	399
default in the satisfaction of an obligation that is secured by a	400
deed of trust or another instrument containing a power of sale;	401
(f) A transfer by a mortgagee, or a beneficiary under a deed	402
of trust, who has acquired the residential real property at a sale	403
conducted pursuant to a power of sale under a mortgage or a deed	404
of trust or who has acquired the residential real property by a	405
deed in lieu of foreclosure;	406
(g) A transfer by a fiduciary in the course of the	407
administration of a decedent's estate, a guardianship, a	408
conservatorship, or a trust;	409
(h) A transfer from one co-owner to one or more other	410
co-owners;	411
(i) A transfer made to the transferor's spouse or to one or	412
more persons in the lineal line of consanguinity of one or more of	413
the transferors;	414
(j) A transfer between spouses or former spouses as a result	415
of a decree of divorce, dissolution of marriage, annulment, or	416
legal separation or as a result of a property settlement agreement	417
incidental to a decree of divorce, dissolution of marriage,	418
annulment, or legal separation;	419
(k) A transfer to or from the state, a political subdivision	420

of the state, or another governmental entity; 421

(l) A transfer that involves newly constructed residential 422
real property that previously has not been inhabited; 423

(m) A transfer to a transferee who has occupied the property 424
as a personal residence for one or more years immediately prior to 425
the transfer; 426

(n) A transfer from a transferor who both has not occupied 427
the property as a personal residence within one year immediately 428
prior to the transfer and has acquired the property through 429
inheritance or devise. 430

(C) Except as provided in division (B)(2) of this section and 431
subject to divisions (E) and (F) of this section, every person who 432
intends to transfer any residential real property ~~on or after July~~ 433
~~1, 1993,~~ by sale, land installment contract, lease with option to 434
purchase, exchange, or lease for a term of ninety-nine years and 435
renewable forever shall complete all applicable items in a 436
property disclosure form prescribed under division (D) of this 437
section and shall deliver in accordance with division (I) of this 438
section a signed and dated copy of the completed form to each 439
prospective transferee or prospective transferee's agent as soon 440
as is practicable. 441

(D)(1) ~~Prior to July 1, 1993, the~~ The director of commerce, 442
by rule adopted in accordance with Chapter 119. of the Revised 443
Code, shall prescribe the disclosure form to be completed by 444
transferors. The form prescribed by the director shall be designed 445
to permit the transferor to disclose material matters relating to 446
the physical condition of the property to be transferred, 447
including, but not limited to, the source of water supply to the 448
property; the nature of the sewer system serving the property; the 449
condition of the structure of the property, including the roof, 450
foundation, walls, and floors; the presence of hazardous materials 451

or substances, including lead-based paint, asbestos, 452
urea-formaldehyde foam insulation, and radon gas; and any material 453
defects in the property that are within the actual knowledge of 454
the transferor. 455

Not later than eighteen months after the effective date of 456
this amendment, the director shall revise the disclosure form to 457
include a provision to permit a transferor to disclose whether the 458
property contains carbon monoxide alarms and portable fire 459
extinguishers that comply with the standards the board of building 460
standards adopts pursuant to division (A) of section 3781.10 of 461
the Revised Code. 462

The form also shall set forth a statement of the purpose of 463
the form, including statements substantially similar to the 464
following: that the form constitutes a statement of the conditions 465
of the property and of information concerning the property 466
actually known by the transferor; that, unless the transferee is 467
otherwise advised in writing, the transferor, other than having 468
lived at or owning the property, possesses no greater knowledge 469
than that which could be obtained by a careful inspection of the 470
property by a potential transferee; that the statement is not a 471
warranty of any kind by the transferor or by any agent or subagent 472
representing the transferor in this transaction; that the 473
statement is not a substitute for any inspections; that the 474
transferee is encouraged to obtain the transferee's own 475
professional inspection; that the representations are made by the 476
transferor and are not the representations of the transferor's 477
agent or subagent; and that the form and the representations 478
contained therein are provided by the transferor exclusively to 479
potential transferees in a transfer made by the transferor, and 480
are not made to transferees in any subsequent transfers. 481

The form shall include instructions to the transferor for 482
completing the form, space in which the transferor or transferors 483

shall sign and date the form, and space in which the transferee or 484
transferees shall sign and date the form acknowledging receipt of 485
a copy of the form and stating that the transferee or transferees 486
understand the purpose of the form as stated thereon. 487

(2) ~~Not later than January 1, 2006, the director shall revise~~ 488
~~the~~ The disclosure form ~~to~~ shall include a statement that 489
information on the operation and maintenance of the type of sewage 490
treatment system serving the property is available from the 491
department of health or the board of health of the health district 492
in which the property is located. 493

As used in this section, "sewage treatment system" has the 494
same meaning as in section 3718.01 of the Revised Code. 495

(E)(1) Each disclosure of an item of information that is 496
required to be made in the property disclosure form prescribed 497
under division (D) of this section in connection with particular 498
residential real property and each act that may be performed in 499
making any disclosure of an item of information shall be made or 500
performed in good faith. 501

(2) If an item of information is unknown to the transferor of 502
residential real property at the time the item is required to be 503
disclosed in the property disclosure form and if the approximation 504
is not used for the purpose of circumventing or otherwise evading 505
divisions (C) and (D) of this section, the transferor may make a 506
good faith approximation of the item of information. 507

(F)(1) A transferor of residential real property is not 508
liable in damages in a civil action for injury, death, or loss to 509
person or property that allegedly arises from any error in, 510
inaccuracy of, or omission of any item of information required to 511
be disclosed in the property disclosure form if the error, 512
inaccuracy, or omission was not within the transferor's actual 513
knowledge. 514

(2) If any item of information that is disclosed in the 515
property disclosure form is rendered inaccurate after the delivery 516
of the form to the transferee of residential real property or the 517
transferee's agent as a result of any act, occurrence, or 518
agreement, the subsequent inaccuracy does not cause, and shall not 519
be construed as causing, the transferor of the residential real 520
property to be in noncompliance with the requirements of divisions 521
(C) and (D) of this section. 522

(G) Any disclosure of an item of information in the property 523
disclosure form prescribed under division (D) of this section may 524
be amended in writing by the transferor of residential real 525
property at any time following the delivery of the form in 526
accordance with divisions (C) and (I) of this section. The 527
amendment shall be subject to this section. 528

(H) Except as provided in division (B)(2) of this section, 529
every prospective transferee of residential real property who 530
receives in accordance with division (C) of this section a signed 531
and dated copy of a completed property disclosure form as 532
prescribed under division (D) of this section shall acknowledge 533
receipt of the form by doing both of the following: 534

(1) Signing and dating a copy of the form; 535

(2) Delivering a signed and dated copy of the form to the 536
transferor or the transferor's agent or subagent. 537

(I) The transferor's delivery under division (C) of this 538
section of a property disclosure form as prescribed under division 539
(D) of this section and the prospective transferee's delivery 540
under division (H) of this section of an acknowledgment of receipt 541
of that form shall be made by personal delivery to the other party 542
or the other party's agent or subagent, by ordinary mail or 543
certified mail, return receipt requested, or by facsimile 544
transmission. For the purposes of the delivery requirements of 545

this section, the delivery of a property disclosure form to a 546
prospective co-transferee of residential real property or a 547
prospective co-transferee's agent shall be considered delivery to 548
the other prospective transferees unless otherwise provided by 549
contract. 550

(J) The specification of items of information that must be 551
disclosed in the property disclosure form as prescribed under 552
division (D)(1) of this section does not limit or abridge, and 553
shall not be construed as limiting or abridging, any obligation to 554
disclose an item of information that is created by any other 555
provision of the Revised Code or the common law of this state or 556
that may exist in order to preclude fraud, either by 557
misrepresentation, concealment, or nondisclosure in a transaction 558
involving the transfer of residential real property. The 559
disclosure requirements of this section do not bar, and shall not 560
be construed as barring, the application of any legal or equitable 561
defense that a transferor of residential real property may assert 562
in a civil action commenced against the transferor by a 563
prospective or actual transferee of that property. 564

(K)(1) Except as provided in division (K)(2) of this section, 565
but subject to divisions (J) and (L) of this section, a transfer 566
of residential real property that is subject to this section shall 567
not be invalidated because of the failure of the transferor to 568
provide to the transferee in accordance with division (C) of this 569
section a completed property disclosure form as prescribed under 570
division (D) of this section. 571

(2) Subject to division (K)(3)(c) of this section, if a 572
transferee of residential real property that is subject to this 573
section receives a property disclosure form or an amendment of 574
that form as described in division (G) of this section after the 575
transferee has entered into a transfer agreement with respect to 576
the property, the transferee, after receipt of the form or 577

amendment, may rescind the transfer agreement in a written, 578
signed, and dated document that is delivered to the transferor or 579
the transferor's agent or subagent in accordance with divisions 580
(K)(3)(a) and (b) of this section, without incurring any legal 581
liability to the transferor because of the rescission, including, 582
but not limited to, a civil action for specific performance of the 583
transfer agreement. Upon the rescission of the transfer agreement, 584
the transferee is entitled to the return of, and the transferor 585
shall return, any deposits made by the transferee in connection 586
with the proposed transfer of the residential real property. 587

(3)(a) Subject to division (K)(3)(b) of this section, a 588
rescission of a transfer agreement under division (K)(2) of this 589
section only may occur if the transferee's written, signed, and 590
dated document of rescission is delivered to the transferor or the 591
transferor's agent or subagent within three business days 592
following the date on which the transferee or the transferee's 593
agent receives the property disclosure form prescribed under 594
division (D) of this section or the amendment of that form as 595
described in division (G) of this section. 596

(b) A transferee may not rescind a transfer agreement under 597
division (K)(2) of this section unless the transferee rescinds the 598
transfer agreement by the earlier of the date that is thirty days 599
after the date upon which the transferor accepted the transferee's 600
transfer offer or the date of the closing of the transfer of the 601
residential real property. 602

(c) A transferee of residential real property may waive the 603
right of rescission of a transfer agreement described in division 604
(K)(2) of this section. 605

(d) A rescission of a transfer agreement is not permissible 606
under division (K)(2) of this section if a transferee of 607
residential real property that is subject to this section receives 608
a property disclosure form as prescribed under division (D) of 609

this section or an amendment of that form as described in division 610
(G) of this section prior to the transferee's submission to the 611
transferor or the transferor's agent or subagent of a transfer 612
offer and the transferee's entry into a transfer agreement with 613
respect to the property. 614

(4) If a transferee of residential real property subject to 615
this section does not receive a property disclosure form from the 616
transferor after the transferee has submitted to the transferor or 617
the transferor's agent or subagent a transfer offer and has 618
entered into a transfer agreement with respect to the property, 619
the transferee may rescind the transfer agreement in a written, 620
signed, and dated document that is delivered to the transferor or 621
the transferor's agent or subagent in accordance with division 622
(K)(4) of this section without incurring any legal liability to 623
the transferor because of the rescission, including, but not 624
limited to, a civil action for specific performance of the 625
transfer agreement. Upon the rescission of the transfer agreement, 626
the transferee is entitled to the return of, and the transferor 627
shall return, any deposits made by the transferee in connection 628
with the proposed transfer of the residential real property. A 629
transferee may not rescind a transfer agreement under division 630
(K)(4) of this section unless the transferee rescinds the transfer 631
agreement by the earlier of the date that is thirty days after the 632
date upon which the transferor accepted the transferee's transfer 633
offer or the date of the closing of the transfer of the 634
residential real property. 635

(L) The right of rescission of a transfer agreement described 636
in division (K)(2) of this section or the absence of that right 637
does not affect, and shall not be construed as affecting, any 638
other legal causes of action or other remedies that a transferee 639
or prospective transferee of residential real property may possess 640
against the transferor of that property. 641

Section 2. That existing sections 3781.10, 4740.14, and 642
5302.30 of the Revised Code are hereby repealed. 643

Section 3. One hundred eighty days after the Board of 644
Building Standards adopts the rules establishing the requirements 645
for carbon monoxide alarms and portable fire extinguishers 646
pursuant to division (A)(1) of section 3781.10 of the Revised 647
Code, as amended by this act, a residential building for which the 648
plans or drawings, specifications, and data were approved after 649
the effective date of the rule shall have installed and in 650
operation carbon monoxide alarms and portable fire extinguishers 651
that satisfy the standards the Board establishes. As used in this 652
section, "residential building" has the same meaning as in section 653
3781.06 of the Revised Code. 654