

**As Introduced**

**130th General Assembly  
Regular Session  
2013-2014**

**H. B. No. 615**

**Representative Perales**

**Cosponsors: Representatives Terhar, Foley**

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**A B I L L**

To amend sections 3737.82, 3781.10, 3781.104, and 1  
4740.14 of the Revised Code to require a separate, 2  
exterior means of egress for dwelling areas above 3  
the second story of certain residential rental 4  
properties. 5

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

**Section 1.** That sections 3737.82, 3781.10, 3781.104, and 6  
4740.14 of the Revised Code be amended to read as follows: 7

**Sec. 3737.82.** The fire marshal shall adopt a state fire code 8  
which shall consist of rules relating to all aspects of fire 9  
safety. The rules shall be the minimum standards for safeguarding 10  
life and property from fire and explosion, and the fire marshal 11  
may, in adopting these rules, incorporate by reference existing 12  
published standards as well as amendments thereto subsequently 13  
published by the same authority. The fire code shall include, but 14  
not be limited to, rules relating to the movable contents of any 15  
building, or class of buildings, the transportation, storage, 16  
location, and use of flammable or explosive materials, the 17  
procedures to be employed by persons in the event of fire, the 18  
installation and location of fire protection equipment, and other 19

similar matters. The fire code shall include a requirement that, 20  
unless a property has a fire suppression system, an exterior means 21  
of egress exists for any area that is being used for dwelling 22  
above the second story of a residential rental property, separate 23  
from a shared, interior means of egress. The fire code may contain 24  
rules applicable to particular classes of existing buildings or 25  
structures as the use and occupancy of such buildings or 26  
structures suggest are necessary. The fire marshal may amend, 27  
modify, or repeal any rule of the state fire code. 28

As used in this section: 29

"Fire suppression system" has the same meaning as in section 30  
3781.108 of the Revised Code. 31

"Residential rental property" means a structure originally 32  
constructed or designed as a single-family dwelling that is being 33  
leased or otherwise rented to tenants as a multi-family dwelling 34  
for residential purposes, but does not include a hotel or a 35  
college or university dormitory. 36

"Exterior means of egress" means an unblocked, functional 37  
window that can be opened from the interior of a structure and a 38  
ladder or staircase that extends from that window to a length that 39  
is not more than five feet above the land on which the structure 40  
exists. 41

**Sec. 3781.10.** (A)(1) The board of building standards shall 42  
formulate and adopt rules governing the erection, construction, 43  
repair, alteration, and maintenance of all buildings or classes of 44  
buildings specified in section 3781.06 of the Revised Code, 45  
including land area incidental to those buildings, the 46  
construction of industrialized units, the installation of 47  
equipment, and the standards or requirements for materials used in 48  
connection with those buildings. The board shall incorporate those 49  
rules into separate residential and nonresidential building codes. 50

The standards shall relate to the conservation of energy and the safety and sanitation of those buildings. The rules adopted by the board shall require that, unless a property has a fire suppression system, an exterior means of egress exists for any area that will be used for dwelling above the second story of a residential rental property, separate from a shared, interior means of egress. "Fire suppression system," "residential rental property," and "exterior means of egress" have the same meanings as in section 3737.82 of the Revised Code.

(2) The rules governing nonresidential buildings are the lawful minimum requirements specified for those buildings and industrialized units, except that no rule other than as provided in division (C) of section 3781.108 of the Revised Code that specifies a higher requirement than is imposed by any section of the Revised Code is enforceable. The rules governing residential buildings are uniform requirements for residential buildings in any area with a building department certified to enforce the state residential building code. In no case shall any local code or regulation differ from the state residential building code unless that code or regulation addresses subject matter not addressed by the state residential building code or is adopted pursuant to section 3781.01 of the Revised Code.

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

(B) The board shall report to the general assembly proposals

for amendments to existing statutes relating to the purposes 83  
declared in section 3781.06 of the Revised Code that public health 84  
and safety and the development of the arts require and shall 85  
recommend any additional legislation to assist in carrying out 86  
fully, in statutory form, the purposes declared in that section. 87  
The board shall prepare and submit to the general assembly a 88  
summary report of the number, nature, and disposition of the 89  
petitions filed under sections 3781.13 and 3781.14 of the Revised 90  
Code. 91

(C) On its own motion or on application made under sections 92  
3781.12 and 3781.13 of the Revised Code, and after thorough 93  
testing and evaluation, the board shall determine by rule that any 94  
particular fixture, device, material, process of manufacture, 95  
manufactured unit or component, method of manufacture, system, or 96  
method of construction complies with performance standards adopted 97  
pursuant to section 3781.11 of the Revised Code. The board shall 98  
make its determination with regard to adaptability for safe and 99  
sanitary erection, use, or construction, to that described in any 100  
section of the Revised Code, wherever the use of a fixture, 101  
device, material, method of manufacture, system, or method of 102  
construction described in that section of the Revised Code is 103  
permitted by law. The board shall amend or annul any rule or issue 104  
an authorization for the use of a new material or manufactured 105  
unit on any like application. No department, officer, board, or 106  
commission of the state other than the board of building standards 107  
or the board of building appeals shall permit the use of any 108  
fixture, device, material, method of manufacture, newly designed 109  
product, system, or method of construction at variance with what 110  
is described in any rule the board of building standards adopts or 111  
issues or that is authorized by any section of the Revised Code. 112  
Nothing in this section shall be construed as requiring approval, 113  
by rule, of plans for an industrialized unit that conforms with 114  
the rules the board of building standards adopts pursuant to 115

section 3781.11 of the Revised Code. 116

(D) The board shall recommend rules, codes, and standards to 117  
help carry out the purposes of section 3781.06 of the Revised Code 118  
and to help secure uniformity of state administrative rulings and 119  
local legislation and administrative action to the bureau of 120  
workers' compensation, the director of commerce, any other 121  
department, officer, board, or commission of the state, and to 122  
legislative authorities and building departments of counties, 123  
townships, and municipal corporations, and shall recommend that 124  
they audit those recommended rules, codes, and standards by any 125  
appropriate action that they are allowed pursuant to law or the 126  
constitution. 127

(E)(1) The board shall certify municipal, township, and 128  
county building departments and the personnel of those building 129  
departments, and persons and employees of individuals, firms, or 130  
corporations as described in division (E)(7) of this section to 131  
exercise enforcement authority, to accept and approve plans and 132  
specifications, and to make inspections, pursuant to sections 133  
3781.03, 3791.04, and 4104.43 of the Revised Code. 134

(2) The board shall certify departments, personnel, and 135  
persons to enforce the state residential building code, to enforce 136  
the nonresidential building code, or to enforce both the 137  
residential and the nonresidential building codes. Any department, 138  
personnel, or person may enforce only the type of building code 139  
for which certified. 140

(3) The board shall not require a building department, its 141  
personnel, or any persons that it employs to be certified for 142  
residential building code enforcement if that building department 143  
does not enforce the state residential building code. The board 144  
shall specify, in rules adopted pursuant to Chapter 119. of the 145  
Revised Code, the requirements for certification for residential 146  
and nonresidential building code enforcement, which shall be 147

consistent with this division. The requirements for residential 148  
and nonresidential certification may differ. Except as otherwise 149  
provided in this division, the requirements shall include, but are 150  
not limited to, the satisfactory completion of an initial 151  
examination and, to remain certified, the completion of a 152  
specified number of hours of continuing building code education 153  
within each three-year period following the date of certification 154  
which shall be not less than thirty hours. The rules shall provide 155  
that continuing education credits and certification issued by the 156  
council of American building officials, national model code 157  
organizations, and agencies or entities the board recognizes are 158  
acceptable for purposes of this division. The rules shall specify 159  
requirements that are consistent with the provisions of section 160  
5903.12 of the Revised Code relating to active duty military 161  
service and are compatible, to the extent possible, with 162  
requirements the council of American building officials and 163  
national model code organizations establish. 164

(4) The board shall establish and collect a certification and 165  
renewal fee for building department personnel, and persons and 166  
employees of persons, firms, or corporations as described in this 167  
section, who are certified pursuant to this division. 168

(5) Any individual certified pursuant to this division shall 169  
complete the number of hours of continuing building code education 170  
that the board requires or, for failure to do so, forfeit 171  
certification. 172

(6) This division does not require or authorize the board to 173  
certify personnel of municipal, township, and county building 174  
departments, and persons and employees of persons, firms, or 175  
corporations as described in this section, whose responsibilities 176  
do not include the exercise of enforcement authority, the approval 177  
of plans and specifications, or making inspections under the state 178  
residential and nonresidential building codes. 179

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

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

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

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

(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;	210
(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;	211 212 213 214
(e) The proposed budget for the operation of the building department.	215 216
(10) The board of building standards shall adopt rules governing all of the following:	217 218
(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 authority over any labor, material, or equipment the employee or person furnishes for the construction, alteration, or maintenance of a building or the preparation of working drawings or specifications for work within the jurisdictional area of the department. The department shall provide other similarly qualified personnel to enforce the residential and nonresidential building codes as they pertain to that work.	219 220 221 222 223 224 225 226 227 228 229 230 231 232
(b) The minimum services to be provided by a certified building department.	233 234
(11) The board of building standards may revoke or suspend certification to enforce the residential and nonresidential building codes, on petition to the board by any person affected by that enforcement or approval of plans, or by the board on its own motion. Hearings shall be held and appeals permitted on any proceedings for certification or revocation or suspension of	235 236 237 238 239 240

certification in the same manner as provided in section 3781.101 241  
of the Revised Code for other proceedings of the board of building 242  
standards. 243

(12) Upon certification, and until that authority is revoked, 244  
any county or township building department shall enforce the 245  
residential and nonresidential building codes for which it is 246  
certified without regard to limitation upon the authority of 247  
boards of county commissioners under Chapter 307. of the Revised 248  
Code or boards of township trustees under Chapter 505. of the 249  
Revised Code. 250

(F) In addition to hearings sections 3781.06 to 3781.18 and 251  
3791.04 of the Revised Code require, the board of building 252  
standards shall make investigations and tests, and require from 253  
other state departments, officers, boards, and commissions 254  
information the board considers necessary or desirable to assist 255  
it in the discharge of any duty or the exercise of any power 256  
mentioned in this section or in sections 3781.06 to 3781.18, 257  
3791.04, and 4104.43 of the Revised Code. 258

(G) The board shall adopt rules and establish reasonable fees 259  
for the review of all applications submitted where the applicant 260  
applies for authority to use a new material, assembly, or product 261  
of a manufacturing process. The fee shall bear some reasonable 262  
relationship to the cost of the review or testing of the 263  
materials, assembly, or products and for the notification of 264  
approval or disapproval as provided in section 3781.12 of the 265  
Revised Code. 266

(H) The residential construction advisory committee shall 267  
provide the board with a proposal for a state residential building 268  
code that the committee recommends pursuant to division (D)(1) of 269  
section 4740.14 of the Revised Code. Upon receiving a 270  
recommendation from the committee that is acceptable to the board, 271  
the board shall adopt rules establishing that code as the state 272

residential building code. 273

(I)(1) The committee may provide the board with proposed 274  
rules to update or amend the state residential building code that 275  
the committee recommends pursuant to division ~~(E)~~(F) of section 276  
4740.14 of the Revised Code. 277

(2) If the board receives a proposed rule to update or amend 278  
the state residential building code as provided in division (I)(1) 279  
of this section, the board either may accept or reject the 280  
proposed rule for incorporation into the residential building 281  
code. If the board does not act to either accept or reject the 282  
proposed rule within ninety days after receiving the proposed rule 283  
from the committee as described in division (I)(1) of this 284  
section, the proposed rule shall become part of the residential 285  
building code. 286

(J) The board shall cooperate with the director of job and 287  
family services when the director promulgates rules pursuant to 288  
section 5104.05 of the Revised Code regarding safety and 289  
sanitation in type A family day-care homes. 290

(K) The board shall adopt rules to implement the requirements 291  
of section 3781.108 of the Revised Code. 292

**Sec. 3781.104.** ~~(A) One hundred eighty days after the board of 293  
building standards files its rules with the secretary of state and 294  
the director of the legislative service commission, as required in 295  
section 119.04 of the Revised Code, as required by this section,~~ 296  
every Every existing apartment and condominium building that 297  
exceeds seventy-five feet in height, as measured from ground level 298  
exclusive of any radio, television, or telephone transmission 299  
antennae, or other equipment, chimneys, or equipment associated 300  
with the heating or air conditioning system of the building, which 301  
did not have an automatic smoke detection system or sprinkler 302  
system in conformity with the rules of the board of building 303

standards adopted pursuant to section 3781.10 of the Revised Code, 304  
shall have installed and in operation an automatic smoke detection 305  
system as follows: 306

(1) Each dwelling unit shall have smoke detector devices 307  
approved by the board and installed in the immediate vicinity but 308  
outside of all sleeping rooms. Alarm signaling devices shall be 309  
clearly audible in all bedrooms within the dwelling unit when all 310  
intervening doors are closed. For the purpose of installation and 311  
maintenance only, the applicable sections of the national fire 312  
prevention association standard No. 74 "standard for the 313  
installation, maintenance and use of a household fire warning 314  
system" shall be considered accepted engineering practice. 315

(2) In those portions of a building subject to this division 316  
other than dwelling units, detector spacing shall conform to at 317  
least one of the following requirements: 318

(a) Where the building has a central return air system, 319  
detectors shall be installed as provided by rule in or near the 320  
return air stream in a manner that smoke-laden air originating 321  
from any part of the building must pass by a detector before the 322  
smoke-laden air leaves the floor of origin; 323

(b) In buildings with or without central return air systems, 324  
detectors shall be installed on each floor on the corridor or 325  
lobby side of and within five feet of all stairway and elevator 326  
doors. Where horizontal exits are used, detectors shall also be 327  
installed on each side of and within fifteen feet of doors serving 328  
as horizontal exits through fire walls. 329

(B) Every existing residential rental property that has an 330  
area that is being used for dwelling above the second story of 331  
that property shall have an exterior means of egress, separate 332  
from a shared, interior means of egress unless that property has a 333  
fire suppression system. 334

(C) As used in this section: 335

(1) "Smoke detector" means a readily removable device, 336  
sensitive to either visible or invisible particles of combustion 337  
or both, which automatically detects any fire condition and 338  
broadcasts locally a signal or alarm. 339

(2) "Apartment building" means any building at least 340  
seventy-five per cent of the units of which are residential 341  
dwelling units rented or leased to tenants upon other than a 342  
transient basis and does not include a "hotel" as that term is 343  
defined in section 3731.01 of the Revised Code but does include a 344  
college or university dormitory. 345

(3) "Condominium" means any building composed of individually 346  
owned units and operated by an association of owners. 347

~~(C)~~(4) "Fire suppression system," "residential rental 348  
property," and "exterior means of egress" have the same meanings 349  
as in section 3737.82 of the Revised Code. 350

(D) The board of building standards, pursuant to section 351  
3781.10 of the Revised Code, shall adopt the provisions of this 352  
section as a rule of the board. 353

**Sec. 4740.14.** (A) There is hereby created within the 354  
department of commerce the residential construction advisory 355  
committee consisting of nine persons the director of commerce 356  
appoints. The advisory committee shall be made up of the following 357  
members: 358

(1) Three shall be general contractors who have recognized 359  
ability and experience in the construction of residential 360  
buildings. 361

(2) Two shall be building officials who have experience 362  
administering and enforcing a residential building code. 363

(3) One, chosen from a list of three names the Ohio fire 364

chief's association submits, shall be from the fire service 365  
certified as a fire safety inspector who has at least ten years of 366  
experience enforcing fire or building codes. 367

(4) One shall be a residential contractor who has recognized 368  
ability and experience in the remodeling and construction of 369  
residential buildings. 370

(5) One shall be an architect registered pursuant to Chapter 371  
4703. of the Revised Code, with recognized ability and experience 372  
in the architecture of residential buildings. 373

(6) One, chosen from a list of three names the Ohio municipal 374  
league submits to the director, shall be a mayor of a municipal 375  
corporation in which the Ohio residential building code is being 376  
enforced in the municipal corporation by a certified building 377  
department. 378

(B) Terms of office shall be for three years, with each term 379  
ending on the date three years after the date of appointment. Each 380  
member shall hold office from the date of appointment until the 381  
end of the term for which the member was appointed. Vacancies 382  
shall be filled in the manner provided for initial appointments. 383  
Any member appointed to fill a vacancy in an unexpired term shall 384  
hold office for the remainder of that term. 385

(C) The advisory committee shall do all of the following: 386

(1) Recommend to the board of building standards a building 387  
code for residential buildings. The committee shall recommend a 388  
code that it may model on a residential building code a national 389  
model code organization issues, with adaptations necessary to 390  
implement the code in this state. If the board of building 391  
standards decides not to adopt a code the committee recommends, 392  
the committee shall revise the code and resubmit it until the 393  
board adopts a code the committee recommends as the state 394  
residential building code; 395

(2) Advise the board regarding the establishment of standards for certification of building officials who enforce the state residential building code;	396 397 398
(3) Assist the board in providing information and guidance to residential contractors and building officials who enforce the state residential building code;	399 400 401
(4) Advise the board regarding the interpretation of the state residential building code;	402 403
(5) Provide other assistance the committee considers necessary;	404 405
(6) Provide the board with a written report of the committee's findings for each consideration required by division (D) of this section.	406 407 408
(D) The committee shall not make its recommendation to the board pursuant to divisions (C)(1), (2), and (4) of this section until the advisory committee has considered all of the following:	409 410 411
(1) The impact that the state residential building code may have upon the health, safety, and welfare of the public;	412 413
(2) The economic reasonableness of the residential building code;	414 415
(3) The technical feasibility of the residential building code;	416 417
(4) The financial impact that the residential building code may have on the public's ability to purchase affordable housing.	418 419
(E) <u>The advisory committee shall include in the recommendations the advisory committee makes to the board pursuant to division (C)(1) of this section a requirement that, unless a property has a fire suppression system, an exterior means of egress exists for any area that will be used for dwelling above the second story of a residential rental property, separate from a</u>	420 421 422 423 424 425

shared, interior means of egress. "Fire suppression system," 426  
"residential rental property," and "exterior means of egress" have 427  
the same meanings as in section 3737.82 of the Revised Code. 428

(F) The advisory committee may provide the board with any 429  
rule the committee recommends to update or amend the state 430  
residential building code or any rule that the committee 431  
recommends to update or amend the state residential building code 432  
after receiving a petition described in division (A)(2) of section 433  
3781.12 of the Revised Code. 434

~~(F)~~(G) Members of the advisory committee shall receive no 435  
salary for the performance of their duties as members, but shall 436  
receive their actual and necessary expenses incurred in the 437  
performance of their duties as members of the advisory committee 438  
and shall receive a per diem for each day in attendance at an 439  
official meeting of the committee, to be paid from the industrial 440  
compliance operating fund in the state treasury, using fees 441  
collected in connection with residential buildings pursuant to 442  
division (F)(2) of section 3781.102 of the Revised Code and 443  
deposited in that fund. 444

~~(G)~~(H) The advisory committee is not subject to divisions (A) 445  
and (B) of section 101.84 of the Revised Code. 446

**Section 2.** That existing sections 3737.82, 3781.10, 3781.104, 447  
and 4740.14 of the Revised Code are hereby repealed. 448

**Section 3.** The amendment by this act of section 3781.104 of 449  
the Revised Code takes effect one hundred eighty days after the 450  
effective date of this act. 451