

As Introduced

**130th General Assembly
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S. B. No. 359

Senators Beagle, Lehner

Cosponsors: Senators Turner, Brown, Schiavoni

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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