

As Passed by the Senate

126th General Assembly

Regular Session

2005-2006

Sub. S. B. No. 305

Senators Stivers, Goodman, Dann, Kearney, Wachtmann

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A BILL

To amend sections 3731.01, 3731.02, 3731.09, 3731.12, 1
3731.13, and 3731.21 and to enact section 3731.04 2
of the Revised Code to modify requirements applied 3
to differing types of hotels and to specify duties 4
of local boards of health regarding sanitary 5
standards applicable to hotels. 6

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

Section 1. That sections 3731.01, 3731.02, 3731.09, 3731.12, 7
3731.13, and 3731.21 be amended and section 3731.04 of the Revised 8
Code be enacted to read as follows: 9

Sec. 3731.01. (A) As used in ~~sections 3731.01 to 3731.21 of~~ 10
~~the Revised Code~~ this chapter: 11

(1) "Hotel" means ~~either of the following:~~ 12

~~(a) Any a transient hotel, extended stay hotel, or~~ 13
residential hotel. 14

"Hotel" includes any structure consisting of one or more 15
buildings containing any combination of more than five guestrooms 16
that are each approved by the building code official having 17
jurisdiction and the fire marshal as meeting the requirements for 18
transient sleeping rooms or extended stay temporary residence 19

dwelling units, or as having features of such sleeping rooms and
dwelling units within the same room, and such structure is
specifically constructed, kept, used, maintained, advertised, and
held out to the public to be a place where transient sleeping
accommodations or temporary residence is offered for pay to
persons, but such structure does not otherwise meet the definition
of a transient hotel or an extended stay hotel as defined in this
section. "Hotel" does not include agricultural labor camps,
apartment houses, apartments or other similar places of permanent
personal residence, lodging houses, rooming houses, or hospital or
college dormitories.

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(2) "Transient hotel" means any structure consisting of one
or more buildings, with more than five sleeping rooms, that is
specifically constructed, kept, used, maintained, advertised, or
held out to the public to be a place where sleeping accommodations
are offered for pay to transient guests for a period of thirty
days or less, including, but not limited to, such a structure
denoted as a hotel, motel, motor hotel, lodge, motor lodge, bed
and breakfast, or inn.

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~~(b) Any.~~

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(3) "Extended stay hotel" means any structure consisting of
one or more buildings, with more than five ~~sleeping rooms~~ dwelling
units with provisions for living, eating, cooking, sanitation, and
sleeping, that is specifically constructed, kept, used,
maintained, advertised, and held out to the public to be a place
where temporary residence is offered for pay to persons,
including, but not limited to, ~~an extended stay hotel or extended~~
~~stay motel that is specifically constructed, and approved by the~~
~~building official having jurisdiction over it and by the fire~~
~~marshal, for extended stay temporary residence by persons, and~~
~~that contains six or more dwelling units with provision for~~
~~living, eating, cooking, sanitation, and sleeping.~~

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~~"Hotel" does not include agricultural labor camps, apartment
houses, lodging houses, rooming houses, or hospital or college
dormitories.~~

(2) for a minimum stay of more than thirty days and a maximum
stay of one year within the dwelling units at the structure, that
is approved pursuant to a valid certificate of occupancy issued by
the building official having jurisdiction as having all of the
required dwelling unit features, and for which such valid
certificate of occupancy indicates the specific rooms within the
structure that can be used as dwelling units, and that is approved
by the fire marshal for extended stay temporary residence
purposes.

(4) "Residential hotel" means any structure or structures
consisting of one or more buildings, with more than five dwelling
units, that are specifically constructed and approved through a
valid certificate of occupancy issued by the building official
having jurisdiction, as having both dwelling unit features for
non-transient residence purposes and all of the transient
residential occupancy features of a transient hotel in accordance
with the residential group R-1 use and occupancy classification
adopted by the board of building standards pursuant to Chapter
3781. of the Revised Code, and that are kept, used, maintained,
advertised, operated as, or held out to the public to be a place
where non-transient dwelling units are offered for pay to persons
for a minimum stay of more than thirty days.

(5) "Temporary residence" means a dwelling unit accommodation
room within a hotel used for non-permanent personal residence by
its occupants for a minimum period of thirty-one days and a
maximum period of one year.

(6) "Transient" means not more than thirty days.

(7) "Dwelling unit" means an accommodation room within a

hotel that contains independent provisions for living, eating, 83
cooking, sleeping, and sanitation. 84

(8) "SRO facility" means a facility with more than five 85
sleeping rooms that is kept, used, maintained, advertised, or held 86
out to the public as a place where sleeping rooms are offered on a 87
single room occupancy (SRO) basis and that is intended for use as 88
a primary residence for residential guests for a period of more 89
than thirty days. 90

"SRO facility" does not include agricultural labor camps, 91
apartment houses, lodging houses, rooming houses, or hospital or 92
college dormitories. 93

~~(3)~~(9) "Single room occupancy (SRO) basis" means one occupant 94
per room. 95

(B) This chapter does not apply to apartment buildings and 96
other structures in which all of the units are residential 97
premises. 98

Sec. 3731.02. (A) The fire marshal shall make such rules as 99
are necessary to carry out ~~sections 3731.01 to 3731.21 of the~~ 100
~~Revised Code~~ this chapter. The fire marshal and the fire marshal's 101
assistants shall enforce such sections except as otherwise 102
specified in sections 3731.09, 3731.13, and 3731.21 of the Revised 103
Code. 104

(B) Except as otherwise provided in this division, the board 105
of building standards shall adopt, pursuant to section 3781.10 of 106
the Revised Code, rules that specify that the building code 107
standards for SRO facilities shall be use group R-2. Any facility 108
operating prior to ~~the effective date of this amendment~~ October 109
16, 1996, in the nature of an SRO facility that met the building 110
code standards for an SRO facility prior to that date, whether 111
previously licensed as a hotel or not, and after ~~the effective~~ 112

~~date of this amendment~~ October 16, 1996, licensed as an SRO 113
facility under section 3731.03 of the Revised Code, shall be 114
permitted under the rules to have a building code standard of 115
either use group R-1 or use group R-2 if the facility meets the 116
requirements for those use groups as specified in the Ohio 117
building code adopted pursuant to section 3781.10 of the Revised 118
Code. 119

Sec. 3713.04. (A) Transient hotels may offer extended stay 120
temporary residence guest accommodations within any dwelling units 121
or transient sleeping room with dwelling unit features within the 122
structure if such units or sleeping rooms are specifically 123
constructed and approved as also being dwelling units with 124
provisions for living, eating, cooking, sanitation, and sleeping. 125
A transient or extended stay guestroom shall be approved through a 126
valid certificate of occupancy issued by the building official 127
having jurisdiction. The certificate shall indicate the specific 128
guestrooms within the structure that can be used as dwelling units 129
and such dwelling units shall be approved by the fire marshal for 130
extended stay temporary residence purposes. 131

(B) Extended stay hotels may offer transient guest 132
accommodations for less than thirty days within any dwelling units 133
or other rooms within the structure if such dwelling units or 134
rooms are specifically constructed and approved as also being 135
transient sleeping rooms. Such transient sleeping rooms shall be 136
approved, through a valid certificate of occupancy issued by the 137
building official having jurisdiction, that indicates the specific 138
rooms within the structure that can be used as transient sleeping 139
rooms and such transient sleeping rooms shall be approved by the 140
fire marshal for transient stay purposes. 141

(C) All of the requirements for the construction and 142
operation of transient hotels and extended stay hotels, including 143

the provisions applicable to transient sleeping rooms and 144
temporary residence dwelling units, apply to hotels as defined in 145
division (A)(1) of section 3731.01 of the Revised Code with a 146
total number of guestrooms, including transient sleeping rooms or 147
extended stay dwelling units, that is greater than five, but do 148
not apply to residential hotels as defined in division (A)(4) of 149
that section. 150

Sec. 3731.09. In every hotel and SRO facility in which the 151
person, firm, or corporation operating it is required to have a 152
license, the premises shall be kept in a sanitary condition. The 153
fire marshal or the fire marshal's assistants shall refer all 154
suspected unsanitary conditions to the board of health having 155
jurisdiction in the area in which the hotel or SRO facility is 156
located, and that board of health shall investigate those 157
referrals, take action as necessary to enforce sanitary standards, 158
and cooperate with the fire marshal in the fire marshal's 159
enforcement of the licensing requirements of this chapter. Any 160
violations of sanitary requirements, as determined by that board 161
of health, may be cause for the fire marshal to deny, suspend, or 162
revoke any license issued pursuant to this chapter. As used in 163
this section, "board of health" has the same meaning as in section 164
3717.01 of the Revised Code. 165

Sec. 3731.12. (A) Every transient hotel and extended stay 166
hotel shall provide in each sleeping room or extended stay 167
temporary residence a bed, bunk, cot, or other furniture designed 168
for sleeping for each guest occupying such accommodations. Every 169
hotel shall provide each bed, bunk, cot, or other sleeping place 170
for the use of transient or extended stay guests with pillow slips 171
and under and top sheets. ~~Such top sheets shall be at least ninety~~ 172
~~inches in length. Such~~ All sheets and pillow slips used on any 173
furniture designed for sleeping shall be made of white cotton or 174

linen off-white in color and shall be washed daily if requested by 175
a guest, and all such sheets and pillow slips, after being used by 176
one guest, shall be washed before being used by another guest. 177

(B) All extended stay hotels shall provide furniture adequate 178
for living, eating, cooking, sanitation, and sleeping within each 179
dwelling unit. 180

(C) Except as otherwise specified in division (D) of this 181
section, all residential hotels may, but are not required to, 182
provide furniture adequate for living, eating, cooking, 183
sanitation, and sleeping within each dwelling unit. 184

(D) All residential hotels, upon request of the dwelling unit 185
guest, shall provide furniture adequate for living, eating, 186
cooking, sanitation, and sleeping within each dwelling unit. 187
Residential hotels may charge appropriate additional fees for the 188
provision of any furniture pursuant to this section. 189

Sec. 3731.13. All bedding used in any hotel must be 190
thoroughly aired, disinfected, and kept clean. No bedding which is 191
infested with vermin or bedbugs shall be used on any bed in any 192
hotel. All floors, carpets, and equipment in hotels, and all walls 193
and ceilings shall be kept in sanitary condition. The fire marshal 194
or the fire marshal's assistants shall refer all suspected 195
unsanitary conditions to the board of health having jurisdiction 196
in the area in which the hotel is located, and that board of 197
health shall investigate those referrals, take action as necessary 198
to enforce sanitary standards, and cooperate with the fire marshal 199
in the fire marshal's enforcement of the licensing requirements of 200
this chapter. Any violations of sanitary requirements, as 201
determined by that board of health, may be cause for the fire 202
marshal to deny, suspend, or revoke any license issued pursuant to 203
this chapter. As used in this section, "board of health" has the 204
same meaning as in section 3717.01 of the Revised Code. 205

Sec. 3731.21. The prosecuting attorney of each county shall, 206
~~upon complaint at the request~~ of the fire marshal or other person 207
representing ~~him~~ the fire marshal, prosecute to termination before 208
any court a proper action or proceeding against any person 209
violating ~~sections 3731.01 to 3731.21, inclusive,~~ of the Revised 210
Code this chapter. 211

The prosecuting attorney of each county shall, at the request 212
of the fire marshal, board of health, or other person representing 213
the fire marshal or board of health, prosecute to termination 214
before any court a proper action or proceeding against any person 215
violating the sanitary standards included in this chapter. As used 216
in this section, "board of health" has the same meaning as in 217
section 3717.01 of the Revised Code. 218

Section 2. That existing sections 3731.01, 3731.02, 3731.09, 219
3731.12, 3731.13, and 3731.21 of the Revised Code are hereby 220
repealed. 221