

As Reported by the House Commerce and Labor Committee

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**Senators Stivers, Goodman, Dann, Kearney, Wachtmann
Representative McGregor, J.**

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A B I L L

To amend sections 3731.01, 3731.02, 3731.09, 3731.12, 1
and 3781.03 and to enact sections 3731.04, 2
3737.831, and 3781.112 of the Revised Code to 3
modify requirements applied to differing types of 4
hotels, to require the State Fire Code to include 5
a provision directing the Fire Marshal to issue 6
permits for temporary membrane structures, tents, 7
and canopies located on state property or used for 8
an event sponsored by a state agency, unless the 9
Fire Marshal directs that the permit be obtained 10
from a local fire code official, to clarify the 11
authority of local governing officials concerning 12
sewerage systems, and to allow certain medical 13
facilities to use delayed-egress doors and 14
electronic doors. 15

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

Section 1. That sections 3731.01, 3731.02, 3731.09, 3731.12, 16
and 3781.03 be amended and sections 3731.04, 3737.831, and 17
3781.112 of the Revised Code be enacted to read as follows: 18

Sec. 3731.01. (A) As used in ~~sections 3731.01 to 3731.21 of~~ 19

~~the Revised Code~~ this chapter: 20

(1) "Hotel" means ~~either of the following:~~ 21

~~(a) Any a transient hotel, extended stay hotel, or~~ 22
residential hotel. 23

"Hotel" includes any structure consisting of one or more 24
buildings containing any combination of more than five guestrooms 25
that are each approved by the building code official having 26
jurisdiction and the fire marshal as meeting the requirements for 27
transient sleeping rooms or extended stay temporary residence 28
dwelling units, or as having features of such sleeping rooms and 29
dwelling units within the same room, and such structure is 30
specifically constructed, kept, used, maintained, advertised, and 31
held out to the public to be a place where transient sleeping 32
accommodations or temporary residence is offered for pay to 33
persons, but such structure does not otherwise meet the definition 34
of a transient hotel or an extended stay hotel as defined in this 35
section. "Hotel" does not include agricultural labor camps, 36
apartment houses, apartments or other similar places of permanent 37
personal residence, lodging houses, rooming houses, or hospital or 38
college dormitories. 39

(2) "Transient hotel" means any structure consisting of one 40
or more buildings, with more than five sleeping rooms, that is 41
specifically constructed, kept, used, maintained, advertised, or 42
held out to the public to be a place where sleeping accommodations 43
are offered for pay to transient guests for a period of thirty 44
days or less, including, but not limited to, such a structure 45
denoted as a hotel, motel, motor hotel, lodge, motor lodge, bed 46
and breakfast, or inn. 47

~~(b) Any.~~ 48

(3) "Extended stay hotel" means any structure consisting of 49
one or more buildings, with more than five ~~sleeping rooms~~ dwelling 50

~~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.~~

~~"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 83
where non-transient dwelling units are offered for pay to persons 84
for a minimum stay of more than thirty days. 85

(5) "Temporary residence" means a dwelling unit accommodation 86
room within a hotel that is used by its occupants for a minimum 87
period of thirty-one days and a maximum period of one year but is 88
not used as the permanent or principal residence of its occupants. 89

(6) "Transient" means not more than thirty days. 90

(7) "Dwelling unit" means an accommodation room within a 91
hotel that contains independent provisions for living, eating, 92
cooking, sleeping, and sanitation. 93

(8) "SRO facility" means a facility with more than five 94
sleeping rooms that is kept, used, maintained, advertised, or held 95
out to the public as a place where sleeping rooms are offered on a 96
single room occupancy (SRO) basis and that is intended for use as 97
a primary residence for residential guests for a period of more 98
than thirty days. 99

"SRO facility" does not include agricultural labor camps, 100
apartment houses, lodging houses, rooming houses, or hospital or 101
college dormitories. 102

~~(3)~~(9) "Single room occupancy (SRO) basis" means one occupant 103
per room. 104

(B) This chapter does not apply to apartment buildings and 105
other structures in which all of the units are residential 106
premises. 107

Sec. 3731.02. (A) The fire marshal shall make such rules as 108
are necessary to carry out ~~sections 3731.01 to 3731.21 of the~~ 109
~~Revised Code~~ this chapter. The fire marshal and the assistant fire 110
~~marshal's assistants~~ marshals shall enforce ~~such sections~~ this 111
chapter. 112

(B) Except as otherwise provided in this division, the board of building standards shall adopt, pursuant to section 3781.10 of the Revised Code, rules that specify that the building code standards for SRO facilities shall be use group R-2. Any facility operating prior to ~~the effective date of this amendment~~ October 16, 1996, in the nature of an SRO facility that met the building code standards for an SRO facility prior to that date, whether previously licensed as a hotel or not, and after ~~the effective date of this amendment~~ October 16, 1996, licensed as an SRO facility under section 3731.03 of the Revised Code, shall be permitted under the rules to have a building code standard of either use group R-1 or use group R-2 if the facility meets the requirements for those use groups as specified in the Ohio building code adopted pursuant to section 3781.10 of the Revised Code.

Sec. 3731.04. (A) Transient hotels may offer extended stay temporary residence quest accommodations within any dwelling units or transient sleeping room with dwelling unit features within the structure if such units or sleeping rooms are specifically constructed and approved as also being dwelling units with provisions for living, eating, cooking, sanitation, and sleeping. A transient or extended stay guestroom shall be approved through a valid certificate of occupancy issued by the building official having jurisdiction. The certificate shall indicate the specific guestrooms within the structure that can be used as dwelling units and such dwelling units shall be approved by the fire marshal for extended stay temporary residence purposes.

(B) Extended stay hotels may offer transient quest accommodations for less than thirty days within any dwelling units or other rooms within the structure if such dwelling units or rooms are specifically constructed and approved as also being

transient sleeping rooms. Such transient sleeping rooms shall be 144
approved, through a valid certificate of occupancy issued by the 145
building official having jurisdiction, that indicates the specific 146
rooms within the structure that can be used as transient sleeping 147
rooms and such transient sleeping rooms shall be approved by the 148
fire marshal for transient stay purposes. 149

(C) All of the requirements for the construction and 150
operation of transient hotels and extended stay hotels, including 151
the provisions applicable to transient sleeping rooms and 152
temporary residence dwelling units, apply to hotels as defined in 153
division (A)(1) of section 3731.01 of the Revised Code with a 154
total number of guestrooms, including transient sleeping rooms or 155
extended stay dwelling units, that is greater than five, but do 156
not apply to residential hotels as defined in division (A)(4) of 157
that section. 158

Sec. 3731.09. In every transient hotel and extended stay 159
hotel and SRO facility in which the person, firm, or corporation 160
operating it is required to have a license, the premises shall be 161
kept in a sanitary condition. 162

Sec. 3731.12. (A) Every transient hotel and extended stay 163
hotel shall provide in each sleeping room or extended stay 164
temporary residence a bed, bunk, cot, or other furniture designed 165
for sleeping for each guest occupying such accommodations. Every 166
hotel shall provide each bed, bunk, cot, or other sleeping place 167
for the use of transient or extended stay guests with pillow slips 168
and under and top sheets. ~~Such top sheets shall be at least ninety~~ 169
~~inches in length. Such~~ All sheets and pillow slips used on any 170
furniture designed for sleeping shall be ~~made of white cotton or~~ 171
~~linen~~ off-white in color and shall be washed daily if requested by 172
a guest, and all such sheets and pillow slips, after being used by 173

one guest, shall be washed before being used by another guest. 174

(B) All extended stay hotels shall provide furniture adequate 175
for living, eating, cooking, sanitation, and sleeping within each 176
dwelling unit. 177

(C) Except as otherwise specified in division (D) of this 178
section, all residential hotels may, but are not required to, 179
provide furniture adequate for living, eating, cooking, 180
sanitation, and sleeping within each dwelling unit. 181

(D) All residential hotels, upon request of the dwelling unit 182
guest, shall provide furniture adequate for living, eating, 183
cooking, sanitation, and sleeping within each dwelling unit. 184
Residential hotels may charge appropriate additional fees for the 185
provision of any furniture pursuant to this section. 186

Sec. 3737.831. The state fire code adopted pursuant to 187
sections 3737.82 and 3737.83 of the Revised Code shall contain a 188
provision directing the fire marshal to issue any permit that is 189
required for any temporary membrane structure, tent, or canopy 190
located on state-owned property or used for an event sponsored by 191
a state agency, unless the fire marshal directs the person seeking 192
the permit to obtain the permit from the appropriate local fire 193
code official. 194

Sec. 3781.03. (A) The fire marshal or the fire chief of a 195
municipal corporation that has a fire department or the fire chief 196
of a township that has a fire department shall enforce the 197
provisions of Chapters 3781. and 3791. of the Revised Code that 198
relate to fire prevention. 199

(B) The superintendent of the division of industrial 200
compliance, the building inspector, or commissioner of buildings 201
in a municipal corporation, county, or township in which the 202
building department is certified by the board of building 203

standards under section 3781.10 of the Revised Code shall enforce 204
in the jurisdiction of each entity all the provisions in those 205
chapters and any rules adopted pursuant to those chapters that 206
relate to the construction, arrangement, and erection of all 207
buildings or parts of buildings, as defined in section 3781.06 of 208
the Revised Code, including the sanitary condition of those 209
buildings in relation to heating and ventilation. 210

(C) The division of industrial compliance in the department 211
of commerce, the boards of health of health districts, and the 212
certified departments of building inspection of municipal 213
corporations, subject to Chapter 3703. of the Revised Code, shall 214
enforce Chapters 3781. and 3791. of the Revised Code and the rules 215
adopted pursuant to those chapters that relate to plumbing. 216
Building drains are considered plumbing for the purposes of 217
enforcement of those chapters. 218

(D)(1) ~~The~~ In accordance with Chapter 3703. of the Revised 219
Code, the department of the city engineer, in cities having such 220
departments, the boards of health of health districts, or the 221
sewer purveyor, as appropriate, shall have complete authority to 222
supervise and regulate the entire sewerage and drainage system ~~of~~ 223
~~the city~~ in the jurisdiction in which it is exercising the 224
authority described in this division, including the ~~house drain~~ 225
~~and the house sewer~~ building sewer and all laterals draining into 226
the street sewers. 227

(2) ~~The~~ In accordance with Chapter 3703. of the Revised Code, 228
the department of the city engineer, the boards of health of 229
health districts, or the sewer purveyor, as appropriate, shall 230
control and supervise the installation and construction of all 231
drains and sewers that become a part of the sewerage system ~~of the~~ 232
~~city~~ and shall issue all the necessary permits and licenses for 233
the construction and installation of all ~~house drains and house~~ 234
building sewers and of all other lateral drains that empty into 235

the main sewers. The department of the city engineer, the boards 236
of health of health districts, and the sewer purveyor, as 237
appropriate, shall keep a permanent record of the installation and 238
location of every drain and sewer of the drainage and sewerage 239
system of the city jurisdiction in which it has exercised the 240
authority described in this division. 241

(E) This section does not exempt any officer or department 242
from the obligation to enforce Chapters 3781. and 3791. of the 243
Revised Code. 244

Sec. 3781.112. (A) As used in this section, "secured 245
facility" means any of the following: 246

(1) A maternity boardinghouse or lying-in hospital licensed 247
under section 3711.02 of the Revised Code; 248

(2) A pediatric intensive care unit subject to rules adopted 249
by the director of health pursuant to section 3702.11 of the 250
Revised Code; 251

(3) A children's hospital, as defined in section 3702.51 of 252
the Revised Code; 253

(4) A hospital that is licensed under section 5119.20 of the 254
Revised Code to receive mentally ill persons; 255

(5) The portion of a nursing home licensed under section 256
3721.02 of the Revised Code or in accordance with section 3721.09 257
of the Revised Code in which specialized care is provided to 258
residents of the nursing home who have physical or mental 259
conditions that require a resident to be restricted in the 260
resident's freedom of movement for the health and safety of the 261
resident, the staff attending the resident, or the general public. 262

(B) A secured facility may take reasonable steps in 263
accordance with rules the board of building standards adopts under 264
division (A) of section 3781.10 of the Revised Code and in 265

accordance with the state fire code the fire marshal adopts under 266
section 3737.82 of the Revised Code, to deny egress to confine and 267
protect patients or residents of the secured facility who are not 268
capable of self-preservation. A secured facility that wishes to 269
deny egress to those patients or residents may use delayed-egress 270
doors and electronically coded doors to deny egress, on the 271
condition that those doors are installed and used in accordance 272
with rules the board of building standards adopts under division 273
(A) of section 3781.10 of the Revised Code and in accordance with 274
the state fire code the fire marshal adopts under section 3737.82 275
of the Revised Code. A secured facility also may install 276
controlled-egress locks, in compliance with rules the board of 277
building standards adopts under division (A) section 3781.10 of 278
the Revised Code and in compliance with the state fire code the 279
fire marshal adopts under section 3737.82 of the Revised Code, in 280
areas of the secured facility where patients or residents who have 281
physical or mental conditions that would endanger the patients or 282
residents, the staff attending the patients or residents, or the 283
general public if those patients or residents are not restricted 284
in their freedom of movement. A secured facility that uses 285
delayed-egress doors and electronically coded doors, 286
controlled-egress locks, or both, shall do both of the following: 287

(1) Provide continuous, twenty-four-hour custodial care to 288
the patients or residents of the facility; 289

(2) Establish a system to evacuate patients or residents in 290
the event of fire or other emergency. 291

Section 2. That existing sections 3731.01, 3731.02, 3731.09, 292
3731.12, and 3781.03 of the Revised Code are hereby repealed. 293