

**As Reported by the Senate Insurance, Commerce and Labor  
Committee**

**126th General Assembly  
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**Sub. S. B. No. 305**

**Senators Stivers, Goodman**

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**A B I L L**

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  
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

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~~living, eating, cooking, sanitation, and sleeping.~~ 51

~~"Hotel" does not include agricultural labor camps, apartment 52  
houses, lodging houses, rooming houses, or hospital or college 53  
dormitories.~~ 54

(2) for a minimum stay of more than thirty days and a maximum 55  
stay of one year within the dwelling units at the structure, that 56  
is approved pursuant to a valid certificate of occupancy issued by 57  
the building official having jurisdiction as having all of the 58  
required dwelling unit features, and for which such valid 59  
certificate of occupancy indicates the specific rooms within the 60  
structure that can be used as dwelling units, and that is approved 61  
by the fire marshal for extended stay temporary residence 62  
purposes. 63

(4) "Residential hotel" means any structure or structures 64  
consisting of one or more buildings, with more than five dwelling 65  
units, that are specifically constructed and approved through a 66  
valid certificate of occupancy issued by the building official 67  
having jurisdiction, as having both dwelling unit features for 68  
non-transient residence purposes and all of the transient 69  
residential occupancy features of a transient hotel in accordance 70  
with the residential group R-1 use and occupancy classification 71  
adopted by the board of building standards pursuant to Chapter 72  
3781. of the Revised Code, and that are kept, used, maintained, 73  
advertised, operated as, or held out to the public to be a place 74  
where non-transient dwelling units are offered for pay to persons 75  
for a minimum stay of more than thirty days. 76

(5) "Temporary residence" means a dwelling unit accommodation 77  
room within a hotel used for non-permanent personal residence by 78  
its occupants for a minimum period of thirty-one days and a 79  
maximum period of one year. 80

(6) "Transient" means not more than thirty days. 81

(7) "Dwelling unit" means an accommodation room within a 82  
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 quest 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 quest 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