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Senator Schaffer

Cosponsors: Senators Kearney, Stivers, Amstutz, Carey, Harris, Mason,

Mumper, Sawyer, Seitz, Spada, Wilson, Padgett

Representatives Hughes, Yuko, Szollosi, Slesnick, Bacon, Boyd, Celeste,

Chandler, Combs, Domenick, Dyer, Evans, Flowers, Gardner, Gerberry,

Goyal, Hagan, J., Heard, Letson, Luckie, Mallory, McGregor, J., Oelslager,

Patton, Sayre

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A B I L L

To amend sections 121.04, 3731.01, 3731.02, 3731.03, 1
3731.04, 3731.05, 3731.06, 3731.11, 3731.12, 2
3731.16, 3731.20, 3731.21, 3731.99, and 4745.01 3
and to enact sections 1.601 and 3731.041 of the 4
Revised Code to allow transient hotels to permit 5
guests to stay longer than thirty days, to allow 6
extended stay hotels to permit guests to stay 7
longer than one year, to make changes to the law 8
governing SRO facilities, and to make other 9
changes to the Hotel Law. 10

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

Section 1. That sections 121.04, 3731.01, 3731.02, 3731.03, 11
3731.04, 3731.05, 3731.06, 3731.11, 3731.12, 3731.16, 3731.20, 12
3731.21, 3731.99, and 4745.01 be amended and sections 1.601 and 13
3731.041 of the Revised Code be enacted to read as follows: 14

<u>Sec. 1.601. If a statute uses the term "fire marshal" it is</u>	15
<u>referring to the state fire marshal.</u>	16
Sec. 121.04. Offices are created within the several	17
departments as follows:	18
In the department of commerce:	19
Commissioner of securities;	20
Superintendent of real estate and professional	21
licensing;	
Superintendent of financial institutions;	22
<u>Fire State fire</u> marshal;	23
Superintendent of labor and worker safety;	24
Superintendent of liquor control;	25
Superintendent of industrial compliance;	26
Superintendent of unclaimed funds.	27
In the department of administrative services:	28
State architect and engineer;	29
Equal employment opportunity coordinator.	30
In the department of agriculture:	31
Chiefs of divisions as follows:	32
Administration;	33
Animal industry;	34
Dairy;	35
Food safety;	36
Plant industry;	37
Markets;	38
Meat inspection;	39
Consumer analytical laboratory;	40
Amusement ride safety;	41
Enforcement;	42
Weights and measures.	43

In the department of natural resources:	44
Chiefs of divisions as follows:	45
Water;	46
Mineral resources management;	47
Forestry;	48
Natural areas and preserves;	49
Wildlife;	50
Geological survey;	51
Parks and recreation;	52
Watercraft;	53
Recycling and litter prevention;	54
Soil and water conservation;	55
Real estate and land management;	56
Engineering.	57
In the department of insurance:	58
Deputy superintendent of insurance;	59
Assistant superintendent of insurance, technical;	60
Assistant superintendent of insurance, administrative;	61
Assistant superintendent of insurance, research.	62
Sec. 3731.01. (A) As used in this chapter:	63
(1) "Hotel" means a transient hotel, extended stay hotel, or residential hotel.	64 65
"Hotel" includes any structure consisting of one or more buildings containing any combination of more than five guestrooms that are each approved by the building code official having jurisdiction and the <u>state</u> fire marshal as meeting the requirements for 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	66 67 68 69 70 71 72 73 74

transient sleeping accommodations or temporary residence is 75
offered for pay to persons, but such structure does not otherwise 76
meet the definition of a transient hotel or an extended stay hotel 77
as defined in this section. "Hotel" does not include agricultural 78
labor camps, apartment houses, apartments or other similar places 79
of permanent personal residence, lodging houses, rooming houses, 80
or hospital or college dormitories. 81

(2) "Transient hotel" means any structure consisting of one 82
or more buildings, with more than five sleeping rooms, that is 83
specifically constructed, kept, used, maintained, advertised, or 84
held out to the public to be a place where sleeping accommodations 85
are offered for pay to transient guests for a period of thirty 86
days or less, including, but not limited to, such a structure 87
denoted as a hotel, motel, motor hotel, lodge, motor lodge, bed 88
and breakfast, or inn. 89

(3) "Extended stay hotel" means any structure consisting of 90
one or more buildings, with more than five dwelling units ~~with~~ 91
~~provisions for living, eating, cooking, sanitation, and sleeping,~~ 92
~~that is~~ and to which all of the following apply: 93

(a) The dwelling units in the structure are specifically 94
constructed, kept, used, maintained, advertised, and held out to 95
the public to be a place where temporary residence is offered for 96
pay to persons ~~for a minimum stay of more than thirty days and a~~ 97
~~maximum stay of one year within the dwelling units at the~~ 98
~~structure, that.~~ 99

(b) The structure is approved pursuant to a valid certificate 100
of occupancy issued by the building official having jurisdiction 101
as having ~~all~~ dwelling units that have both of the following types 102
of features: 103

(i) The required dwelling unit features, ~~and for which such~~ 104
for non-transient residence purposes in accordance with the 105

residential group R-2 use and occupancy classification adopted by 106
the board of building standards pursuant to section 3781.10 of the 107
Revised Code, or any subsequent classification established by the 108
board that is substantially similar to that classification; 109

(ii) All of the transient residential occupancy features of a 110
transient hotel in accordance with the residential group R-1 use 111
and occupancy classification adopted by the board pursuant to that 112
section, or any subsequent classification established by the board 113
that is substantially similar to that classification. 114

(c) The valid certificate of occupancy indicates the specific 115
rooms within the structure that can be used as dwelling units, ~~and~~ 116
~~that.~~ 117

(d) The structure is approved by the state fire marshal for 118
extended stay temporary residence purposes. 119

(4) "Residential hotel" means any structure or structures 120
consisting of one or more buildings, with more than five dwelling 121
units, that are specifically constructed and approved through a 122
valid certificate of occupancy issued by the building official 123
having jurisdiction, as having both dwelling unit features for 124
non-transient residence purposes and all of the transient 125
residential occupancy features of a transient hotel in accordance 126
with the residential group R-1 use and occupancy classification 127
adopted by the board of building standards pursuant to Chapter 128
3781. of the Revised Code, and that are kept, used, maintained, 129
advertised, operated as, or held out to the public to be a place 130
where non-transient dwelling units are offered for pay to persons 131
for a minimum stay of more than thirty days. 132

(5) "Temporary residence" means a dwelling unit accommodation 133
room within a hotel that is used by its occupants ~~for a minimum~~ 134
~~period of thirty one days and a maximum period of one year~~ but is 135
not used as the permanent or principal residence of its occupants. 136

(6) "Transient" means not more than thirty days.	137
(7) "Dwelling unit" means an accommodation room within a hotel that contains independent provisions for living, eating, cooking, sleeping, and sanitation.	138 139 140
(8) "SRO facility" means a facility with more than five sleeping rooms that is kept, used, maintained, advertised, or held out to the public as a place where sleeping rooms are offered on a single room occupancy (SRO) basis and that is intended for use as a primary residence for residential guests for a period of more than thirty days.	141 142 143 144 145 146
"SRO facility" does not include agricultural labor camps, apartment houses, lodging houses, rooming houses, or hospital or college dormitories.	147 148 149
(9) "Single room occupancy (SRO) basis" means one occupant per room.	150 151
(B) This chapter does not apply to apartment buildings and other structures in which all of the units are residential premises.	152 153 154
Sec. 3731.02. (A) The <u>state</u> fire marshal shall make such rules as are necessary to carry out this chapter, <u>which shall include, but are not limited to, rules establishing requirements to renew a license issued under this chapter and fees for licensure and renewal and for inspections of hotels. The Except as provided in division (G) of section 3731.12 of the Revised Code, the state</u> fire marshal and the assistant <u>state</u> fire marshals shall enforce this chapter.	155 156 157 158 159 160 161 162
(B) Except as otherwise provided in this division <u>and divisions (C) and (D) of this section</u> , 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	163 164 165 166

facilities shall be use group R-2. Any facility operating prior to 167
October 16, 1996, in the nature of an SRO facility that met the 168
building code standards for an SRO facility prior to that date, 169
whether previously licensed as a hotel or not, and after October 170
16, 1996, licensed as an SRO facility under section 3731.03 of the 171
Revised Code, shall be permitted under the rules to have a 172
building code standard of either use group R-1 or use group R-2 if 173
the facility meets the requirements for those use groups as 174
specified in the Ohio building code adopted pursuant to section 175
3781.10 of the Revised Code. The requirements of this division 176
apply to an SRO facility that holds a license as an SRO facility 177
on the effective date of this amendment, unless any of the 178
following events occur on or after the effective date of this 179
amendment: 180

(1) The owner of the SRO facility constructs or alters the 181
facility. 182

(2) The owner of the SRO facility surrenders the license 183
issued to that facility. 184

(3) The owner of the SRO facility changes the use or 185
occupancy of that facility. 186

(4) The license issued to that SRO facility under this 187
chapter is revoked or is not renewed. 188

(C) If any of the events described in divisions (B)(1) to (4) 189
of this section occur, the owner of the structure shall comply 190
with division (D) of this section to obtain a new license to 191
operate as an SRO facility. 192

(D) Beginning on the effective date of this amendment, the 193
state fire marshal shall not issue a new license to operate a 194
facility as an SRO facility, and shall not renew such a license 195
issued under this division, unless the SRO facility is constructed 196
providing individual sleeping rooms for each guest; has, on a 197

per-room or a communal basis within each building to be licensed 198
as an SRO facility, permanent provisions for living, eating, 199
cooking, and sanitation; and is constructed in accordance with the 200
requirements specified for SRO facilities and is approved by the 201
building official having jurisdiction over that facility to be an 202
SRO facility. An SRO facility subject to this division shall only 203
operate with, and shall properly maintain, individual sleeping 204
rooms for each guest and shall only operate with, and shall 205
properly maintain, on a per-room or communal basis, permanent 206
provisions available to all guests for living, eating, cooking, 207
and sanitation. 208

Sec. 3731.03. (A) Every person in the business of conducting 209
a hotel or an SRO facility shall procure, in accordance with the 210
requirements specified in this chapter and the rules adopted 211
pursuant to it, a license for each hotel or SRO facility conducted 212
or proposed to be conducted. ~~No~~ 213

(B) ~~No~~ hotel or SRO facility shall be maintained, conducted, 214
or advertised without a license, ~~and all such.~~ No person shall 215
advertise, conduct, maintain, or operate any structure as a hotel 216
or as an SRO facility without a license, and no person shall 217
operate such a structure that is not equipped in the manner and 218
conditions as required under this chapter. No person shall 219
advertise, conduct, maintain, or operate a licensed hotel or 220
licensed SRO facility in a manner that is inconsistent with the 221
requirements of this chapter or any rules adopted pursuant to it. 222

(C)(1) A structure licensed as an extended stay hotel on the 223
effective date of this amendment may maintain that license by 224
continuing to satisfy the requirements that were applicable to 225
that extended stay hotel at the time the license was issued, 226
unless any of the following events occur regarding that extended 227
stay hotel: 228

<u>(a) The owner of the extended stay hotel constructs or alters the hotel.</u>	229 230
<u>(b) The owner of the extended stay hotel surrenders the license issued to that hotel.</u>	231 232
<u>(c) The owner of the extended stay hotel changes the use or occupancy of that hotel.</u>	233 234
<u>(d) The license issued to that extended stay hotel under this chapter is revoked or is not renewed.</u>	235 236
<u>(2) If any of the events described in divisions (C)(1)(a) to (d) of this section occur, the owner of the structure shall comply with division (C)(3) of this section to obtain a new license to operate as an extended stay hotel.</u>	237 238 239 240
<u>(3) Beginning on the effective date of this amendment, the state fire marshal shall not issue a new license to operate a facility as an extended stay hotel, and shall not renew such a license issued under division (C)(3) of this section, unless the facility satisfies the requirements to be an extended stay hotel as specified in division (A)(3) of section 3731.01 of the Revised Code.</u>	241 242 243 244 245 246 247
<u>(D) All licenses shall expire on the last day of December of each year and be renewed according to in accordance with the standard requirements for renewal procedure of sections 4745.01 to 4745.03 established in rules adopted by the state fire marshal pursuant to division (A) of section 3731.02 of the Revised Code. A</u>	248 249 250 251 252 253
<u>(E) A person who has received a license, upon the sale or disposition of the hotel or SRO facility or its removal to a new location, may, upon obtaining consent of the <u>state</u> fire marshal, have the license transferred. No license shall be transferred without <u>both an inspection conducted by and</u> the consent of the <u>state</u> fire marshal, and the state fire marshal shall not</u>	254 255 256 257 258 259

unreasonably withhold consent. 260

~~(B)~~(F) A license to maintain and operate a hotel or an SRO 261
facility shall not be issued to the keeper, owner, or lessee of 262
any hotel or SRO facility where accommodations for assignation 263
purposes are furnished, or to any keeper, owner, or lessee who has 264
been convicted of keeping a place in violation of the law relating 265
to houses of assignation or places of public nuisance. 266

~~(C)~~(G)(1) No person licensed to maintain and operate a hotel 267
or SRO facility shall also maintain and operate an agricultural 268
labor camp, apartment house, apartment, lodging house, rooming 269
house, or hospital or college dormitory in the same structure as 270
is located the licensed hotel or SRO facility, unless the 271
agricultural labor camp, apartment house, apartment, lodging 272
house, rooming house, or hospital or college dormitory has been 273
constructed as, and been approved by the building official having 274
jurisdiction ~~over it and by the fire marshal~~ as being, a separate 275
building within the hotel or SRO facility structure in accordance 276
with ~~approved~~ the requirements specified in the state 277
nonresidential building separation rated assemblies code adopted 278
pursuant to section 3781.10 of the Revised Code or is separated in 279
a manner that satisfies the requirements for occupancy separation 280
specified in that code. 281

(2) All hotel and SRO facility uses shall continue in 282
accordance with their approval under the license issued by the 283
state fire marshal unless a change in use or occupancy has been 284
approved by the building official having jurisdiction over the 285
hotel or SRO facility and the license has been revised by the 286
state fire marshal. 287

~~(D)~~(H) If an extended stay hotel license is revoked by the 288
state fire marshal in accordance with section 3731.06 of the 289
Revised Code, the owner of that structure shall not operate that 290
structure in accordance with the use and occupancy classification 291

for which the structure was approved or in accordance with the 292
license issued under this chapter by the state fire marshal and 293
shall not open that structure for use by the public until and 294
unless the state fire marshal determines, in accordance with the 295
requirements specified in the state nonresidential building code 296
adopted pursuant to section 3781.10 of the Revised Code and the 297
state fire code adopted pursuant to section 3737.82 of the Revised 298
Code, that it is safe for the structure to be operated. If, after 299
the license is revoked, the owner wishes to operate that structure 300
as a hotel, the owner shall comply with division (D) of section 301
3731.06 of the Revised Code. 302

(I) A license to maintain and operate an SRO facility shall 303
permit the facility to offer rooms for thirty days or less if less 304
than fifty per cent of its rooms are occupied for a period of 305
thirty days or less. 306

Sec. 3731.04. (A) Transient hotels may offer extended stay 307
temporary residence guest accommodations within any dwelling units 308
or transient sleeping room with dwelling unit features within the 309
structure if such units or sleeping rooms are specifically 310
constructed and approved as also being dwelling units with 311
provisions for living, eating, cooking, sanitation, and sleeping. 312
A transient or extended stay guestroom shall be approved through a 313
valid certificate of occupancy issued by the building official 314
having jurisdiction. The certificate shall indicate the specific 315
guestrooms within the structure that can be used as dwelling units 316
and such dwelling units shall be approved by the state fire 317
marshal for extended stay temporary residence purposes. A 318
transient hotel also may allow a guest to stay in a transient 319
sleeping room for a continuous period of two hundred seventy days 320
or less if the transient hotel satisfies the requirements 321
specified in section 3731.041 of the Revised Code. 322

(B) Extended stay hotels may offer transient guest 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 approved, through a valid certificate of occupancy issued by the building official having jurisdiction, that indicates the specific rooms within the structure that can be used as transient sleeping rooms and such transient sleeping rooms shall be approved by the state fire marshal for transient stay purposes.

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

Sec. 3731.041. (A) Notwithstanding division (A)(2) of section 3731.01 of the Revised Code, a transient hotel may allow a guest to stay in a transient sleeping room in the hotel for a continuous period of two hundred seventy days or less if all of the following conditions are satisfied:

(1) The transient hotel satisfies the requirements of divisions (C) and (D) of this section, as applicable.

(2) Not more than forty per cent of the transient sleeping rooms in the hotel are used for guests to stay for a continuous period of two hundred seventy days or less.

(3) The transient hotel designates a group of transient sleeping rooms, by room number, that will be used during the time

period a license is valid for guests to stay for a continuous 354
period of two hundred seventy days or less, and submits a list of 355
the rooms the transient hotel so designates to the state fire 356
marshal within thirty days prior to the first day that any guest 357
is allowed to stay in any of those rooms for that extended period 358
of time, and every year with the transient hotel's application to 359
renew the transient hotel's license under section 3731.03 of the 360
Revised Code. 361

(4) A quantity of combustible materials stored or used in the 362
transient sleeping room does not exceed the amount of combustible 363
materials acceptable for a light hazard occupancy area as defined 364
and used by the state fire marshal in rules the state fire marshal 365
adopts pursuant to section 3737.82 of the Revised Code. 366

(5) No cooking devices, except for a coffee maker, a 367
microwave oven, or other similar cooking device that is listed as 368
safe for residential use as defined and used by the state fire 369
marshal in rules the state fire marshal adopts pursuant to section 370
3737.82 of the Revised Code and approved by the fire code official 371
having jurisdiction, are stored or used in the transient sleeping 372
room. 373

(B) No transient hotel shall change the designation of the 374
transient sleeping rooms included in the list the transient hotel 375
submits to the state fire marshal pursuant to division (A)(3) of 376
this section during a license year. If the transient hotel submits 377
a list of designated rooms with the transient hotel's application 378
for renewal in accordance with division (A)(3) of this section and 379
does not change the designation of any rooms included on the 380
previous list the transient hotel submitted pursuant to that 381
division, the transient hotel may continue to allow guests to stay 382
in the designated rooms for a continuous period of two hundred 383
seventy days or less without having to obtain approval from the 384
state fire marshal. 385

(C) A transient hotel that permits transient occupancy for a 386
continuous period of two hundred seventy days or less under 387
division (A) of this section shall install, for all portions of 388
the hotel structure that are subject to the requirements of this 389
chapter, and properly maintain, a fire alarm and detection system. 390
The system shall be installed in accordance with requirements 391
specified in the state nonresidential building code established 392
under rules adopted by the board of building standards pursuant to 393
section 3781.10 of the Revised Code and shall be approved by the 394
building official having jurisdiction, and shall be installed in 395
accordance with rules the state fire marshal adopts pursuant to 396
section 3737.82 of the Revised Code and shall be approved by the 397
state fire marshal. 398

At a minimum, a fire alarm and detection system required by 399
this section, as described in the state fire code adopted pursuant 400
to section 3737.82 of the Revised Code, shall include the 401
annunciation of any activated initiating device at a constantly 402
attended location from which the structure's fire alarm system is 403
capable of being manually activated. All other fire alarm and 404
detection system components shall be installed in accordance with 405
the building and fire code provisions in existence and applicable 406
to such installations at the time the owner receives approval for 407
the plans submitted pursuant to this division. 408

The owner of the transient hotel shall submit plans or 409
drawings, specifications, and data prepared for the installation 410
of that system to the building code official having jurisdiction 411
over the transient hotel and the state fire marshal for approval. 412
If the owner of the transient hotel is required to install a 413
system or, if the owner of a transient hotel had installed a 414
system that was approved by the building official having 415
jurisdiction prior to the effective date of this section and is 416
required to alter that system to comply with this division, the 417

owner shall submit those plans or drawings, specifications, and 418
data prior to installing or altering the system. No owner of a 419
transient hotel who is required to install or alter a fire alarm 420
and detection system shall install or alter that system until the 421
plans are approved pursuant to this division. If the owner of the 422
transient hotel wishes to allow guest stays for a continuous 423
period of two hundred seventy days or less and the owner 424
previously has installed a fire alarm and detection system in that 425
transient hotel that satisfies the requirements of this section, 426
the owner shall submit those plans prior to allowing guests to 427
stay in the rooms designated under division (A)(3) of this 428
section. Such an owner shall not permit guests to stay in 429
transient sleeping rooms for a continuous period of two hundred 430
seventy days or less until the plans or drawings, specifications, 431
and data are approved pursuant to this division. 432

The state fire marshal shall conduct a review of the plans 433
for all of the fire alarm and detection systems installed in 434
accordance with this section concurrently with the review 435
conducted by the building code official having jurisdiction and 436
shall conduct that review in accordance with the provisions for 437
such plan reviews as described in the state fire code adopted in 438
accordance with section 3737.82 of the Revised Code. The state 439
fire marshal shall approve or disapprove any plans submitted under 440
this division within thirty days after the date the plans are 441
submitted. 442

If the state fire marshal determines that such plans and 443
systems meet the requirements of this chapter and the fire code 444
adopted in accordance with section 3737.82 of the Revised Code, 445
the state fire marshal, or a designee of the state fire marshal, 446
shall provide written approval of the submitted plans and, if the 447
system is installed in accordance with the state nonresidential 448
building code and the state fire code, shall sign the certificate 449

of occupancy for the structure incorporating the fire alarm and 450
detection system installed in accordance with this section. Such 451
approvals shall be the exclusive method permitted by the state 452
fire code or any other regulations or codes adopted pursuant to 453
section 535.373 or 737.21 of the Revised Code for approval of the 454
fire alarm and detection system required by this section. 455

(D) A transient hotel that is constructed or altered on or 456
after the effective date of this section and that wishes to allow 457
transient occupancy under division (A) of this section shall do 458
all of the following: 459

(1) Satisfy any electrical system requirements for transient 460
occupancy in the transient sleeping rooms to be used under this 461
section; 462

(2) With respect to the installation and maintenance of 463
electrical power and lighting circuits in the transient sleeping 464
rooms to be used under this section, install and maintain only 465
twenty amp or greater electrical power and lighting circuits that 466
satisfy the requirements of the state nonresidential building 467
code; 468

(3) Comply with all other requirements of this section. 469

(E) The provisions of this section apply to all transient 470
hotels electing to allow the extended stays under division (A) of 471
this section in addition to all other nonresidential building and 472
fire code provisions applicable to these structures. Nothing in 473
this section shall be construed to require a hotel in existence on 474
the effective date of this section to install an automatic 475
sprinkler system unless otherwise required by law. 476

Sec. 3731.05. (A)(1) The state fire marshal shall inspect, 477
prior to issuance or renewal of a license and at any other time 478
necessary, every hotel and SRO facility which comes within 479

sections 3731.01 to 3731.21 of the Revised Code. 480

(2) The state fire marshal shall have the right of entry into 481
such hotels and SRO facilities at any reasonable time. 482

(3) Whenever, upon inspection, it is found that such business 483
and property is not being conducted, or is not equipped in the 484
manner and condition required by such sections, the rules adopted 485
pursuant to them, or the state fire code adopted pursuant to 486
section 3737.82 of the Revised Code, the state fire marshal shall 487
notify the owner, proprietor, or agent in charge of such business, 488
or the owner or agent of the building so occupied, of such 489
violations and of any changes or alterations as may be necessary 490
to effect a complete compliance with sections 3731.01 to 3731.21 491
of the Revised Code, the rules adopted pursuant to those sections, 492
or the state fire code adopted pursuant to section 3737.82 of the 493
Revised Code. 494

(B)(1) The Upon receipt of a notice from the state fire 495
marshal under section 3731.06 of the Revised Code or a citation 496
issued by the state fire marshal pursuant to section 3737.41 or 497
3737.42 of the Revised Code, the owner, proprietor, or agent in 498
charge of such business shall ~~make~~ bring the hotel or SRO facility 499
into compliance with the requirements of this chapter, the rules 500
adopted pursuant to it, or the state fire code adopted pursuant to 501
section 3737.82 of the Revised Code, by making such alterations or 502
changes as may be necessary to put such building and premises in a 503
condition of complete compliance within a reasonable time set by 504
the state fire marshal after being notified by the state fire 505
marshal. An owner, proprietor, or agent in charge of a hotel or 506
SRO facility may request the state fire marshal to extend the time 507
period the state fire marshal establishes to allow the owner, 508
proprietor, or agent to accomplish such alterations or changes. 509
The state fire marshal may grant that request if the owner, 510
proprietor, or agent is able to demonstrate that a longer time is 511

necessary to make such alterations or changes to put such building 512
and premises in a condition of complete compliance and that such 513
an extension does not conflict with any conditions imposed by the 514
board of building appeals after a hearing conducted under section 515
3737.43 or 3781.19 of the Revised Code. 516

(2) Any owner, proprietor, or agent, who knowingly fails to 517
~~make~~ bring the hotel or SRO facility into compliance with the 518
requirements of this chapter, the rules adopted pursuant to it, or 519
the state fire code adopted pursuant to section 3737.82 of the 520
Revised Code, by not making the necessary alterations or changes 521
specified in the notification by the state fire marshal is in 522
violation of this section. 523
524

(C) Nothing in this chapter shall be construed to limit the 525
authority of the state fire marshal to take any action permitted 526
under sections 3737.41 to 3737.51 of the Revised Code against a 527
hotel or SRO facility in addition to or instead of taking action 528
against the hotel or SRO facility, or the license issued to the 529
hotel or SRO facility under this chapter. 530

Sec. 3731.06. (A) Upon notice and hearing, the state fire 531
marshal may suspend or revoke any license or impose a fine against 532
an owner, proprietor, or agent of a hotel or SRO facility licensed 533
under this chapter for violation of sections 3731.01 to 3731.21 of 534
the Revised Code, the rules adopted pursuant to those sections, or 535
the state fire code adopted pursuant to section 3737.82 of the 536
Revised Code. ~~Such~~ The state fire marshal shall impose fines in 537
accordance with the requirements specified in division (E) of this 538
section. The state fire marshal shall not impose a fine, and such 539
suspension or revocation shall not take place, until the state 540
fire marshal first notifies such licensee in writing, calling 541
specific attention to the infractions and until, pursuant to 542

section 3731.05 of the Revised Code, a reasonable time and 543
opportunity is given to reform and correct the matter complained 544
of. ~~If~~ Except as provided in division (E) of this section, if such 545
notice proves unavailing for the correction of such matter, the 546
state fire marshal shall then fix a time and place for hearing in 547
accordance with Chapter 119. of the Revised Code. Upon the 548
conclusion of such hearing the state fire marshal may suspend or 549
revoke the license in question, impose a fine against an owner, 550
proprietor, or agent of a hotel or SRO facility licensed under 551
this chapter, or dismiss the proceedings against such licensee. 552

(B) If the state fire marshal ~~refuses~~ proposes to deny or 553
otherwise refuse to grant a license to any person or to permit a 554
license already issued to be transferred, as provided in section 555
3731.03 of the Revised Code, or proposes to revoke a license, the 556
party aggrieved by such decision or refusal shall be heard upon 557
the question as to ~~his~~ the right of the party aggrieved to such 558
license or to a transfer of the same, which hearing shall be had 559
in accordance with Chapter 119. of the Revised Code. An appeal may 560
be taken from the action of the state fire marshal in failing to 561
issue said license or permit said transfer in accordance with 562
section 119.12 of the Revised Code. 563

(C) If the state fire marshal suspends a hotel or SRO 564
facility license in accordance with this section and Chapter 119. 565
of the Revised Code, the state fire marshal shall suspend that 566
license for a reasonable period of time as may be necessary to 567
allow the owner, proprietor, or agent of the licensed hotel or SRO 568
facility to reform and correct the violation for which the state 569
fire marshal suspended the license, not to exceed one hundred 570
eighty days. The owner, proprietor, or agent of the hotel or SRO 571
facility whose license is suspended shall not operate the facility 572
as a hotel or SRO facility and shall not open that structure for 573
use by the public during the time period that the license is 574

suspended. If, at the expiration of the suspension period the 575
violation has not been reformed or corrected, the license 576
automatically shall be revoked without the taking of any action by 577
the state fire marshal. 578

(D) An operator, proprietor, or agent of a hotel or SRO 579
facility whose license has been revoked by the state fire marshal 580
in accordance with this section and Chapter 119. of the Revised 581
Code may apply for a license in accordance with section 3731.03 of 582
the Revised Code. The state fire marshal shall not issue that 583
operator, proprietor, or agent a new license for a period of one 584
year after the date of revocation, unless the state fire marshal 585
determines that it is appropriate to issue that license at an 586
earlier date. The state fire marshal shall issue that hotel or SRO 587
facility a new license only if the hotel or SRO facility satisfies 588
the applicable requirements for licensure specified in this 589
chapter and in the rules adopted pursuant to it and the operator, 590
proprietor, or agent has corrected the violation for which the 591
state fire marshal revoked the license. 592

(E) If the state fire marshal elects to impose a fine against 593
an owner, proprietor, or agent of a licensed hotel or SRO facility 594
in accordance with this section and Chapter 119. of the Revised 595
Code, the state fire marshal shall not impose that fine until 596
thirty days after the state fire marshal sends the written notice 597
in accordance with division (A) of this section or, if the state 598
fire marshal has given the owner, proprietor, or agent more than 599
thirty days to reform or correct the violation, the expiration of 600
that time period. The state fire marshal may impose a fine against 601
an owner, proprietor, or agent in the following amounts: 602

(1) If, in the opinion of the state fire marshal, the 603
violation is a fire safety issue, two hundred fifty dollars per 604
violation, except that the amount of the fine shall not exceed one 605
thousand dollars per day, regardless of the number of violations. 606

(2) For all other violations of section 3731.08 of the Revised Code, a fine of ten dollars for each violation. 607
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The state fire marshal shall deposit all fines the state fire marshal collects under this division into the state fire marshal fund created in section 3737.71 of the Revised Code. 609
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(F) If the state fire marshal takes any action against an owner, proprietor, or agent of a licensed hotel or SRO facility pursuant to sections 3737.41 to 3737.51 of the Revised Code, the state fire marshal may take action against the license issued to that hotel or SRO facility that is prompted by or is a result of action taken under sections 3737.41 to 3737.51 of the Revised Code. 612
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Sec. 3731.11. In all ~~municipal corporations~~ political subdivisions of this state where a system of water works and sewerage is maintained for public use, every hotel and SRO facility shall be equipped with a sufficient number of suitable water closets for the accommodation of its guests, which water closets shall be ventilated and connected by proper plumbing with such sewerage system. All lavatories, bathtubs, sinks, drains, closets, and urinals in such hotels and SRO facilities shall be properly constructed and shall be kept clean and well ventilated at all times. Separate compartments shall be furnished for different sexes, each being properly designated. 619
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Sec. 3731.12. (A) Every transient hotel and extended stay hotel shall provide in each sleeping room or extended stay temporary residence a bed, bunk, cot, or other furniture designed for sleeping for each guest occupying such accommodations. Every hotel shall provide each bed, bunk, cot, or other sleeping place for the use of transient or extended stay guests with pillow slips and under and top sheets. All sheets and pillow slips used on any 630
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furniture designed for sleeping shall be white or off-white in 637
color and shall be washed daily if requested by a guest, and all 638
such sheets and pillow slips, after being used by one guest, shall 639
be washed before being used by another guest. 640

(B) All extended stay hotels shall provide furniture adequate 641
for living, eating, cooking, sanitation, and sleeping within each 642
dwelling unit. 643

(C) Except as otherwise specified in division (D) of this 644
section, all residential hotels may, but are not required to, 645
provide furniture adequate for living, eating, cooking, 646
sanitation, and sleeping within each dwelling unit. 647

(D) All residential hotels, upon request of the dwelling unit 648
guest, shall provide furniture adequate for living, eating, 649
cooking, sanitation, and sleeping within each dwelling unit. 650
Residential hotels may charge appropriate additional fees for the 651
provision of any furniture pursuant to this section. 652

(E) A hotel shall provide at least one bed of a type that is 653
suitable for use with a portable lift that the guest provides in 654
twenty-five per cent of the total number of rooms that the hotel 655
is required to hold out as accessible sleeping rooms or suites, 656
rounded up to the next whole number. The hotel shall satisfy all 657
of the following requirements with respect to that bed: 658

(1) The space between the underside of at least one of the 659
longest sides of the bed frame and the finished floor shall be at 660
least six and one-half inches, shall extend a depth of at least 661
thirty inches from the edge of that side of the bed toward the 662
center line of the bed, and shall be clear of any obstructions, to 663
provide for clearance for the use of a portable lift. 664

Notwithstanding the requirement that the total depth of space 665
described in this division be clear of any obstructions, the legs 666
of the bed may protrude into that space. 667

(2) The side of the bed described in division (E)(1) of this 668
division shall be separated by at least forty-five inches of space 669
between that side and any obstacle or other major elements of the 670
room, to allow for maneuverability. 671

(F) Within forty-five days after the effective date of this 672
amendment, a hotel shall have at least one room that the hotel 673
holds out as an accessible sleeping room or suite that satisfies 674
the requirements of division (E) of this section. Within five 675
years after the effective date of this amendment, or upon 676
completion of the next major renovation of the hotel, whichever 677
occurs first, a hotel shall completely satisfy the requirements 678
specified in that division. No hotel is required to comply with 679
the requirements of this division or division (E) of this section 680
if a federal standard for the type of bed described in division 681
(E) of this section is adopted and becomes effective. 682

(G) A violation of division (E) or (F) of this section is an 683
unlawful discriminatory practice as described in division (G) of 684
section 4112.02 of the Revised Code. A person who is injured by an 685
alleged violation of division (E) or (F) of this section may file 686
a complaint with the Ohio civil rights commission in accordance 687
with requirements specified in section 4112.05 of the Revised 688
Code. The commission shall follow the procedures specified in that 689
section for complaints filed for violations of division (G) of 690
section 4112.02 of the Revised Code regarding that complaint, 691
except, if the commission determines after a hearing described in 692
division (B) of section 4112.05 of the Revised Code, that a 693
violation has occurred, the commission shall notify the state fire 694
marshal. The state fire marshal, upon receipt of that notice, 695
shall take the action the state fire marshal determines necessary 696
against the owner, keeper, or lessee of that hotel in accordance 697
with sections 3731.05 and 3731.06 of the Revised Code. 698

Sec. 3731.16. The owner or manager of each hotel shall post 699
in a conspicuous place in each room thereof a card or sign stating 700
the price per day of such room, and shall file with the state fire 701
marshal a diagram or list showing the price of each room in the 702
hotel and no advances shall be made in this schedule, without 703
twenty days' written notice to the state fire marshal. The posted 704
hotel rate shall reflect the maximum actual rate and include the 705
maximum rate per number of actual occupants. 706

Sec. 3731.20. The state fire marshal or the state fire 707
marshal's assistants shall accept no gift or gratuity in any form 708
from any hotel or SRO facility under penalty of summary dismissal. 709

Sec. 3731.21. The (A) If a health official determines that an 710
owner, keeper, or lessee has not complied with the requirements 711
for sanitation specified in sections 3731.09, 3731.11, 3731.12, 712
and 3731.13 of the Revised Code, the health official shall notify 713
the state fire marshal, and the state fire marshal may take any 714
action permitted under this chapter that the state fire marshal 715
determines is appropriate. 716

(B)(1) Except as limited by division (B)(3) of this section, 717
the state fire marshal, or other person representing the state 718
fire marshal, may file a complaint with the attorney general, the 719
prosecuting attorney of each the county shall, upon in which the 720
hotel or structure that is the subject of the complaint of the 721
fire marshal or other person representing him, is located, or 722
both. Except as otherwise provided in divisions (B)(2) and (3) of 723
this section, upon receipt of that complaint, the attorney general 724
or prosecuting attorney may prosecute to termination before any 725
the court of common pleas of the county in which the hotel or 726
structure that is the subject of the complaint is located a proper 727
action or proceeding against any person violating sections 3731.01 728

~~to 3731.21, inclusive, of the Revised Code this chapter.~~ 729

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(2) If the state fire marshal elects to file a complaint with 731
both the attorney general and a county prosecutor, the following 732
circumstances apply, as applicable: 733

(a) If both the attorney general and the county prosecutor 734
determine that the complaint should be prosecuted, the state fire 735
marshal shall do both of the following: 736

(i) Determine which one of those two entities should proceed 737
with the complaint and request that entity to proceed; 738

(ii) Notify the entity not chosen pursuant to division 739
(B)(2)(a)(i) of this section of the state fire marshal's 740
determination and request that entity not to proceed with the 741
complaint. 742

(b) If one of the entities determines, on the merits of the 743
complaint, not to prosecute the complaint, the state fire marshal 744
shall request the other entity not to proceed with the complaint. 745

(c) If one of the entities determines, for reasons other than 746
the merits of the complaint, not to prosecute the complaint, the 747
state fire marshal may request the other entity to proceed with 748
the complaint. 749

(3) If the state fire marshal elects to file a complaint with 750
either the attorney general or a county prosecutor, but not both, 751
the following circumstances apply, as applicable: 752

(a) If the entity with which the state fire marshal files the 753
complaint determines, for reasons other than the merits of the 754
complaint, not to prosecute the complaint, the state fire marshal 755
may file the complaint with the other entity. 756

(b) If the entity with which the state fire marshal files the 757
complaint determines, on the merits of the complaint, not to 758

prosecute the complaint, the state fire marshal shall not file the 759
complaint with the other entity. 760

(C) Nothing in this section shall be construed to prevent the 761
attorney general and prosecuting attorney from collaborating on a 762
prosecution. 763

~~Sec. 3731.99. (A) Except as provided in division (B) of this~~ 764
~~section, whoever violates section 3731.08 of the Revised Code~~ 765
~~shall be fined ten dollars.~~ 766

~~(B) Whoever violates section 3731.03 or 3731.05 of the~~ 767
~~Revised Code is guilty of a misdemeanor of the first degree.~~ 768

Sec. 4745.01. (A) "Standard renewal procedure," as used in 769
Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 770
927., 942., 943., 953., 1321., 3710., 3713., 3719., ~~3731.~~, 3742., 771
3748., 3769., 3783., 3921., 3951., 4104., 4105., 4143., 4169., 772
4561., 4703., 4707., 4709., 4713., 4715., 4717., 4723., 4725., 773
4727., 4728., 4729., 4731., 4733., 4734., 4735., 4739., 4741., 774
4747., 4749., 4752., 4753., 4755., 4757., 4758., 4759., 4761., 775
4766., 4773., and 4775. of the Revised Code, means the license 776
renewal procedures specified in this chapter. 777

(B) "Licensing agency," as used in this chapter, means any 778
department, division, board, section of a board, or other state 779
governmental unit subject to the standard renewal procedure, as 780
defined in this section, and authorized by the Revised Code to 781
issue a license to engage in a specific profession, occupation, or 782
occupational activity, or to have charge of and operate certain 783
specified equipment, machinery, or premises. 784

(C) "License," as used in this chapter, means a license, 785
certificate, permit, card, or other authority issued or conferred 786
by a licensing agency by authority of which the licensee has or 787
claims the privilege to engage in the profession, occupation, or 788

occupational activity, or to have control of and operate certain 789
specific equipment, machinery, or premises, over which the 790
licensing agency has jurisdiction. 791

(D) "Licensee," as used in this chapter, means either the 792
person to whom the license is issued or renewed by a licensing 793
agency, or the person, partnership, or corporation at whose 794
request the license is issued or renewed. 795

(E) "Renewal" and "renewed," as used in this chapter and in 796
the chapters of the Revised Code specified in division (A) of this 797
section, includes the continuing licensing procedure provided in 798
Chapter 3748. of the Revised Code and rules adopted under it and 799
in sections 1321.05 and 3921.33 of the Revised Code, and as 800
applied to those continuing licenses any reference in this chapter 801
to the date of expiration of any license shall be construed to 802
mean the due date of the annual or other fee for the continuing 803
license. 804

Section 2. That existing sections 121.04, 3731.01, 3731.02, 805
3731.03, 3731.04, 3731.05, 3731.06, 3731.11, 3731.12, 3731.16, 806
3731.20, 3731.21, 3731.99, and 4745.01 of the Revised Code are 807
hereby repealed. 808