

**As Passed by the Senate**

**127th General Assembly  
Regular Session  
2007-2008**

**S. B. No. 237**

**Senator Schaffer**

**Cosponsors: Senators Kearney, Stivers, Amstutz, Carey, Harris, Mason,  
Mumper, Sawyer, Seitz, Spada, Wilson, Padgett**

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**A B I L L**

To amend sections 3731.01 and 3731.04 and to enact 1  
section 3731.17 of the Revised Code to allow 2  
transient hotels to permit guests to stay longer 3  
than thirty days and to allow extended stay hotels 4  
to permit guests to stay longer than one year. 6

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

**Section 1.** That sections 3731.01 and 3731.04 be amended and 7  
section 3731.17 of the Revised Code be enacted to read as follows: 9

**Sec. 3731.01.** (A) As used in this chapter: 10

(1) "Hotel" means a transient hotel, extended stay hotel, or 11  
residential hotel. 12

"Hotel" includes any structure consisting of one or more 13  
buildings containing any combination of more than five guestrooms 14  
that are each approved by the building code official having 15  
jurisdiction and the fire marshal as meeting the requirements for 16  
transient sleeping rooms or extended stay temporary residence 17  
dwelling units, or as having features of such sleeping rooms and 18  
dwelling units within the same room, and such structure is 19  
specifically constructed, kept, used, maintained, advertised, and 20

held out to the public to be a place where transient sleeping 21  
accommodations or temporary residence is offered for pay to 22  
persons, but such structure does not otherwise meet the definition 23  
of a transient hotel or an extended stay hotel as defined in this 24  
section. "Hotel" does not include agricultural labor camps, 25  
apartment houses, apartments or other similar places of permanent 26  
personal residence, lodging houses, rooming houses, or hospital or 27  
college dormitories. 28

(2) "Transient hotel" means any structure consisting of one 29  
or more buildings, with more than five sleeping rooms, that is 30  
specifically constructed, kept, used, maintained, advertised, or 31  
held out to the public to be a place where sleeping accommodations 32  
are offered for pay to ~~transient guests for a period of thirty~~ 33  
~~days or less~~ whose stay is primarily transient in nature, 34  
including, but not limited to, such a structure denoted as a 35  
hotel, motel, motor hotel, lodge, motor lodge, bed and breakfast, 36  
or inn. 37

(3) "Extended stay hotel" means any structure consisting of 38  
one or more buildings, with more than five dwelling units with 39  
provisions for living, eating, cooking, sanitation, and sleeping, 40  
that is specifically constructed, kept, used, maintained, 41  
advertised, and held out to the public to be a place where 42  
temporary residence is offered for pay to persons ~~for a minimum~~ 43  
~~stay of more than thirty days and a maximum stay of one year~~ 44  
~~within the dwelling units at the structure,~~ that is approved 45  
pursuant to a valid certificate of occupancy issued by the 46  
building official having jurisdiction as having all of the 47  
required dwelling unit features, and for which such valid 48  
certificate of occupancy indicates the specific rooms within the 49  
structure that can be used as dwelling units, and that is approved 50  
by the fire marshal for extended stay temporary residence 51  
purposes. 52

(4) "Residential hotel" means any structure or structures 53  
consisting of one or more buildings, with more than five dwelling 54  
units, that are specifically constructed and approved through a 55  
valid certificate of occupancy issued by the building official 56  
having jurisdiction, as having both dwelling unit features for 57  
non-transient residence purposes and all of the transient 58  
residential occupancy features of a transient hotel in accordance 59  
with the residential group R-1 use and occupancy classification 60  
adopted by the board of building standards pursuant to Chapter 61  
3781. of the Revised Code, and that are kept, used, maintained, 62  
advertised, operated as, or held out to the public to be a place 63  
where non-transient dwelling units are offered for pay to persons 64  
for a minimum stay of more than thirty days. 65

(5) "Temporary residence" means a dwelling unit accommodation 66  
room within a hotel that is used by its occupants ~~for a minimum~~ 67  
~~period of thirty one days and a maximum period of one year~~ but is 68  
not used as the permanent or principal residence of its occupants. 69

(6) "Transient" means ~~not more~~ less than thirty days. 70

(7) "Dwelling unit" means an accommodation room within a 71  
hotel that contains independent provisions for living, eating, 72  
cooking, sleeping, and sanitation. 73

(8) "SRO facility" means a facility with more than five 74  
sleeping rooms that is kept, used, maintained, advertised, or held 75  
out to the public as a place where sleeping rooms are offered on a 76  
single room occupancy (SRO) basis and that is intended for use as 77  
a primary residence for residential guests for a period of more 78  
than thirty days. 79

"SRO facility" does not include agricultural labor camps, 80  
apartment houses, lodging houses, rooming houses, or hospital or 81  
college dormitories. 82

(9) "Single room occupancy (SRO) basis" means one occupant 83

per room. 84

(B) This chapter does not apply to apartment buildings and 85  
other structures in which all of the units are residential 86  
premises. 87

**Sec. 3731.04.** (A)(1) Transient hotels may offer sleeping 88  
accommodations for pay to guests whose stay is primarily transient 89  
in nature, and also allow guests to stay in not more than 90  
thirty-three per cent of the transient sleeping rooms in the hotel 91  
for thirty days or more. In addition, transient hotels may offer 92  
extended stay temporary residence guest accommodations within any 93  
dwelling units or transient sleeping room with dwelling unit 94  
features within the structure if such units or sleeping rooms are 95  
specifically constructed and approved as also being dwelling units 96  
with provisions for living, eating, cooking, sanitation, and 97  
sleeping. A transient or extended stay guestroom shall be approved 98  
through a valid certificate of occupancy issued by the building 99  
official having jurisdiction. The certificate shall indicate the 100  
specific guestrooms within the structure that can be used as 101  
dwelling units and such dwelling units shall be approved by the 102  
fire marshal for extended stay temporary residence purposes. 104

(2) Notwithstanding division (A)(1) of this section, the 105  
legislative authority of a municipal corporation may adopt an 106  
ordinance or resolution, or a board of township trustees may adopt 107  
a resolution, that prohibits a guest from staying for thirty days 108  
or more in a transient sleeping room that does not have dwelling 109  
unit features included in a transient hotel. 110

(B) Extended stay hotels may offer transient guest 111  
accommodations for less than thirty days within any dwelling units 112  
or other rooms within the structure if such dwelling units or 113  
rooms are specifically constructed and approved as also being 114  
transient sleeping rooms. Such transient sleeping rooms shall be 115

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 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. 3731.17. An owner or manager of a hotel shall maintain a daily register listing each guest and describing the length of each guest's stay. An owner or manager shall maintain the register in a manner so that it can be used to determine the number of consecutive days each guest stays in a room in the hotel. The owner or manager shall make the register available to the fire marshal during any inspection of the hotel conducted by the fire marshal. The owner or manager shall maintain each register for a period of one year beginning on the first date listed in the register. At the expiration of that one-year period, the owner or manager shall begin and maintain a new daily register that satisfies the requirements described in this section.

**Section 2.** That existing sections 3731.01 and 3731.04 of the Revised Code are hereby repealed.