

**As Reported by the House Commerce and Labor Committee**

**127th General Assembly**

**Regular Session**

**2007-2008**

**Sub. S. B. No. 237**

**Senator Schaffer**

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

**Mumper, Sawyer, Seitz, Spada, Wilson, Padgett**

**Representatives Hughes, Yuko, Szollosi, Slesnick**

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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

**Sec. 1.601.** If a statute uses the term "fire marshal" it is 15  
referring to the state fire marshal. 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
<del>Fire</del> <u>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
<b>Sec. 3731.01.</b> (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 transient sleeping accommodations or temporary residence is offered for pay to persons, but such structure does not otherwise	66 67 68 69 70 71 72 73 74 75 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, 116  
and 117  
that.

(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 138

hotel that contains independent provisions for living, eating, 139  
cooking, sleeping, and sanitation. 140

(8) "SRO facility" means a facility with more than five 141  
sleeping rooms that is kept, used, maintained, advertised, or held 142  
out to the public as a place where sleeping rooms are offered on a 143  
single room occupancy (SRO) basis and that is intended for use as 144  
a primary residence for residential guests for a period of more 145  
than thirty days. 146

"SRO facility" does not include agricultural labor camps, 147  
apartment houses, lodging houses, rooming houses, or hospital or 148  
college dormitories. 149

(9) "Single room occupancy (SRO) basis" means one occupant 150  
per room. 151

(B) This chapter does not apply to apartment buildings and 152  
other structures in which all of the units are residential 153  
premises. 154

**Sec. 3731.02.** (A) The state fire marshal shall make such 155  
rules as are necessary to carry out this chapter, which shall 156  
include, but are not limited to, rules establishing requirements 157  
to renew a license issued under this chapter and fees for 158  
licensure and renewal and for inspections of hotels. ~~The~~ Except as 159  
provided in division (G) of section 3731.12 of the Revised Code, 160  
the state fire marshal and the assistant state fire marshals shall 161  
enforce this chapter. 162

(B) Except as otherwise provided in this division and 163  
divisions (C) and (D) of this section, the board of building 164  
standards shall adopt, pursuant to section 3781.10 of the Revised 165  
Code, rules that specify that the building code standards for SRO 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

(a) The owner of the extended stay hotel constructs or alters 229  
the hotel. 230



<u>(b) The owner of the extended stay hotel surrenders the</u>	231
<u>license issued to that hotel.</u>	232
<u>(c) The owner of the extended stay hotel changes the use or</u>	233
<u>occupancy of that hotel.</u>	234
<u>(d) The license issued to that extended stay hotel under this</u>	235
<u>chapter is revoked or is not renewed.</u>	236
<u>(2) If any of the events described in divisions (C)(1)(a) to</u>	237
<u>(d) of this section occur, the owner of the structure shall comply</u>	238
<u>with division (C)(3) of this section to obtain a new license to</u>	239
<u>operate as an extended stay hotel.</u>	240
<u>(3) Beginning on the effective date of this amendment, the</u>	241
<u>state fire marshal shall not issue a new license to operate a</u>	242
<u>facility as an extended stay hotel, and shall not renew such a</u>	243
<u>license issued under division (C)(3) of this section, unless the</u>	244
<u>facility satisfies the requirements to be an extended stay hotel</u>	245
<u>as specified in division (A)(3) of section 3731.01 of the Revised</u>	246
<u>Code.</u>	247
<u>(D) All licenses shall expire on the last day of December of</u>	248
<u>each year and be renewed <del>according to</del> in accordance with the</u>	249
<u>standard requirements for renewal procedure of sections <del>4745.01 to</del></u>	250
<u><del>4745.03</del> established in rules adopted by the state fire marshal</u>	251
<u>pursuant to division (A) of section 3731.02 of the Revised Code. A</u>	252
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<u>(E) A person who has received a license, upon the sale or</u>	254
<u>disposition of the hotel or SRO facility or its removal to a new</u>	255
<u>location, may, upon obtaining consent of the state fire marshal,</u>	256
<u>have the license transferred. No license shall be transferred</u>	257
<u>without both an inspection conducted by and the consent of the</u>	258
<u>state fire marshal, and the state fire marshal shall not</u>	259
<u>unreasonably withhold consent.</u>	260
<u><del>(B)</del>(F) A license to maintain and operate a hotel or an SRO</u>	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 323  
accommodations for less than thirty days within any dwelling units 324

or other rooms within the structure if such dwelling units or 325  
rooms are specifically constructed and approved as also being 326  
transient sleeping rooms. Such transient sleeping rooms shall be 327  
approved, through a valid certificate of occupancy issued by the 328  
building official having jurisdiction, that indicates the specific 329  
rooms within the structure that can be used as transient sleeping 330  
rooms and such transient sleeping rooms shall be approved by the 331  
state fire marshal for transient stay purposes. 332

(C) All of the requirements for the construction and 333  
operation of transient hotels and extended stay hotels, including 334  
the provisions applicable to transient sleeping rooms and 335  
temporary residence dwelling units, apply to hotels as defined in 336  
division (A)(1) of section 3731.01 of the Revised Code with a 337  
total number of guestrooms, including transient sleeping rooms or 338  
extended stay dwelling units, that is greater than five, but do 339  
not apply to residential hotels as defined in division (A)(4) of 340  
that section. 341

Sec. 3731.041. (A) Notwithstanding division (A)(2) of section 342  
3731.01 of the Revised Code, a transient hotel may allow a guest 343  
to stay in a transient sleeping room in the hotel for a continuous 344  
period of two hundred seventy days or less if all of the following 345  
conditions are satisfied: 346

(1) The transient hotel satisfies the requirements of 347  
divisions (C) and (D) of this section, as applicable. 348

(2) Not more than forty per cent of the transient sleeping 349  
rooms in the hotel are used for guests to stay for a continuous 350  
period of two hundred seventy days or less. 351

(3) The transient hotel designates a group of transient 352  
sleeping rooms, by room number, that will be used during the time 353  
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 marshal within thirty days prior to the first day that any guest is allowed to stay in any of those rooms for that extended period of time, and every year with the transient hotel's application to renew the transient hotel's license under section 3731.03 of the Revised Code. 356  
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(4) A quantity of combustible materials stored or used in the transient sleeping room does not exceed the amount of combustible materials acceptable for a light hazard occupancy area as defined and used by the state fire marshal in rules the state fire marshal adopts pursuant to section 3737.82 of the Revised Code. 362  
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(5) No cooking devices, except for a coffee maker, a microwave oven, or other similar cooking device that is listed as safe for residential use as defined and used by the state fire marshal in rules the state fire marshal adopts pursuant to section 3737.82 of the Revised Code and approved by the fire code official having jurisdiction, are stored or used in the transient sleeping room. 367  
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(B) No transient hotel shall change the designation of the transient sleeping rooms included in the list the transient hotel submits to the state fire marshal pursuant to division (A)(3) of this section during a license year. If the transient hotel submits a list of designated rooms with the transient hotel's application for renewal in accordance with division (A)(3) of this section and does not change the designation of any rooms included on the previous list the transient hotel submitted pursuant to that division, the transient hotel may continue to allow guests to stay in the designated rooms for a continuous period of two hundred seventy days or less without having to obtain approval from the state fire marshal. 374  
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(C) A transient hotel that permits transient occupancy for a continuous period of two hundred seventy days or less under 386  
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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 518  
~~make~~ bring the hotel or SRO facility into compliance with the 519  
requirements of this chapter, the rules adopted pursuant to it, or 520  
the state fire code adopted pursuant to section 3737.82 of the 521  
Revised Code, by making the necessary alterations or changes 522  
specified in the notification by the state fire marshal is in 523  
violation of this section. 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 607  
Revised Code, a fine of ten dollars for each violation. 608

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 furniture designed for sleeping shall be white or off-white in color and shall be washed daily if requested by a guest, and all such sheets and pillow slips, after being used by one guest, shall 630  
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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) Every hotel shall provide, in twenty-five per cent of the 653  
total number of rooms in the hotel, rounded up to the next whole 654  
number, that the hotel is required to hold out as accessible 655  
sleeping rooms or suites, at least one bed of a type that is 656  
suitable for use with a portable lift that the guest provides. The 657  
hotel shall satisfy all of the following requirements with respect 658  
to that bed: 659

(1) The space between the underside of at least one of the 660  
longest sides of the bed frame and the finished floor shall be at 661  
least six and one-half inches, shall extend a depth of at least 662  
thirty inches from the edge of that side of the bed toward the 663  
center line of the bed, and shall be clear of any obstructions, to 664  
provide for clearance for the use of a portable lift. 665

Notwithstanding the requirement that the total depth of space 666  
described in this division be clear of any obstructions, the legs 667  
of the bed may protrude into that space. 668

(2) The side of the bed described in division (E)(1) of this 669  
division shall be separated by at least forty-five inches of space 670

between that side and any obstacle or other major elements of the 671  
room, to allow for maneuverability. 672

(F) Within forty-five days after the effective date of this 673  
amendment, a hotel shall have at least one room that the hotel 674  
holds out as an accessible sleeping room or suite that satisfies 675  
the requirements of division (E) of this section. Within five 676  
years after the effective date of this amendment, or upon 677  
completion of the next major renovation of the hotel, whichever 678  
occurs first, a hotel shall completely satisfy the requirements 679  
specified in that division. No hotel is required to comply with 680  
the requirements of this division or division (E) of this section 681  
if a federal standard for the type of bed described in division 682  
(E) of this section is adopted and becomes effective. 683

(G) A violation of division (E) or (F) of this section is an 684  
unlawful discriminatory practice as described in division (G) of 685  
section 4112.02 of the Revised Code. A person who is injured by an 686  
alleged violation of division (E) or (F) of this section may file 687  
a complaint with the Ohio civil rights commission in accordance 688  
with requirements specified in section 4112.05 of the Revised 689  
Code. The commission shall follow the procedures specified in that 690  
section for complaints filed for violations of division (G) of 691  
section 4112.02 of the Revised Code regarding that complaint, 692  
except, if the commission determines after a hearing described in 693  
division (B) of section 4112.05 of the Revised Code, that a 694  
violation has occurred, the commission shall notify the state fire 695  
marshal. The state fire marshal, upon receipt of that notice, 696  
shall take the action the state fire marshal determines necessary 697  
against the owner, keeper, or lessee of that hotel in accordance 698  
with sections 3731.05 and 3731.06 of the Revised Code. 699

**Sec. 3731.16.** The owner or manager of each hotel shall post 700  
in a conspicuous place in each room thereof a card or sign stating 701

the price per day of such room, and shall file with the state fire 702  
marshal a diagram or list showing the price of each room in the 703  
hotel and no advances shall be made in this schedule, without 704  
twenty days' written notice to the state fire marshal. The posted 705  
hotel rate shall reflect the maximum actual rate and include the 706  
maximum rate per number of actual occupants. 707

**Sec. 3731.20.** The state fire marshal or the state fire 708  
marshal's assistants shall accept no gift or gratuity in any form 709  
from any hotel or SRO facility under penalty of summary dismissal. 710

**Sec. 3731.21.** The (A) If a health official determines that an 711  
owner, keeper, or lessee has not complied with the requirements 712  
for sanitation specified in sections 3731.09, 3731.11, 3731.12, 713  
and 3731.13 of the Revised Code, the health official shall notify 714  
the state fire marshal, and the state fire marshal may take any 715  
action permitted under this chapter that the state fire marshal 716  
determines is appropriate. 717

(B)(1) Except as limited by division (B)(3) of this section, 718  
the state fire marshal, or other person representing the state 719  
fire marshal, may file a complaint with the attorney general, the 720  
prosecuting attorney of each the county shall, upon in which the 721  
hotel or structure that is the subject of the complaint of the 722  
fire marshal or other person representing him, is located, or 723  
both. Except as otherwise provided in divisions (B)(2) and (3) of 724  
this section, upon receipt of that complaint, the attorney general 725  
or prosecuting attorney may prosecute to termination before any 726  
the court of common pleas of the county in which the hotel or 727  
structure that is the subject of the complaint is located a proper 728  
action or proceeding against any person violating sections 3731.01 729  
to 3731.21, inclusive, of the Revised Code this chapter. 730

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(2) If the state fire marshal elects to file a complaint with both the attorney general and a county prosecutor, the following circumstances apply, as applicable: 732  
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(a) If both the attorney general and the county prosecutor determine that the complaint should be prosecuted, the state fire marshal shall do both of the following: 735  
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(i) Determine which one of those two entities should proceed with the complaint and request that entity to proceed; 738  
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(ii) Notify the entity not chosen pursuant to division (B)(2)(a)(i) of this section of the state fire marshal's determination and request that entity not to proceed with the complaint. 740  
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(b) If one of the entities determines, on the merits of the complaint, not to prosecute the complaint, the state fire marshal shall request the other entity not to proceed with the complaint. 744  
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(c) If one of the entities determines, for reasons other than the merits of the complaint, not to prosecute the complaint, the state fire marshal may request the other entity to proceed with the complaint. 747  
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(3) If the state fire marshal elects to file a complaint with either the attorney general or a county prosecutor, but not both, the following circumstances apply, as applicable: 751  
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(a) If the entity with which the state fire marshal files the complaint determines, for reasons other than the merits of the complaint, not to prosecute the complaint, the state fire marshal may file the complaint with the other entity. 754  
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(b) If the entity with which the state fire marshal files the complaint determines, on the merits of the complaint, not to prosecute the complaint, the state fire marshal shall not file the complaint with the other entity. 758  
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(C) Nothing in this section shall be construed to prevent the attorney general and prosecuting attorney from collaborating on a prosecution.

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

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

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

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

(C) "License," as used in this chapter, means a license, certificate, permit, card, or other authority issued or conferred by a licensing agency by authority of which the licensee has or claims the privilege to engage in the profession, occupation, or occupational activity, or to have control of and operate certain specific equipment, machinery, or premises, over which the

licensing agency has jurisdiction. 792

(D) "Licensee," as used in this chapter, means either the 793  
person to whom the license is issued or renewed by a licensing 794  
agency, or the person, partnership, or corporation at whose 795  
request the license is issued or renewed. 796

(E) "Renewal" and "renewed," as used in this chapter and in 797  
the chapters of the Revised Code specified in division (A) of this 798  
section, includes the continuing licensing procedure provided in 799  
Chapter 3748. of the Revised Code and rules adopted under it and 800  
in sections 1321.05 and 3921.33 of the Revised Code, and as 801  
applied to those continuing licenses any reference in this chapter 802  
to the date of expiration of any license shall be construed to 803  
mean the due date of the annual or other fee for the continuing 804  
license. 805

**Section 2.** That existing sections 121.04, 3731.01, 3731.02, 806  
3731.03, 3731.04, 3731.05, 3731.06, 3731.11, 3731.12, 3731.16, 807  
3731.20, 3731.21, 3731.99, and 4745.01 of the Revised Code are 808  
hereby repealed. 809