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Bill Analysis
Legislative Service Commission

Sub. S.B. 305
126th General Assembly
(As Passed by the Senate)

Sens. Stivers, Goodman, Dann, Kearney, Wachtmann

BILL SUMMARY

- Modifies the definition of "hotel" for purposes of the Hotel Law and adds specific definitions for the following three new categories of hotels: transient hotel, extended stay hotel, and residential hotel.
- Specifies construction and operation requirements applicable to the new categories of hotels.
- Specifies the types of guestrooms that transient and extended stay hotels can offer and the conditions that must be satisfied to offer differing types of guestrooms.
- Specifies the type of furniture that transient and extended stay hotels must provide in guestrooms.
- Requires residential hotels to provide furniture only when requested by the guest and allows residential hotels to charge appropriate additional fees for the provision of such furniture.
- Requires the Fire Marshal or the Fire Marshal's assistants to refer all suspected unsanitary conditions to the appropriate board of health and requires that board to investigate those referrals, take action as necessary to enforce sanitary standards, and cooperate with the Fire Marshal in the enforcement of the licensing requirements of the Hotel Law.
- Specifies that any violations of sanitary requirements, as determined by an appropriate board of health, may be cause for a denial, suspension, or revocation of any hotel or SRO license.
- Requires the prosecuting attorney of each county, at the request of the Fire Marshal, board of health, or other person representing the Fire

Marshal or board of health, to prosecute a proper action or proceeding against any person violating the sanitary standards included in the Hotel Law.

- Eliminates certain length, color, and fabric requirements for sheets and pillow slips used by hotels.

CONTENT AND OPERATION

Hotels and SRO facilities licensure background

Under existing law, hotels and SRO facilities (SRO stands for "single room occupancy") must be licensed in order to operate in this state. Hotels and SRO facilities must maintain premises in sanitary condition, have proper plumbing, lighting, and ventilation, and satisfy specified requirements concerning bedding, carpeting, restroom facilities, and hotel rate postings. Persons who operate without a license or who knowingly fail to make necessary alterations or changes specified in a violation notification issued by the State Fire Marshal are guilty of a first-degree misdemeanor. Persons who fail to satisfy other specified requirements of the Hotel Law (R.C. Chapter 3731.) must be fined \$10 for each day of violation.

Definitions

Types of hotels under current law

Current law defines "hotel" as:

(1) Any structure consisting of one or more buildings, with more than five sleeping rooms, that is kept, used, maintained, advertised, or held out to the public to be a place where sleeping accommodations are offered for pay to transient guests for a period of 30 days or less, including, but not limited to, such a structure denoted as a hotel, motel, motor hotel, lodge, motor lodge, bed and breakfast, or inn; and

(2) Any structure consisting of one or more buildings, with more than five sleeping rooms, that is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where temporary residence is offered for pay to persons, including, but not limited to, an extended stay hotel or extended stay motel that is specifically constructed, and approved by the building official having jurisdiction over it and by the Fire Marshal, for extended stay temporary residence by persons, and that contains six or more dwelling units with provision for living, eating, cooking, sanitation, and sleeping. (Sec. 3731.01(A)(1).)

An "SRO facility" under current law 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." "Single room occupancy (SRO) basis" means one occupant per room. "Hotel" and "SRO facility" do not include agricultural labor camps, apartment houses, lodging houses, rooming houses, or hospital or college dormitories. Currently, the Hotel Law also does not apply to apartment buildings and other structures in which all of the units are "residential premises."¹ (Sec. 3731.01(A)(2) and (B).)

Types of hotels under the bill

The bill modifies the definition of "hotel" and adds specific definitions for three new categories of hotels. Under the bill, "hotel" means a transient hotel, extended stay hotel, or a residential hotel and 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 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 meet the definition of a transient hotel or an extended stay hotel. (Sec. 3731.01(A)(1).)

Under the bill, a "transient hotel" is any hotel as defined in (1) above under current law, except that the bill additionally specifies that the structure is specifically constructed to be a place where sleeping accommodations are offered for 30 days or less. An "extended stay hotel" is defined by the bill as "any structure consisting of one or more buildings, with more than five dwelling units with provisions for living, eating, cooking, sanitation, and sleeping, that is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where temporary residence is offered for pay to persons for a minimum stay of more than 30 days and a maximum stay of one year within the dwelling units at the structure, that is approved pursuant to a valid certificate of occupancy issued by the building official having jurisdiction as having all of the required dwelling unit features, and for which such valid certificate of occupancy indicates the specific rooms within the structure that can be used as dwelling units, and that is approved by the Fire Marshal for extended stay temporary residence purposes." (Sec. 3731.01(A)(2) and (3).)

¹ "Residential premises" is not a defined term in the Hotel Law.

"Residential hotel" under the bill means any structure or structures consisting of one or more buildings, with more than five dwelling units, that are specifically constructed and approved through a valid certificate of occupancy issued by the building official having jurisdiction, as having both dwelling unit features for non-transient residence purposes and all of the transient residential occupancy features of a transient hotel in accordance with the residential group R-1 use and occupancy classification adopted by the Board of Building Standards, and that are kept, used, maintained, advertised, operated as, or held out to the public to be a place where non-transient dwelling units are offered for pay to persons for a minimum stay of more than 30 days. (Sec. 3731.01(A)(4).)

The bill adds the following defined terms to the Hotel Law:

(1) "Temporary residence" means a dwelling unit accommodation room within a hotel used for non-permanent personal residence by its occupants for a minimum period of 31 days and a maximum period of one year.

(2) "Transient" means not more than 30 days.

(3) "Dwelling unit" means an accommodation room within a hotel that contains independent provisions for living, eating, cooking, sleeping, and sanitation. (Sec. 3731.01(A).)

Types of guestrooms offered by transient hotels and extended stay hotels

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

Extended stay hotels may offer transient guest accommodations for less than 30 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 must 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 must be approved by the Fire Marshal for transient stay purposes. (Sec. 3731.04(B).)

Specifications regarding furniture and sheets

The bill requires that every transient hotel and extended stay hotel 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. It also requires all extended stay hotels to provide furniture adequate for living, eating, cooking, sanitation, and sleeping within each dwelling unit. Under the bill, all residential hotels must provide furniture adequate for living, eating, cooking, sanitation, and sleeping within each dwelling unit, but only upon request of a dwelling unit guest. Residential hotels may charge appropriate additional fees for the provision of any such furniture. (Sec. 3731.12.)

Current law unchanged by the bill requires that hotels provide pillow slips and under and top sheets. However, the bill eliminates specific requirements that top sheets be at least 90 inches in length and that sheets and pillow slips be made of cotton or linen. It also allows sheets and pillow slips to be off-white in color instead of just white. (Sec. 3731.12.)

Construction and operation requirements

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 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. (Sec. 3731.04(C).)

Enforcement of sanitary standards by local boards of health

Current law requires every hotel and SRO facility to be kept in sanitary condition. It also specifies that all bedding used in any hotel must be thoroughly aired, disinfected, and kept clean and that no bedding that is infested with vermin or bedbugs can be used on any bed in any hotel. The bill specifically requires the Fire Marshal or the Fire Marshal's assistants to refer all suspected unsanitary conditions to the board of health having jurisdiction in the area in which a hotel or SRO facility is located. It also requires that board of health to investigate those referrals, take action as necessary to enforce sanitary standards, and cooperate with the Fire Marshal in the enforcement of the licensing requirements of the Hotel Law. The bill specifies that any violations of sanitary requirements, as determined by that board of health, may be cause for a denial, suspension, or revocation of any hotel or SRO license. (Secs. 3731.09 and 3731.13.)

The bill adds that the prosecuting attorney of each county, at the request of the Fire Marshal, board of health, or other person representing the Fire Marshal or

board of health, must prosecute to termination before any court a proper action or proceeding against any person violating the sanitary standards included in the Hotel Law. (Sec. 3731.21.)

SRO-type facilities operating before October 16, 1996

Current law specifies that any facility that was operating prior to October 16, 1996, in the nature of an SRO facility, whether previously licensed as a hotel or not, and after that date was licensed as an SRO facility, is permitted under rules adopted by the Board of Building Standards to have a building code standard of either use group R-1 or use group R-2. All other SRO facilities must be use group R-2 pursuant to rules of the Board. The bill specifies that any facility operating prior to that date that met the building code standards for an SRO facility prior to that date must be permitted to be either use group R-1 or use group R-2 if the facility meets the requirements for those use groups. (Sec. 3731.02(B).)

HISTORY

ACTION	DATE
Introduced	03-28-06
Reported, S. Insurance, Commerce & Labor	05-23-06
Passed Senate (33-0)	05-24-06

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