



H.B. 300

127th General Assembly
(As Introduced)

Reps. J. Hagan, Peterson, Chandler, Stabelton

BILL SUMMARY

- Requires every hotel to provide in any room the hotel holds out as an accessible sleeping room or suite at least one bed that is suitable for use with a portable lift that a guest provides.
- Requires the State Fire Marshal, with respect to the type of bed referenced above, to adopt by rule a description of the access to the bed and amount of clearance between the floor and the bottom of the bed needed for a bed to comply with the bill's requirements.

CONTENT AND OPERATION

Background

Hotels must be licensed in order to operate in Ohio under continuing law. A "hotel," under continuing law, means a transient hotel, extended stay hotel, residential hotel, or additional types of buildings as described under continuing law (sec. 3731.01, not in the bill).¹ Owners or operators of hotels must satisfy

¹ Specifically, "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 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 as defined in this section. "Hotel" does not include agricultural labor camps, apartment houses, apartments or other similar places of permanent personal residence, lodging houses, rooming houses, or hospital or college dormitories. (Sec. 3731.01, not in the bill.)

requirements specified in the Hotel Law (R.C. Chapter 3731.) concerning sanitation, bedding, and separate sleeping and bathing rooms. If a person operates a hotel without a license or if an owner, proprietor, or agent knowingly fails to make alterations or changes to the hotel as required by the Fire Marshal after the Fire Marshal conducts an inspection of the hotel, that person, owner, proprietor, or agent is guilty of a first-degree misdemeanor. If a person violates any other provision specified in the Hotel Law, that person is subject to a \$10 fine for each day the violation continues (secs. 3731.03, 3731.05, 3731.08, and 3731.99, not in the bill).

The federal Americans with Disabilities Act, (42 U.S.C. 12101 et seq., hereafter "ADA") prohibits discrimination against any individual on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of "public accommodation" by any person who owns, leases or leases to, or operates a place of public accommodation (42 U.S.C. 12182). A place of "public accommodation," under the ADA, includes an inn, hotel, motel, or other place of lodging if these entities affect commerce, as defined under the ADA, unless an exception applies (42 U.S.C. 12181(7)(a)).

Under regulations adopted by the United States Department of Justice to administer and enforce the ADA, all hotels must provide at least one room or suite that is accessible to a person with disabilities. This type of room or suite is referred to in the regulations as an "accessible sleeping room or suite," and the room or suite must comply with the requirements specified in the regulations (28 C.F.R. Pt. 36, App. A). The regulations require a hotel to have a specified number of accessible sleeping rooms and suites based upon the total number of rooms in the hotel. Additionally, hotels that have 50 or more sleeping rooms or suites must have a certain number of rooms or suites that have showers accessible by wheelchair (referred to as "roll-in showers"), depending upon the total number of rooms or suites in the hotel. The regulations specify requirements for the distribution of accessible sleeping rooms and suites throughout a hotel. The following requirements must be satisfied in order for a room or suite to be considered an accessible sleeping room or suite:

- The room or suite must have a specified amount of maneuvering space around the bed and have an accessible route² to connect all accessible spaces, as defined under the regulations;

² An "accessible route" is a continuous unobstructed path connecting all accessible elements and spaces of a building or facility. Interior accessible routes may include corridors, floors, ramps, elevators, lifts, and clear floor space at fixtures. Exterior

- Doors and doorways designed to allow passage into and within all sleeping rooms, suites, or other covered units must comply with the requirements for doors and doorways specified in the regulations that apply to public accommodations generally;
- If fixed or built-in storage facilities such as cabinets, shelves, closets, and drawers are provided in accessible spaces within the room or suite, at least one of each type of storage facility provided must contain storage space that complies with the requirements for storage specified in the regulations that apply to public accommodations generally;
- All controls in accessible units, sleeping rooms, and suites comply with the requirements for controls specified in the regulations that apply to public accommodations generally;
- If any of the following areas are provided, the areas must be accessible on an accessible route: the living area; dining area; at least one sleeping area; patios, terraces, or balconies; at least one full bathroom or, if only half baths are provided, at least one half bath; or carports, garages, or parking spaces.
- If kitchens or kitchenettes are provided in the room or suite, the requirements and specifications specified in the regulations for kitchens and kitchenettes regarding clean floor space, countertop and sink height, and cabinets must be satisfied;
- The room or suite has sleeping room accommodations for persons with hearing impairments. (28 C.F.R. Pt. 36, App. A.)

Portable lifts in hotel rooms

The bill requires every hotel to provide in any room the hotel holds out as an accessible sleeping room or suite, at least one bed of a type that is suitable for use with a portable lift that the guest provides. The Fire Marshal must adopt by rule a description of the access to the bed and amount of clearance between the floor and the bottom of the bed that is needed in order for a bed to comply with the requirements of the bill. (Sec. 3731.12(E).) Under continuing law unchanged by the bill, if a person fails to satisfy the bill's requirements the person is subject to a fine of \$10 per day the violation continues. If the Fire Marshal, after conducting

accessible routes may include parking access aisles, curb ramps, crosswalks at vehicular ways, walks, ramps, and lifts (28 C.F.R. Pt. 36, App. A).

an inspection, requires an owner, proprietor, or agent to make alterations or changes to comply with the bill's requirements and the owner, proprietor, or agent knowingly fails to do so, the owner, proprietor, or agent is guilty of a first-degree misdemeanor. (Secs. 3731.05, 3731.08, and 3731.99, not in the bill.)

HISTORY

ACTION	DATE
Introduced	08/21/07

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