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Bill Analysis
Legislative Service Commission

H.B. 349

127th General Assembly
(As Introduced)

Reps. Hughes and Goyal, Brown, Letson, Huffman, Fende, Driehaus, Distel, Budish, S. Williams, Sayre, Oelslager

BILL SUMMARY

- Allows transient hotels to allow guests to stay longer than 30 days, as long as guest stays in the hotel are primarily less than 30 days and provided that guests who stay for more than 30 days fill not more than 33% of the transient sleeping rooms in the hotel.
- Allows municipal corporations and townships to adopt local laws that prohibit a guest from staying for 30 days or more in a transient sleeping room that does not have dwelling unit features included in a transient hotel.
- Eliminates the 31-day minimum and one-year maximum stay period applicable to extended stay hotels.
- Requires an owner or manager of a hotel to maintain a daily register listing each guest and describing the length of each guest's stay 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 and to make the register available upon inspection of the Fire Marshal.

CONTENT AND OPERATION

Changes regarding length of stay allowed at transient hotels

Under existing law, a "transient hotel" is defined as "any structure consisting of one or more buildings, with more than five sleeping rooms, that is specifically constructed, 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." "Transient" is currently defined to mean "not more than thirty days." (Sec. 3731.01(A)(2) and (6).)

The bill modifies the definition of "transient hotel" so that rather than describing guests who stay at those hotels as "transient guests" who stay "for a period of thirty days or less," they are described instead as "guests whose stay is primarily transient in nature." The bill also modifies the definition of "transient" to mean "less than thirty days." Taken together, the practical affect of these changes seems to be the elimination of the thirtieth day when evaluating what constitutes "transient" and the fact that transient hotels may allow guests to stay longer than 30 days, as long as guest stays are *primarily* less than 30 days. (Sec. 3731.01(A)(2) and (6).)

Current law allows transient hotels to 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. The bill adds that transient hotels may offer sleeping accommodations for pay to guests whose stay is primarily transient in nature, and also may allow guests to stay in not more than 33% of the transient sleeping rooms in the hotel for 30 days or more. (Sec. 3731.04(A)(1).)

The bill adds a provision, however, that allows the legislative authority of a municipal corporation to adopt an ordinance or resolution, or a board of township trustees to adopt a resolution, that prohibits a guest from staying for 30 days or more in a transient sleeping room that does not have dwelling unit features included in a transient hotel, irrespective of the provision described immediately above. (Sec. 3731.04(A)(2).)

Elimination of minimum and maximum stay periods at extended stay hotels

Under current law, "extended stay hotel" means "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." "Temporary residence" under current law means "a dwelling unit accommodation room within a hotel that

is used by its occupants for a minimum period of 31 days and a maximum period of one year but is not used as the permanent or principal residence of its occupants." (Sec. 3731.01(A)(3) and (5).)

The bill eliminates the 31-day minimum and one-year maximum stay period contained in the definition of extended stay hotel and in the definition of temporary residence. (Sec. 3731.01(A)(3) and (5).)

Daily register of guest stays maintained by hotels

The bill requires an owner or manager of a hotel¹ to do all of the following:

(1) Maintain a daily register listing each guest and describing the length of each guest's stay;

(2) 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;

(3) Make the register available to the Fire Marshal during any inspection of the hotel conducted by the Fire Marshal;

(4) Maintain each register for a period of one year beginning on the first date listed in the register;

(5) At the expiration of that one-year period, begin and maintain a new daily register that satisfies the requirements described in (1) through (4) above. (Sec. 3731.17.)

HISTORY

ACTION	DATE
Introduced	10-11-07

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¹ "Hotel" is defined to include transient hotels, extended stay hotels, and residential hotels.