



H.B. 474

123rd General Assembly
(As Introduced)

Reps. Britton, Allen, Barrett, Flannery, James

BILL SUMMARY

- Requires air conditioning in existing and newly constructed facilities intended primarily to house seniors and persons who are disabled.

CONTENT AND OPERATION

The bill

(secs. 3701.79, 3701.83, and 3781.106)

Requirement for existing buildings

The bill requires the owner or operator of an existing building, other than a one-, two-, or three- family dwelling house, that is used primarily to house seniors and persons who are disabled to provide adequate air conditioning in the areas of the building used as the primary living quarters of those persons, as necessary for their health and safety.¹ The Director of Health is to adopt rules for the administration and enforcement of the bill relative to existing buildings.

The bill authorizes the Director to conduct periodic inspections of buildings subject to the bill, as the Director determines is necessary.

Whenever the Director has reasonable cause to believe that a person has violated the bill, the Director is to issue a citation requiring the person to comply within seven days after the date the citation is served on the person. If the person fails to comply within that time, the Director must assess a \$100 civil penalty against the person and an additional \$100 civil penalty for each seven-day period thereafter in which the person continues to violate the bill. At the Director's

¹ *The specific language of the bill states that the type of building affected by the bill is one "that is used primarily to house persons above the age of sixty-five or persons who require skilled care or personal assistance to perform activities of daily living."*

request, the Attorney General is required to bring a civil action to collect the civil penalty from a person who fails to pay it.

A person cited for violation of the bill may request an adjudication to review the citation. An order issued by the Director pursuant to such an adjudication is not subject to the remedies and penalties set forth in current law relative to other prosecutions and proceedings by the Department of Health.

Any penalty collected for a violation of the statute is to be paid into the State Treasury to the credit of the General Operations Fund and used for the administration and enforcement of the bill.

Requirement for new buildings

Under the bill, a new building that is intended to be used primarily to house senior and disabled persons must be constructed and equipped to supply air conditioning in the areas of the building used as the primary living quarters of those persons in accordance with rules adopted by the Board of Building Standards.²

Effective date

(Section 3)

Although the bill takes effect on the 91st day after it is filed with the Secretary of State, the requirements created by the bill are not effective until the 90th day after that date.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	10-08-99	p. 1240

H0474-I.123/jc

² See footnote 1.