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Final Analysis
Legislative Service Commission

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

Sens. Stivers, Goodman, Dann, Kearney, Wachtmann

**Reps. J. McGregor, Book, Combs, Domenick, C. Evans, Flowers, T. Patton,
Schaffer, Wagoner, Yuko**

Effective date: April 4, 2007

ACT 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.
- Eliminates certain length, color, and fabric requirements for sheets and pillow slips used by hotels.
- Requires the Fire Marshal to adopt rules requiring that the Fire Marshal issue permits required for any temporary membrane structure, tent, or canopy located on state-owned property or used for an event sponsored by a state agency unless the Fire Marshal directs the person seeking the permit to obtain the permit from the appropriate local fire code official.

- Adds that boards of health of a health district and sewer purveyors, in addition to city engineer departments, have complete authority to supervise and regulate the entire sewerage and drainage system in the entity's jurisdiction in accordance with the Ohio Plumbing Law.
- Changes the terms house sewer and house drain to building drain relative to sewage system inspections.
- Allows a secured facility, as defined by the act, to deny egress to certain patients and residents who are not capable of self-preservation by using delayed-egress doors and electronically coded doors and controlled-egress locks in accordance with the Ohio Nonresidential Building Code and State Fire Code.
- Requires a secured facility that uses delayed-egress doors and electronically coded doors and controlled-egress locks to provide continuous, 24-hour custodial care to the patients or residents of the facility and to establish a system to evacuate patients or residents in the event of a fire or other emergency.

CONTENT AND OPERATION

Definitions

Former law defined "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).)

The act modifies the definition of "hotel" used in the Hotel Law (R.C. Chapter 3731.) and adds specific definitions for three new categories of hotels. Under the act, "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 act, a "transient hotel" is any hotel as defined in (1) above under former law, except that the act 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 act 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).)

"Residential hotel" under the act 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).) However, under continuing law, the Hotel Law does not apply to apartment buildings and other structures in which all of the units are residential premises (sec. 3731.01(B)).

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

(1) "Temporary residence" means a dwelling unit accommodation room within a hotel 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.

(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 act 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).)

Under the act, 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 act 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 act, 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.)

Law retained in part by the act requires that hotels provide pillow slips and under and top sheets for transient and extended guests, but not residential guests. However, the act 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

Under the act, 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).)

Sanitary standards

Former law required that every hotel and SRO facility be kept in sanitary condition. The act specifies that SRO facilities and transient and extended stay hotels, but not residential hotels, must be kept in sanitary condition (sec. 3731.09).

SRO-type facilities operating before October 16, 1996

The act specifies that any facility operating prior to October 16, 1996, that met the building code standards for an SRO facility prior to that date must be permitted under rules to have a building code standard of use group R-1 or use group R-2 if the facility meets the requirements for those use groups specified in the Ohio building code. Former law specified that any facility that was operating prior to that date 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, was 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. (Sec. 3731.02(B).)

Permit for temporary membrane structure, tent, or canopy

The State Fire Code, which is adopted by the Fire Marshal, requires a person who wishes to construct or erect a temporary membrane structure, tent, or canopy located on state-owned property to obtain a permit from the local fire code official. If the local fire code official does not issue such a permit, the person may obtain the permit from the Fire Marshal (O.A.C. 1301:7-7-01(E)). The act

supercedes this State Fire Code provision by instead requiring the Fire Marshal to include a provision in the State Fire Code that directs the Fire Marshal to issue any permit that is required for any temporary membrane structure, tent, or canopy located on state-owned property or used for an event sponsored by a state agency, unless the Fire Marshal directs the person seeking the permit to obtain the permit from the appropriate local fire code official (sec. 3737.831).

Supervision and inspection of sewerage and drainage systems

The Division of Industrial Compliance in the Department of Commerce, the boards of health of health districts, and the certified departments of building inspection of municipal corporations enforce the Ohio Plumbing Law (R.C. Chapter 3703.) and the Ohio Plumbing Code with respect to plumbing in buildings that fall under the Division's, health district's, or department's jurisdiction (sec. 3781.03(C)).¹ However, under former law, if a city had a city engineer department, only the city engineer's department had complete authority to supervise and regulate the entire sewerage and drainage system of the city, including the house drain and the house sewer and all laterals draining into the street sewers.

The act specifies that for the purposes of the Ohio Plumbing Law and the Ohio Plumbing Code, building drains are considered plumbing (sec. 3781.03(C)). Additionally, under the act, in accordance with the Ohio Plumbing Law the board of health of a health district or sewer purveyor, in addition to the city engineer department, as appropriate, has complete authority to supervise and regulate the entire sewerage and drainage system in the jurisdiction in which it is exercising the authority described in the act, including the building sewer, instead of just the house drain and the house sewer as specified in former law, and all laterals draining into the street sewers.

The act also states that in accordance with the Ohio Plumbing Law, the boards of health of health districts or the sewer purveyor, in addition to the city engineer department, as appropriate, control and supervise the installation and construction of all drains and sewers that become a part of the sewerage system and issue all the necessary permits and licenses for the construction and installation of all building sewers and of all other lateral drains that empty into the main sewers. The city engineer department, the board of health of a health district, and the sewer purveyor, as appropriate, must keep a permanent record of the installation and location of every drain and sewer of the drainage and sewerage

¹ *A board of health of a health district may inspect plumbing in residential buildings only if it employs a plumbing inspector certified by the Division of Industrial Compliance (sec. 3703.01, not in the act).*

system of the jurisdiction in which it has exercised the authority described in the act. (Sec. 3781.03(D).)

Denial of egress in specified facilities

The act statutorily allows a secured facility to take reasonable steps in accordance with the Ohio Nonresidential Building Code adopted by the Board of Building Standards and in accordance with the State Fire Code the Fire Marshal adopts, to deny egress to confine and protect patients or residents of the secured facility who are not capable of self-preservation. Prior to the enactment of this act, a secured facility could deny egress in accordance with administrative rules. The act statutorily permits a secured facility that wishes to deny egress to those patients or residents to use delayed-egress doors and electronically coded doors to deny egress, on the condition that those doors are installed and used in accordance with the Ohio Nonresidential Building Code and the State Fire Code. Additionally, the act statutorily permits a secured facility also to install controlled-egress locks, in compliance with the Ohio Nonresidential Building Code and the State Fire Code, in areas of the secured facility where patients or residents who have physical or mental conditions that would endanger the patients or residents, the staff attending the patients or residents, or the general public, if those patients or residents are not restricted in their freedom of movement. The act requires a secured facility that uses delayed-egress doors and electronically coded doors, controlled-egress locks, or both, to provide continuous, 24-hour custodial care to the patients or residents of the facility and to establish a system to evacuate patients or residents in the event of a fire or other emergency. (Sec. 3781.112(B).)

The act statutorily defines "secured facility" to mean any of the following:

- (1) A licensed maternity boardinghouse or lying-in hospital;
- (2) A pediatric intensive care unit subject to rules adopted by the Director of Health (sec. 3702.11, not in the act);
- (3) A children's hospital;
- (4) A hospital that is licensed by the Department of Health to receive mentally ill persons;
- (5) The portion of a licensed nursing home in which specialized care is provided to residents of the nursing home who have physical or mental conditions that require a resident to be restricted in the resident's freedom of movement for the health and safety of the resident, the staff attending the resident, or the general public. (Sec. 3781.112(A).)



HISTORY

ACTION	DATE
Introduced	03-28-06
Reported, S. Insurance, Commerce & Labor	05-23-06
Passed Senate (33-0)	05-24-06
Reported, H. Commerce & Labor	12-06-06
Passed House (94-0)	12-13-06
Senate concurred in House amendments (31-0)	12-14-06

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