

Ohio Swimming Pool Rule Review

The Ohio Department of Health original proposed 5-year rules package changes for public swimming pools underwent significant changes after the first public comment period. The revised draft rules are under internal review before being posted for the second comment period. Ohio Department of Health is hoping to present revised rules and complete the review process in time for an effective date of April 1, 2018.

Interested Party Review

The interested party review process is designed to allow interested parties, stakeholders or citizens to make comments regarding the rule prior to adoption. ODH conducts the interested party review prior to filing the proposed rule with JCARR.

Once the draft rules are completed, they are posted on ODH's website along with the completed Business Impact Analysis. Interested parties are notified that the draft is available for review. The deadline for submitting comments was set by the ODH (originally February 8, 2017). This timeframe is normally 30 days but is now lengthened to permit ODH the ability to review and respond the significant changes to them after the first public comment period.

Draft 2017 Ohio Fire Code

Ohio's Division of State Fire Marshal recently released their draft 2017 Ohio Fire Code and the Report on Petitions, regarding all proposals received to update the current Ohio Fire Code.

Division of State Fire Marshal (SFM) just ended its initial comment period. SFM's met with OHLA as the Stakeholder Meeting for Hotel Industry in mid-July to give feedback on the draft. OHLA has asked for various changes and clarifications to key rules including but not limited to: definitions, extending implementation dates, and clarifications on licensing procedures.

Some of the specific rules address:

Definitions

"Dwelling." A building that exclusively contains one, or two, or three dwelling units, each of which may be occupied by a family and no more than five lodgers or boarders, used, intended or designed to be used, rented, leased, let or hired out to be occupied or that is occupied for living purposes, physically separated from adjacent structures, and with an independent exit from each dwelling unit.

"Extended stay hotel." 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, through a valid certificate of occupancy, and by the state 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. The licensure category shall also include a hotel that contains both transient and extended stay rooms where the use of all such rooms is identified and approved in accordance with this rule.

License to Operate a Hotel

As currently required by section 3731.03(D) of the Revised Code, all hotel licenses shall expire on the last day of December of each year. All applications to renew a license to operate a hotel shall be submitted to the State Fire Marshal in accordance with this paragraph.

If any owner, operator, or responsible person in control of a hotel licensed pursuant to Chapter 3731, is convicted of lewdness, assignation or prostitution, or an offense which constitutes a felony violation, or if any finding of nuisance is issued by a court of competent jurisdiction against a hotel, or against the owner, operator, or responsible person, or against the property upon which the facility is located and the conduct resulting in the conviction or finding occurred on a licensed premises, the owner, operator, or responsible person shall notify the state fire marshal of the conviction or finding in writing by submitting a copy of the judgment entry to the state fire marshal within 60 days of the conviction or finding, or upon submission of a license renewal application, whichever is earlier.

Renewal, Reactivation and Re-application fees

On or before December first of each year a renewal application as prescribed by the state fire marshal shall be submitted with the appropriate renewal fee.

- The renewal fee for each hotel license shall be a minimum of \$110 dollars or one dollar per room, whichever is greater.
- Renewal applications received after the last day of December of each year shall be made inactive and require reactivation. The reactivation fee shall be \$300 which shall be paid **in addition to the renewal fee**.
- Renewal applications received on or after March 1st will be considered a new application [with significantly higher fees].
- A Hotel that fails to timely renew their licenses on or before December 31st, shall cease to operate as a hotel or SRO facility until a valid license to operate is issued to the facility by the state fire marshal.

Transfer of license

Any transfer application that is not received in a timely manner will be accompanied by a late fee of \$250 in addition to the current \$500 transfer fee.

Current Proposed Schedule for this Rules Package

Comment Period: all comments must be submitted on or before Friday, July 21, 2017

CSIO filed and review: August 1 – September 29

File rules package with JCARR: September 29

JCARR Hearings: October – November

Goal Effective Date: December 15, 2017

*OHLA will keep its members informed of any substantial changes that may occur through the process, but currently do not predict any to happen for this rules package.

Board of Building Standards

Ohio Board of Building Standards have summarized one of the most authoritative sources for examining fire safety in the building environment and then filed a rules packages to set forth those standards for all in Ohio follow.

The following language is currently being proposed (in hopes to go into effect on November 1) for vacation rentals:

310.3.2 Vacation Rental (Cabin, Cottage, Bungalow, Chalet) (Transient). Group R-1 vacation rentals shall be permitted to comply with the construction requirements of the “Residential Code of Ohio for One-, Two-, and Three- Family Dwellings” when:

1. The building is composed of a single dwelling unit;
2. The building is occupied by a family or no more than 10 unrelated adults;
3. The building has two exits directly to the exterior at the level of exit discharge; and,
4. The building is located to maintain a minimum fire separation distance of thirty feet.

OHLA will be working with our Unique Lodging of Ohio (ULO) members to gather feedback and submit any additional suggestions to improve the Ohio Board of Building Standards additional rule accommodate Ohio’s Vacation Rental (Cabin, Cottage, Bungalow, Chalet) (Transient).