
BBS MEMO

Ohio Board of Building Standards

November 2002

6606 Tussing Road, P.O. Box 4009, Reynoldsburg, Ohio 43068-9009

HOTEL/MOTEL LICENSURE & THE 2002 OBC

WHY ANOTHER MEMO ON THIS? For more than ten years, board staff has been providing seminars, generic forms and telephone support specifically related to Certificates of Occupancy. Unfortunately, many building departments have continued to maintain past practices of incorrect and inadequate completion of the Certificates. In some cases, building departments have had the best intentions but have been confused by what has seemed like a continual change in hotel/motel licensure criteria.

Actually, neither the law nor the rules pertaining to hotel/motel licensure or what is necessary to be on the Certificate of Occupancy have changed over the past few years. The cause of the confusion is related to the volume of folks involved: building & fire code inspectors; administrators, managers and lawyers representing the facilities; licensing administrators; Fire Marshal & BBS staff; etc. The Marshal's office & BBS staff have worked together over the past two months to resolve the confusion by expanding the detail of explanatory material but, for many currently licensed facilities, a new Certificate of Occupancy will have to be issued.

THE SOLUTION A Certificate of Occupancy issued by the building official with jurisdiction will continue to be the basis for how a hotel or motel is licensed. To eliminate the confusion over what constitutes the proper description of the two different types of categories of licensure, the Marshal's office has developed two definitions consistent with the related building code provisions. A hotel or motel that intends to use a portion of or all of the guest rooms for longer term stays, must have rooms approved by the building official as dwelling units or efficiencies. (Please refer to *Transient Hotel Guest Rooms & Extended Stay/Efficiency/Dwelling Unit Guest Rooms* in the enclosed letter from the Marshal's office addressed to Hotel Licensees).

CORRECTLY COMPLETING A CERTIFICATE OF OCCUPANCY Also enclosed with this BBS MEMO is a list of what is required to be included on a valid C of O and two examples of completed C of Os.

Since one of the most important elements to be included is a narrative description of how the structure/building areas & rooms are approved to be used, completing this information clearly and completely will give the Marshal's office criteria they need to license the facility properly. ***For hotels & motels, it is essential to indicate on the C of O which rooms are sleeping only and those approved for living (see sample C of Os).***

The OBC (and previous codes) has allowed for both sleeping and dwelling units to occur in R-1 (hotel or motel) occupancies. Part of the marshal's statutory responsibility is to assure that only adequately protected spaces are used for long-term stays or temporary living conditions in hotels/motels. The Marshal's office will be limiting long-term/extended stay licenses to those rooms/units approved by the building official as living units. In the Code, there is an assumption of a risk increase associated with living (cooking, electrical device use, etc.) that is different than that required for a room used exclusively for sleeping. It is not the responsibility of the building department to limit stays in hotel or motels to less than 30 days (that is a licensing activity of the Ohio Fire Marshal). **The responsibility of the building department is to approve, for all occupancies, by means of an adequately completed C of O, what spaces can be used for what purposes.**

BUILDINGS PREVIOUSLY APPROVED Section 110.1.3, OBC, allows an owner to apply for a Certificate of Occupancy even though one may have been previously issued. Assuming that an existing C of O was incomplete or inadequate in the information contained on it, please process the

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owners' requests as soon as possible to help them meet their licensing deadlines.