

**MEMORANDUM**

**TO:** Tracie Boyd, Ohio Department of Commerce Division of State Fire Marshal

**FROM:** Mark Hamlin, Director of Regulatory Policy

**DATE:** May 26, 2015

**RE:** **CSI Review – Ohio Safe Stay Hotel Designation (OAC 1301:7-7-01)**

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On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

**Analysis**

This rule package consists of a single amended rule being proposed by the Ohio Department of Commerce Division of State Fire Marshal. The amendment is being proposed to the "Administration" rule of the Ohio Fire Code, and will create a new "Ohio Safe Stay Hotel" designation that hotels may qualify for. The rule was submitted to the CSI Office on April 23, 2015, and the comment period closed on May 15, 2015. No comments were submitted during the CSI review.

Existing law requires a hotel operating in Ohio to receive and maintain a license from the State Fire Marshal. The license is renewed annually. The proposed amendment would create the "Ohio Safe Stay Hotel" designation to provide an incentive for hotels that comply with applicable standards, thereby creating a safer environment for their customers. The designation will be available to hotels that have maintained licensure and avoided significant licensure violations for the prior two years; and that have avoided findings, convictions, or associations with lewd activity, prostitution, felony drug activity, and related activities for the prior five years. Achieving the Safe Stay Hotel designation allows the hotel to be noted as such in a registry of hotels maintained by the State Fire Marshal and to utilize the designation in marketing materials.

As noted in the BIA submitted with the rule, the Division worked closely with stakeholders to develop the designation proposed in this rule, and considered a number of alternative ways to achieve similar ends. Ultimately, the proposed amendment establishes an alternative and creative means to supplement traditional enforcement-based regulation by rewarding compliance rather than punishing noncompliance. Achieving the designation does not appear to require any additional administrative actions by hotel operators – qualification is determined through the already-required licensure submissions. As such, the CSI Office finds the proposed rule to be justified and commends the Department of Commerce and State Fire Marshal for establishing this incentive-based program to keep Ohio hotels safe for the public.

### **Recommendations**

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Department should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.