

As Introduced

132nd General Assembly

Regular Session

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H. B. No. 490

Representative Stein

Cosponsors: Representatives Kick, Riedel

A BILL

To amend sections 3733.41, 3733.42, 3733.43, 1
3733.44, 3733.45, 3733.47, 3733.48, and 3781.06 2
and to enact section 3733.461 of the Revised 3
Code to exempt certain residential buildings 4
from agricultural labor camp licensing. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3733.41, 3733.42, 3733.43, 6
3733.44, 3733.45, 3733.47, 3733.48, and 3781.06 be amended and 7
section 3733.461 of the Revised Code be enacted to read as 8
follows: 9

Sec. 3733.41. As used in sections 3733.41 to 3733.49 of 10
the Revised Code: 11

(A) "Agricultural labor camp" means one or more buildings 12
or structures, trailers, tents, or vehicles, together with any 13
land appertaining thereto, established, operated, or used as 14
temporary living quarters for two or more families or five or 15
more persons intending to engage in or engaged in agriculture or 16
related food processing, whether occupancy is by rent, lease, or 17
mutual agreement. "Agricultural labor camp" does not include a 18

hotel or motel, or a manufactured home park regulated pursuant 19
to sections 4781.26 to 4781.52 of the Revised Code, and rules 20
adopted thereunder. 21

(B) "Board of health" means the board of health of a city 22
or general health district or the authority having the duties of 23
a board of health in any city as authorized by section 3709.05 24
of the Revised Code or an authorized representative of the board 25
of health. 26

(C) "Certificate of exemption" means a certificate of 27
exemption issued to an agricultural labor camp operator for a 28
residential building in accordance with division (A) (4) of 29
section 3744.43 of the Revised Code. 30

(D) "Director" means the director of health or the 31
authorized representative of the director of health. 32

~~(D) "Licensor" means the director of health.~~ 33

(E) "Person" means the state, any political subdivision, 34
public or private corporation, partnership, association, trust, 35
individual, or other entity. 36

(F) "Residential building" means a one-family, two-family, 37
or three-family dwelling house, and any accessory structure 38
incidental to that dwelling house, either owned or leased by an 39
agricultural labor camp operator who is using the building as an 40
agricultural labor camp. 41

Sec. 3733.42. (A) The director of health, subject to 42
sections 119.01 to 119.13 of the Revised Code, shall adopt rules 43
having a uniform application throughout the state, governing the 44
issuance of licenses, location, layout, construction, approval 45
of plans, sanitation, safety, operation, use, and maintenance of 46
agricultural labor camps. The rules shall establish minimum 47

standards of habitability with which a licensee shall comply in 48
operating an agricultural labor camp. The rules shall establish, 49
beyond minimum standards of habitability, additional standards 50
of habitability for those camps and shall establish priorities 51
for those additional standards with which a licensee may 52
voluntarily comply. 53

(B) The director of health, subject to Chapter 119. of the 54
Revised Code, shall adopt rules relating to the inspection of 55
residential buildings. 56

(C) In addition to meeting the requirements of section 57
119.03 of the Revised Code, the director of health shall mail a 58
notice of the date, time, and place of any hearing on the 59
adoption, amendment, or rescission of such rules and the full 60
text of the proposed rule, amendment, or rule to be rescinded, 61
at least thirty days prior to the hearing date, to all persons 62
currently authorized or licensed to operate camps by the 63
department of health, ~~or~~ authorized or licensed to operate camps 64
in the previous calendar year, or who hold a certificate of 65
exemption issued under division (A) (4) of section 3733.43 of the 66
Revised Code, either currently or in the previous calendar year. 67

Sec. 3733.43. (A) (1) Except as provided in division (A) (2) 68
of this section or otherwise provided in this division, prior to 69
the fifteenth day of April in each year, every person who 70
intends to operate an agricultural labor camp shall make 71
application to the ~~licensor~~ director of health for a license to 72
operate such camp, effective for the calendar year in which it 73
is issued. The ~~licensor~~ director of health may accept an 74
application on or after the fifteenth day of April. The license 75
fees specified in this division shall be submitted to the 76
~~licensor~~ director of health with the application for a license. 77

No agricultural labor camp shall be operated in this state 78
without a license. Any person operating an agricultural labor 79
camp without a current and valid agricultural labor camp license 80
is not excepted from compliance with sections 3733.41 to 3733.49 81
of the Revised Code by holding a valid and current hotel 82
license. Each person proposing to open an agricultural labor 83
camp shall submit with the application for a license any plans 84
required by any rule adopted under section 3733.42 of the 85
Revised Code. For any license issued on or after July 1, 2009, 86
the annual license fee is one hundred fifty dollars, unless the 87
application for a license is made on or after the fifteenth day 88
of April in any given year, in which case the annual license fee 89
is one hundred sixty-six dollars. For any license issued on or 90
after July 1, 2009, an additional fee of twenty dollars per 91
housing unit per year shall be assessed to defray the costs of 92
enforcing sections 3733.41 to 3733.49 of the Revised Code, 93
unless the application for a license is made on or after the 94
fifteenth day of April in any given year, in which case an 95
additional fee of forty-two dollars and fifty cents per housing 96
unit shall be assessed. All fees collected under this division 97
shall be deposited in the state treasury to the credit of the 98
general operations fund created in section 3701.83 of the 99
Revised Code and shall be used for the administration and 100
enforcement of sections 3733.41 to 3733.49 of the Revised Code 101
and rules adopted thereunder. 102

(2) Division (A) (1) of this section does not apply to a 103
person who provides housing in a residential building that is 104
available to the general public and who provides housing to 105
persons intending to engage in or engaged in agriculture or 106
related food processing of the same character and on the same or 107
comparable terms and conditions as is provided to the general 108

public, provided that the housing complies with both of the 109
following: 110

(a) Either of the following: 111

(i) The state residential building code adopted by the 112
board of building standards under section 3781.10 of the Revised 113
Code; 114

(ii) The local residential building code adopted by a 115
local governing authority as described in section 3781.01 of the 116
Revised Code. 117

(b) The minimum occupational safety and health 118
administration standards for temporary labor camps set forth in 119
29 C.F.R. part 1910.142. 120

(3) If there is any conflict between division (A) (2) (a) 121
and (b) of this section, compliance with division (A) (2) (b) of 122
this section shall control. 123

(4) A residential building shall be inspected in 124
accordance with section 3733.45 of the Revised Code and any 125
rules adopted by the director pursuant to division (B) of 126
section 3733.42 of the Revised Code. If the director finds the 127
residential building is in compliance with the requirements 128
established under division (A) (2) of this section and related 129
rules, the director shall issue the operator a certificate of 130
exemption. 131

(5) Chapter 5321. of the Revised Code shall not apply to 132
living quarters provided in accordance with this section. 133

(B) Any license or certificate of exemption under this 134
section may be denied, suspended, or revoked by the licenso~~r~~ 135
director of health for violation of sections 3733.41 to 3733.49 136

of the Revised Code or the rules adopted thereunder. Unless 137
there is an immediate serious public health hazard, no denial, 138
suspension, or revocation of a license or certificate of 139
exemption shall be made effective until the person operating the 140
agricultural labor camp has been given notice in writing of the 141
specific violations and a reasonable time to make corrections. 142
When the ~~licensor~~ director of health determines that an 143
immediate serious public health hazard exists, the ~~licensor~~ 144
director shall issue an order denying or suspending the license 145
without a prior hearing. 146

(C) All proceedings under this section are subject to 147
Chapter 119. of the Revised Code except as provided in section 148
3733.431 of the Revised Code. 149

(D) Every occupant of an agricultural labor camp shall 150
keep that part of the dwelling unit, and premises thereof, that 151
the occupant occupies and controls in a clean and sanitary 152
condition. 153

Sec. 3733.44. Application for an agricultural labor camp 154
license shall be made to the ~~licensor~~ director of health on 155
forms prescribed and furnished by the director. 156

Sec. 3733.45. (A) The ~~licensor~~ director of health shall 157
inspect all agricultural labor camps and shall require 158
compliance with sections 3733.41 to 3733.49 of the Revised Code 159
and the rules adopted thereunder prior to the issuance of a 160
license or certificate of exemption. Upon receipt of a complaint 161
from the migrant agricultural ombudsperson or upon the basis of 162
a ~~licensor's~~ the director's own information that an agricultural 163
labor camp is operating without a license or certificate of 164
exemption, the ~~licensor~~ director shall inspect the camp. If the 165
camp is operating without a license or certificate of exemption, 166

the ~~licensor~~director shall require the camp to comply with 167
sections 3733.41 to 3733.49 of the Revised Code and the rules 168
adopted under those sections. No license shall be issued unless 169
results of water supply tests indicate that the water supply 170
meets required standards or if any violations exist concerning 171
sanitation, drainage, or habitability of housing units. 172

(B) The ~~licensor~~director of health shall, upon issuance 173
of each license and certificate of exemption, distribute posters 174
containing the toll-free telephone number of the migrant 175
agricultural ombudsperson established in section 3733.49 of the 176
Revised Code and information in English and Spanish describing 177
the purpose of the ombudsperson's office, as provided in that 178
section. The ~~licensor~~director shall provide at least two 179
posters to the licensee or person who holds the certificate of 180
exemption, one for ~~the licensee's~~ personal use and at least one 181
that shall be posted in a conspicuous place within the camp. 182

(C) The ~~licensor~~director of health may, upon proper 183
identification to the operator or the operator's agent, enter on 184
any property or into any structure at any reasonable time for 185
the purpose of making inspections required by this section. 186

The ~~licensor~~director shall make at least one inspection 187
prior to licensing or issuing a certificate of exemption. The 188
~~licensor~~director shall make such other inspections as the 189
~~licensor~~director considers necessary to enforce sections 190
3733.41 to 3733.49 of the Revised Code adequately. 191

(D) Any plans submitted to the ~~licensor~~director of health 192
shall be in compliance with rules adopted pursuant to section 193
3733.42 of the Revised Code and shall be approved or disapproved 194
within thirty days after they are filed. 195

(E) The ~~licensor~~director of health shall issue an annual 196
report that shall accurately reflect the results of that year's 197
inspections, including, but not limited to, numbers of 198
inspections, number of violations found, and action taken in 199
regard to violations. The report shall also include an 200
assessment of any problems found in that year and proposed 201
solutions for them. 202

Sec. 3733.461. (A) A person providing housing in a 203
residential building shall provide a notice to each occupant in 204
each residential building regarding the terms and conditions of 205
occupancy, which shall include all the following information: 206

(1) The rent or any other financial obligation required of 207
the occupant, including whether the residential building is 208
provided for free; 209

(2) The method in which the rent or financial obligation 210
will be collected; 211

(3) Whether a damage deposit is required, and if so, how 212
much, and the conditions in which the deposit will be returned 213
or forfeited; 214

(4) The rules for living in the residential building; 215

(5) The occupancy limits of the residential building; 216

(6) The requirements for cleaning care of the residential 217
building; 218

(7) In the event of an eviction, a statement regarding how 219
much notice an occupant shall receive before being evicted. 220

(B) The notice required under division (A) of this section 221
shall be written in both English and in a language the occupants 222
living in the residential building understand, if the occupants' 223

native language is not English. The person providing the housing 224
shall cause the notice to be either posted in a conspicuous 225
place in the residential building or given to the occupant on or 226
before the first day of occupancy. 227

Sec. 3733.47. The attorney general, or the prosecuting 228
attorney of the county, or the city director of law shall upon 229
complaint of the ~~licensor~~director of health prosecute to 230
termination or bring an action for a temporary restraining order 231
or preliminary or permanent injunction against any person 232
violating sections 3733.41 to 3733.49 of the Revised Code or the 233
rules adopted thereunder. The common pleas court in which an 234
action for a temporary restraining order or preliminary or 235
permanent injunction is filed has the jurisdiction to grant such 236
relief upon a showing that the respondent named in the complaint 237
is in violation of sections 3733.41 to 3733.49 of the Revised 238
Code or the rules adopted thereunder. 239

Sec. 3733.48. No person shall recklessly violate sections 240
3733.41 to 3733.471 of the Revised Code or the rules adopted 241
thereunder. 242

Sec. 3781.06. (A) (1) Any building that may be used as a 243
place of resort, assembly, education, entertainment, lodging, 244
dwelling, trade, manufacture, repair, storage, traffic, or 245
occupancy by the public, any residential building, and all other 246
buildings or parts and appurtenances of those buildings erected 247
within this state, shall be so constructed, erected, equipped, 248
and maintained that they shall be safe and sanitary for their 249
intended use and occupancy. 250

(2) Nothing in sections 3781.06 to 3781.18 and 3791.04 of 251
the Revised Code shall be construed to limit the power of the 252
division of industrial compliance of the department of commerce 253

to adopt rules of uniform application governing manufactured	254
home parks pursuant to section 4781.26 of the Revised Code.	255
(B) Sections <u>Except as provided under division (A) (2) of</u>	256
<u>section 3733.43 of the Revised Code, sections 3781.06 to 3781.18</u>	257
and 3791.04 of the Revised Code do not apply to either of the	258
following:	259
(1) Buildings or structures that are incident to the use	260
for agricultural purposes of the land on which the buildings or	261
structures are located, provided those buildings or structures	262
are not used in the business of retail trade. For purposes of	263
this division, a building or structure is not considered used in	264
the business of retail trade if fifty per cent or more of the	265
gross income received from sales of products in the building or	266
structure by the owner or operator is from sales of products	267
produced or raised in a normal crop year on farms owned or	268
operated by the seller.	269
(2) Existing single-family, two-family, and three-family	270
detached dwelling houses for which applications have been	271
submitted to the director of job and family services pursuant to	272
section 5104.03 of the Revised Code for the purposes of	273
operating type A family day-care homes as defined in section	274
5104.01 of the Revised Code.	275
(C) As used in sections 3781.06 to 3781.18 and 3791.04 of	276
the Revised Code:	277
(1) "Agricultural purposes" include agriculture, farming,	278
dairying, pasturage, apiculture, algaculture meaning the farming	279
of algae, horticulture, floriculture, viticulture, ornamental	280
horticulture, olericulture, pomiculture, and animal and poultry	281
husbandry.	282

(2) "Building" means any structure consisting of 283
foundations, walls, columns, girders, beams, floors, and roof, 284
or a combination of any number of these parts, with or without 285
other parts or appurtenances. 286

(3) "Industrialized unit" means a building unit or 287
assembly of closed construction fabricated in an off-site 288
facility, that is substantially self-sufficient as a unit or as 289
part of a greater structure, and that requires transportation to 290
the site of intended use. "Industrialized unit" includes units 291
installed on the site as independent units, as part of a group 292
of units, or incorporated with standard construction methods to 293
form a completed structural entity. "Industrialized unit" does 294
not include a manufactured home as defined by division (C)(4) of 295
this section or a mobile home as defined by division (O) of 296
section 4501.01 of the Revised Code. 297

(4) "Manufactured home" means a building unit or assembly 298
of closed construction that is fabricated in an off-site 299
facility and constructed in conformance with the federal 300
construction and safety standards established by the secretary 301
of housing and urban development pursuant to the "Manufactured 302
Housing Construction and Safety Standards Act of 1974," 88 Stat. 303
700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or 304
tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying 305
compliance with all applicable federal construction and safety 306
standards. 307

(5) "Permanent foundation" means permanent masonry, 308
concrete, or a footing or foundation approved by the division of 309
industrial compliance of the department of commerce pursuant to 310
Chapter 4781. of the Revised Code, to which a manufactured or 311
mobile home may be affixed. 312

(6) "Permanently sited manufactured home" means a	313
manufactured home that meets all of the following criteria:	314
(a) The structure is affixed to a permanent foundation and is connected to appropriate facilities;	315 316
(b) The structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred square feet;	317 318 319 320 321
(c) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;	322 323 324
(d) The structure was manufactured after January 1, 1995;	325
(e) The structure is not located in a manufactured home park as defined by section 4781.01 of the Revised Code.	326 327
(7) "Safe," with respect to a building, means it is free from danger or hazard to the life, safety, health, or welfare of persons occupying or frequenting it, or of the public and from danger of settlement, movement, disintegration, or collapse, whether such danger arises from the methods or materials of its construction or from equipment installed therein, for the purpose of lighting, heating, the transmission or utilization of electric current, or from its location or otherwise.	328 329 330 331 332 333 334 335
(8) "Sanitary," with respect to a building, means it is free from danger or hazard to the health of persons occupying or frequenting it or to that of the public, if such danger arises from the method or materials of its construction or from any equipment installed therein, for the purpose of lighting, heating, ventilating, or plumbing.	336 337 338 339 340 341

(9) "Residential building" means a one-family, two-family, 342
or three-family dwelling house, and any accessory structure 343
incidental to that dwelling house. "Residential building" 344
includes a one-family, two-family, or three-family dwelling 345
house that is used as a model to promote the sale of a similar 346
dwelling house. "Residential building" does not include an 347
industrialized unit as defined by division (C)(3) of this 348
section, a manufactured home as defined by division (C)(4) of 349
this section, or a mobile home as defined by division (O) of 350
section 4501.01 of the Revised Code. 351

(10) "Nonresidential building" means any building that is 352
not a residential building or a manufactured or mobile home. 353

(11) "Accessory structure" means a structure that is 354
attached to a residential building and serves the principal use 355
of the residential building. "Accessory structure" includes, but 356
is not limited to, a garage, porch, or screened-in patio. 357

Section 2. That existing sections 3733.41, 3733.42, 358
3733.43, 3733.44, 3733.45, 3733.47, 3733.48, and 3781.06 of the 359
Revised Code are hereby repealed. 360