

MEMORANDUM

TO: County Council

FROM: Jeffrey L. Zyontz, Senior Legislative Analyst

SUBJECT: **Public Hearing:** Bill 2-16, Transient Housing – Licensing and Registration

Bill 2-16, Transient Housing – Licensing and Registration, sponsored by Lead Sponsor Councilmember Riemer and Co-Sponsor Councilmember Rice, was introduced on February 2, 2016. A Planning, Housing and Economic Development Committee worksession is tentatively scheduled for April 11 at 2 p.m.

Bill 2-16 would revise Chapter 54 of the County Code. The revisions would update the provisions for hotels, delete forms of transient housing no longer allowed by the Zoning Code (Chapter 59), establish a less burdensome method of licensing for Bed and Breakfast establishments and assign responsibilities for licensing between Executive departments.

This Bill anticipates the approval of ZTA 16-03 which will make a Bed and Breakfast a limited use in most residential and mixed-use zones, however, the enactment of Bill 2-16 does not require the approval of ZTA 16-03. The only transient housing allowed by the Zoning Ordinance (Chapter 59 of the code) are hotels and bed and breakfast establishments. ZTA 16-03 would not change that fact. Those establishments are addressed in Bill 2-16.

Currently, the licensing requirements for a Bed and Breakfast are currently the same as the licensing requirements for a hotel. Even though the level of rental activity at a hotel is significantly higher than at a Bed and Breakfast, the County's regulatory burdens are currently identical. An annual license is required for every establishment, with annual inspections. The Department of Health and Human Services has not received any applications for any Bed and Breakfast under current law. No licenses are outstanding.

As introduced, Bill 2-16 would simplify existing requirements for hotels in more precise, concise and decisive text. Licenses for a Bed and Breakfast would be by self-certification but subject to revocation based on substantiated complaints.

This packet contains:	<u>Circle #</u>
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Bill No. 2-16
Concerning: Transient Housing --
Licensing and registration
Revised: 1/17/16 Draft No. 2
Introduced: February 2, 2016
Expires: August 2, 2017
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Riemer
Co-Sponsor: Councilmember Rice

AN ACT to:

- (1) define a bed and breakfast and hotel establishment;
- (2) limit the transient housing allowed to a bed and breakfast and a hotel;
- (3) require only hotels to comply with most current licensing provisions for transient housing;
- (4) revise the requirement for resident hotel management;
- (5) delete the requirement for annual hotel inspections;
- (6) add a requirement for hotel inspections upon complaint;
- (7) establish a licensing system for bed and breakfast establishments;
- (8) amend provisions to make them more precise, concise, and decisive; and
- (9) generally amend Chapter 54 of the County Code.

By amending

Montgomery County Code

Chapter 54, Transient Lodging Facilities

Sections 54-1, 54-2, 54-3, 54-4, 54-5, 54-6, 54-7, 54-8, 54-9, 54-10, 54-11, 54-12, 54-13, 54-14, 54-15, 54-16, 54-17, 54-18, 54-19, 54-20, 54-21, 54-22, 54-23, 54-24, 54-25, 54-26, 54-27, 54-28, 54-29, 54-30, 54-31, 54-32, 54-33, 54-34, 54-35, 54-36, 54-37, 54-38, 54-39, 54-40, and 54-41

By adding:

Montgomery County Code

Chapter 54, Transient Lodging Facilities

Sections 54-22A, 54-42, 54-43, 54-44, 54-45, 54-46, 54-47, 54-48, and 54-49

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Sections 54-1, 54-2, 54-3, 54-4, 54-5, 54-6, 54-7, 54-8, 54-9, 54-10, 54-**
 2 **11, 54-12, 54-13, 54-14, 54-15, 54-16, 54-17, 54-18, 54-19, 54-20, 54-21, 54-22, 54-**
 3 **23, 54-24, 54-25, 54-26, 54-27, 54-28, 54-29, 54-30, 54-31, 54-32, 54-33, 54-34, 54-**
 4 **35, 54-36, 54-37, 54-38, 54-39, 54-40, and 54-41 are amended as follows:**

5 **54-1. Definitions.**

6 For the purposes of this Chapter, unless the language or context clearly
 7 indicates that a different meaning is intended, the following words and phrases
 8 have the following meanings:

9 *Average lot grade* means the arithmetic average of the highest and lowest
 10 *elevations of the ground contiguous to the building.*

11 *Basement* [:That] means that portion of any building [which is] located below
 12 *grade [;provided, however, that] when at least one-half of the vertical height*
 13 *extends above the average lot grade. [Average lot grade, for this purpose, shall*
 14 *mean the arithmetic average of the highest and lowest elevations of the ground*
 15 *contiguous to the house.]*

16 *[Boardinghouse: A dwelling in which, for compensation, lodging, or lodging*
 17 *and meals, are provided or offered to not more than 5 transient visitors.]*

18 *Bed and Breakfast* [:A] means a dwelling unit or part of a dwelling that is
 19 *available to overnight guests for compensation. Overnight guests on any night*
 20 *must satisfy the definition of one household. A guest must stay at a Bed and*
 21 *Breakfast for no more than 30 days in any one visit. Meals may be provided*
 22 *to overnight guests.*

23 *Cellar* [:That] means that portion of any building which is located below grade
 24 *and whose vertical height extends less than one-half above the average lot*
 25 *grade.*

26 *Director [and Department:* The term "Director"] means the Director of the
 27 Department of Health and Human Services, or the Director's designee[, and
 28 the term "Department" means the Department of Health and Human Services].

29 Department means the Department of Health and Human Services.

30 *Establishment* [Every hostel, tourist home, boardinghouse, rooming house
 31 and guestrooms in an apartment hotel which, for compensation, provides or
 32 offers lodging or lodging and meals to transient visitors.] means a hotel or Bed
 33 and Breakfast regulated under this chapter.

34 *Fire Code* [The] means the Fire Prevention Code [set forth] in Chapter 22 [of
 35 this Code, and any amendments thereto] as amended.

36 *Habitable room* [Any] means a room in which people normally congregate
 37 or sleep with a minimum ceiling height of 7 feet. [This shall not include
 38 bathrooms,] Bathrooms, closets, porches, decks, toilet rooms, storage rooms,
 39 kitchens, [or] and pantries are not habitable rooms.

40 [*Hostel*] *Hotel* [Any] means a building or portion [thereof or any group of
 41 buildings] of a building where, for compensation, lodging or lodging and
 42 meals are provided or offered to 3 or more transient visitors [, including hotels,
 43 motels, tourist courts, motor courts, tourist camps and similar establishments
 44 such as apartment hotels]. Hotel includes a motel, but not a bed and breakfast.

45 *Household* means a person living alone, or any one of the following groups
 46 living together as a single housekeeping unit and sharing common living,
 47 sleeping, cooking, and eating facilities:

- 48 1. any number of people related by blood, marriage, adoption, or
 49 guardianship;
- 50 2. up to 5 unrelated people; or

51 3. 2 unrelated people and any children, parents, siblings, or other
 52 persons related to either of them by blood, adoption, or
 53 guardianship.

54 *[Liquid wastes:* Human excreta, bath water, wash water, laundry wastes,
 55 dishwater and any other liquid wastes resulting from cleaning operations.
 56 Gasoline and explosive or inflammable liquids are not included.]

57 *Lodging* [:The] means the short-term overnight accommodation of a paying
 58 guest.

59 *Plumbing Code* [:The] means the Plumbing Code [in effect within the
 60 jurisdiction of] adopted by the Washington Suburban Sanitary Commission,
 61 [and any other jurisdictions in the County having or subsequently adopting a
 62 Plumbing Code, and any changes or revisions thereof] as amended.

63 *[Rooming house:* In a residential zone, shall mean a dwelling in which, for
 64 compensation, lodging is provided or offered to 3 or more but not exceeding
 65 9 guests.]

66 *Solid wastes* [:] means garbage, trash, sweepings, animal refuse and dead
 67 animals.

68 *[Tourist home:* A dwelling in which, for compensation, lodging or lodging
 69 and meals are provided or offered to not more than 12 transient visitors.]

70 *Transient visitor* [:A] means a person who [obtains] purchases lodging, [or
 71 lodging and] with or without meals, [upon payment or promise of payment
 72 [therefor at the same premises] for a continuous period of [not more than] 6
 73 months or less.

74 **54-2. Authority of [county executive] Executive to regulate and license.**

75 The [county executive] Executive [,in order to implement the health standards
 76 and regulations of this chapter, is hereby authorized by law to] may adopt

77 [such] regulations, under method (3) [of section 2A-15 of this Code],
 78 concerning the operation, maintenance [and], conduct, licensing, and license
 79 fees for [of] a [any of the types of establishments] hotel or bed and breakfast
 80 [referred to in this chapter, including provision of such licenses and license
 81 fees for such establishments as he may deem appropriate].

82 **54-3. Guest register - Required [to be kept by hotels, tourist homes, etc.;**
 83 **information to be shown].**

84 Any person who owns or operates a hotel, [rooming house, tourist home,
 85 motel, or tourist cabin park] in the County must maintain on the premises a
 86 permanent register [in which must be inscribed in ink in legible writing]
 87 containing:

- 88 (a) the name of each visitor;
- 89 (b) the residence address of each visitor, including state, city or town, street
 90 and street number or rural mail delivery route number;
- 91 (c) the number of the room or facility occupied by each visitor; and
- 92 (d) the date and time of registration and checkout of each visitor.

93 [In tourist homes, motels, and tourist cabin parks the] The register must
 94 include a record of the license plate numbers and state of registration of any
 95 automobiles or trailers [in or with which the guests are traveling] that guests
 96 are using. The owner or operator of the establishment must see that the license
 97 plate and automobile or trailer registration information is correct. A person
 98 must not occupy any room [or facility] until [after] the registration required
 99 under this section is provided. The permanent register may be in a bound
 100 book, looseleaf book, or cards. If a looseleaf book or cards are used, the pages
 101 or cards must be numbered consecutively before use and all numbered pages
 102 or cards must be kept even though they are not used. The register [provided
 103 for] required by this section must be kept for at least 3 years and must be open

104 to inspection upon the request of the Director or of any law enforcement
105 officer of the county or the state.

106 **54-4. Same-Giving or permitting false information to be given prohibited.**

107 [It shall be unlawful for any] A person must not knowingly [to inscribe] write
108 any false or incorrect name or address or license plate number in any such
109 register. [It shall be unlawful for the] The owner, [or] manager, or employee
110 of [any type of establishment or any employee thereof] a hotel must not [to]
111 knowingly [to] permit any person to [inscribe] write any false name or address
112 or license plate number in any such register.

113 **Article II. [Hostels, Rooming Houses, Boardinghouses and Tourist Homes]**

114 **Hotels.**

115 **54-5. Numbering of rooms.**

116 Every [establishment shall] hotel must have a unique number on the corridor
117 side of the door to each guest room [and no two (2) doors shall bear the same
118 number].

119 **54-6. Limitation on admission of visitors.**

120 [No establishment shall] A hotel must not admit more visitors than the number
121 for which it is licensed.

122 **54-7. Inspection of register by county officials.**

123 Registers kept [in accordance with] under section 54-3 [shall] must always be
124 available at the [establishment] hotel for inspection by the [director] Director,
125 the fire marshal, the [county] police chief and [such other officials as may be
126 designated by the above named officials] their designees. The licensee may
127 request the official to present [Presentation of] proper credentials or proof of
128 identity [may be requested by the licensee].

129 **54-8. Owner, operator or manager to reside on premises.**

130 The owner, operator, or a responsible manager appointed by the owner or
 131 operator [shall reside on the premises of] must be on-site at all times at each
 132 [establishment] hotel.

133 **54-9. Parking facilities.**

134 Every [establishment shall] hotel must provide off-street automobile parking
 135 for visitors as [is set forth in the zoning ordinance] required by, chapter 59 of
 136 [the Montgomery County] this Code, as amended. [No license shall be issued
 137 by the director unless he finds the required parking facilities have been
 138 provided.]

139 **54-10. Administration and enforcement of article generally.**

140 The [director is hereby authorized and directed to] Director must administer
 141 and enforce [the provisions of] this chapter with the assistance of other County
 142 departments, as necessary. [All department heads in the county government
 143 are hereby authorized and directed to provide such assistance as may be
 144 required by the director for the purpose of enforcing this article.]

145 **54-11. Right of entry of county officials.**

146 [For the purpose of enforcing this article, the director] The Director, the fire
 147 marshal, the [county] police chief and [such other officials as may be
 148 designated by the above named county officials shall] their designee, upon
 149 exhibiting the proper credentials or proof of identity, [have the right to] may
 150 enter any [establishment for the purpose of making] hotel to make any
 151 necessary inspection [they may deem necessary at any time] during business
 152 or operating hours [, and at such]. Inspections may also occur at other times
 153 [as] if the county officials find [may be necessary in the public interest] it
 154 necessary to protect the health and safety of any person.

155 **54-12. Responsibility for compliance with article.**

156 The owner or operator of [an establishment] a hotel, and [his] the hotel's agent
 157 or manager, [shall be] are responsible for [conforming to the provisions of]
 158 complying with this article.

159 **54-13. Violation of article; penalties [and injunctive, etc., relief].**

160 [Any person who violates] A violation of any provision of this article [shall
 161 be] is [subject to punishment for] a class A violation [as set forth in section 1-
 162 19 of chapter 1 of the County Code]. [Each day such violation shall continue
 163 shall be deemed a separate offense.]

164 **54-14. License required [Required].**

165 [No] Any building [or premises shall be] occupied or used as a [hostel,
 166 rooming house, boardinghouse or tourist home] hotel within the county
 167 [unless a license shall have been issued] must be licensed for such occupancy
 168 and use by the [director, nor shall any] Director. An operator of a [such
 169 building or premises be so occupied and used] hotel must cease operating
 170 immediately after [such] the license has expired, or has been revoked or
 171 suspended.

172 **54-15. Application.**

173 Before the Director issues an annual license for any [establishment shall be
 174 issued by the director] hotel under this [division, an application shall be filed
 175 by] Division, the owner or operator, or [his duly] their authorized agent, [in
 176 accordance with] must file an application that satisfies the regulations
 177 [prescribed] approved by the [county executive] Executive under method (3)
 178 of section 2A-15 of this Code.

179 **54-16. Compliance with Code, [etc., prior to] before issuance.**

180 [No license shall be issued to] The Director must not issue a license to any
 181 [establishment] hotel [to] under this [division] Division unless [such] the

182 proposed [establishment is in conformance] hotel conforms with the
 183 applicable provisions of this Code [and other ordinances of the county].

184 **54-17. Certificates to be filed [prior to] before issuance.**

185 The Director must not issue an initial [annual] license or license renewal under
 186 this Division unless the applicant files [the following certificates have been
 187 filed] with the Department a certificate:

- 188 (a) [A certificate] of use and occupancy from the Department of Permitting
 189 Services[.];
- 190 (b) [A certificate] from the fire marshal stating that the building [is in
 191 compliance with] complies with the fire prevention code[.]; and
- 192 (c) [A certificate] from the Director stating that the building or buildings
 193 and rooms to be occupied or used by the guests of the [establishment]
 194 hotel, and the premises on which such buildings are located, [are in
 195 compliance with] comply with the standards and regulations of the
 196 County and State Boards of Health.

197 **54-18. Separate license required for each establishment.**

198 [Each individual establishment] The Director must require each hotel,
 199 [although] operated by the same management, [shall be required] to obtain a
 200 separate license under this [division] Division.

201 **54-19. Fees.**

202 The Executive must establish annual fees for licenses under this [division shall
 203 be of such amount as may be established by the county executive] Division
 204 by [written] regulation adopted under method (3) of section 2A-15 of this
 205 Code. [and shall] Fees must not exceed an amount necessary to defray the
 206 costs of administering this [chapter] Chapter.

207 **54-20. Denial where operator has been convicted of certain state law violations.**

208 The Director may deny an initial [or annual] license or license renewal to
 209 operate [an establishment] a hotel under this Division if the Director finds the
 210 owner or operator of the proposed [establishment has been] hotel was
 211 convicted of violating the following provisions of the Criminal Law Article
 212 of the Maryland Code:

213 (a) Section 10-202 (keeping disorderly house);

214 (b) Title 12 (gaming);

215 (c) Title 5 (controlled dangerous substances, prescriptions, and other
 216 substances); or

217 (d) Section 10-201 (disturbing the public peace and disorderly conduct).

218 The Director may deny an initial [or annual license] or license renewal
 219 if the owner or operator [has been] was convicted of any similar offense
 220 outside Maryland.

221 **54-21. Procedure for issuance or denial.**

222 (a) [Upon receipt of] When an application for [an annual] a license under
 223 this [division] Division, or [for renewal of a] when a previously issued
 224 license is in the renewal process, the [director shall make or cause to be
 225 made] Director or the Director's designee must conduct all investigations
 226 and inspections required by this article. The [director shall act upon]
 227 Director must approve or deny the application within [ninety (90)] 90
 228 days after the date of filing, or as soon thereafter as practicable. [In cases
 229 in which an application] Applications for renewal of [an annual] a
 230 license [has been] filed on or before October 1 [as provided in section]
 231 under Section 54-25 and [has] that have not been [neither] approved or
 232 [disapproved] denied by the [director prior to] Director before the
 233 following January 1, [the current license shall remain] remain in [full

234 force and] effect until approved or denied by the Director application
 235 [has been acted upon by the director].

236 (b) If, [upon the completion of] after all investigations and inspections are
 237 completed, the [director] Director finds that the [establishment] hotel
 238 for which a license under this [division] Division is requested does not
 239 [comply with the provisions] satisfy the requirements of this chapter, [he
 240 shall] the Director must, within [ten (10)] 10 days after making such a
 241 finding, [cause to be served upon the applicant written] transmit notice
 242 of such finding to the applicant [and shall in such]. The notice must
 243 advise the applicant of the necessary corrective measures to be taken
 244 before [a license will be issued] the Director will issue the license. The
 245 [director] Director may [, in such notice,] direct the applicant to appear
 246 [before him] within [ten (10)] 10 days from the date of service of the
 247 notice to show cause why the license should not be denied. If the
 248 applicant [shall fail] fails to show cause as directed in such notice, or
 249 [shall fail] fails to take the necessary corrective action [specified
 250 therein], the [director shall refuse to issue or renew such license] Director
 251 may deny the application.

252 (c) [All] The Director must send all of the Director's orders and notices
 253 [issued by the director hereunder shall be served upon] to the applicant
 254 either by registered mail or by personal delivery at the address shown on
 255 the application. If the applicant cannot be found in the [county] County,
 256 service by personal delivery [shall] must be made [upon] to the person
 257 who is [at the time] in charge of the [establishment] hotel.

258 **54-22. Display.**

259 [Each] The applicant must prominently display each license issued under this
 260 [division shall be prominently displayed] Division in the [establishment] hotel
 261 for which it was issued.

262 **54-22A. Complaints**

263 (a) The Director must investigate any complaints that a licensee is in violation
 264 of this Article within 30 days of receiving the complaint/s./s.

265 (b) If a violation is found, the Director must issue written notice of the
 266 violation to the owner or operator requiring that the violation be corrected
 267 immediately.

268 (c) If the violation is not corrected immediately, the Director may revoke or
 269 suspend the license under Section 54-26.

270 **54-23. Change of location of establishment; transfer.**

271 (a) Whenever [an establishment] a hotel changes its location, the current
 272 license held by such owner or operator under this [division shall
 273 automatically become] Division is void.

274 (b) The [director] Director may [, in his discretion,] authorize the transfer of
 275 a license issued under this [division] Division to a new owner or operator
 276 upon an application for transfer of the license and payment of a transfer
 277 fee [which shall be established by the county executive]. The Executive
 278 must establish the transfer fee by [written] regulation adopted under
 279 method (3) of section 2A-15 of this Code.

280 **54-24. Expiration.**

281 All [annual] licenses issued under this [division shall] Division expire on
 282 December 31 of the year for which they are issued, unless sooner revoked or
 283 suspended [as provided in] under this [article] Article.

284 **54-25. Renewal.**

285 [Every establishment shall, on] On or before July 1 of each year, every hotel
 286 must make application to the department for renewal of the [annual] license
 287 required by this [division] Division. Before [an annual] a license for any
 288 [establishment shall be] hotel is renewed by the [director, the director shall
 289 have received] Director, the Director must receive, [within ninety (90) days
 290 prior to renewing any such license,] certificates as [prescribed in section]
 291 required by Section 54-17 [, which shall indicate thereon that the premises
 292 have been inspected within ninety (90) days prior to the expiration of the
 293 license]. The Director must renew the license after receiving the certificates,
 294 completing any outstanding complaint investigations, and finding that the
 295 application satisfies this Article.

296 **54-26. Revocation or suspension generally.**

297 (a) The [director] Director may revoke or suspend any license issued under
 298 this [division upon finding] Division if the Director finds that the owner
 299 or operator of any [establishment] hotel is in violation of any provision
 300 of this [article] Article. Any such revocation or suspension [shall] must
 301 be by written order directed to [and served upon] the owner or operator
 302 of such establishment [in the manner prescribed in subsection (c) of
 303 section] under the procedures of subsection 54-21(c). Any such notice
 304 of revocation or suspension [shall] must require the holder of the license
 305 to appear before the [director] Director and show cause why the license
 306 should not be revoked or suspended [in the manner provided above].

307 (b) The Director may revoke or suspend any license issued under this
 308 Division if the Director finds that the [establishment] hotel is disruptive
 309 to the general peaceful enjoyment, dangerous to the health and safety,
 310 of the community or a nuisance because of noise or indecent or immoral
 311 activity by any guest, owner, operator or employee. The Director may

312 also revoke or suspend any license issued under this Chapter if the
 313 owner or operator of the [establishment] hotel has, while operating the
 314 establishment, been convicted of violating:

- 315 (1) the provisions of the Criminal Law Article of the Maryland Code
 316 [listed] in section 54-20; or
 317 (2) the drunkenness and disorderly conduct provisions of Section 10-
 318 201 of the Criminal Law Article of the Maryland Code while on
 319 the licensed premises.

320 Revocation or suspension of a license under this subsection must follow
 321 the procedures in Section 54-21(b).

322 **54-27. Appeals from denial, revocation or suspension.**

323 Any person aggrieved by the denial, revocation or suspension of a license
 324 under this [division] Division may appeal from the action of the [director]
 325 Director to the [county board of appeals] Board of Appeals. Such person
 326 [shall] must file a [written] notice of appeal with the clerk of the [board of
 327 appeals] Board of Appeals within [twenty (20)] 20 days after service of notice
 328 of such action. Upon receiving such appeal, the [board of appeals shall] Board
 329 of Appeals must hold a hearing [thereon] within [thirty (30)] 30 days after the
 330 notice of appeal has been filed, and [shall] must act upon [such] the appeal
 331 within [thirty (30)] 30 days after the hearing. [The council may, by resolution
 332 entered on its minutes, extend such periods of time.]

333 **Division 3. Health Standards and Regulations.**

334 **54-28. Water and sewer facilities.**

335 Water and sewer facilities in every [establishment] hotel must be connected
 336 to public lines where such lines are available. [In the event no] When public
 337 sewer lines are not available, the [sewage must be collected, treated and
 338 disposed of in an independent sewerage system which complies with the

339 standards of the excreta disposal laws of the State and of] private sewage
 340 system must satisfy Chapter 45 of this Code. [In the event no] When public
 341 water lines are not available, [no] only a water supply [may be used by an
 342 establishment unless it has been] approved by the Director [of the Department
 343 of Health and Human Services] may be used.

344 **54-29. Plumbing facilities.**

345 [All plumbing facilities in establishments shall be constructed, installed and
 346 maintained so as to prevent sanitary hazards.] Toilet and bath facilities [shall
 347 be provided in accordance with] must satisfy the plumbing code for the
 348 Washington Suburban Sanitary Commission [and any amendments thereto]
 349 as amended.

350 **54-30. Disposal of solid waste.**

351 All solid waste [at establishments shall] must be stored in covered metal
 352 receptacles [which shall be]. These receptacles must be removed from the
 353 premises and cleaned at least once a week or as often as [prescribed by the
 354 director] the Director requires. All such waste [shall be burned, buried or
 355 otherwise] must be disposed of in [such] a manner [as] that does not [to]
 356 constitute a nuisance [or to be accessible to animals or flies].

357 **54-31. [Screens.] Insects.**

358 [All outside doors, windows and other outside openings in establishments
 359 shall be adequately screened against flies, mosquitoes and other insects. If the
 360 establishment is completely air-conditioned, screening shall not be required.]
 361 All interior spaces must be maintained free of all insects. Any infestation
 362 must be immediately addressed by management.

363 **54-32. Minimum size of rooms.**

364 (a) [No] Any habitable room [shall be occupied at] in

365 [an establishment unless it contains] a hotel must be at least [seventy
 366 (70)] 70 square feet in floor area and there must be at least [fifty (50)] 50
 367 square feet of floor area for each person. Children under [twelve (12)] 12
 368 years of age [shall be] are counted as one-half person. Children under
 369 [one] [(1)] 1 year of age [shall] are not counted as a person for the purpose
 370 of this requirement.

371 (b) At least one-half of the floor area of every habitable room [shall] must
 372 have a ceiling height of at least [seven (7)] 7 feet, and the floor area of
 373 that part of any room where the ceiling height is less than [five (5)] 5 feet
 374 [shall] is not [be] considered as part of the floor area in computing the
 375 total floor area of the room for the purpose of determining the maximum
 376 permissible occupancy [thereof] of the room.

377 **54-33. Heating and ventilation.**

378 All rooms in [establishments shall] hotels must be adequately heated and
 379 ventilated. Every habitable room [shall] must have at least one [(1)] easily
 380 opened window or skylight [which can easily be opened], or such other device
 381 [as will] that adequately [ventilate] ventilates the room. Every [establishment
 382 shall] hotel must have a heating [facilities which are] system. The heating
 383 system must be properly installed and maintained in safe and good working
 384 condition [. Such heating facilities shall be] capable of safely and adequately
 385 heating all habitable rooms, bathrooms and water closet compartments to a
 386 temperature of at least [seventy (70)] 70 degrees Fahrenheit at a distance of
 387 [three (3)] 3 feet above floor level under ordinary minimum winter conditions.

388 **54-34. Lighting.**

389 All rooms in [establishments shall] hotels must be adequately lighted [by
 390 either natural or artificial light and additional] including light [shall be
 391 provided] for reading [purposes].

392 **54-35. Basement rooms.**

393 [No habitable room shall be located in the basement of an establishment unless
 394 the] Only when basement floors and walls are constructed of material
 395 impervious to water, may a habitable room be located in a basement.

396 **54-36. Cellar rooms.**

397 A room in a cellar [shall not be considered] is not a habitable room [and shall
 398 not be used by any establishment for habitation].

399 **54-37. Bedding and linen.**

400 (a) All mattresses, blankets and other bedding used at [establishments shall]
 401 hotels must be kept clean and free of bedbugs.

402 (b) Clean sheets and pillow slips [shall] must be provided in
 403 [establishments] hotels at least once each week and after each
 404 succeeding guest.

405 [(c) Two (2) clean towels shall be provided for each establishment guest at
 406 least twice each week and after each succeeding guest.]

407 **54-38. [Drinking glasses.] Reserved.**

408 [Drinking glasses used in any establishment shall be sterilized at least after
 409 each succeeding guest and common drinking glasses shall be prohibited.]

410 **54-39. Food, dining rooms and kitchens.**

411 Food, public dining rooms and kitchens in each [establishment shall comply
 412 with the provisions of chapter] hotel must satisfy Chapter 15 of this Code [and
 413 any amendments thereto] as amended.

414 **54-40. Maintenance of premises.**

415 Every owner or operator of [an establishment shall be] a hotel is responsible
 416 for maintaining all parts of the establishment, in a clean and sanitary condition
 417 [all parts of the establishment], including the land on which the

418 [establishment] hotel is located. Every owner or operator [shall be] is
 419 responsible for maintaining the [establishment] hotel in good repair.

420 **54-41. Inspections and report of violations of article.**

421 The Department [of Health and Human Services] is responsible for making
 422 all necessary inspections [of the establishments] regulated under this Article
 423 and must report to the Director any violations of this Division.

424 **Article III. [Reserved] Bed and Breakfast.**

425 **54-42. Administration**

426 In this Article, Director means the Director of the Department of Housing and
 427 Community Affairs or the Director’s designee. The Director must administer
 428 this Article.

429 **54-43. License required.**

430 A person must not operate a bed and breakfast in the County without a license
 431 issued by the Director. After the initial issuance of a license, the license must
 432 be renewed once a year.

433 **54-44. Certification for a License.**

434 An application for a bed and breakfast license or a license renewal must be
 435 signed by the applicant. The applicant must certify that:

- 436 (a) the building in which the bed and breakfast is located complies with all
 437 applicable zoning standards under Chapter 59 of this Code;
- 438 (b) the overnight occupants of each dwelling unit will satisfy the definition
 439 of one household;
- 440 (c) only habitable rooms will be used by guests;
- 441 (d) smoke detectors operate as designed;
- 442 (e) sanitation facilities operate as designed;
- 443 (f) the applicant has not been found guilty of a violation of this Chapter in
 444 the past 12 months;

- 445 (g) all local taxes and required fees are paid in full;
 446 (h) the dwelling unit where the bed and breakfast is located is the primary
 447 residence of the applicant; and
 448 (i) the applicant is the owner or authorized agent of the facility.

449 **54-45. Applications.**

450 The Director must establish an electronic method of submitting, issuing,
 451 renewing, denying, and revoking an application for a license through the
 452 internet.

453 **54-46. License Approval and Renewal.**

454 The Director must:

- 455 (a) accept the self-certification of the applicant after verifying compliance
 456 by reviewing available records; and
 457 (b) approve or deny a license or a license renewal within 15 working days
 458 after receipt of the application and all required fees unless the Director
 459 receives a challenge to the certifications under Section 54-47.

460 **54-47. Challenge to Certifications.**

- 461 (a) A challenge to any required certification made by the applicant may be
 462 filed with the Director within 30 days after the application is filed by:
 463 (1) a resident or owner of real property located within 300 feet of a
 464 licensed or proposed bed and breakfast; or
 465 (2) a civic or homeowner's association comprised of property
 466 owners located within 300 feet of a licensed or proposed bed and
 467 breakfast.
 468 (b) The Director must, within 60 days after receipt of the challenge:
 469 (1) provide notice of the challenge to the applicant;
 470 (2) provide an opportunity for the applicant to respond to the
 471 challenge;

- 472 (3) investigate the question of fact raised by the challenge; and
- 473 (4) revoke or deny the license if the Director finds that one or more
- 474 facts certified by the applicant is false.

475 **54-48. Appeals.**

476 Any person aggrieved by an approval, denial, revocation or suspension of a
 477 bed and breakfast license may appeal the decision to the Board of Appeals.
 478 The Board of Appeals must hold a hearing on the appeal within 30 days after
 479 the notice of appeal has been filed, and must act on the appeal within 30 days
 480 after the hearing.

481 **54-49. Effect of a revocation.**

482 For a period of 3 years after a license is revoked, the Director must not issue a
 483 bed and breakfast license to:

- 484 (a) the former licensee or a member of the former licensee's household; or
- 485 (b) any applicant for a license to use the same dwelling unit where the license
- 486 was revoked.

487
488 *Approved:*

489 _____
 Nancy Floreen, President, County Council Date

490 *Approved:*

491 _____
 Isiah Leggett, County Executive Date

492 *This is a correct copy of Council action.*

493 _____
 Linda M. Lauer, Clerk of the Council Date

LEGISLATIVE REQUEST REPORT

Bill 2-16

Transient Housing – Licensing and Registration

DESCRIPTION: The Bill would amend Chapter 54 of the County Code by updating and simplifying licensing and registration requirements.

PROBLEM: The code includes forms of transient housing that are no longer permitted by the zoning code. The requirements for hotels are out dated. The requirements for non-hotels are overly burdensome. The Department responsible for all forms of transient housing has only issued licenses for hotels.

GOALS AND OBJECTIVES: The Bill will make the process for licensing and registration more efficient for hotels and other transient housing.

COORDINATION: Department of Permitting Services, Health and Human Services and Housing and Community Development.

FISCAL IMPACT: To be requested.

ECONOMIC IMPACT: To be requested.

EVALUATION: To be requested.

EXPERIENCE ELSEWHERE: To be researched.

SOURCE OF INFORMATION: Departments of Permitting Services, Health and Human Services and Housing and Community Development.

APPLICATION WITHIN MUNICIPALITIES: To be researched.

PENALTIES: NA