Bill No. 2-16

Concerning: Transient Housing – Licensing and Registration

Revised: 9/25/17 Draft No. 9

Introduced: February 2, 2016

Enacted: October 10, 2017

Executive: October 19, 2017

Effective: July 1, 2018

Sunset Date: None

Ch. 27 , Laws of Mont. Co. 2017

**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** *Heading or defined term.*

Underlining *Added to existing law by original bill.*

**[**Single boldface brackets**]** *Deleted from existing law by original bill.*

Double underlining *Added by amendment.*

**[[**Double boldface brackets**]]** *Deleted from existing law or the bill by amendment.*

\* \* \* *Existing law unaffected by bill.*

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

**Sec. 1. 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 are amended as follows:**

**54-1. Definitions.**

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

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

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

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

*Bed and Breakfast* means a **[**dwelling unit or part of a dwelling that is available to overnight guests for compensation. Overnight guests on any night must satisfy the definition of one household. A guest must stay at a Bed and Breakfast for no more than 30 days in any one visit. Meals may be provided to overnight guests. Bed and Breakfast means a**]** detached house that is owner-occupied with no more than 5 guest rooms for rent and customarily serves breakfast to guests and allowed under Section 59-3.5.6.B of this Code.

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

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

*Department* means the Department of Health and Human Services.

*Establishment* **[**: Every hostel, tourist home, boardinghouse, rooming house and guestrooms in an apartment hotel which, for compensation, provides or offers lodging or lodging and meals to transient visitors.**]** means a hotel or Bed and Breakfast or Short-Term Residential Rental regulated under this chapter.

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

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

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

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

1. any number of people related by blood, marriage, adoption, or guardianship;

2. up to 5 unrelated people; or

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

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

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

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

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

*Short-Term Residential Rental* means the residential occupancy of a dwelling unit for a fee for less than 30 consecutive days as allowed under Section 59-3.3.3.I of this Code.

*Solid wastes* **[**:**]**meansgarbage, trash, sweepings, animal refuse and dead animals.

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

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

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

The **[**county executive**]** Executive **[**,in order to implement the health standards and regulations of this chapter, is hereby authorized by law to**]** may adopt **[**such**]** regulations, under method (3) **[**of section 2A-15 of this Code**]**, concerning the operation, maintenance **[**and**]**, conduct, licensing, and license fees for **[**of**]** a **[**any of the types of establishments**]** hotel or bed and breakfast **[**referred to in this chapter, including provision of such licenses and license fees for such establishments as he may deem appropriate**]**.

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

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

    (a)   the name of each visitor;

(b)   the residence address of each visitor, including state, city or town, street

and street number or rural mail delivery route number;

    (c)   the number of the room or facility occupied by each visitor; and

    (d)   the date and time of registration and checkout of each visitor.

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

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

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

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

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

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

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

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

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

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

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

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

**54-9. Parking facilities.**

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

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

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

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

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

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

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

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

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

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

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

**54-15. Application.**

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

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

**[**No license shall be issued to**]** The Director must not issue a license to any **[**establishment**]** hotel **[**to**]** under this **[**division**]** Division unless **[**such**]** the proposed **[**establishment is in conformance**]** hotel conforms with the applicable provisions of this Code **[**and other ordinances of the county**]**.

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

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

(a) **[**A certificate**]** of use and occupancy from the Department of Permitting Services**[**.**]**;

(b) **[**A certificate**]** from the fire marshal stating that the building **[**is in

compliance with**]** complies with the fire prevention code**[**.**]**; and

(c) **[**A certificate**]** from the Director stating that the building or buildings and rooms to be occupied or used by the guests of the **[**establishment**]** hotel, and the premises on which such buildings are located, **[**are in compliance with**]** comply with the standards and regulations of the County and State Boards of Health.

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

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

**54-19. Fees.**

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

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

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

1. Section 10-202 (keeping disorderly house);
2. Title 12 (gaming);
3. Title 5 (controlled dangerous substances, prescriptions, and other

substances); or

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

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

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

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

completed, the **[**director**]** Director finds that the **[**establishment**]** hotel for which a license under this **[**division**]** Division is requested does not **[**comply with the provisions**]** satisfy the requirements of this chapter, **[**he shall**]** the Director must, within **[**ten (10)**]** 10 days after making such a finding, **[**cause to be served upon the applicant written**]** transmit notice of such finding to the applicant **[**and shall in such**]**. The notice must advise the applicant of the necessary corrective measures to be taken before **[**a license will be issued**]** the Director will issue the license. The **[**director**]** Director may **[**, in such notice,**]** direct the applicant to appear **[**before him**]** within **[**ten (10)**]** 10 days from the date of service of the notice to show cause why the license should not be denied. If the applicant **[**shall fail**]** fails to show cause as directed in such notice, or **[**shall fail**]** fails to take the necessary corrective action **[**specified therein**]**, the **[**director shall refuse to issue or renew such license**]** Director may deny the application.

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

**54-22. Display.**

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

**54-22A. Complaints**

1. The Director must investigate any **[[**complaints**]]** complaint that a licensee is in violation of this Article within 30 days of receiving the complaint**[[**/s./s**]]**.
2. If a violation is found, the Director must issue written notice of the violation to the owner or operator requiring that the violation be corrected immediately.
3. If the violation is not corrected immediately, the Director may revoke or suspend the license under Section 54-26.

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

1. Whenever **[**an establishment**]** a hotel changes its location, the current license held by such owner or operator under this **[**division shall automatically become**]** Division is void.
2. The **[**director**]** Director may **[**, in his discretion,**]** authorize the transfer of a license issued under this **[**division**]** Division to a new owner or operator upon an application for transfer of the license and payment of a transfer fee **[**which shall be established by the county executive**]**. The Executive must establish the transfer fee by **[**written**]** regulation adopted under method (3) of **[[**section**]]**Section 2A-15 of this Code.

**54-24. Expiration.**

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

**54-25. Renewal.**

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

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

1. The **[**director**]** Director may revoke or suspend any license issued under this **[**division upon finding**]** Division if the Director finds that the owner or operator of any **[**establishment**]** hotel is in violation of any provision of this **[**article**]** Article. Any such revocation or suspension **[**shall**]** must be by written order directed to **[**and served upon**]** the owner or operator of **[[**such establishment**]]** **[**in the manner prescribed in subsection (c) of section 54-21**]** the hotel under the procedures of subsection 54-21(c). Any such notice of revocation or suspension **[**shall**]** must require the holder of the license to appear before the **[**director**]** Director and show cause why the license should not be revoked or suspended **[**in the manner provided above**]**.
2. The Director may revoke or suspend any license issued under this Division if the Director finds that the **[**establishment**]** hotel is disruptive to the general peaceful enjoyment, dangerous to the health and safety, of the community or a nuisance because of noise or indecent or immoral activity by any guest, owner, operator or employee. The Director may also revoke or suspend any license issued under this Chapter if the owner or operator of the **[**establishment**]** hotel has, while operating the **[[**establishment**]]** hotel, been convicted of violating:
3. the provisions of the Criminal Law Article of the Maryland Code

**[**listed**]** in **[[**section**]]**Section 54-20; or

1. the drunkenness and disorderly conduct provisions of Section 10-201 of the Criminal Law Article of the Maryland Code while on the licensed premises.

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

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

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

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

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

Water and sewer facilities in every **[**establishment**]** hotel must be connected to public lines where such lines are available. **[**In the event no**]** When public sewer lines are not available, the **[**sewage must be collected, treated and disposed of in an independent sewerage system which complies with the standards of the excreta disposal laws of the State and of**]** private sewage system must satisfy Chapter 45 of this Code. **[**In the event no**]** When public water lines are not available, **[**no**]** only a water supply **[**may be used by an establishment unless it has been**]** approved by the Director **[**of the Department of Health and Human Services**]** may be used.

**54-29. Plumbing facilities.**

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

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

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

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

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

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

1. **[**No**]** Any habitable room **[**shall be occupied at**]** in

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

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

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

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

**54-34. Lighting.**

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

**54-35. Basement rooms.**

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

**54-36. Cellar rooms.**

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

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

1. All mattresses, blankets and other bedding used at **[**establishments shall**]** hotels must be kept clean and free of bedbugs.
2. Clean sheets and pillow slips **[**shall**]** must be provided in

**[**establishments**]** hotels at least once each week and after each succeeding guest.

**[**(c) Two (2) clean towels shall be provided for each establishment guest at

least twice each week and after each succeeding guest.**]**

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

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

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

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

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

Every owner or operator of **[**an establishment shall be**]** a hotel is responsible for maintaining all parts of the **[[**establishment**]]** hotel, in a clean and sanitary condition **[**all parts of the establishment**]**, including the land on which the **[**establishment**]** hotel is located. Every owner or operator **[**shall be**]** is responsible for maintaining the **[**establishment**]** hotel in good repair.

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

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

**Article III. [Reserved] Bed and Breakfast and Short-Term Residential Rental.**

**54-42. License required.**

A person must not operate a bed and breakfast or short-term residential rental in the County without a license issued by the Director. After the initial issuance of a license, the license must be renewed once a year.

**54-43. Certification for a License.**

An application for a bed and breakfast license or short-term residential rental or a license renewal for either use must be signed by the applicant and include the State Sales Tax and Use Registration number. The applicant must certify that:

(a) the building in which the bed and breakfast or short-term residential rental is located complies with all applicable zoning standards under Chapter 59 of this Code;

(b) **[[**the overnight occupants of each dwelling unit will satisfy the definition of one household**]]** the total number of overnight guests in the short-term residential rental who are 18 years or older is limited to 6, and the total number of overnight guests over 18 years of age per bedroom is limited to 2;

1. only habitable rooms will be used by guests;

(d) smoke detectors in all units and carbon dioxide detectors in all units using natural gas operate as designed;

(e) sanitation facilities operate as designed;

(f) the applicant has not been found guilty of a violation of this Chapter in the past 12 months;

(g) all local taxes and required fees are paid in full;

(h) the dwelling unit where the bed and breakfast or short-term residential rental is located is the primary residence of the applicant; **[[**and**]]**

(i) the applicant is the owner or owner-authorized agent of the facility;

(j) the applicant posted rules and regulations inside the rental, including contact information for a representative designated for emergency purposes;

(k) the designated representative resides within 15 miles of the unit and be accessible for the entirety of any contract where the primary resident is not present;

(l) a record of all overnight visitors will be maintained and readily available for inspection;

1. where applicable, the following parties were notified:

in a single-unit or attached unit, abutting and confronting neighbors,

in a multi-unit building, neighbors living across the hall and those that share a ceiling, floor, and walls with the applicant’s unit,

the municipality in which the residence is located,

any applicable home owner association, condominium, housing cooperative, and the owner of the unit or the owner’s rental agent, if the applicant is not the owner;

1. the application is not prohibited by any Home Owner’s Association or

condominium document, or a rental lease;

1. the common ownership community fees for the dwelling unit are no more

than 30 days past due;

1. except for persons visiting the primary resident, only registered guests will be allowed on the property; and
2. any on-line rental listing will include the short-term residential rental license number.

**54-44. Applications.**

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

**54-45. License Approval and Renewal.**

The Director must:

(a) accept the self-certification of the applicant after verifying compliance by reviewing available records; **[[**and**]]**

(b) approve or deny a license or a license renewal within 15 working days after receipt of the application and all required fees unless the Director receives a challenge to the certifications under Section 54-47**[[**.**]]**; and

(c) issue the license for a term of one year, renewable for additional one-year terms, subject to payment of the license fee and compliance with all applicable laws and certifications required for the license.

**54-46. Challenge to Certifications.**

(a) A challenge to any required certification made by the applicant may be filed with the Director within 30 days after the application is filed by:

(1) a resident or owner of real property located within 300 feet of a licensed or proposed **[[**bed and breakfast**]]** license;

(2) **[[**a civic or homeowner’s association comprised of property owners located within 300 feet of a licensed or proposed bed and breakfast**]]** the municipality in which the residence is located;

(3) any applicable homeowners association, condominium, housing cooperative; or

(4) the owner of the unit or the owner’s rental agent, if the applicant is not the owner.

(b) The Director must, within 60 days after receipt of the challenge:

(1) provide notice of the challenge to the applicant;

(2) provide an opportunity for the applicant to respond to the challenge;

(3) investigate the question of fact raised by the challenge; and

(4) revoke or deny the license if the Director finds that one or more facts certified by the applicant is false.

**54-47. Suspension**

1. The license must be suspended for any applicant receiving at least three

complaints that are verified as a violation of the license or of the County Code within any 12-month period.

1. Renewal or reinstatement of licenses must follow procedures

established by the Director.

**54-48. Appeals.**

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

**[[54-48.]] 54-49. Effect of a revocation.**

For a period of 3 years after a license is revoked, the Director must not issue a bed and breakfast or short-term residential rental license to:

(a) the former licensee or a member of the former licensee’s household; or

(b) any applicant for a license to use the same dwelling unit where the license was revoked.

**Sec. 2. Effective date.**

This Bill becomes effective on July 1, 2018.

*Approved:*

/s/ 10/12/17

Roger Berliner, President, County Council Date

*Approved:*

/s/ 10/19/17

Isiah Leggett, County Executive Date

*This is a correct copy of Council action.*

/s/ 10/23/17

Linda M. Lauer, Clerk of the Council Date