

March 25, 2009

**S 891. REGULATION OF LODGING ESTABLISHMENTS.** Filed 3/25/09. *AMENDING CHAPTER 130A OF THE GENERAL STATUTES TO DEFINE LODGING ESTABLISHMENTS, TO REGULATE SINGLE-ROOM OCCUPANCY, AND TO INCREASE THE MINIMUM SCORE FOR GRADING OF LODGING ESTABLISHMENTS; AUTHORIZING CITIES AND COUNTIES TO REGULATE SINGLE-ROOM OCCUPANCY FACILITIES; ESTABLISHING FEES FOR THE INSPECTION OF LODGING ESTABLISHMENTS; PROVIDING GOOD-FAITH IMMUNITY TO INNKEEPERS WHO ASSIST LAW ENFORCEMENT PERSONNEL IN CRIMINAL INVESTIGATIONS; AND MAKING CONFORMING CHANGES.*

Adds new Article 43F (Innkeepers' Immunity) to Chapter 1 of the General Statutes. New GS 1-539.27 defines *guest*, *innkeeper*, and *law enforcement officer*. Specifies that an innkeeper who in good faith discloses information about a current or former guest to a law enforcement officer upon request of the law enforcement officer is immune from civil liability and is not liable in civil damages to the current or former guest for that disclosure or any consequences of the disclosure, except under specified circumstances. Specifies that it does not affect any privileges or immunities from civil liability established elsewhere in the General Statutes or under the common law and does not apply to any civil cause of action brought by a federal, state, or local government against the innkeeper.

Replaces all provisions of GS 130A-247 with definitions of *bed and breakfast inn*, *establishment*, *establishment that prepares or serves drink*, *establishment that prepares or serves food*, *limited food services establishment*, *lodging establishment*, *private club*, *regular boarder*, and *single-room occupancy facility*.

Amends GS 130A-248 to make conforming changes.

Adds new GS 130A-248.1 governing the regulation of lodging establishments. Authorizes the Commission of Public Health to adopt rules governing the sanitation of lodging establishments, private homes offering bed and breakfast accommodations to eight or fewer persons per night, bed and breakfast inns as defined in GS 130A-247, and the sanitation and equipment requirements for lodging establishments that prepare and serve a continental breakfast that is included in the room rate. Specifies certain criteria that the Commission's rules must address. Requires that the rules contain a system for numerically grading establishments and sets the numeric scale for that grading system. Prohibits an establishment from commencing or continuing operation without a permit or transitional permit issued by the Department of Health and Human Services (DHHS) and sets forth who must be issued the permit. Authorizes the Commission to adopt rules establishing permitting requirements and specifies the conditions under which a permit expires or is revoked. Requires DHHS to charge each lodging establishment an annual fee of \$150.00, the revenue from which is to be used for State and local food, lodging, and institution sanitation programs and activities. Limits the amount of revenue that may be used to support State health programs and activities to 33 1/3 percent. Requires DHHS to charge a \$25.00 late payment fee under specified circumstances and a \$150.00 reinstatement fee. Directs that the clear proceeds of these civil penalties must be remitted to the Civil Penalty and Forfeiture Fund in accordance with GS 115C-457.2.

Amends GS 130A-249 to require that lodging establishments be inspected at least once per year. Directs the inspector to notify the appropriate building code enforcement authority of any violations of suspected state or local building code requirements. A permit may be extended until the building code violation has been corrected. Makes other conforming changes.

Amends GS 130A-250 to exempt from Part 6 of Article 8 of Chapter 130A of the General Statutes a business or private home that provides overnight lodging with four or fewer lodging units and single-room occupancy facilities. Makes other conforming changes.

Amends GS 130A-39(b) to authorize a local board of health to regulate a single-room occupancy facility under an ordinance adopted pursuant to GS 153A-134.1 or GS 160A-194.1. Makes other conforming changes.

Amends GS 130A-138 to make conforming changes.

Adds new sections to Article 6 of Chapter 153A and Article 8 of Chapter 160A of the General Statutes to authorize a county and city, respectively, by ordinance, to subject single-room occupancy facilities to the general law of the state and to regulate, license, and inspect the same.

Amends GS 153A-149(c) and GS 160A-209(c) to define lodging.

Specifies that nothing in the act may be construed to preempt or otherwise impair a municipality's existing authority to apply nonresidential building standards to lodging establishments.

Effective July 1, 2009.

**Intro. by Hartsell.**

GS 1, 130A, 153A, 160A