

**Questions and Answers on the Adoption and Applicability
of the Amended Tourist Accommodations
Rules and Regulations, Chapter 511-6-2**

Q. What law authorizes the Department of Public Health to amend the tourist accommodations regulation?

A. This regulation was adopted pursuant to the Official Code of Georgia Annotated § 31-2A-6 and 31-28-1 *et seq.* The department is authorized to adopt and promulgate rules and regulations to effect prevention, abatement, and correction of situations and conditions which, if not promptly checked, would affect the health of the people of this state. Such rules and regulations shall be adapted to the purposes intended, within the purview of the powers and duties imposed upon the department by this chapter, and supersede conflicting rules, regulations, and orders adopted pursuant to the authority of Chapter 3 of this title.

Q. Did the tourist accommodations industry provide input into the regulation adopted by the Department of Public Health?

A. Yes. The rule making process requires public notice and hearing on proposed changes to a Department administered regulation. This process affords any interested party an opportunity to review and provide input on substantive issues under consideration by the Department. During this rulemaking process, the Department conducted three public hearings over a seven month period and reviewed public comments submitted by industry associations, individual operators and professionals. The Georgia Hospitality and Lodging Association and the Asian American Hotel Owners Association provided insightful and critical comments on the proposed regulation. Many changes were incorporated by the Department from the verbal and written comments made during the public hearing process.

Q. When does the new tourist accommodations regulation go into effect?

A. The new Chapter, 511-6-2, becomes effective on January 1, 2014.



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Q. Will the amended Tourist Accommodations Rules and Regulations expand the types of facilities permitted in Georgia?

A. No. The amended rules did not expand the types of facilities regulated under the Department's authority. The changes to the definition of a tourist accommodation were made to clarify the purpose of an accommodation and the applicability of the rules.

"Tourist Accommodation" means any facility consisting of two or more rooms or dwelling units providing lodging and other accommodations to the general public, such as tourist courts, tourist cottages, tourist homes, trailer parks, trailer courts, motels, motor hotels, hotels, and any similar place by whatever name called and any food, beverage, laundry, recreational or other facilities or establishments operated in conjunction therewith. This definition includes any facility consisting of two or more rooms or dwelling units either joined together or separate on a common piece of property, furnished for pay and further includes campgrounds, recreational vehicle parks and bed and breakfast inns. A tourist accommodation is not a facility intended for permanent residence, or a facility available only to members of a club or through private lease or invitation.

Q. Did the Department change or amend the definition of a Bed and Breakfast Inn in the new regulation?

A. No. "Bed and Breakfast Inn" means an establishment of twenty guestrooms or less, which serves food only to its registered tourists, and serves only a breakfast or similar early morning meal and an appropriate light snack in which the price of the food is included in the price of the overnight accommodation. For purposes of the rules, "Bed and Breakfast Inn" refers to an establishment in which the predominant relationship between the occupants thereof and the owner or operator of the establishment is that of innkeeper and tourist."

Q. Will I need to change my application, permit or any other forms when local EHS begin conducting inspections under the amended rules and regulations?

A. No. Unless you are changing ownership, the facility name or renovating, the implementation of the amended rules will not require the owner or operator of an existing facility to complete or submit new Departmental forms. However, there will be a new inspection form in use with the rules. The "Tourist Accommodation Inspection Form" is the Department's approved inspection

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form required to be placed in a public area such as near the registration desk, five to seven feet off the floor and where it can be read from a distance of one foot.

Q. Where can an owner or operator find information on the implementation of the new tourist accommodations regulation?

A. The Department of Public Health, Environmental Health Section will provide information and practical training resources to seamlessly transition from the repealed chapter to the amended version of the Tourist Accommodations Rules and Regulations, Chapter 511-6-2. As information is developed for release, the Department and local health authority will use various forms of communication to make the information available to local government officials, owners/operators, industry associations and tourists alike. Please visit the section's website at www.georgiaeh.us.

Q. Who can an owner or operator contact at the Department of Public Health with inquiries on the regulation?

A. The Department of Public Health's, Environmental Health Section is responsible for the rules administration and interpretation after state adoption. The local health authority has the responsibility for inspecting, permitting, and enforcing the Chapter. Facilities permitted by the local county health authority can contact their local Environmental Health Office. Additionally, all interested parties may contact:

Georgia Department of Public Health,
Environmental Health Section
Two Peachtree Street, NW (13th Floor),
Atlanta, Georgia 30303-3186
Phone: (404) 657-6534 Fax: (404) 657-6516