

Pool & Spa community...

Related Industries

CPSC Changes VGB Interpretation to Include All Lodging

Amusements, Sports, and Recreation

August 2010

Open Letter to the Pool and Spa Community:

On March 1, 2010, the Commission voted (4-1) to issue a proposed interpretive rule interpreting "public accommodations facility" to mean "an inn, hotel, motel, or other place of lodging, except for an establishment located within a building that contains not more than five rooms for rent or hire and that is actually occupied by the proprietor of such establishment as the residence of such proprietor."

On August 4, 2010, the Commission voted (5-0) to withdraw the proposed rule issued in March and directed staff to redraft for publication in the Federal Register a new proposed interpretive rule incorporating the definition below and initiating a 60-day comment period.

Definitions.

Public accommodations facility means an inn, hotel, motel, or other place of lodging, including, but not limited to, rental units rented on a bi-weekly or weekly basis.

In short, this interpretive rule would include bed and breakfasts under the definition of "public accommodations facility," regardless of the number of rooms for rent or hire and regardless of whether the proprietor lives in the residence. The rule would also include a vacation rental home if the home offered a sufficient number of short term stays or shared characteristics with a hotel, motel, or inn, such that it may be characterized as a "place of lodging."

After considering comments received in response to the proposed rule, the Commission will decide whether to proceed with a final interpretive rule interpreting "public accommodations facility" and vote on exactly what the definition will encompass.

The Commissioners' statements are available here:

• Chairman Tenenbaum's statement:

<http://www.cpsc.gov/pr/tenenbaum08042010.pdf>

• Commissioner Nord's statement:

<http://www.cpsc.gov/pr/nord08042010.pdf>

• Commissioner Adler's statement:

<http://www.cpsc.gov/pr/adler08042010.pdf>

• Commissioner Northup's statement:

<http://www.cpsc.gov/pr/northup08042010.pdf>

• Commissioner Moore's statement:

<http://www.cpsc.gov/pr/moore08042010.pdf>