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Amending Title 9 of The Philadelphia Code, entitled “Regulation of Businesses, Trades and Professions,” by adding a new Chapter to require hotel operators to notify guest of service disruptions which substantially affect or are likely to substantially affect any guest's use of a room or utilization of a hotel service, and providing for enforcement and penalties, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 9 of The Philadelphia Code is hereby amended to read as follows:

TITLE 9. REGULATION OF BUSINESSES, TRADES AND PROFESSIONS.

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CHAPTER 9-6700. PROTECTION OF GUESTS FROM HOTEL SERVICE DISRUPTIONS

§ 9-6701. Definitions:

(1) "Hotel" means a residential building, and ancillary premises, that is designated or used for lodging and other related services for the public, including but not limited to food and beverage preparation and service and meetings, as well as tradeshows and conventions, and contains 50 or more guest rooms.

(2) "Hotel operator" means any person, including a contractor, who owns, controls or operates a hotel.

(3) "Hotel service" means work performed in connection with the operation of a hotel, including, but not limited to, letting of guest rooms, letting of meeting rooms, provision of food or beverage services, provision of banquet services, or provision of spa services.

(4) "Room" means a room available or let out for use or occupancy in a hotel.

(5) "Service disruption" means any of the following conditions where the condition substantially affects or is likely to substantially affect any guest's use of a room or utilization of a hotel service; provided that conditions described in paragraphs (2), (6) and (7) of this definition shall be presumed to substantially affect a guest's use of a room or utilization of a hotel service:

(a) construction work in or directly related to the hotel that creates excessive noise that is likely to substantially disturb a guest, other than construction that is intended to correct an emergency condition or other condition requiring immediate attention;

(b) conditions of which the hotel operator is aware, indicating the presence in the hotel of any infestation by bed bugs, lice or other insects, rodents or other vermin capable of spreading disease or being carried, including on one's person, if the infestation has not been fully treated

by a licensed exterminator within 24 hours of identifying it;

(c) the unavailability, for a period of 24 hours or more, of any advertised hotel amenity, including, but not limited to, a pool, spa, shuttle service, internet access, or food and beverage service;

(d) the unavailability, for a period of 24 hours or more, of any advertised room appliances or technology, including but not limited to, in-room refrigerators, or internet or Wi-Fi services;

(e) the unavailability of any advertised or legally required accessibility feature, including, but not limited to, an elevator, wheelchair lift, ramp, or accessible bathroom in the room or in any common area of the hotel;

(f) the unavailability for a period of 24 hours or more, of any utility, including, but not limited to, gas, water, or electricity when the unavailability affects only the location of the hotel; or

(g) Any strike, lockout or picketing activity, or other demonstration at the hotel that is reasonably foreseeable to occur during a guest's stay.

(6) "Third-party vendor" means a vendor with which a hotel operator has an arrangement for third-party room reservations, or any other entity that has reserved or entered into an agreement or booking for the use or occupancy of one or more rooms in a hotel in furtherance of the business of reselling the rooms to guests.

§ 9-6702. Obligation to Notify Guests of Service Disruption:

(1) Within 24 hours of the occurrence of a service disruption, a hotel operator shall provide, in all modifiable mediums in which the hotel advertises, solicits customers, or through which customers can book or reserve rooms or services, notification of the service disruption to each third-party vendor and each guest who is seeking, or has entered into, a reservation, booking, or agreement with the hotel operator or a third-party vendor for the use or occupancy of a room or hotel service. The notification shall also be provided immediately before accepting or entering into any new reservation, booking, or agreement for the use or occupancy of a room or hotel service. The notification shall also be provided to any current guest. If the circumstances of the service disruption make timely notification impracticable, the notification shall be made as soon as practicable.

(2) The notification shall describe: the nature of the service disruption; the extent of the service disruption's effect on reservations, bookings, or agreements to use or occupy the room or hotel services; and the right of a guest to cancel or terminate the reservation, booking, or agreement for the use or occupancy of the room or hotel services, with a refund and without the imposition of any fee, penalty, or other charge, as provided in subsections c. and d. of this section. If the notification is included in a communication containing other information, the notification shall be in a significantly larger font and different color than the remainder of the communication.

(3) A hotel operator shall not impose any fee, penalty, or other charge, nor retain any deposit or payment, in the event a guest, prior to checking in, cancels a reservation, booking, or agreement with the hotel operator for the use or occupancy of a room or hotel service, if the guest's stay or room is, or could be, substantially affected by a service disruption during the guest's stay or use of a hotel service.

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(4) If a service disruption arises only after any guest of the room has checked in or hotel service has begun, the hotel operator shall prominently and clearly notify the guest of the service disruption within 24 hours of the disruption, as provided in subsection (a) of this section. The notification shall specify the rights set forth in this subsection, pursuant to subsection (b) of this section. The guests of the room or hotel service may terminate any reservation, booking, or agreement for the rental of the room or use of a hotel service, and the hotel operator shall not impose any fee, penalty, or other charge for the termination, nor retain any deposit or payment related to any unused portion of the period of the reservation, booking, or agreement following the onset of the service disruption.

(5) A hotel operator that violates or causes another person to violate a provision of this section or any rule promulgated pursuant to the section, shall be subject to a civil penalty collectible by such City agency as may be designated by the Mayor, as follows:

(a) a civil penalty of $500 for the first violation;

(b) a civil penalty of $1,000 for the second violation issued for the same offense within a period of two years of the date of the first violation;

(c) a civil penalty of $2,000 for the third violation issued for the same offense within a period of two years of the date of the first violation.

The continuation of a violation shall constitute a separate offense for each successive day.

(6) In addition to any other penalties or remedies for violations of this section, any guest or customer may also bring a private cause of action in any court of competent jurisdiction to recover, in addition to the remedies provided for in this act, compensatory, equitable and consequential damages, and reasonable attorney's fees and costs.

SECTION 2. This Ordinance shall take immediate effect.

Explanation:

Italics indicate new matter added.

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