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## Periodic Review and Small Business Impact Findings Where Result is “Retain the Regulation As Is”

<b>Agency name</b>	Virginia Department of Health
<b>Virginia Administrative Code (VAC) citation</b>	12 VAC 5-431
<b>Regulation title</b>	Sanitary Regulations for Hotels
<b>Date</b>	August 28, 2017

This information is required pursuant to Executive Order 17 (2014).

### Legal basis

*Please identify the state and/or federal legal authority for the regulation, including: 1) the most relevant law and/or regulation; and 2) promulgating entity, i.e., agency, board, or person.*

Section 32.1-12 of the Code of Virginia gives authority to the Virginia Department of Health (Board) to promulgate regulations. It states, in part, that the Board may make, adopt, promulgate and enforce regulations and provide reasonable variances and exemptions as necessary to carry out the provisions of Title 32, as well as and other laws of the Commonwealth administered by it, the Commissioner, or the Department.

Section 35.1-11 of the Code of Virginia gives authority to the Board to adopt regulations governing hotels. The adoption of such regulations is necessary to protect the health, safety, and welfare of those staying in hotels and other transient lodging establishments in the Commonwealth of Virginia.

### Alternatives

*Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.*

No viable alternatives for achieving the purpose of the existing regulations could be determined. The regulations enable the Board to fulfill the statutory requirements established under Chapter 2 (§35.1-13) of Title 35.1 of the Code of Virginia. The regulations are administered in the least burdensome method.

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

No comments were received during the public comment period following publication of the periodic review. An informal advisory group was not formed for the purpose of assisting in the periodic review.

**Effectiveness**

*Please indicate whether the regulation meets the criteria set out in Executive Order 17 (2014), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.*

The regulations meet the criteria set forth in Executive Order 17(2014). The regulations provide standards for the permitting of hotels in the Commonwealth of Virginia. Such standards include the cleanliness of linens and furnishings, bathroom facilities, and common areas; appropriate water source and adequate sewage disposal; vector and other pest control; and sanitation of glassware and other kitchenware provided in guest rooms. These standards are necessary to prevent the transmission of communicable diseases, and to protect the health and safety of those staying in hotels in the Commonwealth. The regulations are clearly written and understandable.

**Result**

*Please state that the reason why the agency is recommending that the regulation should stay in effect without change.*

The Board is recommending the regulations remain in effect without change.

This periodic review of the regulations was filed on May 17, 2017. No public comments have been received. The regulations in their current form provide the minimum standards for health and safety for hotels in the Commonwealth of Virginia.

**Small business impact**

*In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: 1) the continued need for the regulation; 2) the nature of complaints or comments received concerning the regulation from the public; 3) the complexity of the regulation; 4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and 5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area*

*affected by the regulation. Also, include a discussion of the basis for the agency's determination to retain the regulation as is, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.*

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Code of Virginia section 35.1-11 gives authority to the Board to promulgate regulations for hotels. The continued need for the regulations is established in statute. To repeal the regulations would remove certain public protections provided in the regulation.

No complaints or comments were received concerning the regulations from the public.

The regulations are clearly written, easily understandable and do not overlap, duplicate, or conflict with any known federal or state law or regulation.

The most recent evaluation of the regulations occurred in May of 2013. There are no known changes in technology, economic conditions, or other factors that necessitate amendments to the regulations within the authority established by Title 35.1 of the Code of Virginia.

Retaining the regulations in their current form does not appear to cause an adverse economic impact on small business in the Commonwealth of Virginia; the regulations provide specific minimum requirements that maintain a safe and healthy environment at hotels and other transient lodging establishments, allowing tourism and other travel to continue to contribute to the Commonwealth's economy.