

DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION NOTICE OF PROPOSED GUIDANCE DOCUMENTS

Pursuant to section 227.112 of the Wisconsin Statutes, the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is hereby accepting comments on the proposed guidance document:

Counting Room Numbers for Determining Permitting Category Placement

LOCATION OF PROPOSED GUIDANCE

Proposed guidance document may be reviewed by accessing:

https://datcp.wi.gov/Pages/About_Us/GuidanceDocuments.aspx

SUBMITTING PUBLIC COMMENTS

Public comments on proposed or adopted guidance document may be submitted by accessing:

https://datcp.wi.gov/Pages/About_Us/GuidanceDocuments.aspx

DEADLINE FOR SUBMISSION

The comment period will run no fewer than 21 days after the publication of this document in the Administrative Register.

AGENCY PUBLICATION

The attached guidance document contains statements or interpretations of law under the following applicable provisions of federal law or the applicable state statutory or administrative code provisions: Wis. Stat. ch. 97 Subchapter III, Wis. Admin. Code, ch. 72.

CERTIFICATION

Pursuant to the authority delegated to me by the Secretary, I have reviewed the attached guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.



Steve Ingham
Administrator

Division of Food and Recreational Safety



Wisconsin Department of Agriculture, Trade and Consumer Protection

Division of Food and Recreational Safety

PO Box 8911, Madison, WI 53708-8911

Phone: (608) 224-4700

Fax: (608) 224-4710

GUIDANCE DOCUMENT

Guidance Document Title: Counting Room Numbers for Determining Permitting Category

This guidance document is based on Wis. Stat. 97 Subchapter III and chapter ATCP 72 Wis. Admin. Code. This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed.

28 (DFRS)

Click or tap here to enter text.

November 12, 2019

Steven Ingham, Ph.D. - Administrator, Division of Food and Recreational Safety

DATE

Contributors:



Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Food and Recreational Safety
PO Box 8911, Madison, WI 53708-8911
Phone: (608) 224-4720 Fax: (608) 224-4710

Lodging Policy

Effective Date: 07/01/2016

Page 1

This policy supersedes the Department of Health Services policy put forward on 10/22/2012

Counting Room Numbers for Determining Permitting Category Placement

Question

How do I count the number of sleeping rooms for determining the correct category of lodging permit?

Background

DFRS has become aware that some public health sanitarians are using different methods for determining the number of rooms at lodging facilities. There are some public health sanitarians that are calculating the number of sleeping rooms by counting all areas of the structure or structures where a guest may sleep. Areas include bedrooms, lofts, porches or living rooms with cots, futons or pull out couches. Counting sleeping rooms in this fashion is challenging as furniture accessories change and/or units are occupied at time of inspection. Other public health sanitarians determine the number of rooms by counting the number of individually keyed units that an establishment has. Individually keyed units would include a large hotel with 100 keyed rooms available to guests (100 rooms), a rental cottage with one key (1 room) or a resort with 10 rental cabins each with its own key (10 rooms).

Code interpretation

It is necessary that DFRS establish a consistent statewide policy for determining the number of rooms for the purpose of placing a lodging facility into the correct permitting category. Permitting categories should be determined by tallying the number of individually keyed units at an establishment. A hotel or motel permitting category will be determined by counting the number of individually keyed units at the establishment. A resort-permitting category will be determined by counting the number of resort cabins or other resort rental units located at the resort's physical address. Keep in mind that a separate lodging permit is still required for each establishment with a separate physical address. A home, a condo or a cabin or cottage rented to tourists or transients would be considered one individually keyed unit and thus considered to have one room for permitting purposes.

Example 1- A chain hotel with rooms 1-85 would have 85 individually keyed units and be placed in the 31-99 rooms (LH2) permitting category.

Example 2- A fishing resort with one physical address has 8 cabins for rent. This would represent 8 individually keyed units and be placed in the 5-30 rooms (LH1) permitting category.

Example 3- A five-bedroom home on a lake being rented weekly to a family would represent 1 individually keyed unit and would be placed in the 1-4 rooms (TRH) permitting category.