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BILL



ANALYSIS

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House Bills 5638 and 5639 (as passed by the House)

Sponsor: Representative Allen Lowe

House Committee: Tourism and Recreation

Senate Committee: Economic Development, International Trade and Regulatory Affairs

Date Completed: 5-22-96

CONTENT

The bills would amend the Public Health Code and the State Construction Code Act to permit bed and breakfast establishments (B&Bs) to offer meals other than breakfast; increase the number of rooms that a B&B may rent while still being exempt from regulation as a "food service establishment"; and specify that B&Bs would be considered to be family residential structures, and not hotels, regardless of their date of construction or renovation.

House Bill 5638

Currently, under the Public Health Code, a B&B is defined in part as a private residence that offers sleeping accommodations to transient tenants in 14 or fewer rooms for rent and that serves breakfasts. A B&B is not included in the definition of "food service establishment", and therefore, is exempt from regulation as such, if 1) it has eight or fewer sleeping rooms, including sleeping rooms occupied by the innkeeper, one or more of which are available for rent to transient tenants, or 2) it has at least nine but fewer than 15 rooms for rent, if it serves only continental breakfasts. The bill would allow a B&B to have up to 10 sleeping rooms, or 11 rooms if it served only continental breakfasts, and still be excluded from the definition of "food service establishment". Further, the bill would allow a B&B with up to 10 rooms to serve meals in addition to breakfast.

House Bill 5639

Under the State Construction Code Act, a B&B is considered a single family residential structure, and may not be treated as a hotel or other facility that serves transient tenants. The Act specifies that this provision is effective throughout the State, without local modification, notwithstanding the exemption provisions in the Act that allow local governments to exempt themselves from parts of the Act and the State Construction Code.

The Act specifies further that this provision concerning the status of a B&B applies to a B&B that was constructed before July 13, 1987, and to a single family residential structure that was constructed before July 13, 1987, and was renovated to become a B&B after that date. The provision does not apply to a B&B that was constructed after July 13, 1987, or to a single family residential structure that was constructed and renovated to become a B&B after that date.

The bill would delete these provisions referring to B&Bs constructed, or renovated to become B&Bs, before and after July 13, 1987, thus making the provision that a B&B be considered to be a single family residential structure, and not a hotel, apply to all B&Bs regardless of their date of construction or renovation.

The bill also would amend the Act's definition of "bed and breakfast" to increase from eight to 10 the maximum number of sleeping rooms in a B&B and to specify that it would serve meals, rather than breakfast as currently provided.

MCL 333.12901 (H.B. 5638)
125.1504b (H.B. 5639)

Legislative Analyst: L. Burghardt

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: P. Graham (H.B. 5638)
M. Barsch (H.B. 5639)

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.