

SENATE BILL 463

C2

7lr1817
CF 7lr1429

By: **Senator Conway**

Introduced and read first time: January 30, 2017

Assigned to: Finance and Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Business Regulation – Limited Residential Lodging**

3 FOR the purpose of altering certain definitions to ensure an innkeeper of certain limited
4 residential lodging has the same rights and responsibilities as an innkeeper of a
5 lodging establishment; providing that an innkeeper may not use a hosting platform
6 to offer a limited residential lodging unit to the public unless the innkeeper satisfies
7 certain requirements; requiring certain innkeepers and hosting platform operators
8 to keep a record of certain information for a certain period of time; requiring the
9 records to be made available, under certain circumstances, to the Comptroller, the
10 Department of Labor, Licensing, and Regulation, and certain law enforcement
11 agencies; authorizing the Department and certain law enforcement agencies, after
12 making a certain determination, to make a certain order, issue a certain civil
13 citation, and impose certain penalties; providing that a hosting platform operator
14 may not participate in or facilitate certain booking transactions unless the hosting
15 platform operator satisfies certain requirements; authorizing certain local
16 jurisdictions to notify an innkeeper or hosting platform that the use of certain limited
17 residential lodging units for limited residential lodging is in violation of certain laws;
18 providing that a certain notice be provided to the hosting platform in a certain
19 manner; altering a certain definition to require that a limited residential lodging
20 unit satisfy the same requirements for the installation of sprinkler systems as a
21 lodging or rooming house; altering a certain definition to require that a limited
22 residential lodging unit satisfy the same requirements as a place of public
23 accommodation; defining certain terms; making the provisions of this Act severable;
24 and generally relating to the regulation of certain limited residential lodging units.

25 BY repealing and reenacting, with amendments,
26 Article – Business Regulation
27 Section 15–201
28 Annotated Code of Maryland
29 (2015 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Business Regulation
3 Section 15–208 and 15–209
4 Annotated Code of Maryland
5 (2015 Replacement Volume and 2016 Supplement)

6 BY repealing and reenacting, without amendments,
7 Article – Land Use
8 Section 1–101(a), (i), and (t)
9 Annotated Code of Maryland
10 (2012 Volume and 2016 Supplement)

11 BY adding to
12 Article – Land Use
13 Section 4–105
14 Annotated Code of Maryland
15 (2012 Volume and 2016 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article – Public Safety
18 Section 9–201(a) and 9–204(b)
19 Annotated Code of Maryland
20 (2011 Replacement Volume and 2016 Supplement)

21 BY repealing and reenacting, with amendments,
22 Article – Public Safety
23 Section 9–201(e), (f), (g), (h), and (i)
24 Annotated Code of Maryland
25 (2011 Replacement Volume and 2016 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article – State Government
28 Section 20–301 and 20–303(a)(3)
29 Annotated Code of Maryland
30 (2014 Replacement Volume and 2016 Supplement)

31 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
32 That the Laws of Maryland read as follows:

33 **Article – Business Regulation**

34 15–201.

35 (a) In this subtitle the following words have the meanings indicated.

36 (B) “BOOKING TRANSACTION” MEANS ANY TRANSACTION IN WHICH THERE
37 IS A CHARGE TO OCCUPY ANY DWELLING, SLEEPING, OR OTHER LODGING

1 ACCOMMODATIONS IN A LODGING ESTABLISHMENT MADE AVAILABLE FOR USE BY
2 TRANSIENT GUESTS.

3 (C) "HOSTING PLATFORM" MEANS AN INTERNET-BASED DIGITAL ENTITY
4 THAT FACILITATES RESERVATIONS AND COLLECTS PAYMENTS FOR BOOKING
5 TRANSACTIONS FOR RENTAL OF A LIMITED RESIDENTIAL LODGING UNIT.

6 (D) "HOSTING PLATFORM OPERATOR" MEANS A PERSON THAT OWNS OR
7 OPERATES A HOSTING PLATFORM.

8 [(b)] (E) "Innkeeper" means the owner, operator, manager, or keeper of a lodging
9 establishment, or the agent of an owner, operator, manager, or keeper of a lodging
10 establishment.

11 (F) "LIMITED RESIDENTIAL LODGING" MEANS THE USE OF A RESIDENTIAL
12 DWELLING UNIT, INCLUDING ANY SINGLE-FAMILY HOUSE OR DWELLING,
13 MULTIFAMILY HOUSE OR DWELLING, CONDOMINIUM, OR COOPERATIVE, OR ANY
14 PORTION OF THE UNIT BY AN INNKEEPER TO PROVIDE ACCOMMODATIONS TO
15 TRANSIENT GUESTS FOR SLEEPING OR LODGING PURPOSES IN EXCHANGE FOR A
16 CHARGE OR FEE IMPOSED IN A BOOKING TRANSACTION.

17 (G) "LIMITED RESIDENTIAL LODGING UNIT" MEANS A RESIDENTIAL
18 DWELLING UNIT OR A PORTION OF THE UNIT USED FOR LIMITED RESIDENTIAL
19 LODGING.

20 [(c)] (H) "Lodging establishment" means:

21 (1) an inn, hotel, motel, or other establishment that has at least four rooms
22 available for a fee to transient guests for lodging or sleeping purposes; OR

23 (2) A LIMITED RESIDENTIAL LODGING UNIT.

24 15-208.

25 (A) AN INNKEEPER MAY NOT USE A HOSTING PLATFORM TO OFFER A
26 LIMITED RESIDENTIAL LODGING UNIT TO THE PUBLIC UNLESS THE INNKEEPER
27 SATISFIES THE REQUIREMENTS OF SUBSECTIONS (B) AND (C) OF THIS SECTION.

28 (B) AN INNKEEPER THAT OWNS, OPERATES, OR MANAGES A LIMITED
29 RESIDENTIAL LODGING UNIT SHALL:

30 (1) BE LICENSED BY THE COMPTROLLER UNDER TITLE 11, SUBTITLE
31 7 OF THE TAX – GENERAL ARTICLE;

(2) DISPLAY THE REGISTRATION NUMBER ISSUED BY THE COMPTROLLER WITH THE LICENSE IN ANY ADVERTISEMENT RELATED TO THE AVAILABILITY OF A LIMITED RESIDENTIAL LODGING UNIT THAT IS POSTED OR EXHIBITED TO THE PUBLIC ON A HOSTING PLATFORM;

(3) ENSURE THAT THE USE OF THE LIMITED RESIDENTIAL LODGING UNIT FOR LIMITED RESIDENTIAL LODGING IS IN ACCORDANCE WITH THE APPLICABLE LAWS OF THE LOCAL JURISDICTION IN WHICH THE LIMITED RESIDENTIAL LODGING UNIT IS LOCATED; AND

(4) PROVIDE TO THE HOSTING PLATFORM OPERATOR, AT LEAST ANNUALLY, A WRITTEN ATTESTATION STATING THAT THE INNKEEPER HAS NOT RECEIVED A NOTICE FROM A LOCAL JURISDICTION UNDER § 4-105 OF THE LAND USE ARTICLE THAT THE USE OF THE LIMITED RESIDENTIAL LODGING UNIT FOR LIMITED RESIDENTIAL LODGING IS IN VIOLATION OF THE ZONING LAWS OR OTHER LOCAL LAWS OF THE LOCAL JURISDICTION.

(C) (1) FOR EACH BOOKING TRANSACTION FOR A LIMITED RESIDENTIAL LODGING UNIT, AN INNKEEPER SHALL:

(I) KEEP A RECORD OF THE INFORMATION REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION; AND

(II) MAINTAIN THE RECORD UNTIL THE LATER OF:

1. 4 YEARS AFTER THE DATE OF THE BOOKING TRANSACTION; OR

2. THE DATE THE TAX RELATED TO THE BOOKING TRANSACTION IS REMITTED TO THE COMPTROLLER.

(2) THE RECORD REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE THE FOLLOWING INFORMATION:

(I) THE NAME OF THE INDIVIDUAL THAT ENTERS A BOOKING TRANSACTION FOR A LIMITED RESIDENTIAL LODGING UNIT AND, IF DIFFERENT, THE NAME OF ANY TRANSIENT GUEST THAT STAYS IN THE LIMITED RESIDENTIAL LODGING UNIT;

(II) THE PHYSICAL ADDRESS OF THE LIMITED RESIDENTIAL LODGING UNIT;

1 (III) THE TOTAL AMOUNT PAID FOR THE BOOKING
2 TRANSACTION;

3 (IV) THE AMOUNT OF SALES AND USE TAX COLLECTED FROM THE
4 BOOKING TRANSACTION AND REMITTED TO THE COMPTROLLER;

5 (V) THE AMOUNT OF LOCAL TAX COLLECTED FROM THE
6 BOOKING TRANSACTION AND REMITTED TO A LOCAL GOVERNMENT;

7 (VI) A COPY OF THE WRITTEN ATTESTATION THAT WAS IN
8 EFFECT WHEN THE BOOKING TRANSACTION OCCURRED AND WAS PROVIDED TO THE
9 HOSTING PLATFORM UNDER SUBSECTION (B)(4) OF THIS SECTION; AND

10 (VII) ANY OTHER INFORMATION REQUIRED BY THE
11 DEPARTMENT, THE COMPTROLLER, OR THE LOCAL GOVERNMENT OF THE
12 JURISDICTION WHERE THE LIMITED RESIDENTIAL LODGING UNIT IS LOCATED.

13 (3) THE RECORD REQUIRED TO BE MAINTAINED UNDER THIS
14 SUBSECTION SHALL BE MADE AVAILABLE DURING THE COURSE OF AN
15 ENFORCEMENT ACTION UNDER THIS SECTION TO:

16 (I) THE COMPTROLLER;

17 (II) THE DEPARTMENT; OR

18 (III) A STATE, COUNTY, OR MUNICIPAL CORPORATION LAW
19 ENFORCEMENT AGENCY.

20 (D) (1) AFTER DETERMINING THAT AN INNKEEPER IS IN VIOLATION OF
21 THIS SECTION, THE DEPARTMENT OR A STATE, COUNTY, OR MUNICIPAL
22 CORPORATION LAW ENFORCEMENT AGENCY MAY:

23 (I) ORDER THE INNKEEPER TO CEASE AND DESIST FROM USING
24 A HOSTING PLATFORM TO OFFER A LIMITED RESIDENTIAL LODGING UNIT TO THE
25 PUBLIC UNTIL THE INNKEEPER COMPLIES WITH THIS SECTION; AND

26 (II) ISSUE A CIVIL CITATION AND IMPOSE A PENALTY IN THE
27 AMOUNT SPECIFIED UNDER PARAGRAPH (2) OF THIS SUBSECTION.

28 (2) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN
29 INNKEEPER THAT VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY OF:

30 (I) \$500 FOR A FIRST VIOLATION;

(II) \$1,000 FOR A SECOND VIOLATION; AND

(III) \$2,500 FOR A THIRD OR SUBSEQUENT VIOLATION.

(3) FOR PURPOSES OF A CIVIL PENALTY IMPOSED UNDER THIS SUBSECTION:

(I) EACH BOOKING TRANSACTION THAT VIOLATES SUBSECTION (B) OF THIS SECTION IS A SEPARATE VIOLATION; AND

(II) MULTIPLE VIOLATIONS UNDER SUBSECTION (C) OF THIS SECTION FOR A SINGLE BOOKING TRANSACTION ARE A SINGLE VIOLATION.

15–209.

(A) A HOSTING PLATFORM OPERATOR MAY NOT PARTICIPATE IN OR FACILITATE A BOOKING TRANSACTION UNLESS THE HOSTING PLATFORM SATISFIES THE REQUIREMENTS OF SUBSECTIONS (B) AND (C) OF THIS SECTION.

(B) (1) A HOSTING PLATFORM OPERATOR THAT PARTICIPATES IN OR FACILITATES BOOKING TRANSACTIONS OF A LIMITED RESIDENTIAL LODGING UNIT SHALL:

(I) BE LICENSED BY THE COMPTROLLER UNDER TITLE 11, SUBTITLE 7 OF THE TAX – GENERAL ARTICLE; AND

(II) BE REGISTERED UNDER § 7–202 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE AND BE IN GOOD STANDING WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION TO DO BUSINESS IN THE STATE.

(2) A HOSTING PLATFORM OPERATOR MAY NOT PARTICIPATE IN OR FACILITATE A BOOKING TRANSACTION FOR A LIMITED RESIDENTIAL LODGING UNIT ON BEHALF OF AN INNKEEPER IF:

(I) THE INNKEEPER IS NOT LICENSED BY THE COMPTROLLER UNDER TITLE 11, SUBTITLE 7 OF THE TAX – GENERAL ARTICLE;

(II) THE INNKEEPER HAS NOT PROVIDED TO THE HOSTING PLATFORM, WITHIN THE LAST 12 MONTHS, THE WRITTEN ATTESTATION REQUIRED UNDER § 15–208(B)(4) OF THIS SUBTITLE; OR

1 (III) THE HOSTING PLATFORM HAS RECEIVED NOTICE FROM A
2 LOCAL JURISDICTION UNDER § 4-105 OF THE LAND USE ARTICLE THAT THE USE OF
3 THE LIMITED RESIDENTIAL LODGING UNIT IS IN VIOLATION OF A ZONING LAW OR
4 OTHER LOCAL LAW.

5 (C) (1) FOR EACH BOOKING TRANSACTION FOR A LIMITED RESIDENTIAL
6 LODGING UNIT, A HOSTING PLATFORM OPERATOR SHALL:

7 (I) KEEP A RECORD OF THE INFORMATION REQUIRED UNDER
8 PARAGRAPH (2) OF THIS SUBSECTION; AND

9 (II) MAINTAIN THE RECORD UNTIL THE LATER OF:

10 1. 4 YEARS AFTER THE DATE OF THE BOOKING
11 TRANSACTION; OR

12 2. THE DATE THE TAX RELATED TO THE BOOKING
13 TRANSACTION IS REMITTED TO THE COMPTROLLER.

14 (2) THE RECORD REQUIRED UNDER PARAGRAPH (1) OF THIS
15 SUBSECTION SHALL INCLUDE THE FOLLOWING INFORMATION:

16 (I) THE NAME AND ADDRESS OF THE INNKEEPER;

17 (II) THE NAME OF THE INDIVIDUAL THAT ENTERS A BOOKING
18 TRANSACTION FOR A LIMITED RESIDENTIAL LODGING UNIT AND, IF DIFFERENT, THE
19 NAME OF ANY TRANSIENT GUEST THAT STAYS IN THE LIMITED RESIDENTIAL
20 LODGING UNIT;

21 (III) THE PHYSICAL ADDRESS OF THE LIMITED RESIDENTIAL
22 LODGING UNIT;

23 (IV) THE TOTAL AMOUNT PAID FOR THE BOOKING
24 TRANSACTION;

25 (V) THE TOTAL AMOUNT OF ANY FEES CHARGED BY THE
26 HOSTING PLATFORM OPERATOR TO FACILITATE OR PARTICIPATE IN THE BOOKING
27 TRANSACTION;

28 (VI) THE AMOUNT OF SALES AND USE TAX COLLECTED FROM THE
29 BOOKING TRANSACTION AND REMITTED TO THE COMPTROLLER;

(VII) THE AMOUNT OF LOCAL TAX COLLECTED FROM THE BOOKING TRANSACTION AND REMITTED TO A LOCAL GOVERNMENT;

(VIII) A COPY OF THE WRITTEN ATTESTATION THAT WAS IN EFFECT WHEN THE BOOKING TRANSACTION OCCURRED AND WAS PROVIDED TO THE HOSTING PLATFORM OPERATOR UNDER § 15-208(B)(4) OF THIS SUBTITLE; AND

(IX) ANY OTHER INFORMATION REQUIRED BY THE DEPARTMENT OR THE COMPTROLLER.

(3) THE RECORD REQUIRED TO BE MAINTAINED UNDER THIS SUBSECTION SHALL BE MADE AVAILABLE DURING THE COURSE OF ANY ENFORCEMENT ACTION UNDER THIS SECTION TO:

(I) THE COMPTROLLER;

(II) THE DEPARTMENT; OR

(III) A STATE, COUNTY, OR MUNICIPAL CORPORATION LAW ENFORCEMENT AGENCY.

(D) (1) AFTER DETERMINING THAT A HOSTING PLATFORM IS IN VIOLATION OF THIS SECTION, THE DEPARTMENT OR A STATE, COUNTY, OR MUNICIPAL CORPORATION LAW ENFORCEMENT AGENCY MAY ISSUE A CIVIL CITATION AND IMPOSE A PENALTY IN THE AMOUNT SPECIFIED UNDER PARAGRAPH (3) OF THIS SUBSECTION.

(2) A HOSTING PLATFORM OPERATOR THAT RECEIVES A CIVIL CITATION FOR VIOLATING THE REQUIREMENTS OF:

(I) SUBSECTION (B)(1) OF THIS SECTION MAY NOT CONDUCT BUSINESS IN THE STATE AS A HOSTING PLATFORM UNTIL THE ENTITY THAT ISSUED THE CIVIL CITATION DETERMINES THAT THE HOSTING PLATFORM OPERATOR IS NO LONGER IN VIOLATION OF SUBSECTION (B)(1) OF THIS SECTION; AND

(II) SUBSECTION (B)(2) OF THIS SECTION MAY NOT FACILITATE OR PARTICIPATE IN A BOOKING TRANSACTION FOR THE LIMITED RESIDENTIAL LODGING UNIT THAT IS THE SUBJECT OF THE VIOLATION UNTIL THE ENTITY THAT ISSUED THE CIVIL CITATION DETERMINES THAT THE HOSTING PLATFORM OPERATOR AND INNKEEPER ARE NO LONGER IN VIOLATION.

(3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A HOSTING PLATFORM OPERATOR THAT VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY OF:

(I) \$2,500 FOR A FIRST VIOLATION;

(II) \$5,000 FOR A SECOND VIOLATION; AND

(III) \$7,500 FOR A THIRD OR SUBSEQUENT VIOLATION.

(4) FOR PURPOSES OF A CIVIL PENALTY IMPOSED UNDER THIS SUBSECTION:

(I) EACH DAY THAT A HOSTING PLATFORM OPERATOR IS OPERATING IN VIOLATION OF SUBSECTION (B)(1) OF THIS SECTION IS A SEPARATE VIOLATION;

(II) EACH BOOKING TRANSACTION THAT A HOSTING PLATFORM OPERATOR FACILITATES OR PARTICIPATES IN IN VIOLATION OF SUBSECTION (B)(2) OF THIS SECTION IS A SEPARATE VIOLATION; AND

(III) EACH BOOKING TRANSACTION THAT A HOSTING PLATFORM OPERATOR FACILITATES OR PARTICIPATES IN FOR WHICH IT DOES NOT MAINTAIN THE RECORDS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION IS A SEPARATE VIOLATION.

Article – Land Use

1–101.

(a) In this division the following words have the meanings indicated.

(i) “Local jurisdiction” means a county or municipal corporation and the territory within which its powers may be exercised.

(t) (1) “Zoning law” means the legislative implementation of regulations for zoning by a local jurisdiction.

(2) “Zoning law” includes a zoning ordinance, zoning regulation, zoning code, and any similar legislative action to implement zoning controls in a local jurisdiction.

4–105.

(A) IN THIS SECTION, “HOSTING PLATFORM OPERATOR”, “INNKEEPER”, “LIMITED RESIDENTIAL LODGING”, AND “LIMITED RESIDENTIAL LODGING UNIT” HAVE THE MEANINGS STATED IN § 15–201 OF THE BUSINESS REGULATION ARTICLE.

(B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A LOCAL JURISDICTION MAY NOTIFY:

(1) AN INNKEEPER THAT THE USE OF A LIMITED RESIDENTIAL LODGING UNIT FOR LIMITED RESIDENTIAL LODGING IS IN VIOLATION OF A ZONING LAW OR OTHER LOCAL LAW; AND

(2) A HOSTING PLATFORM OPERATOR FOR AN INNKEEPER THAT OPERATES A LIMITED RESIDENTIAL LODGING UNIT IN VIOLATION OF A ZONING LAW OR OTHER LOCAL LAW.

(C) A NOTICE TO A HOSTING PLATFORM OPERATOR UNDER SUBSECTION (B) OF THIS SECTION MAY BE SERVED ON THE RESIDENT AGENT DESIGNATED BY THE HOSTING PLATFORM OPERATOR IN THE REGISTRATION REQUIRED UNDER § 7–202 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

Article – Public Safety

9–201.

(a) In this subtitle the following words have the meanings indicated.

(e) “LIMITED RESIDENTIAL LODGING UNIT” HAS THE MEANING STATED IN § 15–201 OF THE BUSINESS REGULATION ARTICLE.

(F) (1) “Lodging or rooming house” means a building:

(i) in which separate sleeping rooms are rented; and

(ii) that provides sleeping accommodations:

1. for 16 or fewer individuals;

2. on either a transient or permanent basis; and

3. with or without meals, but without individual cooking facilities.

(2) “Lodging or rooming house” includes an inn, club, [and] bed and breakfast establishment, AND LIMITED RESIDENTIAL LODGING UNIT.

1 **[(f)] (G)** (1) “Multifamily residential dwelling” means a building or part of a
2 building that:

3 (i) contains more than two dwelling units; and

4 (ii) is not classified as a one or two family dwelling.

5 (2) “Multifamily residential dwelling” does not include a town house.

6 **[(g)] (H)** (1) “Public water system” means a system that:

7 (i) provides the public with piped water for human consumption;
8 and

9 (ii) has at least 15 service connections or regularly serves at least 25
10 individuals.

11 (2) “Public water system” includes:

12 (i) a collection, treatment, storage, or distribution facility that is
13 under the control of the operator of the system and is used primarily in connection with the
14 system; and

15 (ii) a collection or pretreatment storage facility that is not under the
16 control of the operator of the system and is used primarily in connection with the system.

17 **[(h)] (I)** “Sprinkler system” means a device that:

18 (1) opens automatically by operation of a heat responsive releasing
19 mechanism;

20 (2) discharges water in a specific pattern over a designated area to
21 extinguish or control fire; and

22 (3) uses the same service water supply pipe to the dwelling unit that the
23 public water system uses.

24 **[(i)] (J)** “Town house” means a single family dwelling unit that is constructed
25 in a horizontal series of attached units with property lines separating the units.

26 9–204.

27 (b) (1) In a jurisdiction in which building permits are issued, a sprinkler
28 system shall be installed in:

(i) each newly constructed dormitory, hotel, lodging or rooming house, or multifamily residential dwelling for which the initial building permit is issued on or after July 1, 1990; and

(ii) each newly constructed town house for which the initial building permit is issued on or after July 1, 1992.

(2) In a jurisdiction in which building permits are not issued, a sprinkler system shall be installed in:

(i) each dormitory, hotel, lodging or rooming house, or multifamily residential dwelling on which construction begins on or after July 1, 1990; and

(ii) each town house on which construction begins on or after July 1, 1992.

Article – State Government

20–301.

(A) In this [subtitle, “place] **SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(B) **“HOSTING PLATFORM” HAS THE MEANING STATED IN § 15–201 OF THE BUSINESS REGULATION ARTICLE.**

(C) **“LIMITED RESIDENTIAL LODGING UNIT” HAS THE MEANING STATED IN § 15–201 OF THE BUSINESS REGULATION ARTICLE.**

(D) **“PLACE of public accommodation” means:**

(1) an inn, hotel, motel, **LIMITED RESIDENTIAL LODGING UNIT**, or other establishment that provides lodging to transient guests;

(2) a restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food or alcoholic beverages for consumption on or off the premises, including a facility located on the premises of a retail establishment or gasoline station;

(3) a motion picture house, theater, concert hall, sports arena, stadium, or other place of exhibition or entertainment;

(4) a retail establishment that:

(i) is operated by a public or private entity; and

(ii) offers goods, services, entertainment, recreation, or transportation; and

(5) an establishment:

(i) 1. That is physically located within the premises of any other establishment covered by this subtitle; or

2. within the premises of which any other establishment covered by this subtitle is physically located; and

(ii) that holds itself out as serving patrons of the covered establishment.

20–303.

(a) This subtitle does not apply:

(3) to an establishment:

(I) providing lodging to transient guests located within a building that:

[(i)] 1. contains not more than five rooms for rent or hire; and

[(ii)] 2. is occupied by the proprietor of the establishment as the proprietor's residence; AND

(II) THAT HAS NOT BEEN LISTED OR ADVERTISED TO THE GENERAL PUBLIC ON A HOSTING PLATFORM.

SECTION 2. AND BE IT FURTHER ENACTED, That, if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act that can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.