

521 CMR 8.00: TRANSIENT LODGING FACILITIES

8.1 GENERAL

Transient lodging facilities shall comply with 521 CMR, except as specified or modified in **521 CMR 8.00**. *Transient lodging* shall include but not be limited to hotels, motels, bed and breakfasts, inns, boarding houses, dormitories and resorts. *Transient lodging* facilities shall also include homeless shelters, halfway houses, lodging houses and transitional housing, and other places that provide temporary accommodations. *Transient lodging* includes facilities, or portions thereof, used for *sleeping accommodations*. *Sleeping accommodations* in a medical care facility are covered by **521 CMR 13.00: MEDICAL CARE FACILITIES**.

Exception: **521 CMR 8.00** does not apply to an establishment located within a building that:

- a. contains five or fewer beds or contains five or fewer rooms for rent or hire; and
- b. is actually occupied as a residence by the *proprietor* of the establishment (See **521 CMR 5.00: DEFINITIONS**)

8.2 PUBLIC AND COMMON USE AREAS

In transient lodging facilities, *common use* and *public use* areas shall be designed and constructed to comply with 521 CMR. (See **521 CMR 5.00: DEFINITIONS**.)

8.2.1 General: The *public use* areas in hotels, motels or inns shall include but not be limited to: the general public function areas, recreation areas, health facilities, pools, meeting areas, restaurants, lounges, public toilet rooms, public telephones, vending areas, laundry rooms, other amenities installed for the use of occupants, *walks*, elevators, and all public *entrances* as well as the stairs and corridors to the *accessible* units.

8.2.2 Registration counters shall comply with the following:

- a. Location: The counter shall be on an *accessible* route.
- b. Length: A portion of the counter or an auxiliary counter shall be at least 36 inches (36" = 914mm) in length.
- c. Height: That portion of the counter shall not exceed 36 inches (36" = 914 mm) above the finish floor.
- d. *Clear Floor Area*: Shall be provided in front of the counter.

8.3 PARKING SPACES

Where parking is provided, it shall comply or be capable of complying with the provisions of **521 CMR 23.2, Number through 521 CMR 23.8, Valet Parking**. If parking spaces are assigned to individual units, said spaces designated for *accessible* units shall have *signage* reserving said space. An international symbol of *accessibility* need not be used.

8.3.1 Visitor parking spaces: Where parking is provided for visitors, it shall comply fully with the requirements of **521 CMR 23.00: PARKING AND PASSENGER LOADING ZONES**.

8.4 UNITS, SLEEPING ROOMS, AND SUITES: MINIMUM NUMBER

At least 5% but in no case less than one of the units, sleeping rooms, and suites shall be *accessible*. In applying the 5% rule to facilities which consist of more than one *building*, all of the units in the entire *facility* shall be added together.

8.4.1 Distribution: To provide *persons with disabilities* a range of options equivalent to those available to other persons served by the *facility*, *accessible* sleeping rooms and suites shall be dispersed proportionally among the various classes of *sleeping accommodations* available to patrons of the place of *transient lodging*. Factors to be considered include room size, price, location, smoking/non-smoking, amenities provided, and the number and size of beds provided.

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8.4.2 Equivalent Facilitation: The operator of a *facility* may elect to limit *construction of accessible* rooms to those intended for multiple occupancy, provided that these rooms are made available at the cost of a single occupancy room to an individual with disabilities who requests a single-occupancy room.

8.4.3 *Bathrooms and Kitchens: Accessible* units shall have *bathrooms* and *kitchens* (where provided), that comply with *Group 2B* requirements in **521 CMR 44.00: GROUP 2 BATHROOMS and 521 CMR 45.00: GROUP 2 KITCHENS.**

8.4.4 Wheel-in Showers: In transient lodging facilities with 50 or more sleeping rooms or suites, *accessible* sleeping rooms or suites shall include a wheel-in shower in conformance with the table below. Wheel-in showers shall comply with the requirements of **521 CMR 44.6.2, Showers.**

<u>Number of rooms</u>	<u>Rooms with Wheel-in Showers</u>
50 to 100	1
101 to 200	2
201 to 300	3
301 to 400	4
401 to 500	5
501 to 1000	2% of total
1001 and over	22 plus one for each 100 over 1000

8.4.5 *Sleeping Accommodations* for persons who are deaf or hard of hearing. In all *transient lodging* facilities, additional *accessible* sleeping rooms and suites with accommodations for persons who are deaf or hard of hearing shall be provided in conformance with the table below. These rooms and suites shall comply with the requirements of **521 CMR 8.6, Sleeping Accommodations.**

<u>Number of Rooms</u>	<u>Accessible Equipment Provided</u>
5 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
1001 and over	20 plus 1 for each 100 over 1000

8.4.6 In facilities with multi-bed rooms (such as dormitories) or spaces, 5% of the beds shall comply with **521 CMR 8.5.3, Maneuvering space.**

8.5 UNITS, SLEEPING ROOMS AND SUITES: MINIMUM REQUIREMENTS

Accessible units, sleeping rooms and suites shall comply with the following:

8.5.1 *Accessible Route: Accessible* units, sleeping rooms, and suites shall be on an *accessible route*. An *accessible route* shall connect all *accessible* spaces and *elements* including telephones, televisions, alarms clocks, and climate controls within the unit, sleeping room, or suite.

8.5.2 Elevators: An elevator is not required in a *transient lodging facility* that is less than three stories or that has less than 3000 square feet per story if all rooms are proportionately distributed in accordance with **521 CMR 8.4.1** and all public spaces are fully *accessible*.

8.5.3 Maneuvering Space: *Accessible* sleeping rooms shall have a 36 inch (36" = 914mm) *clear width* maneuvering space located along both sides of a bed, except that where two beds are provided, this requirement can be met by providing a 36 inch (36" = 914mm) wide maneuvering *space* located between the two beds.

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8.5.4 Doors and doorways designed to allow passage into and within all *accessible* units, sleeping rooms, or suites shall comply with **521 CMR 26.00: DOORS AND DOORWAYS**.

8.5.5 Visitor Identification: Every entry door to each *accessible unit* shall have a means by which the person can visually identify a visitor before opening the door. This may be achieved by any of the following means:

- a. A peephole mounted at 42 inches (42" = 1067mm) above the floor;
- b. A vision panel in the door with its bottom edge no higher than 42 inches (42" = 1067mm) above the floor
- c. A sidelight with its bottom edge no higher than 42 inches (42" = 1067mm) above the floor.

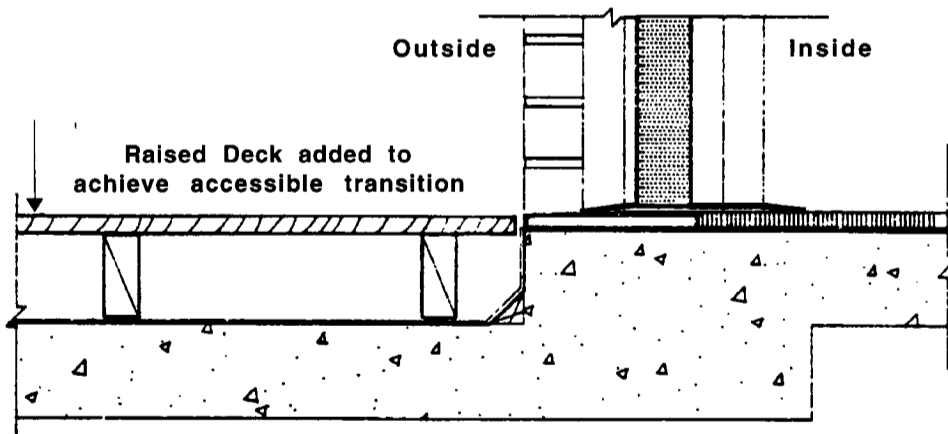
8.5.6 Storage: If fixed or built-in storage such as cabinets, shelves, closets, and drawers are provided in *accessible* spaces, at least one of each type of storage *space* shall comply with **521 CMR 34.00: STORAGE**.

8.5.7 Controls: All controls in *accessible* units, sleeping rooms, and suites shall comply with **521 CMR 39.00: CONTROLS**.

8.5.8 *Accessible* spaces: Where provided as part of an *accessible* unit, sleeping room, or suite, the following spaces shall be *accessible* and shall be on an *accessible route*:

- a. the living area;
- b. the dining area;
- c. at least one sleeping area;
- d. at least one *bathroom*;
- e. if only half baths are provided, at least one *half bath*;
- f. carports, garages or parking spaces; and
- g. patios, terraces, and balconies.

8.5.9 Patios, Terraces, and Balconies: Where it is necessary to utilize a door threshold or a change in level between the interior and exterior greater than ½ inch (½" = 13mm) to protect the integrity of the unit from water or snow damage, equivalent facilitation such as raised decking or a *ramp* shall be provided. See **Fig. 8a**.



**Raised Decking Modification
Figure 8a**

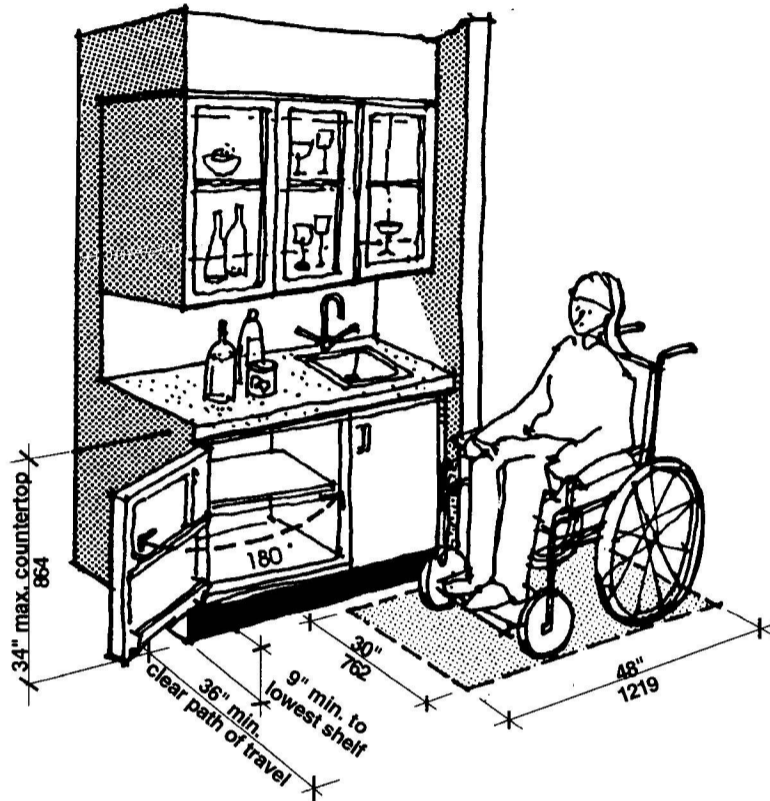
8.5.10 Kitchenettes: When provided, kitchens and kitchenettes in *accessible* units, sleeping rooms, and suites shall comply with the requirements for *Group 2B* Kitchens in **521 CMR 45.00: GROUP 2 KITCHENS**.

8.5.11 Wet Bars: When provided as an accessory to an *accessible* unit, sleeping room or suite, wet bars or similar amenities shall be *accessible*, on an *accessible route*, and comply with the following:

- a. *Clear floor space* for a front or parallel approach to cabinets, counters, sinks, and appliances shall be provided to comply with **Fig. 8b**.

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- b. Countertops and sinks shall be at a maximum height of 34 inches (34" = 864mm) above the floor.
- c. *Accessible* storage: At least 50% of shelf space in cabinets or refrigerator/freezers shall comply with **521 CMR 6.5, Forward Reach** and **521 CMR 6.6, Side Reach** and *space* shall be designed to allow for the operation of cabinet and/or appliance doors so that all cabinets and appliances are *accessible* and usable.
- d. Controls and operating mechanisms shall comply with **521 CMR 39.00: CONTROLS**.



Clearances at Wet Bars and Kitchenettes
Figure 8b

8.6 SLEEPING ACCOMMODATIONS FOR PERSONS WHO ARE DEAF OR HARD OF HEARING

Sleeping accommodations for persons who are deaf or hard of hearing required by **521 CMR 8.4.5** shall comply with the following requirements for smoke/fire/safety alarms, visual signal devices, telephones, televisions, alarm clocks and climate controls.

8.6.1 *Auxiliary Visual Alarms: Sleeping Accommodations* shall be equipped with auxiliary visual alarms which comply with 521 CMR 40.4:

- a. a visual alarm connected to the *building* emergency alarm system; or
- b. a standard 110-volt electrical receptacle into which such an alarm can be connected and a means by which a signal from the *building* emergency alarm system can trigger such an auxiliary alarm. Such receptacle shall be connected to the emergency or standby power, (if provided in the *building*).

The visual alarm signal shall be visible in all areas of the unit or room. Instructions for use of the auxiliary alarm or receptacle shall be provided.

8.6.2 *Visual Notification Devices* shall be provided in *sleeping accommodations* to alert room occupants of incoming telephone calls and a door knock or doorbell. Visual notification devices shall not be connected to auxiliary visual alarm signal appliances.

8.6.3 *Telephones*: Telephones in rooms for persons who are deaf or hard of hearing shall have volume controls complying with **521 CMR 37.00: PUBLIC TELEPHONES**. An *accessible* electrical outlet within 48 inches (48" = 1219mm) of a telephone connection shall be provided to facilitate the use of a *Text Telephone (TTY)*.

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8.6.4 Televisions: Where televisions are provided in sleeping rooms or suites, the operator of the *facility* shall provide a television amplifier and a caption decoder in rooms for persons who are deaf or hard of hearing.

8.6.5 Equivalent Facilitation: For rooms required under **521 CMR 8.3.5**, the operator of a facility may either permanently install the equipment required under **521 CMR 8.5** or may elect to install electrical outlets (including outlets connected to a facility's central alarm system) and telephone wiring in sleeping rooms and suites to enable persons with hearing impairments to utilize portable visual alarms and communication devices, which shall be provided by the operator of the *facility*.

8.7 OTHER SLEEPING ROOMS AND SUITES

Doors and doorways designed to allow passage into and within all sleeping units or other covered units shall comply with **521CMR 26.00: DOORS AND DOORWAYS** on the corridor side of the door only.