



"We will reflect the National Treasure in which we live"

Accessibility Standards for Hotels Being "Altered" for Participation in the Single Room Occupancy Program

In an effort to clarify the numerous requirements of the Single Room Occupancy (SRO) program related to accessibility and to affording people with disabilities "equal access" to the wide variety of establishments available to the nondisabled, the City of South Lake Tahoe City Code (SLTCC) requires ADA Compliance within SRO properties as follows : SLTCC § 6.15.730. 5. All SRO properties that make "alterations" or additions shall comply with the California Building Code (CBC), Section 11B-202 Existing Building and Facilities and Section 11B- 224 Transient Lodging and guestrooms.

With that being said, when a property owner elects to make "Alterations", which in this case is changing an existing property from a "Transient Hotel" Occupancy Group R-1 (stays less than 30 days) into a "Non-Transient Hotel" Occupancy Group R-2 (stays greater than 30 days) compliance with accessibility is required. Note: For the sake of clarity and to assist the reader to understand this complex issue from the definitions, current CBC has been incorporated into this document.

[A] ALTERATION. Any construction or renovation to an existing structure other than repair or addition. *[DSA-AC] A change, addition or modification in construction, change in occupancy or use, or structural repair to an existing building or facility. Alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, resurfacing of circulation paths or vehicular ways, changes or rearrangement of the structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, reroofing, painting or wallpapering, or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility.*

The fact is that changing existing hotels into SRO's is not as simple as changing the sign out front and the lease agreements. These existing hotels were constructed as "Transient Hotels" defined Occupancy Group R-1 (stays less than 30 days) into "Non-Transient Hotel" Occupancy Group R-2 (stays greater than 30 days). As soon as the Building Occupancy Group goes from one to the other then an "Alteration" has occurred by means of the State Building Code. Furthermore; the South Lake Tahoe City Code (SLTCC) triggers these improvements to be eligible for partition in the program. A change from Transient to Non Transient is defined as "Change of Occupancy" and an "Alteration", therefore; it would be unlawful for the city to allow for and acknowledged the Change of Occupancy to any building in conflict with or in violation of any of the provisions of the codes and laws.

310.3 Residential Group R-1. Residential occupancies containing sleeping units where the occupants are primarily transient in nature, including:

- Boarding houses (transient) with more than 10 occupants
- Congregate residents (transient) with more than 10 occupants
- Hotels (transient)
- Motels (transient)
- [HCD 1] Efficiency dwelling units (transient)

310.4 Residential Group R-2. Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including:

Apartment houses
Boarding houses (non-transient) with more than 16 occupants
Congregate residences (non-transient) with more than 16 occupants
Convents
Dormitories
Fraternities and sororities
Hotels (non-transient)
Live/work units
Monasteries
Motels (non-transient)
Vacation timeshare properties
[HCD 1] Efficiency dwelling units (non-transient)

[A] Change of occupancy. A change in the purpose or level of activity within a building that involves a change in application of the requirements of this code.

Transient Lodging. A building or facility containing one or more guest room(s) for sleeping that provides accommodations that are primarily short-term in nature (generally 30 days or less). Transient lodging does not include residential dwelling units intended to be used as a residence, inpatient medical care facilities, licensed long-term care facilities, detention or correctional facilities, or private buildings or facilities that contain no more than five rooms for rent or hire and that are actually occupied by the proprietor as the residence of such proprietor.

[DSA-AC] See also the definition of Place of Public Accommodation.

In the event a "Transient Hotel" elects to not be a part of the SRO program, this letter is to serve as notice that all places of public accommodation must remove architectural barriers in existing facilities where such removal is readily achievable (i.e., easily accomplishable and able to be carried out without much difficulty or expense). Whether barriers removal is readily achievable is determined based on several factors, including: the nature and cost of the action needed, the overall financial resources of the site or sites and companies involved, the number of persons employed at the site, and legitimate safety requirements necessary for safe operation. The duty to remove barriers is a continuing obligation. If barrier removal is not currently readily achievable due principally to financial constraints, but at some later time due to improved financial condition becomes readily achievable, the barriers must be removed at that time

By providing accessibility features within Non-transient Hotels and/or Transient Hotels, this not only to increase compliances with laws in effect since 1991, but also serves all involved in a positive manner providing equal public access to businesses for people with disabilities while reducing unwarranted litigation.