



New York State
**HOSPITALITY
& TOURISM**
Association

OUR MISSION
TO PROTECT THE TOURISM INDUSTRY
BY PROVIDING ADVOCACY, EDUCATION AND RESOURCES

2019 LEGISLATIVE END OF SESSION REPORT

INSIDE:

- PROTECTING TOURISM FROM SCHOOL START DATE
- SHORT-TERM RENTAL BATTLE
 - THERAPY DOGS
 - PLASTIC BOTTLE BAN
 - ADA WEBSITE LAWSUITS

NYSH&TA'S UPCOMING EVENTS:

- 8/21** "Day at the Races" Summer Fundraiser
Saratoga Race Course - Saratoga Springs, NY
- 10/21** Long Island Hospitality Conference
Hilton Long Island/Huntington - Melville, NY
- 11/4** Annual Conference & Stars of the Industry Gala
Rivers Casino - Schenectady, NY

YOUR BOTTOM LINE SUCCESS IS OUR TOP PRIORITY



NYSH&TA is most interested in your bottom line success. It is for this reason we are focused on legislative and regulatory issues that would ultimately cost you money.

- Mark Dorr, President

NYS BUDGET

Matching Grants Funding

The Final Enacted Budget included \$4,408,000 for Tourism Matching Grants, a \$593,000 increase over the Governor's Executive Budget Proposal. This increase matches what we were able to secure in last year's Budget, and NYSH&TA is pleased with the result in a tough fiscal year.

LEGISLATIVE ADVOCACY

SHORT-TERM RENTALS

Throughout the 2019 Legislative Session, NYSH&TA has worked with the Legislature and Governor's Office to improve our proposed short-term rental legislation. The legislation was amended to address several concerns. The legislation will now:

- Place safety requirements on short-term rentals;
- Require the registration of all short-term rental units with the New York State Department of State;
- Require the collection of sales and occupancy taxes;
- Ensure that the statutory and regulatory framework already existing in New York City remains fully intact;
- Allow municipalities to limit or prohibit short-term rentals and provide penalty provisions for bad actors.

This year we joined forces with the hotel trades union, landlord and tenant groups, the internet association, community groups, and the Hotel Association of NYC.

BANNING SMALL PLASTIC SHAMPOO BOTTLES IN HOTEL ROOMS - Positive Result

In April, Senator Kaminsky introduced legislation (S.5582) that would prohibit hotels from providing small bottles used for personal care products like shampoo, conditioner, lotion, and liquid soap. Prior to introduction, Senator Kaminsky's office reached out to NYSH&TA seeking input on the bill. The Senator implemented NYSH&TA's proposed changes, including a longer timeline to meet the requirements of the statute (2023 for hotels with more than 50 rooms, 2024 for hotels with up to 50 rooms), and providing hotels with an opportunity to cure alleged violations under the proposal. This legislation did not move in 2019.

STARTING THE SCHOOL YEAR BEFORE SEPTEMBER - Positive Result

Assemblymember Lifton carries legislation (A.7113) that would allow local school districts to begin their school year prior to September, provided they hold public hearings that consider, among other things, the effect on the local tourism industry. This legislation would hurt many of our members, as Labor Day weekend is one of the busiest weekends of the year for many lodging and tourism businesses.

THERAPY DOGS - Positive Result

NYSH&TA advocated for legislation that passed both houses of the Legislature that would require the Commissioner of Agriculture and Markets to promulgate regulations governing standards for the certification of therapy dogs and their handlers. This legislation is necessary, as business owners and the public at large are not aware of the laws and rules surrounding therapy dogs.

Join Us in Political Action!

One of the keys to our efforts is to have a strong Political Action Committee (PAC). This Fall, we will take on a grassroots campaign to grow our PAC to a more influential level. We will be asking our full membership to make a donation of any size. If each member pledged just \$10 annually, that would grow our PAC by more than \$12,000.

ADVOCACY, EDUCATION & NETWORKING

PREVAILING WAGE - Positive Result

NYSH&TA opposes legislation discussed by the Governor and the Legislature that would require the payment of prevailing wage to all building service workers working in building projects that receive state financial aid. The proposal would dramatically increase the cost of current and future construction, and damage projects moving forward. NYSH&TA participated in a coalition effort with business organizations throughout the State to support continued building efforts in New York. **The legislation did not pass in 2019.**

SMALL BUSINESS REGULATORY FINES - Positive Result

NYSH&TA advocated for legislation that passed both houses of the legislature that would provide small businesses with an opportunity to “cure” initial violations of an agency’s rules or regulations, which would eliminate the application of fines against the business unless the agency determines that the violation directly affects public health or safety. The legislation also requires an agency to provide the small business with helpful compliance information detailing the agency’s rules and regulations.

GOLF COURSE TAXATION BEST POSSIBLE USE - Positive Result

NYSH&TA was successful in opposing legislation, S.4420 (Carlucci)/ A.6444 (Galef), that would allow municipalities to pass a local law to assess a golf course based on the property’s best possible use, rather than its actual use. This would allow municipalities to tax golf courses at the same rate as large commercial or residential properties that drive much more revenue than a golf course can. We met with the sponsors on this legislation and issued a Memorandum in Opposition to the legislature. We support all aspects of the hospitality and tourism industries and engage on a host of issues that would affect all segments of our membership.

1,000 MEMBERS STRONG... NYSH&TA IS YOUR LEGISLATIVE VOICE

REGULATORY ADVOCACY

CALL-IN PAY - Positive Result

The New York State Department of Labor is no longer pursuing regulations governing Call-In Pay, or predictive scheduling, for employees’ subject to the Miscellaneous Wage Order. The rules would have made employees entitled to additional pay for unscheduled, cancelled, or on-call shifts. While the regulations did not affect our hotel members who are subject to the Hospitality Wage Order, our members in the Parks and Attractions Council would have been subject to the regulations. NYSH&TA actively engaged in discussions around the proposed regulations, from meetings and calls with the Department of Labor, to the submission of several rounds of comments and suggested amendments to the proposals.

TITLE III LAWSUITS/ADA WEBSITE LAWSUITS - Positive Results

There has recently been a significant amount of alleged Title III lawsuits coming against hoteliers (largely small independent operators) alleging that a hotelier is in violation of Title III of the ADA. Under Title III, a hotelier is required not only to have a website that is compliant for persons with disabilities, but also accurate descriptions listed regarding the accessibility features of the rooms.

While we realize that some actions are proper and encourage compliance with the ADA, we are seeking help from the Attorney General who is willing to look into these claims in New York arising from one or two plaintiffs and attorneys going to many individual hotels.

FIGHTING FOR YOU IS WHAT WE DO

REGIONAL & LOCAL EFFORTS

DEWITT OCCUPANCY TAX - Positive Result

NYSH&TA was successful in helping our Central New York members oppose legislation that would create a new 2.75% occupancy tax in the Town of DeWitt in Onondaga County that would be used to help the town pay for Challenger Field, located at DeWitt Willis Carrier Park. The proposed tax, when combined with the county occupancy tax, would mean a 7.75% occupancy tax for hoteliers in DeWitt. We will continue to monitor developments with this legislation moving forward.

ALBANY COUNTY "FAIR HOTEL CONSUMER PRACTICE LEGISLATION" - Positive Result

In January, NYSH&TA engaged in Albany County, and successfully opposed Albany's proposed "Fair Hotel Consumer Practice" legislation that would have significantly inhibited business operations in Albany County. The proposed legislation appeared to be intended as a weapon for union employees to use against hotels in a labor dispute. While the industry is sensitive to the position of its employees, labor disputes should be handled in negotiations by the unions and the businesses involved.

NOTE:

As NYSH&TA continues to grow its brand and advocacy footprint, if you have concerns about local legislation, please engage with us early on so that we can best help you with your efforts (for or against).

MANDATED SICK PAY - Positive Result

In another effort in Albany County in June, NYSH&TA engaged in a public forum at the Legislature's meeting, opposing a proposed local law that would require Albany County employers to provide all full-time and part-time employees with five days of paid sick leave. After significant participation from the business community and labor-side advocates, and several meetings in which the Albany County Legislature postponed a vote on the proposed legislation, the bill ultimately came to a vote and was defeated 21-17 on the floor. NYSH&TA was pleased to have represented its members on this issue.

BACKGROUND CHECKS FOR ALL HOTEL EMPLOYEES - Positive Result

NYSH&TA also issued a memorandum opposing proposed legislation in Nassau County that would place unnecessary burdens and costs on hotels and motels in Nassau County by mandating criminal background checks on all employees that have access to guest-room keys. The legislation would also require continued background checks for all employees with access to guest rooms every three years, placing additional costs and compliance burdens on employers, and contains auditing requirements.

THANK YOU TO OUR PREFERRED PARTNERS

