

OFFERED BY COUNCILORS HENRY SANTANA, GABRIELA COLETTA, SHARON DURKAN, BREADON, FERNANDES ANDERSON, FITZGERALD, FLYNN, MEJIA, MURPHY, PEPÉN, WEBER, WORRELL, AND LOUIJEUNE



CITY OF BOSTON IN CITY COUNCIL

IN THE YEAR TWO THOUSAND TWENTY FOUR

ORDINANCE FOR SAFE AND HEALTHY HOTELS IN THE CITY OF BOSTON

WHEREAS, Over 20 million people visit Boston hotels every year; *and,*

WHEREAS, Hotel workers are often the first to encounter public health and public safety issues experienced by hotel guests, including human trafficking, substance use overdoses, medical and mental health emergencies, and injuries and illness — but often lack training or consistent procedures to follow to ensure the safety of themselves and hotel guests while identifying and addressing these issues; *and,*

WHEREAS, In addressing human trafficking, both Sex Trafficking and Forced Labor, the U.S. Department of Homeland Security notes “traffickers often take advantage of the privacy and anonymity offered by the hospitality industry”, and further notes that traffickers “can operate discreetly because staff and guests may not know the signs of human trafficking”, so it is imperative to support hotels in the development of procedures and protocols to identify the signs of human trafficking and respond to potential instances of human trafficking, and to ensure hotel workers are consistently trained on the same; *and,*

WHEREAS, The Boston Public Health Commission notes “In 2022, Boston recorded 352 opioid-related deaths, the most ever, marking a 36% increase since 2019; this surge in opioid-related fatalities in Boston is more than double the state-wide rate”; and much like with human trafficking, the privacy and anonymity of hotels can lead to substance use on the premises that creates risk of overdose, as evidenced by the Boston Police Department responding to 241 calls at hotels related to “Sick assist & Sick assist drug related illness” in 2022 and 2023, so worker training on procedures to identify and respond to potential substance use and overdoses is necessary to reduce deaths and serious illness due to substance use; *and,*

WHEREAS, Establishing and following consistent procedures for the cleaning of hotel rooms and public hotel facilities can help to reduce and address instances of bed bugs, lice, mold, legionella, and other parasites and infectious agents; *and,*

WHEREAS, Hotel workers who provide cleaning services utilize cleaning chemicals that must be handled properly for the safety and health of both hotel workers and visitors, and so must be provided with clear instructions and training; *and,*

WHEREAS, It is in the interest of public health and public safety to ensure that Boston hotels, motels, and other lodging establishments are safe, clean, and healthy by having procedures and worker training in place to address critical public safety and public health issues. ***NOW, therefore be it ordained by the City Council of Boston as follows:***

That the City of Boston Code, Ordinances, be amended in Chapter XVII by adding the following after 17-21:

17-22 LICENSING AND REGULATING HOTELS TO INCREASE PUBLIC HEALTH AND PUBLIC SAFETY.

17-22.1 Purpose.

The purpose of this Ordinance is to address public safety and public health measures in Hotels, including but not limited to Human Trafficking Identification and Prevention; Substance Use Overdose Prevention; Reducing Instances of Bed Bugs, Lice, Mold, Legionella, and Other Parasites and Infectious Agents; Worker and Guest Safety with Cleaning Chemicals; and Occupied Guest Room Safety Checks.

17-22.2 Definitions.

When used in this section, unless the context otherwise requires, the following terms shall have the following meanings:

Hotel. Any business located in or operating in the City of Boston that is subject to an Innholder's License (with or without alcohol) granted by the Licensing Board.

Hotel Worker. A person whose place of employment is a Hotel, whether full-time or part-time, and whether an employee or contractor, and regardless of whether that person is

employed by the person or entity that owns, controls, or operates the Hotel, or a contractor to such person or entity.

Human Trafficking Unit. The Human Trafficking Unit of the Boston Police Department, or its successor entity.

Advisory Panel. The Safe and Healthy Hotels Advisory Panel, as defined by Sections 17-22.3 and 17-22.4.

Hotel Practices. Practices developed by the Safe and Healthy Hotels Advisory Panel, pursuant to Sections 17-22.3, 17-22.4, 17-22.5, and 17-22.6.

Hotel Procedures. Procedures developed and managed by a Hotel, pursuant to the Requirements of Sections 17-22.5, 17.22-6, and 17.22-7.

Safety Check. A Hotel Worker entering a hotel room to inspect the safety of the occupants and/or environment.

Guest Privacy Sign. Any sign or indicator displayed on or in the vicinity of the entrance to a hotel room, and which may be intended to indicate that a hotel guest or visitor requests that Hotel Workers not enter the hotel room, regardless of whether that sign is provided by the Hotel for use by the hotel guest or visitor or not, and including but not limited to signs which include “do not disturb,” “privacy please,” “no housekeeping,” “do not enter,” a graphic indicating not to enter, or any similar message or graphic.

Hotel Worker Authorized to Perform Safety Checks. A Hotel Worker who is authorized by the person or entity that owns, controls, or operates the Hotel to enter a hotel room that is locked and/or has a Guest Privacy Sign displayed, in order to perform a Safety Check.

17-22.3 Safe and Healthy Hotels Advisory Panel.

- a. There shall be in the City of Boston a Safe and Healthy Hotels Advisory Panel intended to provide guidance to Hotels on how to comply with the Requirements of Section 17-22.5. The Advisory Panel shall be comprised of seven individual experts chosen according to the following:
 - i. One expert chosen by the Executive Director of the Boston Public Health Commission, who shall have expertise in public health measures related to the prevention of substance use overdose;

- ii. One expert chosen by the Executive Director of the Boston Public Health Commission, who shall have expertise in public health measures related to ensuring safety in the use of commercial cleaning chemicals;
 - iii. One expert chosen by the Executive Director of the Boston Public Health Commission, who shall have expertise in public health measures related to reducing and addressing instances of bed bugs, lice, mold, legionella, and other parasites and infectious agents;
 - iv. One expert chosen by the Commissioner of the Inspectional Services Department, who shall have expertise in best practices for ensuring sanitary conditions in Hotel facilities, including in food service, gyms, and saunas;
 - v. One expert chosen by the Chair of the Licensing Board;
 - vi. One expert chosen by the Commissioner of the Boston Police Department, who shall be a sworn member of the Boston Police Department Human Trafficking Unit and have expertise in the identification and prevention of human trafficking;
 - vii. One expert chosen by UNITE HERE Local 26, who shall be an expert in local Boston hotel labor relations.
- b. Panel experts shall continue to serve until they are replaced or resign. Vacancies on the Advisory Panel shall be filled within 30 days in accordance with the provisions of 17-22.3(a).

17-22.4 Powers and Duties of the Safe and Healthy Hotels Advisory Panel.

- a. The purpose of the Advisory Panel is to support hotels in complying with the Requirements of Section 17-22.5 by creating Hotel Practices, which shall include but not be limited to:
- i. Human Trafficking Identification and Prevention: including but not limited to what it is, how to recognize signs of potential human trafficking, what to do in cases of suspected human trafficking, considerations for different Hotel types/sizes/staffing levels, and information about the Boston Police Department Human Trafficking Unit and any other relevant Boston services;
 - ii. Substance Use Overdose Prevention: including but not limited to information about the effects of commonly misused substances including opioids; identifying signs of an overdose; how to respond to an overdose; how to approach hotel guests and visitors, and Hotel Workers about substance use; and information about any relevant Boston services;
 - iii. Reducing Instances of Bed Bugs, Lice, Mold, Legionella, and Other Parasites and Infectious Agents: including but not limited to maximum square footage limits that a Hotel Worker can be required to clean in a day; Hotel room and Hotel public facility cleaning frequency; methods to reduce parasites and

- infectious agents; and processes for auditing and ensuring the cleanliness and healthy operation of Hotel systems including but not limited to food service, saunas, pools, gyms, and HVAC;
- iv. Worker and Guest Safety with Cleaning Chemicals: including but not limited to information and health safety for commonly used cleaning products; and a process for Hotels to identify Material Safety for any products used, and to train Hotel Workers on the safe use of cleaning products, including which should not be used on glasses, plates, silverware, or other items used in the preparation or service of food, or left in hotel rooms for use by hotel guests and visitors;
 - v. Occupied Guest Room Safety Checks: including but not limited to ensuring Hotel Worker and hotel guest and visitor safety during Safety Checks; working with law enforcement on Safety Checks; identifying patterns indicating possible human trafficking in hotel room reservations and usage that may warrant a Safety Check or other response; requirements for a duration of time and/or frequency of use of a Guest Privacy Sign that would indicate a need for a Hotel Worker Authorized to Perform Safety Checks to perform a Safety Check to ensure hotel guest and visitor safety; and considerations for different Hotel types/sizes/staffing levels;
 - vi. Employee Training: including but not limited to suggestions on methods to present and train employees on each of the Hotel Procedures defined in the Requirements of Section 17-22.5, including consideration of language access and other local needs and requirements.
- b. The Advisory Panel shall meet for the purpose of reviewing existing Hotel Practices created by the Advisory Panel a minimum of once each year with a minimum of four of the seven Advisory Panel experts present at such meeting, and may meet more often with any number of Advisory Panel experts present as it deems necessary to fulfill its obligations under this section.
 - c. The Advisory Panel shall revise or replace the Hotel Practices from time to time at its discretion, with the approval of a majority of the panel experts.
 - d. The Advisory Panel shall report their Hotel Practices to the Licensing Board to make publicly available for distribution and implementation.

17-22.5 Requirements.

- a. Hotels shall follow the Hotel Practices to create, keep current, and implement the following Hotel Procedures, which shall be adapted to the specifics of the Hotel, including but not limited to the Hotel type, location, size, layout, staffing levels, and languages spoken by staff:
 - i. Human Trafficking Identification and Prevention;
 - ii. Substance Use Overdose Prevention;

- iii. Reducing Instances of Bed Bugs, Lice, Mold, Legionella, and Other Parasites and Infectious Agents: including but not limited to maximum square footage limits that a Hotel Worker can be required to clean in a day as specified in Hotel Practices;
 - iv. Worker and Guest Safety with Cleaning Chemicals;
 - v. Occupied Guest Room Safety Checks: including but not limited to requirements for a duration of time and/or frequency of use of a Guest Privacy Sign that would indicate a need for a Hotel Worker Authorized to Perform Safety Checks to perform a Safety Check to ensure hotel guest and visitor safety as specified in Hotel Practices.
- b. Hotels shall train each Hotel Worker in the procedures prescribed above on at least an annual basis.
 - c. Hotels shall notice Hotel Procedures in a conspicuous manner for Hotel Workers, in a location to which Hotel Workers have ready and frequent access.

17-22.6 Implementation.

- a. The Advisory Panel shall be convened within 60 days of passage for their first annual meeting.
- b. The Advisory Panel shall report their initial Hotel Practices to the Licensing Board within 90 days of their first annual meeting.
- c. The Licensing Board shall hold a mandatory meeting for Hotels with existing licenses within 30 days of receiving the Hotel Practices from the Advisory Panel to provide notice of the new Requirements and to distribute the Hotel Practices.
- d. Following passage of this Ordinance, the Licensing Board shall cause to be added to their Rules and Regulations for Innholders the Requirements of Section 17-22.5, which shall take effect 180 days after passage for new license applicants, and at the start of the next renewal cycle for existing licensees that is at least 180 days after passage.

17-22.7 Enforcement.

- a. Nothing in this Ordinance shall be construed as to limit the Licensing Board in exercising its authority under MGL ch. 138 § 23.
- b. Pursuant to this Ordinance, the Licensing Board shall require license applicants and license holders to provide evidence of their compliance with the Requirements in Section 17-22.5, and to provide their related Hotel Procedures to the Licensing Board.
- c. The Licensing Board shall have the authority to enforce all Requirements of this Ordinance, including organizing and conducting meetings with license applicants and/or license holders necessary for the enforcement of this Ordinance.

17-22.8 Severability.

If any provision of this Ordinance is held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this Ordinance, which shall remain in full force and effect.

Filed in Council: May 1, 2024