

HOTELS:

STATE BOARD OF HEALTH:

An apartment hotel, having 10 or more rooms held out to the public to be a place where sleeping accommodations are furnished for pay, comes within meaning of Sec. 13091, R.S. 1929, and is liable for inspection fee.

October 10, 1935. 10-12

Mr. Robt. A. Cummins
The State Board of Health of Missouri
Jefferson City, Missouri



Dear Sir:

This will acknowledge your letter of recent date requesting an opinion from this office which reads as follows:

"In order that the inspectors of this department may deal properly with certain types of apartment hotels with reference to inspection and collection of license fees, we should be pleased to have your office render an opinion on Section 13091, R. S. Missouri 1929, with a view of answering the question as to whether or not an apartment hotel such as the one represented by the enclosed letter will come under the above section.

"We are enclosing for your information a letter just received from the Park Lane Apartment Hotel in Kansas City, in whose case we desire to render a fair and just treatment on the matter of hotel license fee."

Your attention is directed to Section 13091, of R. S. Mo. 1929, relating to buildings that are defined as being hotels. Said section reads as follows:

"That every building or other structure kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are furnished for pay to transient or permanent guests, in which ten or more rooms are furnished for the accommodation of such guests, whether with or without meals, shall for the purpose of this article be deemed a hotel, and upon proper application the food and drug commissioner shall issue to such above described business a license to conduct a hotel: Provided, that it shall be unlawful for the owner of any such building or other structure to lease or let the same to be used as a hotel until the same has been inspected and approved by the food and drug commissioner."

It is plain from the reading of the above section of the statute that every building or structure kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are furnished for pay to transients or permanent guests, in which ten or more rooms are furnished for the accommodation of such guests, with or without meals, shall be deemed a hotel.

Under the provisions of Section 13094, R. S. Mo. 1929, the parlor, dining room, kitchen and office shall be construed to mean guest rooms. The rooms aforementioned shall be included for the purpose of determining whether a building or structure has ten or more rooms for the accommodation of guests.

The term "apartment hotel", in recent years, has literally become a misnomer inasmuch as, in the beginning, an apartment hotel meant a place where separate and individual apartments were leased or rented without housekeeping facilities. To-day, apartment hotels furnish accommodations for persons desiring to have cooking facilities and for those who do not care for such facilities. If apartment hotels furnish accommodations to persons who are transients or permanent guests with housekeeping and non-housekeeping facilities, the operator of an apartment hotel would come within the purview of Section 13091, supra, provided there be ten or more rooms in the building or structure.

CONCLUSION.

It is the opinion of this department that apartment hotels renting and leasing apartments with non-housekeeping and housekeeping facilities to permanent or transient guests, which apartment hotel has ten or more rooms kept, used, maintained, advertised or held out to the public, to be a place where sleeping accommodations are furnished for pay, shall be deemed a hotel within the meaning of Section 13091, supra.

Respectfully submitted,

RUSSELL C. STONE
Assistant Attorney-General.

APPROVED:

JOHN W. HOFFMAN, Jr.
(Acting) Attorney-General.

RCS/afj