

today's hotelier

March 2021 | todayshotelier.com

The Official Publication of AAHOA

Strategy
101

Q&A with AAHOA
President & CEO
Cecil P. Staton

Independent Hoteliers

Find insight on how to handle everything from cross-brand competition to important financial considerations

RESILIENT

Teague Hunter dives into how hoteliers have risen to meet the challenges of COVID-19



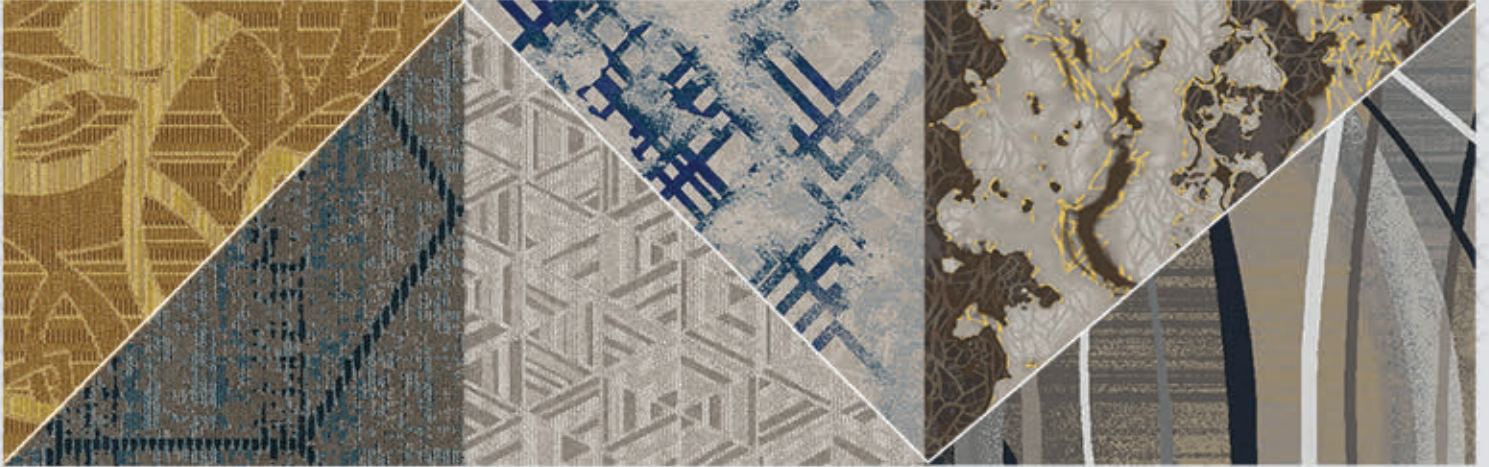
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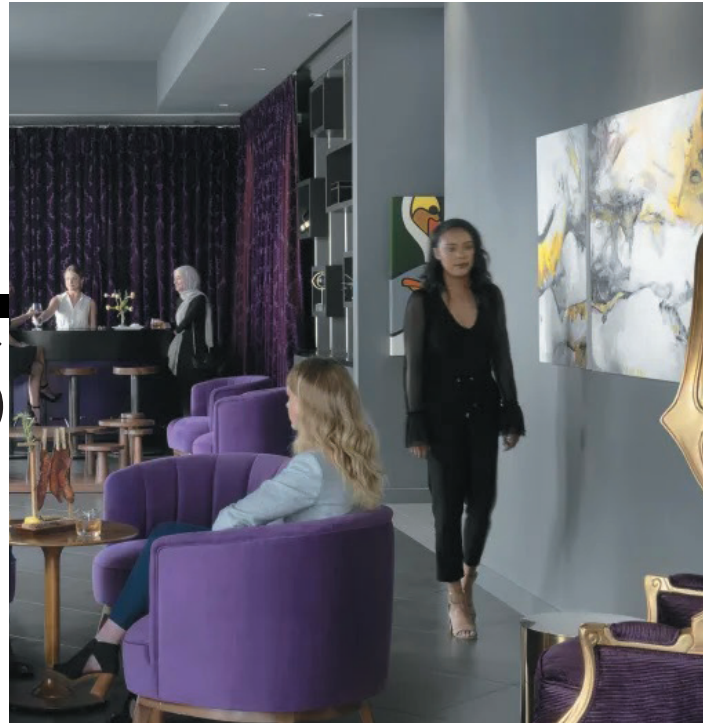
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Today's Hotelier is the official monthly publication of AAHOA
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Today's Hotelier

is published by

NAYLOR
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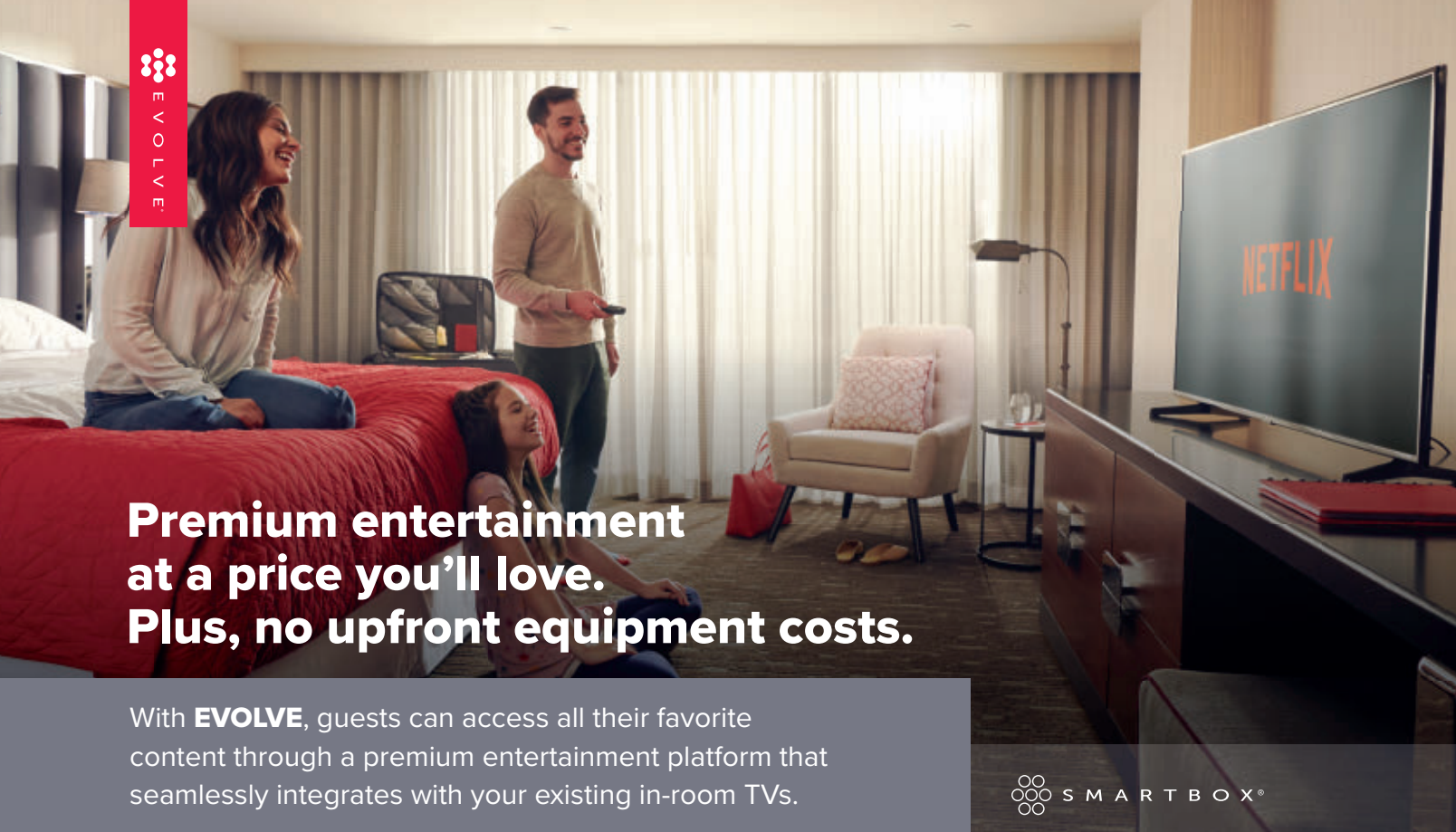


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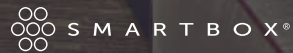
Today's Hotelier (ISSN 24174062), volume 21, issue 2, is published monthly by Naylor Association Solutions, for AAHOA, 1100 Abernathy Road, Suite 725, Atlanta, GA 30328. Periodicals postage paid at Gainesville, Florida, and at additional mailing offices. Postmaster: Send address changes to Today's Hotelier, 11350 McCormick Rd #1000, Hunt Valley, MD 21031.

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BIRAN PATEL
AAHOA CHAIRMAN (2021-2021)

“

In practice, these values propel our association and require that we, a spirited community of hoteliers and our industry partners, lift each other up.”

Driving innovation for the independent hotelier

AS THE VOICE OF AMERICA'S HOTELIERS, AAHOA'S OBLIGATIONS ARE TO the small business owners devoting their energy and passion to the entrepreneurial pursuit. We produce sought after educational content, host industry-wide events, offer networking opportunities, and are always attuned to our enduring values of innovation and member service. In practice, these values propel our association and require that we, a spirited community of hoteliers and our industry partners, lift each other up.

Our industry will soon cross the one-year mark of operating during the COVID-19 pandemic. We strive to do right by all of our members, even under these difficult circumstances. Owning and operating a hotel, whether franchised or independent, comes with a unique set of benefits and drawbacks. The devastating impact of the ongoing pandemic has certainly complicated both approaches to managing a small business.

Comprising of more than one third of all hotels in the country, independent properties are the cornerstone of our industry and beacons of resilience and self-sufficiency in this time of crisis. For our independent hoteliers, I want you to know that AAHOA has your back. The AAHOA COVID-19 Resource Center was designed to help hotel owners stay economically viable over the past year, offering tailored support to independently owned and operated properties. From exclusive vendor deals to government relations, AAHOA provides the independent owner with the resources and benefits otherwise exclusive to a national brand.

And as vaccines rollout and travel returns, we are working to get our members on track to a post-COVID-19 transition. Under the Biden-Harris administration, the regulatory and legal landscape has already undergone substantial changes. When running a small business, staying informed on the whirlwind of state and federal developments while keeping the doors open poses additional burdens. That is why we are advocating and innovating on behalf of the hotelier. AAHOA continues to represent our members' interests in the legislative process while procuring industry best practices for the independent hotelier. For help on how to navigate federal relief programs, comply with state and local regulations, or market a clean, safe lodging experience, look no further than our evolving resource center and virtual event series. ■



CECIL P. STATON
AAHOA PRESIDENT & CEO

Born to serve the entrepreneur

“
Whatever you
are up against,
whether you
operate an
independent
hotel or
franchised
property, know
that AAHOA is
working for you,
your families, and
your business.”

WHATEVER YOU ARE UP AGAINST, WHETHER YOU OPERATE AN INDEPENDENT hotel or franchised property, know that AAHOA is working for you, your families, and your business. In times of both industry growth and ongoing crisis, we uphold our mission “to advance and protect the business interests of hotel owners through advocacy, industry leadership, professional development, member benefits, and community engagement.” And beginning this year, AAHOA’s introducing a new Strategic Plan that will serve the organization for the next three years. A key component of that plan is our updated vision statement: To be the foremost resource and advocate for America’s hotel owners.

AAHOA’s pursuit of serving America’s hoteliers – whether branded or independent – has guided our association for more than 30 years. Now, what may be the most challenging obstacle is that after decades of success in small business, further efforts to stay operating and recover are necessary. And AAHOA is here to equip all of our hoteliers with the services, advocacy, and resources to get back to business as usual.

Each of our members have their own unique story, and I can especially relate to our independent hoteliers, who make up more than 30 percent of the hotels in our membership’s portfolios. Growing up in a family of entrepreneurs instilled in me a great appreciation for the passion, dedication, and self-sufficiency needed to pursue a business for one’s self. It was the lessons I learned watching my parents operate a small business that inspired my wife Catherine and me to start our own small business in broadcasting, where we worked in tandem to carve out our slice of the American Dream.

Now, as your President and CEO, I welcome the opportunity day in and day out to serve our 19,500 and counting hoteliers, especially as we navigate the flurry of challenges our industry faces. The American Dream is an ideal unique to our country, yet it is not a guarantee. And over the past year, the viability of entrepreneurial endeavors in our industry have been tested. AAHOA was born out of the adversity faced in America, and we are committed to preserving it.

For the independent hotelier, AAHOA provides the services, resources, and support one might only receive operating a branded property. Through our growing COVID-19 resource center and MyAAHOA.com, I encourage you to check out the vendor deals, webinars, and event opportunities that are specifically designed for the independent owner and operator. ■



Three Years, One Vision:

AAHOA’s Strategic Vision for the Future

For this issue, I sat down with *Today’s Hotelier* to further discuss AAHOA’s 2021-2023 Strategic Plan.

To learn more, read the interview on page 24.



Biden charts a path for small business

by SEAN GROSSNICKLE

PRESIDENT JOE BIDEN HAS PUT pen to paper at a rapid pace since entering the White House in January. In his first two weeks, Biden signed more executive orders, proclamations, memorandums, and letters than most presidents did in their first month. This flurry of executive actions stems from the administration's agenda to roll back Trump-era policies and deliver quick fulfillments on policies espoused on the campaign trail. The sheer number of actions is notable, yet commonplace reversals for a fledgling administration. Seeking to get ahead on issues such as immigration, climate change, as well as health care, vaccines, and the economic response to the ongoing pandemic, Biden has laid the groundwork for his administration and the Democratic-controlled Congress to pursue an ambitious policy agenda.

A LOOK AT THE SBA AND SMALL BUSINESS RELIEF

Economic relief for small businesses, distributed through the Small Business Administration's (SBA) various loan programs, is a centerpiece of the Biden-Harris

administration economic recovery plan. Additionally, Biden has signaled a push for extending paid leave and unemployment compensation while buffing workplace safety guidelines. On January 29, President Biden signed an executive order directing the Occupational Safety and Health Administration (OSHA) to release updated guidance on COVID-19 workplace prevention programs, which are due to roll out by March 15. In essence, Biden's relief plan for small businesses does not revolutionize the current programs and safety standards the hotelier is already accustomed to. AAHOA will update its members on the new workplace guidance when it is published.

The recent funding for Second Draw Loans in the Paycheck Protection Program (PPP) have been a valuable resource for small businesses. Economic relief for small businesses has been a bipartisan policy throughout the pandemic and will likely remain a piece of common ground for lawmakers in Washington, D.C., to rally around. Funding for key SBA loan programs was refreshed in the stimulus package passed

in the final days of the 116th Congress, fulfilling several key priorities for hoteliers and the hospitality industry.

THE LABOR LANDSCAPE

Under the Biden administration, labor and employment policies will primarily flow through the U.S. Department of Labor and the National Labor Relations Board, currently consisting of five seats with three Republicans, one Democrat, and one vacancy. The Biden administration has signaled strong support for union organization and collective bargaining arrangements. Rulings on the joint employment standard, very relevant to franchisees, under the National Labor Relations Acts will likely be revisited.

Although Democrats control Congress and the White House, their ability to pass legislation without working with members of the Republican party remains limited as long as the filibuster remains in the narrowly controlled Senate. Labor law and employment policies are rising to the forefront of the Biden agenda, and we can expect some roll backs of policies passed under the Trump administration. ■

Members of the House unite to invest in apprenticeships and workforce training

Common Ground profiles members of opposing parties who are working together to advance issues important to hoteliers.

by SEAN GROSSNICKLE

MONKEY BUSINESS IMAGES/SHUTTERSTOCK.COM

THE ISSUE

The U.S. workforce has experienced record rates of unemployment as a direct result of the ongoing pandemic, affecting every state, industry, and demographic. According to a study conducted by the Pew Research Center, the pre-pandemic unemployment rate (3.8 percent) was the among the lowest on record. Unemployment peaked in April 2020 (14.8 percent), especially in leisure and the hospitality industries which experienced the highest rates (39.3 percent) of any economic sector. Although these rates have declined since April 2020, they remain elevated for a number of industries that provide in-person services. The Congressional Research Service reported that the unemployment rate in the hospitality industry remained comparatively high (16.7 percent) in December 2020.

As the country charts its path towards recovery, cultivating skilled labor and talent retention will be critical to reviving the

economy. The U.S. response to historical crises exemplifies this. In the wake of the Great Depression, Congress passed the 1937 National Apprenticeship Act to establish a nationwide program that educated, trained, and employed apprentices and skilled workers. This program has drawn bipartisan support throughout its 80-year history, and the House Committee on Education and Labor is pushing to expand it in the 117th Congress.

COMMON GROUND

Rep. Bobby Scott (D-VA), Chairman of the Committee on Education and Labor, introduced the National Apprenticeship Act of 2021 (H.R. 447) on Jan. 25, 2021. According to the committee, this bill would invest nearly \$3.5 billion over the next five years to invest in apprenticeship programs and workforce training. As of Feb. 2, 2021, the bill was awaiting a vote in the House with 81 Democratic and 10 Republican cosponsors. ■

Rep. Bobby Scott (D-VA), Sponsor of the National Apprenticeship Act

“Registered Apprenticeships remain one of our most successful tools for connecting workers with in-demand skills and good-paying jobs. This bipartisan bill – which passed the House with overwhelming support last year – will create nearly 1 million new apprenticeships and expand these opportunities to include a more diverse group of workers and a wider array of industries. It also enhances youth apprenticeship and pre-apprenticeship programs that will prepare a new generation of workers for the modern economy.”

Sen. Brian Fitzpatrick (R-PA), Co-sponsor of the National Apprenticeship Act

“Apprenticeship programs grow our economy by fostering training programs that will prepare workers for in-demand careers while addressing our nation’s current shortage of trained workers. By closing the skills gap, this reauthorization of the National Apprenticeship Act will enhance and invest in the Registered Apprenticeship model so that more Americans, especially students, have more options and access to good-paying jobs that support working families.”

Our industry has proven its resilience, and that is all because of the people who have dedicated their lives to the hospitality industry.

Hoteliers are resilient

by TEAGUE HUNTER

THE POWER OF SOCIAL MEDIA AND TECHNOLOGY IS STRONGER THAN I COULD HAVE ever imagined. I cannot remember a time when the thoughts and opinions of so many could be so widely spread as it can be now. Beyond the factions that may take exception to the positive advancements, we cannot deny the technologies at hand that have allowed us to remain connected these past 12 months. In April 2020, Zoom Video Communications, Inc., posted on their site blog that they had surpassed 300 million daily meeting participants, a staggering multiplicity from their reported 10 million in December 2019. The hotel industry is included in those millions.

The dozen flights I would jump on in a month dwindled to none and we all found ourselves involuntarily having traded our frequent flyer miles in for meeting IDs and passcodes. While myself and our team on the HUNTER Advisors side were grounded, and my brother, Lee, was having to quickly pivot and make some tough calls regarding the Hunter Hotel Investment Conference that was to happen in late March 2020. Together, we made the incredibly difficult decision to cancel the conference with high hopes for a 2021 gathering.

Layered into the burdens of canceling a major event, both the Advisors and Conference teams felt a need for us to provide a space to connect, commiserate, and share what is going on in the

industry. What did the team propose? Bringing the day-to-day conversations with industry colleagues from behind the curtains.

TEAGUE TALKS

The first Teague Talks was an informal dialogue with my good friend and colleague Mit Shah, CEO of Noble Investment Group and long-time AAHOA Member. From April 2020 to where we are standing now in the first quarter of 2021, we have recorded and shared almost 40 one-on-one Zoom conversations with leaders throughout the hotel industry. The positive feedback we received from the hospitality community reaffirmed to us to keep it going. What has been the most rewarding outcome of



Teague Hunter,
President & CEO,
Hunter Hotel Advisors

PHOTO COURTESY OF TEAGUE HUNTER

Teague Talks so far has been the opportunity to hear firsthand the powerful stories of true leaders who care deeply about their organizations and people.

THE RIGHT TEAM

Every organization has its methods in recruiting the best and brightest to join its teams. For myself, I have had an opportunity to continue to build on the family business but also reimagine what is ahead for us at HUNTER. When it comes to the frontline of what we do, I believe you've

either got it or you don't. There is a certain amount of training and time to adapt for each position, but the intuitive connection that a person must make in the first few minutes to gain trust and confidence in carrying out business takes character.

I have always had a curious mind and affinity for others. Even at a young age, I knew



that my emotional intelligence and ability to genuinely connect with someone was a gift. My brother, on the other hand, has a keen attention to detail and the capability to manage a national-level conference. The balance of our leadership styles has shown me the value of gaining perspective beyond my own. What does that look like? At HUNTER, teamwide discussions take place before important decisions. Group thinking is valued, and intentionality is a must.

OUR PATH

This current generation of leaders has faced unforeseen hardships both personally and within their organizations. We are juggling our company, community, families, and most important assets – our people. The pressure of such responsibility is heavy. Though most of us have all gained some new muscles, the road ahead is what we are training for. For all that is to come, we need good people to run with us. We have a fiercely loyal group of people who love our industry, and we must do all that we can to protect it.

For HUNTER, we found our way to trek forward and will continue to discover opportunities to stay strong together. In the meantime, we are excited to welcome you to join us at the 32nd Hunter Hotel Investment Conference (again) this May 10-12, 2021, at the Atlanta Marriott Marquis. Yep, in person. ■

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AAHOACON21 WILL MEET AUGUST 3-6!

Ask anyone and they would say one of the best things about the AAHOA Convention & Trade Show is the networking opportunities! In AAHOA's ongoing efforts to make that gathering as safe, accessible, and enjoyable as possible for everyone, we're moving the show to August in an effort to allow the most people to attend safely. We look forward to seeing you in Dallas, TX, August 3-6, where together we will network, learn, and inspire one another as we travel the road to recovery for the hospitality industry.

HAPPY BIRTHDAY, CHO!

CHO turns 20 this year, so earn your certificate to celebrate. Invest in your professional development by earning your Certificate in Hotel Ownership® (CHO). AAHOA's completely revamped CHO is a fully customizable, all-digital platform that offers an in-depth look into 12 learning tracks – Investment & Development, Front Office, Financing, Hotel Ownership, Human Resources, Accounting, Major Support Departments, Leadership, Legal & Compliance, Revenue Management, Sales & Marketing, and Technology – and allows you to work at your own pace. Learn more at AAHOA.com/CHO.



AAHOA CHAIRMAN BIRAN PATEL TO BE FEATURED AT CLIC.

AAHOA Chairman Biran Patel will be a featured speaker at the virtual 2021 California Lodging Investment Conference, set for March 4. Biran will join other industry leaders, including CHLA Chairman and AAHOA Lifetime Member Bijal Patel, to share his insights on the Hotel Investment/COVID-19 panel, moderated by

Glenn Haussmann of Rouse Media (No Vacancy Podcast).

CLIC, the only conference focused exclusively on the California hotel market, brings together lodging professionals in California for one day of learning, professional development, and networking. Learn more at cliconference.com.



SIGN UP TODAY FOR AAHOA'S FIRST TWO GOLF TOURNAMENTS OF 2021.

Registration is now open for the first two events on AAHOA's 2021 Charity Golf Tournament schedule, the AAHOA Southeast Texas Inaugural Charity Golf Tournament (April 6, Wildcat Golf Club, Houston, TX) and the AAHOA Southwest-Phoenix Charity Golf Tournament (April 8, Ocotillo Golf Club, Chandler, AZ). We invite players and sponsors to join us at two of the country's top golf courses as we come together to support local charities and COVID-19 relief efforts. The well-being, health, and safety of all participants are our No. 1 priority, so we are taking all necessary precautions to keep you safe. AAHOA will provide face coverings, hand sanitizer, and proper health and safety measures at all of our events. Learn more and register at AAHOA.com/golf.



HELP AAHOA THRIVE BY VOLUNTEERING YOUR TIME.

The participation and talent of our dynamic membership is vital to AAHOA's success. If you want to make a difference for AAHOA Members and the hospitality community at large, consider serving on an AAHOA Committee, as an Ambassador, or on the AAHOA Board of Directors. These key roles are vital to helping us be the foremost resource and advocate for America's hotel owners. Eligible applicants are AAHOA Members in good standing. Interested in serving on a committee or as an ambassador? Visit AAHOA.com/about-AAHOA to learn more. Want to serve on the AAHOA Board? The nomination period runs through June 7. Open positions and eligibility requirements are available at AAHOA.com/2021Candidates.



How to build for financial success, now and after the pandemic

To keep operations going, Stacy Howlett, general manager at Angar Arts Hotel in St. Louis, MO, suggests watching spend carefully. Analyze where every penny goes.



PHOTO COURTESY OF ANGAR ARTS HOTEL.

Watching the bottom line

by IAIN SHAW



PHOTO COURTESY OF THE BEACH HOUSE HOTEL.

Team members rallying together is one way the Beach House hotel has stayed afloat during COVID-19.

RETAINING A TIGHT, OBSESSIVE FOCUS ON FINANCES IS PART OF THE LIFE OF AN INDEPENDENT HOTELIER, but the past year has been unlike any other, even for the most experienced in the industry. And it's not over, with the uncertainty that characterized 2020 likely to be a constant at least through 2021. We asked industry insiders and experts what independent hoteliers can do to address any financial challenges their properties face in the short term and how independents can build for sustained success after the pandemic.

TRIM THE FAT

Before you do anything else, control what you can. Review everything your hotel is currently doing and look for opportunities to trim any fat. You've probably done this multiple times over the past year, but your perspective on some spending items may be different today from where you were last quarter. "Continue doing what so many of us did in 2020," said Stacey Howlett, general manager at Angad Arts Hotel in St. Louis, MO. "Watch labor very closely, analyze every invoice, make sure you are watching the ROI on every service that is being used."

As part of this process, Michael Casey, managing partner at Storey Hospitality, which operates five properties in Northern California, recommends

reviewing all vendor contracts with a view to renegotiating terms and pricing. "Vendors are fully aware of the challenges facing independent hotels at this time and most – the good ones – are willing to work with properties to ensure strong, long-lasting relationships," Casey said.

BE FLEXIBLE WITH TEAM MEMBERS

Team dynamics are critical to financial success, both in the context of COVID-19 and building for the long term. Don't forget that every member of your team has experienced extreme stress and likely some degree of burnout over the past year. Whatever you can do to boost morale and keep staff engaged is time well spent. "They have worked hard

through an unprecedented year and the staff is the hotel's most valuable asset," Howlett said.

Be proactive and flexible to allow team members time and space to recharge. "We've all taken our turns hitting the wall," said Dana Dahl, general manager of the Beach House hotel in Half Moon Bay, CA. At the Beach House, Dahl said team members have rallied and filled in whenever colleagues have needed a break. "When a front desk agent says, 'I need some time, I need three days off.' ... Okay. So, we all fell in and we do that," she said.

Dahl also highlighted the importance of independent hoteliers keeping leadership teams intact. During the pandemic, that's meant having everyone take on a broader range of duties than normal. "To



PHOTO COURTESY OF CHARLESTOWNE HOTELS.

Week-to-week fluctuations in business show hoteliers when they may need to change gears.

““

To retain them, we’re all doing all the frontline duties. I’m working the front desk, my sales manager is handling delivering continental breakfast. We’ve had to modify and furlough certain people, but we’ve also been able to really retain our core management staff, which is hugely important.”

– Dana Dahl,
General Manager of
the Beach House

retain them, we’re all doing all the frontline duties,” Dahl said. “I’m working the front desk, my sales manager is handling delivering continental breakfast. We’ve had to modify and furlough certain people, but we’ve also been able to really retain our core management staff, which is hugely important.”

Laura Rose, managing partner at Storey Hospitality, echoed that sentiment. “Our Director of Facilities at the Park James in Menlo Park not only handles the maintenance needs of the property but also helps valet park cars, troubleshoot IT issues, and work front-desk shifts,” Rose said. Cross-training staff members may be a necessity right now, but it also builds a stronger, more cohesive team that will be a long-term boon to your property.

PRESENT AND FUTURE THINKING BALANCE

It’s a tricky balance, but independent hoteliers must walk the line between laser focus on the present moment and having one eye

on the future. Johnathan Capps, Vice President of Revenue at Charlestowne Hotels, said it’s important to retain a sense of perspective. For example, working up detailed plans for Cyber Monday 2022 isn’t a good use of time, but independents should be anticipating what business will look like when the pandemic eases.

Don’t think of your hotel’s experiences during the pandemic as an aberration – the changes you’ve made might inform future direction. “What does bringing a full staff look like, and has the pandemic shown you something differently?” Capps said. “Or have you learned something about your hotel, about the demographics or the market segments where you need to now look at leisure differently, or you need to attack the group segment with a salesperson?”

Develop plans for how you are going to approach different phases of recovery. If you suspended certain services or closed facilities during the

pandemic, what will be the trigger points for bringing those back? If events and meeting business starts to come back, what parameters will you be operating within? What will you be doing in terms of marketing promotions and ad spend?

Even as you enter a transition to more “normal” business, you may still have to apply certain constraints. Meetings have traditionally been a significant driver of revenue at the Beach House in Half Moon Bay. However, as events begin to trickle back, Dahl said it won’t make business sense to accept every booking request. “There’s a certain profit margin that has to be there for us to be able to open up for the meeting,” she said. “We don’t want to take a group of 10 people just to get some practice. We really need to say okay, when the light switch goes on, then these are the size of groups we need to start with.”

USE DATA AND METRICS

Of course, with so much uncertainty still in the air, figuring

out timelines for post-pandemic recovery is largely guesswork. Instead, use data as a guide for when to change gears. Capps said week-to-week fluctuations in business are the best indicator of a real change in the landscape. “Are you seeing a week-to-week build that’s positive momentum?” he said. Use data from before and during the pandemic to benchmark current performance. Customer sentiment surveys can also provide some rough insights, but maintain a degree of healthy skepticism – Capps said survey results don’t necessarily translate into corresponding upswings and dips in business.

External metrics like advertising rates also might provide clues. “When you’re participating in programs out there that are cost per click, and all of a sudden, something that costs \$1 per click started moving to \$3 and \$4, well there’s something that’s driving that data,” he said. “Maybe it’s a false positive, but more often than not, it’s based on a higher level of spending and potentially demand.”

ACT NOW

Everyone is anxious for the pandemic to end, but don’t rest on your laurels playing the waiting game. “We have found that getting creative and doing more, not less, is the only way to create demand,” Laura Rose said. When business travel dried up overnight in Silicon Valley, Storey Hospitality’s Park James Hotel in Menlo Park, CA, drove leisure demand by adding features like live music at meal-times, outdoor fitness classes, and a curated wine experience led by James Beard Award winner Shelley Lindgren. “We actually ended up improving our property market share over the prior year and our average dinner check by 20 percent!” Rose said.

If you have the funds available, use periods of low occupancy to carry out any necessary refurbishments or renovations. Dahl said the Beach House has carried out a number of upgrades throughout the pandemic, from landscaping projects and painting the building exterior to in-room renovations. “We’re just dipping into every aspect of the guests stay to give improvement,” she said.

Beware getting so caught up in the present moment that you undercut your future financial success. For example, cutting prices to drive occupancy can quickly become a race to the bottom. “Finding the right balance of a slight reduction in rate, and occupancy levels that a reduced staff can service at levels customers still expect, is a delicate art,” Casey said.

TAP INFORMATIONAL AND FINANCIAL RESOURCES

While independent hotels lack the infrastructure and resources that can bolster large chains in a crisis, remember you’re not alone. Make full use of the financial and informational resources available to you. Paycheck Protection Program (PPP) loans have been critical for many of the hoteliers we interviewed, but a number of other common threads came up. At Angad Arts Hotel, Howlett said maintaining strong relationships with local banks and financial institutions has been vital. Networks of industry peers can provide mutual emotional support, as well as arenas for crowdsourcing best practices and picking up on the latest developments. “We all have one thing in common and that is we are all struggling,” Howlett said. “I’ve gotten some great ideas on how to coordinate staffing, sales efforts, and new marketing

trend information from colleagues all over the world.”

Lean on your contacts and establish regular points of contact to share tips. Charlestowne Hospitality ran a weekly call for the company’s general managers that allowed leaders to quickly relay insights, protocols, and discoveries with other properties. This meeting rhythm kept the company’s properties moving forward as one. “One of our properties may have done a curbside check-in, and how that was executed, or one of our properties found a non-residue-leaving fogger that sprays a sanitizing chemical throughout the lobby,” Capps said. This model can be applied even by informal groupings of independent hoteliers. You can share without giving away all your secrets.

PLAY TO YOUR STRENGTHS

It’s easy to be envious of the big chains and their corporate offices handing down guidelines and protocols. But finally, don’t forget the advantages that come with independence. “You can morph and change things as it goes,” Dahl said. “We’re accountable to our ownership, they’re not completely hands off and they have their opinions as well. But it does help to be able to work through an issue with your team vs. being told how to do it and putting a square peg in a round hole.” ■



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The long-reaching impact of COVID-19

by FIONA SOLTES

M ANY HOTELIERS will remember 2020 as the year they fought to keep doors open. Hoteliers learned anything can happen and that it can happen fast.

THE EFFECTS OF DISRUPTION

From consolidating properties and cross-training staff, hoteliers have had to learn to operate to perform at maximum efficiency. Cleaning and sanitization protocols had to change and those changes had to be obvious to guests by using social distancing markers, hand sanitizing, wearing masks, and more. These additional efforts have been crucial for hoteliers in recent months, whether at new properties or established ones. The costs have



Imesh Vaidya, CEO,
Premier Hospitality,
AAHOA Southwest
Regional Director.

“

Amid this stressful time, Vaidya has honed his management and communication skills. And he has learned the importance of building and maintaining positive relationships with banks, franchisors, and local and state government.”

been significant; the lessons learned, steep.

And the time has come to start asking how much of it will stick long term.

LONG-TERM PREPARATION

Imesh Vaidya, AAHOA Southwest Regional Director and CEO at Premier Hospitality, a hotel management and construction company in Albuquerque, NM, has a variety of brands in his portfolio, including nine properties in multiple states. Holiday Inn Express & Suites, Quality Inn & Suites, Hampton

Inn & Suites, La Quinta Inn & Suites, and SpringHill Suites are all on the list; some have been more aggressive with requiring practices and equipment than others.

Across the board, Vaidya said, his company made it known to staff that “if you’re not at the

hotel, our guests are not being taken care of. And if they’re not being taken care of, none of us are here. We’re not in business. So, let’s take care of each other, and let’s make sure we’re safe, and we can get through this reasonably unscarred.”

ANON_TAE/SHUTTERSTOCK.COM

“

The industry will have to be increasingly flexible by adopting new technology and managing all revenue streams. Getting involved with your local chamber of commerce has never been more important than it is now.”

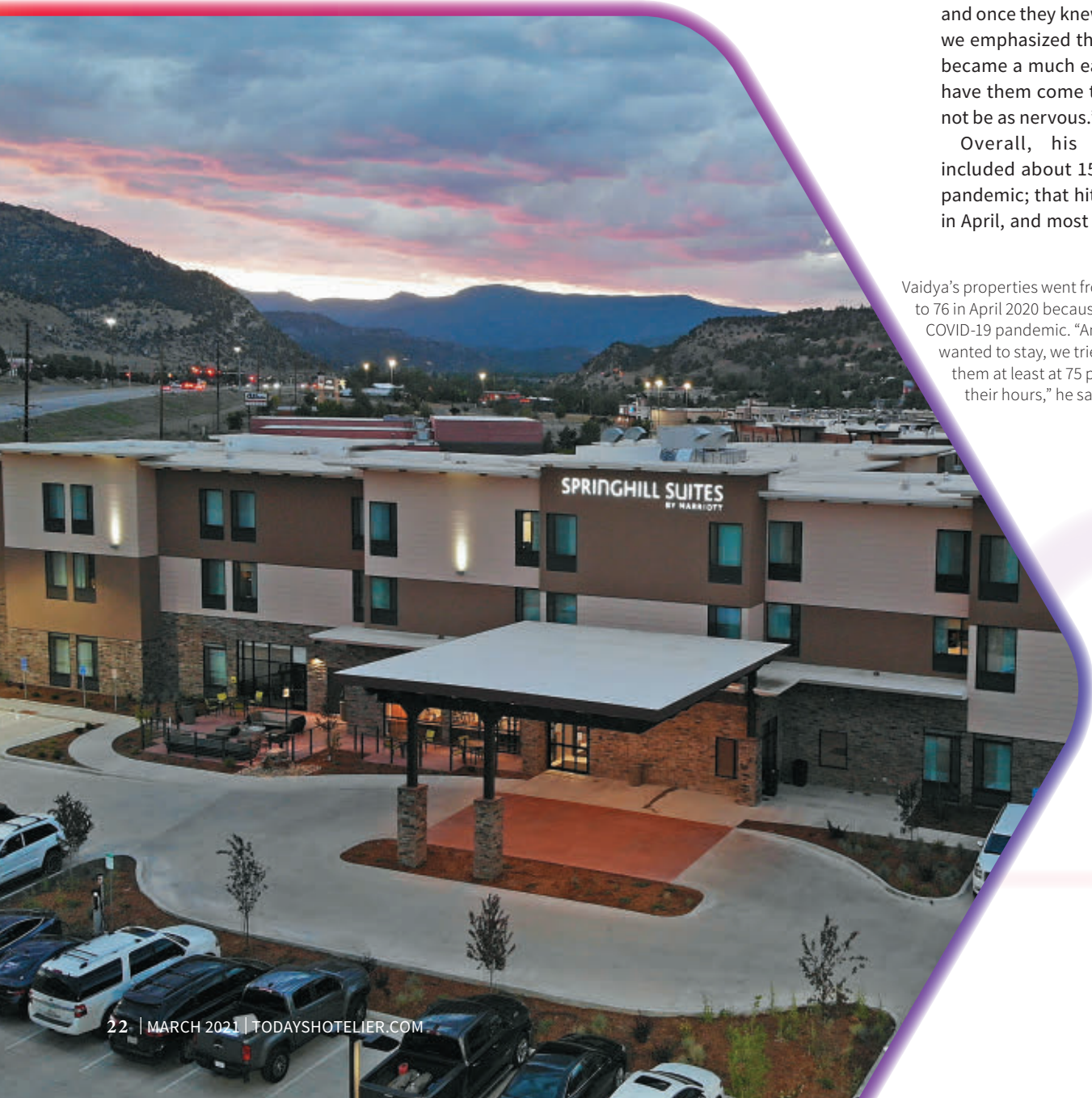
Vaidya said the hardest lesson to learn was that employee apprehension had to be managed in addition to expenses without sacrificing livelihoods. “Most of the hospitality industry has reduced hours, which was unavoidable,” he said. “Many of us have tried to keep our staff gainfully employed without issuing layoffs. Obviously, if we don’t have hours, we don’t have hours.”

COMMUNICATING MOTIVATION AND SAFETY

But it also has been challenging – and necessary – to keep staff motivated and feeling safe, Vaidya said. In the early days of the pandemic, “the best thing we could do was to ensure that the safety of our team was more important than anything else. Whether that was purchasing the PPE, or putting up dividers, or letting them stay home if they chose to, we were flexible in everything they required. Once we were able to get the PPE, and once they knew how much we emphasized their safety, it became a much easier task to have them come to work and not be as nervous.”

Overall, his properties included about 150 staff pre-pandemic; that hit a low of 76 in April, and most who left did

Vaidya’s properties went from 150 staff to 76 in April 2020 because of the COVID-19 pandemic. “Anyone who wanted to stay, we tried to keep them at least at 75 percent of their hours,” he said.



so because of family obligations, school, or other reasons. “Anyone who wanted to stay, we tried to keep them at least at 75 percent of their hours,” he said. As of December 2020, the staff was back to 136.

Amid this stressful time, Vaidya has honed his management and communication skills. And he has learned the importance of building and maintaining positive relationships with banks, franchisors, and local and state government. He fully expects that to continue post-pandemic. He also believes he will stay stocked on PPE as a regular expense, understanding that “this could happen again.” Another mile marker: building reserves back up to pre-pandemic levels to have them on hand.

The industry will have to be increasingly flexible by adopting new technology and managing all revenue streams. Getting involved with your local chamber of commerce has never been more important than it is now.

RESPONDING TO THE PANDEMIC

Many have been surprised by the slow response from Congress for small business. The government’s inability to finalize a stimulus deal until so late in the year 2020 has seriously affected the hotel industry’s health.

On the other hand, organizations and communities have come together to support businesses.

Vaidya believes consumer expectations for cleanliness will continue post-pandemic – and both would be happy for masks to eventually stop being necessary so full smiles can be on full view.

John Henshaw, MPH, CIH, speaking on behalf of the American Industrial Hygiene Association (AIHA), also believes heightened consumer expectations of cleanliness and sanitation will continue. “They will expect better ventilation, more air changes, and fresh air and light and airy places to ensure they are clean and safe,” he said. That, and more outdoor seating for food service. AIHA has released a “Reopening: Guidance for Small Lodging Establishments” resource, available through its website at www.aiha.org.

There are definitely challenges for independent owners

vs. larger operations, Henshaw said, such as a lack of technical staff to develop procedures and protocols and minimal staff to carry out those efforts. On the upside, however, being a smaller operation means being “better able, in general, to deliver regular and beneficial messages to guests.” Staff and owners can have more one-on-one time with guests and make that experience more personal.

And that, pandemic or not, won’t ever change. ■



Evolving Guest Expectations

As the COVID-19 pandemic swept the hotel industry, it became clear that guests would have new expectations from hotels. Here are some of those expectations that will likely stick around beyond sanitization expectations:

- ▶ Better ventilation
- ▶ More well-lit places with fresh air
- ▶ Outdoor seating
- ▶ Communication about how properties are protecting staff and guests

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THREE YEARS, ONE VISION

AAHOA'S STRATEGIC VISION FOR THE FUTURE

A Q&A WITH AAHOA PRESIDENT
& CEO CECIL P. STATON
ON AAHOA'S 2021-2023
STRATEGIC PLAN

by HEATHER CARNES

A **AAHOA'S 2021-2023 STRATEGIC PLAN,** "Three Years, One Vision: AAHOA's Strategic Vision for the Future," took effect January 2021.

The new plan will drive the direction of AAHOA for the next three years with a focus on AAHOA serving as the foremost source for hotel industry education and information, advancing hoteliers' business interests through advocacy, being the primary resource for connecting the industry, and attracting, retaining, and developing top talent to the association. Foundational to this plan is a new vision statement: To be the foremost resource and advocate for America's hotel owners.

Today's Hotelier sat down with AAHOA President & CEO Cecil P. Staton to discuss the plan, what it means for AAHOA and those the organization serves, and how it couldn't come at a more critical time. Ultimately, the fulfillment of this plan will benefit AAHOA Members – bringing them what they need as we continue down the path toward recovery.

You have vast experience in creating and implementing strategic plans for large organizations. Can you speak about your experience and how this helped drive the direction for AAHOA's plan?

When you mention strategic plans, often you'll see a skeptical look come across someone's face. Strategic plans are perceived to be tedious or dull. Many times, that comes from the reality that organizations will go through a strategic-planning process to only put the plan on the shelf and never refer to it until it's time for the next plan.

I've always taken the opposite approach. I believe strategic plans are paramount to success. They are a roadmap for what an organization wants to achieve over a period of time and can be a dominant force for bringing every aspect of an organization together to achieve excellence and common goals.

Why now? Did AAHOA create a new plan in response to COVID-19's impact on the industry? How does it play into recovery?

As we know, the pace of change is so rapid today, with multiple factors at play disrupting "business as usual." Things change so quickly, especially the advances in technology and their impact on the organization.

Because a lot can happen in five years, AAHOA set out to develop a shorter three-year strategic plan even before COVID-19 ravaged our industry. It's really something of a coincidence that our five-year strategic plan was ending right about the same time COVID-19 became a serious issue. We used the significant impact of COVID-19 as a jumping-off point to develop our new plan.

We saw in the research that our industry was going to be in recovery mode for the next three years. We thought a three-year plan was the right approach for this cycle. As we like to say, the road to recovery runs through AAHOA, and we've reflected the plan to bring this statement to life.

Tell us a bit about the strategic planning process and what it means for AAHOA.

In developing the plan, AAHOA conducted an extensive audit of where we were currently at and the ways in which we wanted to fulfill our mission. We also set about talking to all of our constituencies, looking at the industry and where AAHOA fits into it, and how we can become who we need to become based on member needs and where the industry is headed.

And in the midst of that, we had to deal with COVID-19 and the implications it had for our industry and its recovery over the next three years. It was quite a lengthy, cooperative process over many months that involved the input of many to bring a viable plan together that could be embraced by everyone.

Tell us more about AAHOA's quest to be the foremost resource and advocate for America's hotel owners.

Every great strategic plan begins with a vision statement about where you want to go. We wanted to think boldly in this process about AAHOA's role. My goal is for AAHOA to be the most significant and relied upon entity within our industry. We thought about everything we do at AAHOA and how we wanted this to evolve over the next three years. I believe our new vision captures this well.

Talk about AAHOA's core values and how this will further the organization over the next three years.

We have a number of core values as a part of our new strategic plan. These are the things that will guide us and be the foundation for all we hope to achieve this cycle.

Member Centric:

We are now almost 20,000-members strong, as the largest hotel owners association in the nation. Everything in this plan is focused upon our members, their needs, and how we can be helpful to them so that their businesses can succeed.

One Team:

AAHOA has a volunteer base that is second to none, and it is their pride and passion for AAHOA that sets us apart. Over time, we have also recruited professionals to join our team full time at our offices in Atlanta and Washington, D.C. It's vital to our success that we be one team. Not three teams or even two teams – AAHOA is one team set out on a mission together to accomplish all we've set out to achieve.

Forward-Thinking:

We are living in a time of rapid change and great disruption. That's what COVID-19 is, a great disruptor for our industry – for hoteliers especially. We've got to look to the future... to ensure we acknowledge where things are headed and know where AAHOA needs to position itself to have the most positive impact upon our members' businesses.

Integrity:

Integrity is a word that's tossed around a lot, but we want to make sure in everything we do, that we embrace and embody integrity, we're doing what is right, and we're doing it for the right reasons.

High-Achieving:

There's no virtue in being mediocre. We want to exhibit excellence in every aspect of our work, from our communications, educational offerings, and events to our advocacy with the brands and with state, local, and federal governments and everything in between.



There's no virtue in being mediocre. We want to be high achieving in every aspect of our work, from our communications, educational offerings, and events to our advocacy with the brands and with state, local, and federal governments and everything in between."

The plan has four focus areas. Can you tell us more about those and how they'll elevate AAHOA and help it focus your efforts?

Focus Area 1:

For AAHOA to serve as the foremost resource for hotel owners when it comes to the information and education they need.

We want AAHOA to be first in thought for America's hotel owners and, frankly, for the industry at large. If you want to know about the needs of hoteliers, about the challenges they face, AAHOA will be the trusted resource.

Focus Area 2:

To advance hotelier's collective business interests through advocacy.

AAHOA's previous strategic plan was critical in setting the organization up for success to achieve the hallmarks of this new plan. Over the last five years, AAHOA intentionally and diligently developed relationships with members of Congress and White House administrations. Establishing AAHOA's office and professional team in Washington, D.C., was essential to creating a lasting presence and resource for federal decision-makers.

Just in the past year, we've had a huge impact upon the CARES Act and the loan programs by ensuring our government officials, at all levels, understand the unique challenges and interests of America's hoteliers. We were able to share this critical information with lawmakers quickly because they already know and trust AAHOA. We're also very engaged in advocacy with the brands. Advocacy will continue to be a primary focus of AAHOA's work throughout the strategic plan.

Focus Area 3:

To be the primary resource for connecting the industry.

Hosting more than 150-events each year, AAHOA is known for bringing hotel owners, vendors, and industry leaders together at town halls, regional conferences, and trade shows across the country. I can't tell you how much I have been looking forward to my first in-person AAHOA Convention & Trade Show! While we haven't been able to gather in person recently, we are re-envisioning AAHOA

events to ensure each event connects owners to the invaluable resources, people, and tools they need to steer their businesses through recovery.

Focus Area 4:

To attract and retain top talent for the association. We're on a mission, and we want the best of the best to serve alongside us as we work to achieve it. We're committed to encouraging and fostering the development of our volunteers and professionals to help them do what they do best. That means helping them better understand the industry, grow within their work, and have the tools that will help them be successful.

What does the Strategic Plan mean for AAHOA Members? What does it mean for AAHOA's Industry Partners?

I want our members and industry partners to know that this plan is ultimately about them. It's about finding ways to ensure they are successful in their businesses. Every element of our strategic plan is designed to provide the best in class resources hoteliers need – regardless of where they are at in their business ownership journey – to help their businesses thrive. Whether that's through events, networking, our advocacy initiatives, professional development opportunities, or keeping abreast of the latest trends in the industry, AAHOA is committed to being the foremost resource and advocate for America's hotel owners.

In addition, AAHOA provides access to nearly 20,000 hotel owners; nobody else can boast that. And when you bring that talent and entrepreneurial skill together with our industry partners, we can do great things and drive the changes that will come for our industry.

How will AAHOA's Board of Directors and other volunteers help AAHOA achieve the goals laid out in its Strategic Plan?

The AAHOA Board of Directors, who set these goals and adopted this plan, plays a vital role in achieving what's set forth in it. The AAHOA Board is charged with ensuring the organization has the resources needed to accomplish this

plan throughout its three-year lifespan and will be closely following the organization's progress throughout.

What part of the Strategic Plan inspires you most?

I never shy away from a challenge. While this economic crisis is testing our members and the industry, I believe it has presented us with an opportunity to cement our priorities and come together to accomplish great things on behalf of our members.

I really do believe it's AAHOA's time to lead; it's AAHOA's time to unite this industry and be what that vision statement encapsulates: to be the foremost resource and advocate for America's hotel owners. No other entity within our industry has the potential that AAHOA has. That inspires and excites me.

We know that a plan is just that – a plan. How will you implement it, and what are some of the tactical things we can expect from AAHOA now and into the future?

If utilized properly, a strategic plan will help you zero in on what really matters, but it also prevents you from straying into areas that are outside the purview of what you've said the organization needs to achieve during the cycle. I'm having my copy bound and it will be on my desk and with me at every board meeting – serving as our single source of truth when making business decisions.

We'll be working cooperatively, making data-based decisions, and keeping our eye on the horizon because we have many ambitious goals. We're going to be working with our volunteer leadership, our staff, and our vendor partners to make sure we are a step ahead of where this industry is headed.

How optimistic are you about the future?

We've just come through an extraordinarily difficult year for our industry, perhaps the most difficult in modern history, and we know our challenges are not over. Our industry may not see a full

recovery to pre-COVID-19 numbers until 2023 or later. That's a long time.

But I want all of our members and this industry to know that AAHOA is here. The road to recovery runs straight through AAHOA. This strategic plan is our commitment to that. ■

AAHOA'S STRATEGIC PLAN AT-A-GLANCE

VISION

To be the foremost resource and advocate for America's hotel owners.

MISSION

To advance and protect the business interests of hotel owners through advocacy, industry leadership, professional development, member benefits, and community engagement.

CORE VALUES

Member-Centric
One Team
Forward-Thinking
Integrity
High-Achieving

FOCUS AREAS

Education:

Serve as the foremost source for hotel industry education and information

Advocacy:

Advance hoteliers' collective business interests through advocacy

Resource:

Be the primary resource for connecting the industry

Team:

Attract, retain, and develop top talent to the Association

WANT TO LEARN MORE?

Download AAHOA's Strategic Plan at AAHOA.com/StrategicPlan.



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Set up for Success

Guest expectations have evolved exponentially due to COVID-19 – particularly in housekeeping and sanitization.

by GENEVA TODDY



ALEX CEDRA, SENIOR VICE PRESIDENT OF OPERATIONS, TERRAPIN HOSPITALITY

“COVID-19 has increased the need for technologies such as mobile check-in apps, keyless entry, and mobile concierge services, which allow the guest a contactless experience bypassing the front desk and allowing them to have their requests met with minimal to no contact. Some of the top cleaning/sanitization guests expect are frequent antiviral cleaning of public high-touch areas in accordance with CDC recommendations.”



GABRIEL STEIN, SENIOR ASSOCIATE, CHM WARNICK

“When approaching how to support your housekeeping staff, two major considerations are 1) implementing well-developed training programs, and 2) ensuring that staff have all the equipment and supplies they need to effectively and safely complete their jobs. Training has always been an extremely important aspect of employee development, and good programs are key in ensuring positive guest experiences. With so many health and safety guidelines changing, and with the advent of new, unfamiliar equipment, ensuring that your staff receives proper training and support is paramount.”

INDUSTRY PROFESSIONALS SAT DOWN WITH *Today's Hotelier* to talk about setting up their staffs and guests for success and safety as we continue to navigate COVID-19.



FOUAD MALOUF, SENIOR VICE PRESIDENT OF OPERATIONS, RED ROOF

“[We] worked in conjunction with AHLA, serving on the Safe Stay Board to guarantee our practices were aligned and followed all CDC recommendations. While in development, we also consulted AAHOA and our own Franchise Advisory Council to ensure these new protocols would be embraced by our franchisees.”



SANJAY BEDI, SENIOR VICE PRESIDENT - OPERATIONS, REAL HOSPITALITY GROUP

“Apart from having sound cleanliness in place, we need to communicate. Guests don't always see what happens behind the scenes. During the check-in process, the front-desk agent takes time to explain to the guest what precautions we've taken. We also use social media platforms like Facebook and Instagram to show videos of staff in action.” ■



Cross-brand

competition

by J. MICHAEL DADY, ESQ. and RACHEL D. ZAIGER, ESQ.

UNQUESTIONABLY, COVID-19 has impacted virtually all walks of life. Remote working has become widespread, masks have become a mandatory daily accessory, and grocery delivery services have become relatively pervasive. Businesses, especially hotels, also have been hit hard by COVID-19. Indeed, with the Centers for Disease Control and Prevention (CDC) and governors across the nation cautioning that travel increases the likelihood

of catching and transmitting COVID-19, with fewer individuals traveling, and with weddings, receptions, special events, and conventions being postponed or cancelled for later dates, hotels saw a steep decline in foot traffic in 2020.

With a COVID-19 vaccine currently being rolled out in the U.S., it appears that hope may be on the horizon, as all anxiously await the return of business as usual. Yet, while the majority of 2020 was focused on COVID-19, it is important to take a step back and recognize that hotel franchisees also have been facing a different threat long before COVID-19 ever existed: cross-brand competition.

WHAT IS CROSS-BRAND COMPETITION?

In the hotel industry, it is relatively commonplace for a franchisor to grant franchises for hotels operating under different brands or an extension of a brand – with some franchisors granting franchises operating under as many as 10 different brands (and sometimes even more). This can be particularly problematic for a franchisee of this type of franchisor, as a franchisee's competition in this instance is not only limited to other, independent hotel brands from separate and distinct franchisors (as well as motels in the franchisee's area), but the franchisee's competition is also expanded to include other chain-affiliated hotels. Stated differently, a franchisee of a franchisor may be forced to compete with its franchisor's (more



With a COVID-19 vaccine currently being rolled out in the U.S., it appears that hope may be on the horizon, as all anxiously await the return of business as usual.”

often, that franchisor’s parent company’s other brands in the operation of the franchisee’s hotel – something that is sometimes referred to as unfair “cross-brand” competition.

FRANCHISE AGREEMENTS

As a preliminary matter, franchise agreements are predominately drafted for the benefit of the franchisor at the expense of the franchisee. While some franchise agreements may include a boilerplate “promise” from the franchisor that it will not place another franchisee of the same hotel brand in a franchisee’s protected territory, i.e., commonly a 2-to-5-mile radius around the franchised business, it is not altogether uncommon for a franchisor to reserve the right to grant franchises for hotels “at any location” (including right next door to a franchisee’s hotel). Moreover, even if a franchise agreement provides a franchisee with a protected radius of territorial exclusivity, franchisors routinely expressly carve out the ability to place another franchisee operating under a different hotel brand within the franchisee’s (purportedly) protected territory.¹

TERRITORIAL EXCLUSIVITY

For this reason, it is highly important for franchisees to obtain territorial exclusivity to some extent, ideally to include territorial exclusivity, not just for the franchised brand of the franchisee’s hotel but to also include protection against the franchisor and/or any of the franchisor’s affiliates, including its parent company, from itself operating, or franchising anyone else to operate, any other brand of hotel in the franchisee’s protected territory that is likely to be competitive with the franchisee’s hotel brand. After all, franchisees should not be forced to compete with its own franchisor or its

franchisor’s parent company or other affiliated companies’ other brands in addition to other franchisor’s brands. There are several ways that franchisees can protect themselves against unreasonable competition by their franchisor’s other brands. One way franchisees may do so is by negotiating with their franchisor to obtain a commitment to keep their franchisors’ and affiliates’ current and future owned brands of hotel franchises out of their protected territory. If franchisees do not have any protected territory, then the necessary first step of protection against unreasonable competition from their franchisors’ and affiliates’ other competing brands is by negotiating with their franchisor to obtain some reasonable radius of territorial exclusivity.

To the extent franchisees are unable to obtain a reasonable radius of territorial exclusivity, and the franchisor purports to reserve the right to place another competing same brand company-owned or franchised-owned unit anywhere it wants, franchisees may nevertheless assert various arguments to push back against such action by the franchisor. For example, franchisees could argue that such action is a breach of the franchisor’s contract-in-law obligation to exercise its discretionary rights in a commercially reasonable fashion. Second, for those franchisees in states with franchise relationship statutes, franchisees could argue that such action amounts to a de facto termination of the contract and a de facto violation of any state statutes that prohibit terminations without good cause.² Finally, to the extent the franchisor’s statutory control person engages in any such acts, such acts could amount to an intentional interference with the franchisee’s current and prospective business relationships.

If anything can be learned by experiencing 2020, it is that factors do (and inevitably will) exist outside of one’s control. The best armor of protection for franchisees is to take control of what they can control. Obtaining territorial exclusivity and protection against unreasonable competition from their franchisor’s other competing brands is something that franchisees can, and should, control. ■



J. Michael Dady, Rachel D. Zaiger, and the other eight lawyers in their firm, Dady & Gardner, P.A., limit their nationwide practice to helping hotel franchisees, and other



franchisees and dealers, preserve and enhance the value of their businesses as effectively and efficiently as possible. To learn more about J. Michael Dady, Rachel

D. Zaiger, and Dady & Gardner, P.A., you can consult their website at www.dadygardner.com.

[1] To determine whether a particular franchisor, and its parent company and any otherwise affiliated companies’ brands, grant franchises for hotels operating under different brands or extensions of certain brands, review Item 1 and Item 12 of the franchisor’s Franchise Disclosure Document (“FDD”). The FDD serves as a prospectus-style document designed to bring to attention the significant risks associated with a prospective investment in the particular franchised business. It is also a place for prospective franchisees to review to understand the terms of the proposed franchise agreement, including the duties and obligations the franchisor, and its parent company and any otherwise affiliated companies’ brands are committing to undertake.

[2] The Minnesota Franchise Act, Minn. Stat. § 80C.01, et. seq., for example, is one such franchise relationship statute which prohibits a franchisor from terminating a franchise without the requisite statutory good cause.

Disinfect your hotel to eliminate pathogens and pests

by FRANK MEEK, BCE

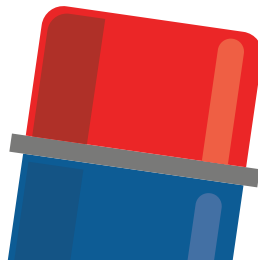
IN THE WAKE OF COVID-19, 2020 MARKED A YEAR of vast change, especially for hoteliers. Increased focus on public health, namely stopping the spread of pathogens, has shed light on the importance of limiting exposure to disease-causing bacteria and viruses. Now, more than ever, customers expect businesses to not only place these efforts at the forefront of their operations but also provide transparency of their improved hygiene and cleaning practices.

Orienting your hotel's operations around the safety concerns of guests means careful attention to hotel cleanliness. And, while you are likely to have already made improvements to your hotel's approach, recent innovations in disinfection could improve your efforts tremendously. To make the most of your hotel's cleaning efforts, consider measuring your current operations against these emerging standards:



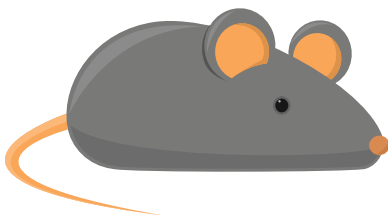
1 **RECOGNIZE THE DIFFERENCE**
Terms like “cleaning,” “sanitizing,” and “disinfecting” have very different implications. While hoteliers already know the importance of cleanliness, cleaning does not eliminate all germs. Cleaning can wash some germs down the drain, but this does not kill germs. A step further, sanitizing reduces the number of germs on a surface but also does not eliminate 100 percent of germs. Disinfecting, however, kills 100 percent of bacteria, fungi, and viruses on hard, non-porous surfaces and objects through the use of active ingredients. Dirt and grime can create a protective barrier for germs, so a surface must be cleaned before it can be properly sanitized or disinfected. It is important to remember that sanitizing and disinfecting do not remove the need for cleaning.

2 **FOLLOW LABEL PROTOCOLS**
When selecting products to keep your hotel pathogen-free, read the product label and adhere to the product's directions to see the most effective results. Pay attention to the toxicity levels of a product. It's best to use a powerful disinfectant to kill bacteria and pathogens that may be living on surfaces, while having low toxicity levels to other organisms.



By taking active measures to limit the spread of pathogens, you can reassure your guests that you take their safety seriously. Measuring your hotel's disinfection standards against these guidelines can not only show your dedication to the needs of customers but also help your hotel return to business as usual. ■

3 **BE PROACTIVE**
A proactive approach to keeping your hotel pathogen free can make a significant difference in not only limiting exposure and soothing concerns of guests but also in preserving the physical and mental health of your employees by lightening their load. For example, removing unnecessary touchpoints from hotel lobbies and common areas helps relieve stress of cleaning staff, while also eliminating surfaces where germs can multiply. Preventative measures, including effective pest management and proper sanitation practices, are even more critical now to minimize guest exposure to unwanted germs.



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Frank Meek is a Technical Services Manager for Rollins. As a board-certified entomologist and 30-year industry veteran, he is an acknowledged leader in the field of pest management. For more information, email fmeek@rollins.com or visit www.orkincommercial.com.

Is converting my hotel to an apartment a good idea?

And what do I need to consider before changing lanes?

by RUSHI SHAH

WHILE A WIDESPREAD VACCINE has provided some hope for recovery, most hotel owners will likely continue to struggle with uncertain demand and disrupted cash flow for the foreseeable future. Facing this predicament, some hoteliers have started to question whether their properties will recover in time or if they should take a more drastic approach and convert their outdated, unbranded, or exterior corridor hotels into apartments or assisted-living facilities. For many, this adaptive reuse is a viable strategy. While hospitality and multifamily assets do have a lot in common, there are key differences, especially when it comes to financing. Let's explore.

EXPECTED REVENUE

Although a standard multifamily unit generates roughly 2.5 times less revenue per unit than that of a hotel room, it typically throws 60 percent of the revenue to the bottom line, compared to 35 percent for hotels. This supports considering a multifamily conversion because the revenue derived from annual leases is stickier than what is generated from the more transient hotel business. Multifamily tenants are also more likely to renew their lease when it matures annually, creating a more predictable cash flow stream.

Property taxes are another factor that make converting to multifamily attractive. Historically, local tax authorities have

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Although a standard multifamily unit generates roughly 2.5 times less revenue per unit than that of a hotel room, it typically throws 60 percent of the revenue to the bottom line, compared to 35 percent for hotels.”

been less likely to increase taxes on multifamily assets than on hospitality assets. As local governments search for additional revenue streams to ease their current cash flow strains, hotels will likely remain more vulnerable to tax hikes.

CONVENTIONAL AND AGENCY FINANCING OPTIONS

Multifamily properties also score higher than hotels when it comes to available financing. Capital markets offer more depth in financing multifamily assets compared to independent hotels. Many lenders already offer specific programs to convert hotels to apartments or senior living facilities. Conventional financing mechanisms include bridge loans, either offered by debt funds or agency lenders with an exit into a Fannie Mae- or Freddie Mac-backed permanent loan or through balance sheet lenders looking at an exit into a permanent Commercial Mortgage Backed Securities (CMBS) loan. Multifamily assets also can benefit from additional government support through the U.S. Department of Housing and Urban Development (HUD). Most of these government-backed programs allow between a 75 percent to 85 percent loan-to-cost ratio, which means developers can fill larger portions of their capital stacks with cheaper debt capital. For example, the cost of capital for a bridge loan for a multifamily conversion can range from 4 percent to 7 percent with some or no recourse, compared to a simple hotel repositioning loan that costs 7 percent to 11 percent with some or no recourse. The cost of capital for permanent capital for a multifamily deal can range from 2.5 percent fixed for 35 years for a HUD loan to 3.5 percent fixed for 12 years with a 30-year amortization for an agency loan. While compelling from a pricing perspective, HUD loan transactions can be logistically challenging and often take four-to-six months to close. CMBS lenders also price effectively for multifamily loans,

offering 10-year, fixed-rate, interest-only loans at interest rates from 3.5 percent to 4.25 percent. Preferred equity and mezzanine capital are other options to finance a conversion.

TO CONVERT OR NOT CONVERT

To know if a hotel is a good candidate for a conversion play, a hotelier must first analyze the local market to gauge demand for multifamily. Converting a hospitality asset to a multifamily or another use is a permanent decision. Therefore, it is extremely important to avoid jumping to a permanent conclusion based on temporary market conditions. If the hotel is no longer needed in that market or the property is obsolete compared to new supply and the potential renovation cost to make it competitive is prohibitive, then conversion may be an option. If conversion is not an answer, there are additional solutions that can get a hotelier to the other side of today's turbulent waters, including bridge, rescue, and equity capital. Enlisting the expert help of a trusted intermediary who knows and has closed financing for both hotel and multifamily can help owners confidently weigh the pros and cons of all available options. ■



Rushi Shah is principal and CEO of the commercial mortgage and real estate investment banking firm and AAHOA Allied Member Mag Mile Capital. As a leader in

hospitality financing, Shah specializes in structuring and placing high-leverage, non-recourse bridge and permanent debt with cash out for full – and limited-service hotels nationwide. Since joining the firm's predecessor, Aries Capital, in 2015, Shah has structured and closed hundreds of millions in financing for all property types. Shah has held previous positions at Northern Trust and has an MBA from the University of Chicago's Booth School of Business.

Hope on the horizon for independent hotels

by ALFREDO ORTIZ

AFTER MANY MONTHS OF UNCERTAINTY, Americans are desperate to leave their homes for a vacation or a trip to visit family. Small businesses are looking forward to opening their doors without restrictions or regulations. Hoteliers are eager to have guests back in their hotel rooms in the coming months.

With the rollout of COVID-19 vaccines, these are no longer distant dreams.

For hotel owners and their employees, the past year has been challenging on all accounts. Among the hardest realities was the almost complete pause to domestic and international travel, leaving hotel rooms empty. Thankfully, according to Statista, hotel occupancy rates have made a significant increase since last April, when they fell to a low of 24.5 percent. Now, with the vaccine and increased bookings, this number will continue to climb.

While it's impossible to predict what the future might hold, access to a vaccine gives travelers the added confidence needed to hop in the car, book a flight, and secure their lodging.

HOLIDAY UPTICK

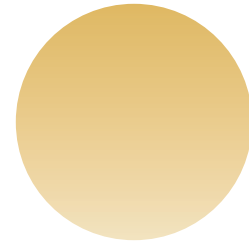
Even with international travel still limited, the holiday season proved to be a busy travel time for domestic travel in the U.S. According to data from the

Transportation Security Administration (TSA), the week of Christmas saw more than 1 million travelers per day, setting a new travel record during the pandemic. Before the new year, travel agencies and companies (including resorts) were seeing an increase in travel bookings for 2021.

According to RateGain, a technology company tasked with powering hotel bookings, hotels experienced a significant increase in reservations on December 11, the same day the Pfizer vaccine was approved by the U.S. Food and Drug Association. RateGain reported 9,512 transactions in the U.S., the largest number of daily bookings since the pandemic outbreak a year ago. What's better is the number reflected a similar number of sales per day seen in November and December of 2019. Popular destinations of bookings included Las Vegas, NV, Orlando, FL, Nashville, TN, Austin, TX, and New Orleans, LA.

GOVERNMENT ASSISTANCE

The vaccine, as expected, is a glimmer of light illuminating hotel hallways after months of darkness. However, many are still focused on recovering economically. While the latest round of COVID-19 relief through the Paycheck Protection Program (PPP) was welcomed, independent hoteliers know economic stability will return when rooms are filled.



According to the U.S. Small Business Association (SBA), The first passage of PPP granted more than 5.2 million loans totaling more than \$525 billion. The decision from Congress to pass another round of PPP funding at the end of December offered a second lifeline to many mom-and-pop shops to help keep their employees on the payroll and their doors open for business.

TRACKING DEMAND

In order to accelerate pre-pandemic activities for independent hotels, Google launched Travel Insights with Google, a platform aimed to provide data on booking trends and travel demand. This feature will greatly assist independent hotel owners as they plan to welcome more guests in the months ahead.

Small businesses in all industries are anxious for what the months ahead will bring. As more Americans are vaccinated, opening business doors without restrictions or regulations will become a reality. Hope for independent hoteliers is on the horizon. ■

Alfredo Ortiz is the President and CEO of the Job Creators Network.

Termination and liquidated damages during COVID-19

by MITCH MILLER, J.D., MBA

DURING THE CRISIS created by COVID-19, many franchisees are considering terminating their franchise agreements, as well as considering other options under their franchise agreements and the law. While franchisees do not have a right to terminate the franchise agreement, franchisors may choose to accept termination of the relationship. Typically, liquidated damages (LDs) are triggered by the premature termination of a franchise agreement. During the pandemic, LDs can still be enforceable but there are a number of strategies franchisees think they can use to compromise or possibly avoid the liquidated damages.

A franchisee's options are limited and not necessarily easy to accept. Let's discuss.

NEGOTIATED SETTLEMENTS

If a franchisee believes that termination is in their best interest, they should seek to do so forthrightly and proactively with an eye toward negotiating a compromise of the contractual LDs. Often, a franchisor will be willing to accept a negotiated

settlement in such circumstances, even sometimes paid out over time. Of course, the guaranty obligations of any of the franchisees must be considered in strategizing how to best approach a negotiated settlement. This also is true if a reorganization under the bankruptcy laws (Chapter 11) can be used and what that means for the guarantors.

When entering negotiations, distressed franchisees should consider whether termination is their best result or would some other arrangement, including deferral of fees, be desirable until travel resumes normal patterns. You may be able to negotiate a reduction in the royalty or other fees payable until the hotel begins operating at normal levels. These ideas may or may not be acceptable to your franchisor, but some franchisors are willing to listen to the concerns of their franchisees to support them and take a pragmatic approach where possible.

FORCE MAJEURE

Many businesspeople have a cursory familiarity with force majeure and believe that it

can be used to get them out of a contract. Unfortunately, the reality is that it probably will not work to get a franchisee out from under their contractual obligations.

Often, a provision in a contract known as "force majeure" excuses performance when events beyond the reasonable control of the parties makes performance virtually impossible. Usually, the express language of a force majeure provision details the specific types of events that will invoke the application of the provision and excuse performance at least until the circumstances making performance impossible return.

Keep in mind that many franchise agreements for existing hotels do not have force majeure provisions that excuse performance. Obviously, if the provision is not included, then a franchisee cannot make use of the potential benefits.

For those agreements that do include a force majeure provision, historically, a pandemic is not an event expressly set forth as an event that excuses performance. The courts have been grappling with this and to date there is certainly no

judicial guidance that would allow one to think that they can rely on using force majeure as an excuse. More likely, the provision includes government restrictions or regulations that make performance impossible. If government mandates are included in the language, then there is a good chance that a franchisee can use the mandate to excuse their performance, at least until the mandate is lifted.

Before we move on, it should be noted that franchise agreements that contemplate new development typically include force majeure provisions, but usually it only applies to the period of development and construction and typically *does not* allow a franchisee to altogether terminate the agreement. Performance would be excused if it is impossible to proceed due to government restrictions or other expressed applicable events, and only for so long as those conditions, or the delay, exist. An example might be that a franchisee cannot get workers on the job due to mandates. This would clearly trigger an excusable delay. Remember, to get any use, the triggering event beyond one's control must be expressly set forth in the agreement.

FRUSTRATION OF PURPOSE

Somewhat related to force majeure is a concept in contract law known as “frustration of purpose,” which, if applicable, could excuse a party’s performance. Usually, frustration of purpose results from a “frustrating event,” which is one that unexpectedly occurs during the term of the contract. The frustrating event must be seminal to the essence of the

agreement and must affect the parties in a way that is entirely beyond what they could reasonably have contemplated. The event cannot be attributable to one party’s performance and it must make further performance illegal, impossible, or at least radically different from that which was contemplated by the parties at the time the contract was made. The way some franchised businesses are going to have to operate going forward will be very different indeed, but whether this meets the “radically different” high bar remains to be seen, and we don’t yet know what stance the courts will take on this.

If frustration is proved, then the party is relieved from further performance of its contractual obligations. Keep in mind that this is very high bar a franchisee would need to overcome.

Both force majeure and frustration of purpose only concern an obligation being “impossible” to fulfil rather than no longer being practical or financially attractive. If fulfilling contractual obligations just becomes more expensive for one party, that is unlikely to frustrate the franchise agreement.

CHAPTER 11 REORGANIZATION

If applicable cap rates have increased 100 to 200 basis points and net operating income is down 35 percent, your property may only be worth 50 percent of its previous fair market value. While this may be temporary (as all market values always are), you may be a candidate for getting the loan written down to the current fair market value and discharging the franchise obligation and other unsecured debts for a fraction

on the dollar. One of the main benefits of this strategy is that as the property resumes its increase in value, the owners will be increasing their equity and not simply working to benefit the lender.

This process is somewhat complex and expensive, but the benefits can be substantial and frequently far outweigh the costs.

CONCLUSION

Don’t wait to receive a notice of termination to notify your counsel. Putting the franchisor on notice that you are represented by counsel, and by using your counsel to present your situation, before you end up being terminated or sued is likely to result in a far more favorable resolution for the franchisee. Yes, it will have a cost attached, but that cost is likely to be far less than the costs resulting from the alternative path.

Not all franchisors are equal or have the same policies regarding negotiation of agreement provisions. Some franchisors are more aggressive and hungrier for market share. They will be more amenable to negotiating the terms of the agreement. There is no clear path to success in dealing with franchisors, particularly during COVID-19. The stakes are substantial. The technical legal aspects of these agreements are complex requiring the experience and expertise of attorneys who work in this area.



Mitch Miller is the founder of the Miller Law Group, a full-service hospitality law firm representing

hotel developers, owners, and management companies throughout the U.S. Mr. Miller is a past member of the Franchise Law Committee of the California State Bar Association. Allied Memberships: CHLA, CLIA, AAHOA, NABHOOD, AHIA, and ICSC. For further information, contact Mitch Miller at mmiller@MillerLG.com or 650-566-2290.

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- 2A and 2B. Regional Director Naresh (ND) Bhakta and the Greater Los Angeles Area Region took part in a food drive to feed the homeless and hungry via Los Angeles Mission. GLAA also contributed \$2000 to a charity drive hosted by the Bhakta Youth of Southern California in Norwalk, CA.
- 3. Regional Director Hitesh Patel and members of the Central Midwest Region volunteered at a COVID-19 vaccination site.
- 4. AAHOA Lifetime Member and former board member Pratik Bhakta has been appointed Chairman of the Board of Adjustments for the City of Asheville, NC.
- 5. AAHOA Member Suresh Patel has been elected to a three-year term as a Board Director for Experience Grand Rapids.



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