

today's hotelier

AUGUST 2023 | todayshotelier.com

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**ADA
Lawsuits**
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Hospitality Financial
and Technology
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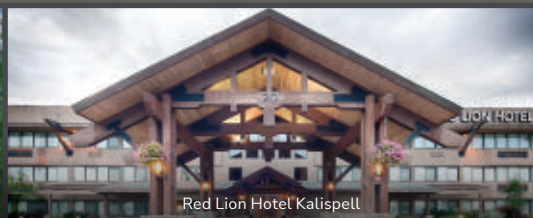
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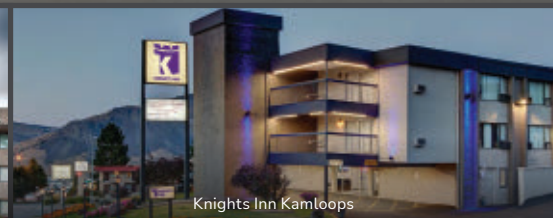
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5 Things to Know About AAHOA This Month

AAHOA UPGRADES ITS TECHNOLOGY VIA CUSTOM-CREATED MYAAHOA.COM

Recently, AAHOA launched a new member experience via MyAAHOA.com, which is now available to hotelier and vendor members. Rooted in bringing members increased access to AAHOA and the tools and resources you need to manage and make the most of your membership, the new MyAAHOA.com is streamlined, modern, secure, robust, customized to AAHOA, and easy to use. New features will be rolling out later this fall – stay tuned! [MyAAHOA.com](https://www.MYAAHOA.com)



SEVEN CITIES, SEVEN EPIC REGIONAL EXPERIENCES

The AAHOA Regional Conferences & Trade Shows take place in seven different cities across the U.S. this month. Each event includes top-level education, special guest speakers, a high-energy trade show floor, and the opportunity to forge connections with hotel owners from coast to coast. Immerse yourself in seven unforgettable Regional Conferences and explore some of the major metropolitan areas while you attend these events. **Register today: [AAHOA.com/Regionals](https://www.AAHOA.com/Regionals)**



SERVING WITH EXCELLENCE: HONORING THE AMAZING AAHOA AMBASSADORS!

AAHOA is proud to count on more than 300 ambassadors who are boots on the ground promoting the association’s mission, vision, services, programs, and values. Thanks to the unwavering dedication of these volunteer leaders, more AAHOA Members are participating in Regional Conferences & Trade Shows, Town Hall Meetings, Charity Golf Tournaments, advocating for the industry at the local, state, and federal levels, and more. A special thank you goes out to the AAHOA Ambassadors for serving with excellence.



GRAB YOUR CLUBS AND CHAMPION LOCAL CAUSES

Tee off at two of the country’s premier golf courses and champion local causes this month. The Northwest Region Charity Golf Tournament is on August 14 at The Reserve Vineyard and Golf Club in Portland, OR, followed by the North Carolina Region Charity Golf Tournament from August 26 to 27 at the Rocky River Golf Club in Concord, NC. Play rounds of friendly golf with fellow hoteliers and pay it forward in the community. [AAHOA.com/Golf](https://www.AAHOA.com/Golf)



THE 2023 HURRICANE SEASON IS HERE. ARE YOU READY?

August through October are peak months for hurricanes and tropical storms. Many AAHOA Member-owned hotels are located on or near the path of hurricanes. That’s why we urge hoteliers to have a plan and be prepared this hurricane season. Make use of AAHOA as a valuable resource to protect your families, guests, and properties from the impact of hurricanes by watching the video linked in the QR code included here.





BHARAT PATEL, CHO, CHIA
AAHOA CHAIRMAN (2023-2024)

“

Advocacy is the lifeblood of AAHOA. AAHOA Members have a vested interest in helping to ensure hotelier-friendly legislation is enacted and laws that could prove harmful to the industry are advocated against.”

Being part of the solution

“You must be the change you wish to see in the world.” - Mahatma Gandhi

HAVE BEEN IN THE HOTEL INDUSTRY SINCE THE 1980S. IN THE '80S, I WAS working for my family business. My parents owned a small motel in Corbin, KY, and then Daytona Beach, FL.

When I started owning my own hotels in Florida, there was a huge spotlight on hotel owners – and the thinking that hotel owners and operators were part of the problem when it came to scourges such as prostitution and drug dealing in hotels.

Police were conducting sting operations, so I decided to be proactive, help solve these issues, and show elected officials and police officers we were on the same team.

So, what did I do? I started building community relations. I joined the board of the neighborhood association and the police advisory board – both of which you have to be appointed to.

I started to form a relationship with the chief of police, the mayor, and the pastor next door, calling every hotel owner/operator to discuss increasing patrols, putting up cameras – whatever it took to reduce crime. I took part in a lot of civic participation and made sure the community knew hotel owners were part of the solution, not part of the problem.

Advocacy is the lifeblood of AAHOA. AAHOA Members have a vested interest in helping to ensure hotelier-friendly legislation is enacted and laws that could prove harmful to the industry are advocated against.

All of this starts with you. With your participation. With you being proactive. Our elected officials can't help us pass meaningful legislation unless we educate them on the issues that matter most. It's important that all AAHOA Members engage in the congressional policies because no one is left wondering why something didn't happen. When you don't engage, you can't complain.

It's also important to make sure you're covered from a legal and liability standpoint, as you can be held accountable for what happens on your properties.

That's why it is all of our responsibility to speak up and show the hospitality industry, our elected officials, and beyond, that we want to be part of the positive change we wish to see in our communities.

But, those changes can only occur if we work together to strengthen the hospitality industry and influence public policy. Build those relationships, get involved in your community, take advantage of the educational offerings AAHOA has to offer, and be proactive. ■



LAURA LEE BLAKE, ESQ.
AAHOA PRESIDENT & CEO

Staying vigilant against legal liability

“

Our actions today determine our success tomorrow. Let us stand together, united in our commitment to do the right thing, protect our businesses, and uphold the values that define AAHOA.”

AS AAHOA MEMBERS WHO OWN MORE THAN 60% OF ALL HOTELS IN THIS COUNTRY, it is necessary to address an important matter that requires our immediate attention—our collective responsibility to do the right thing and protect ourselves from potential legal liability.

As members of AAHOA, we are part of a vibrant and dynamic community of Asian American hotel owners who have worked tirelessly to build successful enterprises. However, with success comes increased scrutiny and potential legal risks. It is crucial that we address these risks head-on and take proactive measures to avoid legal liability.

In recent years, the hospitality industry has faced significant legal challenges, ranging from issues related to labor laws and discrimination claims to health and safety regulations. These challenges can result in financial losses, reputational damage, and emotional stress. We cannot afford to underestimate the impact of legal liability on our businesses and personal lives.

To ensure the continued success and sustainability of our businesses, we urge you to prioritize ethical practices, compliance with laws and regulations, and the well-being of your employees and guests. By doing so, we mitigate the risk of legal liability and foster a culture of trust and excellence within our industry.

Here are some steps to take as responsible hotel owners:

- 1. Emphasize education:** Stay informed about the laws and regulations governing our industry. Regularly review and update your knowledge to ensure compliance. Seek legal counsel or resources provided by AAHOA to address any uncertainties or questions.
- 2. Implement best practices:** Establish robust policies and procedures prioritizing ethical conduct, fair employment practices, and guest safety. Train your staff accordingly and provide ongoing guidance to ensure compliance throughout your operations.
- 3. Engage in responsible hiring:** Adhere to fair labor practices, including the proper classification of employees, paying fair wages, and providing a safe and inclusive work environment. Conduct thorough background checks and verifications during the hiring process to mitigate potential risks.
- 4. Foster a culture of compliance:** Leading by example, encourage open communication and reporting of any potential legal violations or concerns. Address issues promptly and take appropriate corrective actions when necessary.
- 5. Seek professional advice:** When facing legal challenges or uncertainty, seek guidance from qualified legal professionals for valuable insights that will help you navigate complex legal situations.

AAHOA is committed to supporting you in your efforts to avoid legal liability. We will continue to provide educational resources, legal guidance, and advocacy to ensure our members have the necessary tools and information to protect their businesses and interests.

Our actions today determine our success tomorrow. Let us stand together, united in our commitment to do the right thing, protect our businesses, and uphold the values that define AAHOA.

If you have any questions, concerns, or suggestions related to legal compliance or preventing legal liability, please reach out to our dedicated team or me personally. Your input is vital as we strive to create a safe and prosperous environment for all AAHOA members. ■



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Moving forward, together

Uniting to face the top concerns in our industry

by FRANK WOLFE, CAE

WHEN THE AAHOA TEAM HONORED ME WITH a request to share industry insights with its members, the starting question raised was, “What keeps you up at night?”

The industry tosses challenges at us every day. The latest seems to be “Is AI safe or not?” But, despite all these challenges, I fear our biggest challenge is the seeming demise of hospitality at its core.

One of the greatest advertising slogans of all time in hospitality is “We’ll leave the light on for you.” It was added, non-scripted, at the end of a commercial recording for Motel 6 almost 40 years ago. It also describes the hospitality industry with one of the greatest elevator pitches of all time. That one slogan says so many things to a guest: We welcome you, we want to protect you, we are eager for you to arrive, and we are committed to providing you service.

But, in today’s litigious atmosphere, it seems like our industry’s “lights” are being controlled by so many external forces it’s becoming almost impossible to serve the guest. Major companies in the industry do not like independence and penalize it. Those who take the most risk share less of the reward. It’s extremely difficult to develop long-term relationships with guests and staff when we must follow “rules” out of our control. We spend so much time working on internal issues caused by these forces we can’t keep our focus on the guest. For example, I’m writing this column from a branded hotel, connected to the hotel’s high-speed internet. During the sign in process, I had to read some legalese and agree not to share intellectual property downloaded over the hotel’s servers. How tragic we must treat our guests like potential criminals just to use the internet.

One of the greatest things about running a non-profit association in the hospitality industry is the opportunity to work with other like-minded organizations like AAHOA. HFTP and AAHOA are two

associations who succeed via strong networks. These networks are made via families, colleagues, and industry segments.

At our core, we’re driven to help each other succeed in a way of life that can be rewarding and profitable. Both associations have high ethical standards and place great value on relationships. As members of the hospitality family, we’ve been entrusted with securing the future of the industry. While we face many challenges from labor shortages, legal issues, developing appropriate education, and regulatory issues, we need to ensure we do our best to protect our industry and “leave the light on” for the next generation.

AAHOA and HFTP are working together as friends to preserve the industry and move it forward. While it’s an arduous task requiring a considerable amount of effort, there are several opportunities for us to keep hospitality — *hospitality as we know it*.

1 Education and information: Continuing education programs and news and information resources – whether virtual, in-person, or part of your regular reading rotation – relay current trends, regulations, technological advancements, training, and more. Understanding the evolving landscape will help you adapt and make informed decisions to preserve the industry, and help you offer a better guest experience.

2 Innovation: Identify opportunities for implementing new technologies, processes, or business models enhancing efficiency, productivity, and competitiveness. Often, the upfront investment is high, but the long-term return exceeds many times the initial investment.

3 Collaboration: With a shared interest in enhancing and progressing the industry, the partnership of our associations and their stakeholders (and other friends and family) puts into play an extremely valuable network of expertise covering multiple segments.

As an individual, be sure to collaborate with industry peers, family members in the business, and guests to address challenges and pain points. Such efforts will overall strengthen the industry.

4 Embrace innovation: Embrace technological advancements and innovation for hospitality. Identify opportunities to incorporate these, because innovation can help your business stay relevant and adapt to changing market demands.

5 Advocate for the industry: Nobody does it better than AAHOA!

6 Invest in education and talent development: Support education and training programs to develop a skilled workforce. The more education you can offer an unskilled workforce, the greater sense of loyalty is established, making it easier to retain the trained employees.

7 Promote public awareness and perception: Let your community know how your company positively impacts your area. This not only is great for your business, but it helps draw awareness and interest in the hospitality industry.

These suggestions for keeping our industry relevant and hospitable aren't exhaustive. However, implementing them can create much goodwill and move the industry forward. In the words of the famous Motel 6 commercial, implementing these will "keep the lights on for you."

Frank Wolfe, CAE, is the CEO of Hospitality Financial and Technology Professionals (HFTP®), an allied association of AAHOA. He has served the hospitality industry for more than 40 years and received many honors, including Association CEO of the Year, HFTP Paragon Award, Honorary Alumni of the Conrad Hilton College at the University of Houston, inductee to the HFTP International Hospitality Technology Hall of Fame, Forbes Business Thought Leader, and has been recognized as an industry champion of education.



Frank Wolfe, CAE
 CEO, Hospitality
 Financial and
 Technology
 Professionals (HFTP®)

Low hanging fruit

Serial plaintiffs and their attorneys continue to find ADA lawsuits to be easy pickings

by NICK FORTUNA

ADA

IF A DISABLED PERSON can't find accessibility information on a hotel's website but never planned to visit that property in

the first place, has she really suffered discrimination? The Supreme Court is scheduled to rule on that issue during its next term, which begins in October, a case that's being closely watched by hospitality groups across the country.

In March, the Supreme Court agreed to hear the case of *Acheson Hotels v. Deborah Laufer*, which involves a plaintiff who has brought approximately 600 lawsuits against hotels in a number of states. At issue is whether a self-appointed

Americans with Disabilities Act (ADA) “tester” has Article III standing to sue when hotels fail to provide accessibility information online.

A ruling for the plaintiff would deal a substantial blow to hoteliers, who already have been plagued by disability lawsuits for years, according to David Raizman, a Los Angeles-based attorney specializing in ADA lawsuits. Raizman said many of his firm’s large hospitality clients have been hit by multiple ADA lawsuits over a number of issues, including the accessibility and content of their websites.

When plaintiffs win their cases, hotels must correct any accessibility issues brought to light. In addition, plaintiffs typically can seek monetary damages and attorneys’ fees, making ADA lawsuits potentially lucrative for both plaintiffs and their lawyers, Raizman said.

“This is a huge issue for the hotel industry,” he said. “A large number of cases are brought by a small group of people, but that group is growing now because it’s so profitable. You don’t even have to go

to these hotels; you can just look them up online and hit 30 hotels in a day.”

Some ADA lawsuits, of course, are brought by plaintiffs who truly have been aggrieved, Raizman said. In some cases, disabled guests reserve handicap-accessible rooms but arrive to discover that none are available. In other cases, guests are unable to shower or use the restroom because the hotel hasn’t installed grab bars or roll-in showers as required by the ADA.

Complicating matters, disabled guests sometimes receive poor treatment from busy hotel workers when they complain or seek help, making their cases more compelling in court, Raizman said.

“You’re probably not going to stop the professional plaintiffs, but good customer service is always the best path toward avoiding litigation when it comes to people who’ve been aggrieved,” he said. “Juries

and judges can be very sympathetic to claims that seem sincere and legitimate, and the emotional content associated with the claim is likely to make it more expensive and more difficult to resolve and win.”

ANY HOTEL MAY BE TARGETED

Serial plaintiffs and their attorneys may go after large hotel chains, figuring that publicly traded companies can afford to settle a case quickly and move on, according to Todd Rosenbaum, a New York-based attorney representing hotels in ADA lawsuits. Others target independent hoteliers, who may not know the finer points of ADA compliance or lack the resources to defend themselves in court, he added.

“I think it’s more of a burden on independent hotel owners and operators than it is on the larger conglomerates because their pockets just aren’t as deep,” Rosenbaum said. “Whereas a large hotel company may be able to settle multiple lawsuits, if an independent hotel is sued numerous

Strong Roots

While by no means a comprehensive list, here are a few key areas hoteliers want to be certain they’re addressing to ensure they’re fully within ADA compliance.

1. Verify your property’s website is compatible with screen-reader software.
2. Ensure your property’s website can be navigated solely with a keyboard.
3. Include captions for all photos, videos, and other graphics.
4. Post accessibility information clearly on the property’s website.
5. Enable abundant and easy-to-use handicapped-friendly access points for parking, as well as on-property navigation – including check-in.
6. Design rooms to be easily navigable by guests in wheelchairs.
7. Provide in-room safety features such as grab bars and seats in the showers.
8. Supply ample seating in restaurants and bar areas for guests in wheelchairs.
9. Train staff on what can and can’t be asked of a guest checking in with a service animal.

times, damages could be significant, and that's in addition to the cost of hiring a lawyer."

Compared with other businesses, most hotels are "ahead of the curve" when it comes to ADA compliance since operators are well-versed in the specific requirements for hotels, Rosenbaum said. That awareness has led many serial plaintiffs and their lawyers to focus on hotels' websites instead of on the properties themselves, he said.

ADA lawsuits targeting hotel websites generally focus on two issues: inaccessibility and failure to disclose accessibility information as required by the ADA, Rosenbaum said.

For example, hotel websites should be compatible with screen-reader software that reads the website's contents aloud to visually impaired users. Sites also shouldn't require the use of a mouse to make a reservation since many with visual impairments use their keyboard to navigate websites. Similarly, photos, videos, and other graphics should include captions.

"Those cases have been booming for many years," said Minh Vu, who leads the ADA Title III defense team at Seyfarth Shaw, LLP. Last year alone, there were 3,255 lawsuits filed in federal court over website accessibility, and hotels accounted for many of those cases, she said. A sizeable portion was brought by visually impaired users who were unable to book a room online, she added.

Hoteliers should ensure their websites – and those of third parties such as online travel agencies – make accessibility information easy to find, Rosenbaum said. That information should detail safety features such as fire alarms and phones that light up to alert hearing-impaired guests. Other topics to cover include the physical dimensions of guest rooms and bathrooms, egresses and ingresses, the width of hallways and access to amenities.

Accessibility information should be displayed on all relevant sections of the hotel website. Additionally, there should be a separate link labeled "accessibility" that takes users to a section of the website devoted to this topic. That section should include contact information for someone

in the front office who's been trained to answer questions about accessibility, and the email address provided should be different from the one used for general inquiries, Rosenbaum said.

ONE-STOP SHOP

Hotels are attractive targets for ADA lawsuits for several reasons, including that guests simply stay there longer than at a restaurant or retail store, according to

Stuart K. Tubis, a San Francisco-based attorney representing hotels in ADA lawsuits.

The ADA spells out myriad requirements for hotel guest rooms and restrooms, but properties also must ensure accessibility at their restaurants, convenience stores, pools, spas, gyms, and other facilities, he said.

"There's just a lot going on at hotels," Tubis said.

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Common issues leading to ADA suits against hotels include inaccessible parking, front desks, restaurants, and guest-room bathrooms, Tubis said. Handicapped parking must be flat and properly marked by signage and painted stripes on the asphalt. People using wheelchairs must have a clear path from the parking lot to the entrance, including any necessary curb cuts.

The front desk should have a section that's low enough for a person in a wheelchair to fill out forms and complete the check-in process, Tubis said.

Bathrooms inside guest rooms should be spacious enough so disabled guests can easily maneuver their wheelchairs. Restrooms also should be equipped with grab bars and shower seats, and the pipes below sinks should be wrapped or situated so people in wheelchairs who can't feel their legs don't sustain burns or scrapes, Tubis said.

Each type of seating in a hotel restaurant or bar should have space allocated for disabled guests, said Vu of Seyfarth Shaw. Wheelchairs must be able to fit underneath tabletops, and those tables must be low enough so people in wheelchairs can eat comfortably. Many hotel bars lack a lowered section for disabled guests, Vu said. In other cases, bartenders were never taught what those sections are designed for, so they use them to store bottles, glasses, and other commonly used items, she said.

"That's probably the most surefire violation," Vu said. "You can almost count on it."

CANINE COMPANIONS

The increasing use of service dogs presents another complication for hoteliers, Vu said. Some people with service animals may have a disability that isn't readily apparent, such as a mental-health issue. In some cases, dogs have been trained to detect when their owner is about to have a seizure, or even to remind their owners when to take their medication, Vu said.

Under the ADA, service dogs are allowed to accompany their owners wherever they go in a hotel other than the swimming pool, and they're not required to wear a special vest or anything that differentiates them from a common pet, Vu said. Hotels are prohibited from charging pet fees for

“

You're probably not going to stop the professional plaintiffs, but good customer service is always the best path toward avoiding litigation when it comes to people who've been aggrieved.”

service animals or requiring guests to fill out additional forms, she added.

Hotel workers should be trained to ask only two questions of guests who have a dog but don't appear to be disabled, Vu said. The first: Is that dog a pet, or is it needed because of a disability? The second: What type of work or task has that dog been trained to perform?

The delicate nature of these discussions underscores "the importance of training public-facing employees on key issues such as this," Vu said.

"There does appear to be a need for more education among hotel operators about service animals, in my view," Vu said. "There are all sorts of disabilities that are very hard to verify, and there are hotels that will ask for paperwork for a service animal or will try to charge pet fees. If the person is able to identify the work or task that the dog has been trained to perform, that's pretty much the end of the discussion."

To prevent lawsuits, Tubis said hoteliers should have ADA attorneys perform periodic audits of their properties to identify and correct accessibility issues. But, even when hit with ADA lawsuits, hoteliers shouldn't feel pressured to settle immediately, he said.

"There are defenses against these claims, and we've successfully filed motions to have these cases knocked out of the courts," Tubis said. ■

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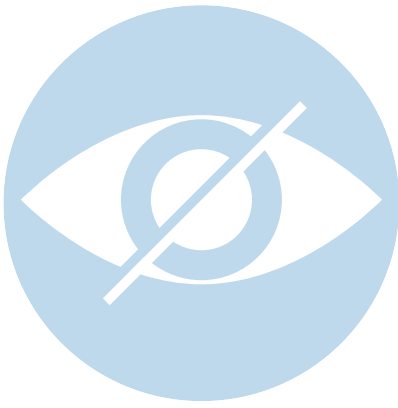
Creating a property
that's in compliance
and welcoming to all

by TOM GRESHAM

COMPLYING WITH THE requirements of the American Disabilities Act (ADA) is essential for hotels today, but that isn't the only reason accessibility needs to be a priority for those in the lodging industry.

"Hoteliers should want to ensure their properties emphasize accessibility because it promotes an atmosphere of inclusion that can be spread throughout the community," said Victor Felix, director of content and compliance for BlueDAG, which provides software solutions to aid ADA compliance. "In addition, there's an economic benefit to it as well. By not focusing on accessibility, you're essentially limiting your client base. As a business, why would anyone want to do that? In business, accessibility equals revenue."

WELCOMES



“

Felix said the most overlooked accessibility features in hotels include communication features and equipment for individuals who have hearing impairments or who are deaf.”



Michelle Winnecke, associate principal with LCM Architects, said it just makes sense to offer “equitable space for the widest audience possible.” The number of guests who have accessibility needs is growing and includes many who weren’t born with a disability but whose needs emerged during the aging process, said Doug Anderson, partner with LCM Architects.

“The buying power of people with disabilities is a lot higher than what people might imagine,” Anderson said. “And, with the aging baby boomer population, the need for accessible rooms is increasing.”

KEY FEATURES

Felix said accessible parking and loading and unloading zones for guests are among the key ADA requirements. Anderson said accessible routes to the entrance and accessible parking requires attention to detail and vigilance as sidewalks



and wheelchair ramps age and break down and lines grow faded. A fully compliant parking lot when a hotel opens won’t stay compliant without the proper attention, Anderson said. In fact, he said the No. 1 accessibility violation complaint in Illinois, where LCM is based, is parking.

Inside the lobby, hotels must consider accessibility in the check-in process. For instance, high check-in desks can create challenges for some guests, such as those who use a wheelchair. Anderson said the issue isn’t just related to reach but pertains to allowing a guest to have adequate eye contact with the person behind the desk.

Guest rooms must meet required mobility features in the sleeping space and the bathroom. For example, Felix said hotels must provide a clear floor space that runs parallel to the bed on both sides of the bed or a single space between two beds. In the bathroom, Felix said a roll-in shower that meets dimension requirements, provide controls within easy reach, while also including grab bars, is important.

Winnecke and Anderson emphasized that hotels should offer accessible rooms across their different categories of rooms. For instance, a guest who uses a wheelchair should have the ability to book a suite or standard room or a room with a balcony rather than be limited to one category. Larger resorts with many different room types are the most likely to overlook that requirement, Winnecke said. Sometimes, she said, LCM encounters hotels that have stacked all their accessible rooms in one tier and believed that would be sufficient.

Felix said technological advancements have made some

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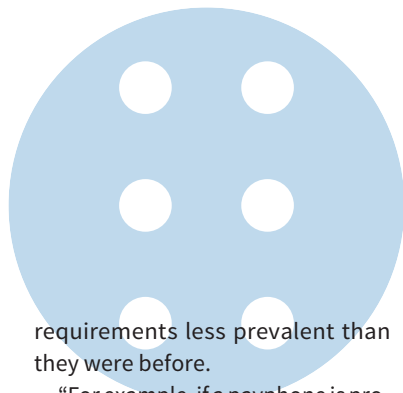
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requirements less prevalent than they were before.

“For example, if a payphone is provided, it must comply with accessibility requirements, even though we probably haven’t seen a payphone in years, thanks to everyone carrying a cellphone now,” Felix said. “If specific elements are provided, then the requirements that are in place still apply.”

OFTEN OVERLOOKED

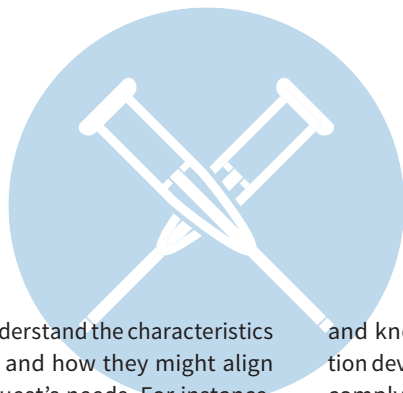
Felix said the most overlooked accessibility features in hotels include communication features and equipment for individuals who have hearing impairments or who are deaf. Transient lodging facilities are required to offer guest rooms with communication features, according to the ADA.

“The required number of rooms with communication features is determined by the total number of guest rooms provided at the facility,” Felix said. “An example of such a feature would include visible notification devices for incoming telephone calls and doorbell activations.”

Accessible-compliant shower chairs is another frequently overlooked detail, Anderson said, such as chairs that aren’t stable or fixed or are difficult for guests to transfer onto. Another occasional shortcoming is bathroom storage space, including where towels are located. Winnecke said LCM often encounters hotels that have its bathroom towels hanging on grab bars.

“The largest number of issues usually exist in the bathroom,” Winnecke said.

Winnecke said LCM frequently has surveyed hotels and found the operator doesn’t even have a list of their accessible rooms. Or, they can identify their accessible rooms, but they



don’t understand the characteristics of them and how they might align with a guest’s needs. For instance, someone with mobility issues has different accessibility needs than someone who is deaf.

“Sometimes, the employees don’t know the difference between a mobility-accessible guest room and a guest room with communication features,” Winnecke said.

Anderson said limiting accessibility options can undermine the experiences not just of the guests who have accessibility challenges but with their fellow travelers.

“The bigger brands do a better job of keeping detailed information on their websites about the features of their accessible rooms, which helps people make informed choices,” Anderson said. By implication, this requires independent properties to be hyper vigilant about ensuring accessibility information is readily available, and easy to locate, on their websites.

CONTINUED COMPLIANCE

Anderson said compliance starts with the design of a property – both during initial construction or a renovation – and an emphasis on accessibility in that stage of the process. Once a facility is built, experts should review the property with a punch list to make sure all the accessibility features are in place. Then, Anderson said, it’s about monitoring accessible features, making sure everything is maintained and properly operating.

Once a hotel is operating, Felix said “staff training is crucial to ensuring an ongoing focus on accessibility.”

“Having staff understand how to accommodate an individual’s request for a specific type of room,



and knowing if a mobile communication device is used to make a guest room comply with communication features – including making the staff aware that they even have the device and how to use it – is vital to serving clients better,” Felix said.

A change in ownership or changeover in staff can lead to successful accessibility features being forgotten or ignored.

“Continuation is important because you may have those accessible features right when it’s built or renovated, but it becomes a big problem if it isn’t maintained properly,” Winnecke said. “If you have employees who have been trained properly, and your facilities are maintained regularly, it’s much better for your guests.”

Anderson said he recalled hearing of an instance when a staff member told a guest who had arrived using a scooter as a mobility aid that he couldn’t use the scooter inside because the carpets had just been cleaned.

“That’s just training,” Anderson said. “Your first line of defense for a lot of this is making sure staff know what the requirements are when working with people with disabilities.”

Frontline staff without the proper training can place guests with accessibility challenges in the wrong rooms and then struggle to help rectify their mistake, leading to highly frustrating experiences for those guests – not to mention exposing the hotel to a raft of potential legal problems.

“Accessibility features make a world of difference to the enjoyment of a person’s hotel stay, and we’ve heard that from a lot of folks,” Winnecke said. “So, it’s important for a hotel owner to make sure that these accessibility features are provided in their hotel. You want all your guests to enjoy what you have to offer, and the difference between a so-so vacation and a great vacation for many guests is having these features available.” ■

A momentous meeting

AAHOA leaders attend Prime Minister Narendra Modi's state visit to cement U.S.-India ties

by EVELYN HOOVER



EARLIER THIS summer, AAHOA leaders and members attended Prime Minister

Narendra Modi's state visit to Washington, D.C., to strengthen ties between the U.S. and India. AAHOA Chairman Bharat Patel, Vice Chairman Miraj Patel, Treasurer Kamalesh (KP) Patel, Secretary Rahul Patel, and Immediate Past Chair Nishant (Neal) Patel represented AAHOA's 20,000 hotelier members as guests during the White House South Lawn welcome ceremony and Prime Minister Modi's joint address to Congress.

"The hotel industry has long provided thousands of first- and second-generation immigrants from India an opportunity to achieve the American Dream of entrepreneurship," said AAHOA Chairman Bharat Patel. "As the most populous country in the world and the crossroads of the Indo-Pacific region, India is a critical player on the world stage and an important U.S.

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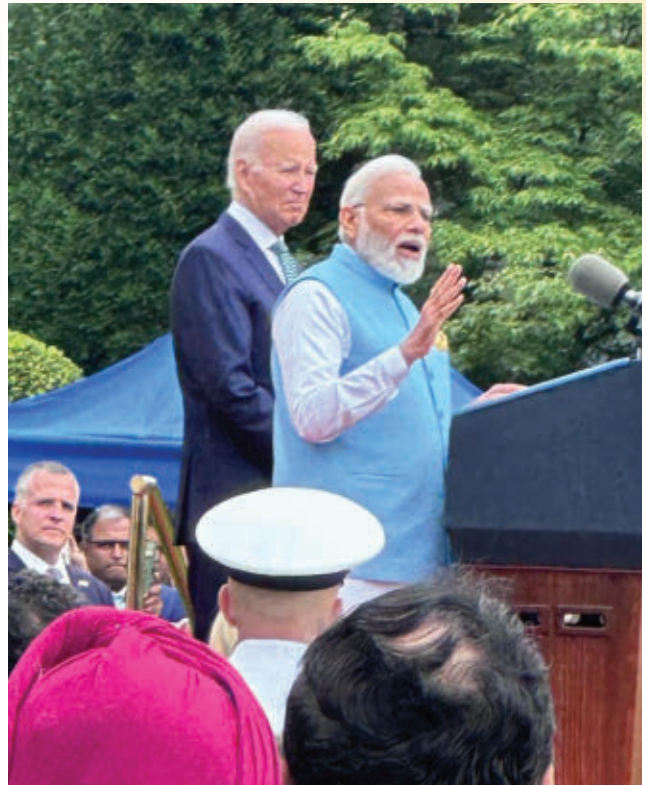
ally. As members of an industry founded on hospitality and personal relationships, AAHOA leaders were honored to represent one of the most important industries to the Indian American community and our nation's economy."

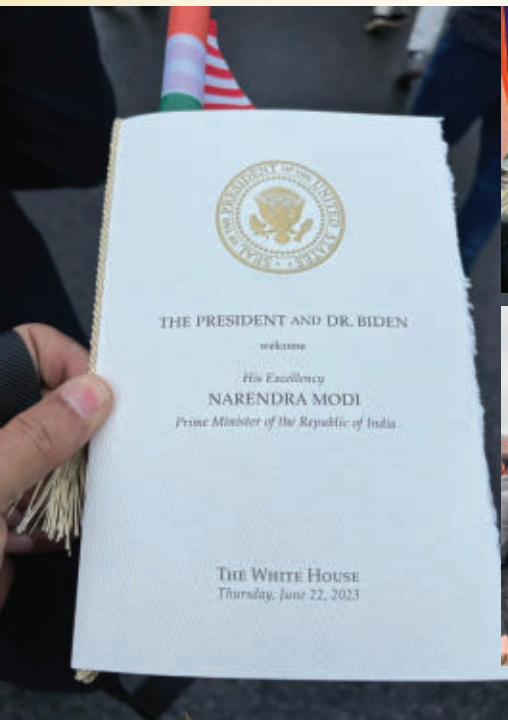
THE TIES THAT BIND

AAHOA leaders used this historic visit to reiterate their commitment to strengthening the partnership between the two countries. They urged lawmakers to eliminate caps on the H-2B visa program, which would encourage more of India's talent to come to the U.S. for career opportunities.

"As Prime Minister Modi said in his address to Congress, Indian Americans' talents and skills have 'shown the potential of our partnership.' The U.S. and India need look no further than the hotel industry, where AAHOA Members own 60% of U.S. hotels and are responsible for 1.7% of the nation's GDP," said AAHOA President and CEO Laura Lee Blake. "We believe more people from India should also have the opportunity to come to the U.S. and achieve the American Dream. That's why we urge lawmakers to eliminate caps on the H-2B visa program so there are no constraints on addressing employers' needs for additional seasonal workers. A stronger U.S.-India partnership will open doors for increased collaboration and investment, which will benefit both countries and ultimately the global community."

AAHOA represents 20,000 hoteliers of primarily Indian descent who want to see a new era of possibilities between the two countries. ■





“What they’re saying about attending Prime Minister Modi’s state visit:

“It was an incredible honor to witness Prime Minister Narendra Modi’s Joint Meeting of Congress in the House Chambers, as he delivered a visionary address emphasizing the importance of bridging nations, inspiring change, and creating a better future through innovation, sustainable development, and collective action,” said **AAHOA Vice Chairman Miraj Patel**.



“My wife and I were in the room for Prime Minister Modi’s joint address to Congress,” said **GJ Zala, AAHOA Lifetime Member**. “It was an unforgettable experience. Prime Minister Modi emphasized the importance for both countries to grow their relationship, and people on both sides of the aisle clapped nonstop throughout the speech. I see a lot of possibilities for hoteliers in India and encourage AAHOA to continue spearheading delegations to the world’s largest democracy.”



“It was a mind-blowing experience. I was really touched that India and the U.S. got together in this way,” said **Vibhuti Panchal, AAHOA Lifetime Member**. “As hoteliers, a lot of our hospitality knowledge and roots come from India. We learned how to make our guests a priority in India and carried that same level of customer service to the U.S. Prime Minister Modi’s visit will enhance the collaborative efforts between both countries, ensuring future hoteliers who take over family-owned hotels thrive.”



“It was an honor for me to be in attendance and let the Prime Minister know how thankful we are for everything he’s doing to continue to strengthen the partnership between the U.S. and India,” **Sawan Patel, Past Southeast Texas Regional Director (2018-2021)**, said. “There were families representing three generations at this incredible event. It was special for me to see a lot of parents and kids together witnessing this moment.”





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Don't go it

Embrace your legal support system and prevent disaster

alone

by DARSHAN PATEL, ESQ.

OWNING AND OPERATING A HOTEL CAN BE HIGHLY PROFITABLE, BUT THERE ARE VARIOUS LEGAL CHALLENGES hotel owners must navigate to safeguard their investment. From adhering to local ordinances and employment laws to ensuring guest safety, understanding and addressing these matters is crucial. This task is particularly daunting for independent hoteliers who don't have access to franchisor guidance. Today we will explore three fundamental legal categories, so you have the information you need to be proactive rather than reactive. This will enable you to identify vulnerabilities and take steps to mitigate your risk of legal liability.

“

From adhering to local ordinances and employment laws to ensuring guest safety, understanding and addressing these matters is crucial. This task is particularly daunting for independent hoteliers who don't have access to franchisor guidance.”

1

ORDINANCES AND REGULATORY COMPLIANCE

Keeping up with the ever-changing landscape of laws targeting hotel owners can be overwhelming. These regulations encompass labor ordinances, building codes, ADA guidelines, health and safety standards, and more. For independent hoteliers who lack a legal support system, staying informed about regulations is nearly impossible. By joining a network larger than yourself, such as local hotel associations, law firms, or legal group chats, you can stay updated of laws affecting your business. Non-compliance with even a single regulation can lead to fines, closure, or lawsuits.

Step two: Once you're aware of the relevant laws, you must take action. Turning a blind eye or waiting for legal papers isn't a viable strategy. If you're unsure about the best approach to achieving compliance, reach out to your hotel network. Find a legal professional who understands the hotel business and is willing to offer free advice., just like the writer of this article.

2

EMPLOYMENT AND LABOR LAWS

Hotel owners face complex labor laws that govern various aspects of their operation, including hiring, wages, working conditions, and termination procedures. Compliance with these laws is essential to avoid lawsuits and penalties. Regularly reviewing employment policies, contracts, and practices can help mitigate risks and foster a fair and safe working environment.

Regardless of whether you're an independent or franchise hotelier, staying on top of your human resources is crucial. Waiting for a lawsuit before you implement the correct policies will only lead to greater financial stress. Lean on your legal team to guide you on best employment practices and they'll draft the necessary documents for your employees to sign. If you don't have an employee handbook, you need one. It outlines all your policies and procedures to protect you from lawsuits and will act as your first line of defense in the event of a lawsuit. Employees should sign handbook acknowledgment forms

confirming their understanding of the hotel's policies. This approach will protect you from employee complaints related to discrimination, wrongful termination, lack of meal breaks, overtime, etc. However, it's essential for you and your management staff to adhere to the protocols outlined in the handbook for it to be effective.

There are several more employment documents that you should have in place, including onboarding and offboarding materials, performance documents, on-duty meal agreements, on-site employee contracts, and arbitration agreements. The importance of being proactive cannot be overstated. With the guidance of a legal professional, you can navigate through the required employment documents and operational practices necessary.

GUEST SAFETY AND INJURIES

Ensuring guest safety should be a top priority for hotel owners, because failing to do so can lead to significant legal consequences. Hotel owners must implement adequate security measures, maintain functioning fire safety systems, and regularly inspect their property to prevent accidents and injuries. Promptly addressing safety concerns and maintaining detailed

records can serve as valuable evidence in case of legal disputes.

Among the most common guest lawsuits in the hospitality industry are those related to bed bugs, and slip and fall injuries. While franchisees typically have quality standards and a complaint resolution process in place, independent hoteliers have the advantage of determining their own training and protocols. Independent hoteliers aren't obligated to use expensive companies for bed bug services or give refunds to guests with false complaints. Meet with a legal professional to implement a plan to prevent personal injury lawsuits.

Independent hoteliers, you are not alone. But, in today's litigious society, you must understand and comply with regulatory requirements, employment laws, and safety measures to mitigate your risk of liability. Rely on your legal support system and take the steps necessary to maximize your bottom line. ■



Darshan Patel is the Principal Partner of DPA Attorneys at Law, a firm specializing in hospitality law. As a seasoned hotel owner and developer himself, Darshan established a law firm that approaches legal matters from a business owner's perspective. Under his leadership, DPA Attorneys has established a reputation of trust, efficiency, and effective defense.



TRANSFORMATION

Breathe new life into an old commercial property

time

by STEPHEN OVERCASH

ONE OF THE HOTTEST trends in the hotel industry is repurposing buildings for hotel use. Transforming existing buildings makes economic sense and can enhance the guest experience. Many building types are appropriate candidates for conversions to hotels, but the most opportunities are discovered in office buildings. According to CBRE, there currently is more than a 17% vacancy rate in office buildings, the highest vacancy rate since 1993. Developers are

looking for different uses to breathe new life into these structures. If positioned in appropriate locations, hoteliers can creatively adapt these structures into hotels, including limited-service, full-service, and boutique hotels.

EVERYONE WINS

Repurposing existing commercial buildings has advantages, including minimizing construction costs, reducing construction schedules, and minimizing environmental impacts. The existing structures often have a history that can be celebrated as part of the guest experience. In Asheville, NC, David Tart, a partner with Raines Development, transformed a steel foundry that had forged steel for the construction of Biltmore Estates into an 87-key boutique hotel, which can be seen in the accompanying image. Brick interior walls and arched windows create a unique guest experience that illustrate the history and authenticity of the steel foundry. Plus, historic buildings often qualify for national and state historic tax credits, adding to the bottom line of the developer's proforma.

LOGICAL CONVERSIONS

In the coming years, there will be an abundance of office buildings available as pre-pandemic leases expire. If the buildings have appropriate column bay spacings, and building depths, most office buildings can be efficiently converted for hotel use. ODA Architecture currently is transforming office buildings in Greenville, SC, and at the BWI airport to hotels. Repurposing can save months of approval times and construction schedules. Office buildings



require more parking than hotels, leaving large parking lots available for the development of additional hotels, restaurants, residential, or other complementary amenities.

Urban retail buildings/department stores, mills, jails, schools, hospitals, and churches all can be creatively adapted to hotels. These buildings tell local stories that provide for more memorable stays, as well as pay tribute to the history and character of its setting. Saving sentimental buildings and transforming them for hotel uses often garners favor and advocacy with local historical and planning boards.

Adaptive use of existing buildings to hotels is also beneficial to the environment. According to Gensler, new construction annually contributes 11% to global carbon emissions. Converting existing buildings cuts that percentage by 90%. Demolition of existing buildings creates large amounts of debris for landfills. Repurposing buildings generates 10% of the construction debris created by demolition of existing buildings.

CHALLENGE ACCEPTED

Converting buildings to an alternative use can have many challenges. Every empty building isn't necessarily a candidate for a hotel. Developers and architects should provide extensive due diligence before committing to a conversion. Market studies need to be performed to ensure the feasibility of the project.

The building needs to be analyzed for an efficient layout of the typical floors,

dependent on the location of the building core and the column spacings. Analyzing the building's structural system determines whether any major modifications will be necessary. Hazardous materials often are present and must be abated before repurposing can begin.

Meeting national energy codes can add construction costs. Many older buildings don't meet modern fire safety standards or the Americans with Disabilities Act requirements. Remediation of these deficiencies to conform to current codes adds construction costs.

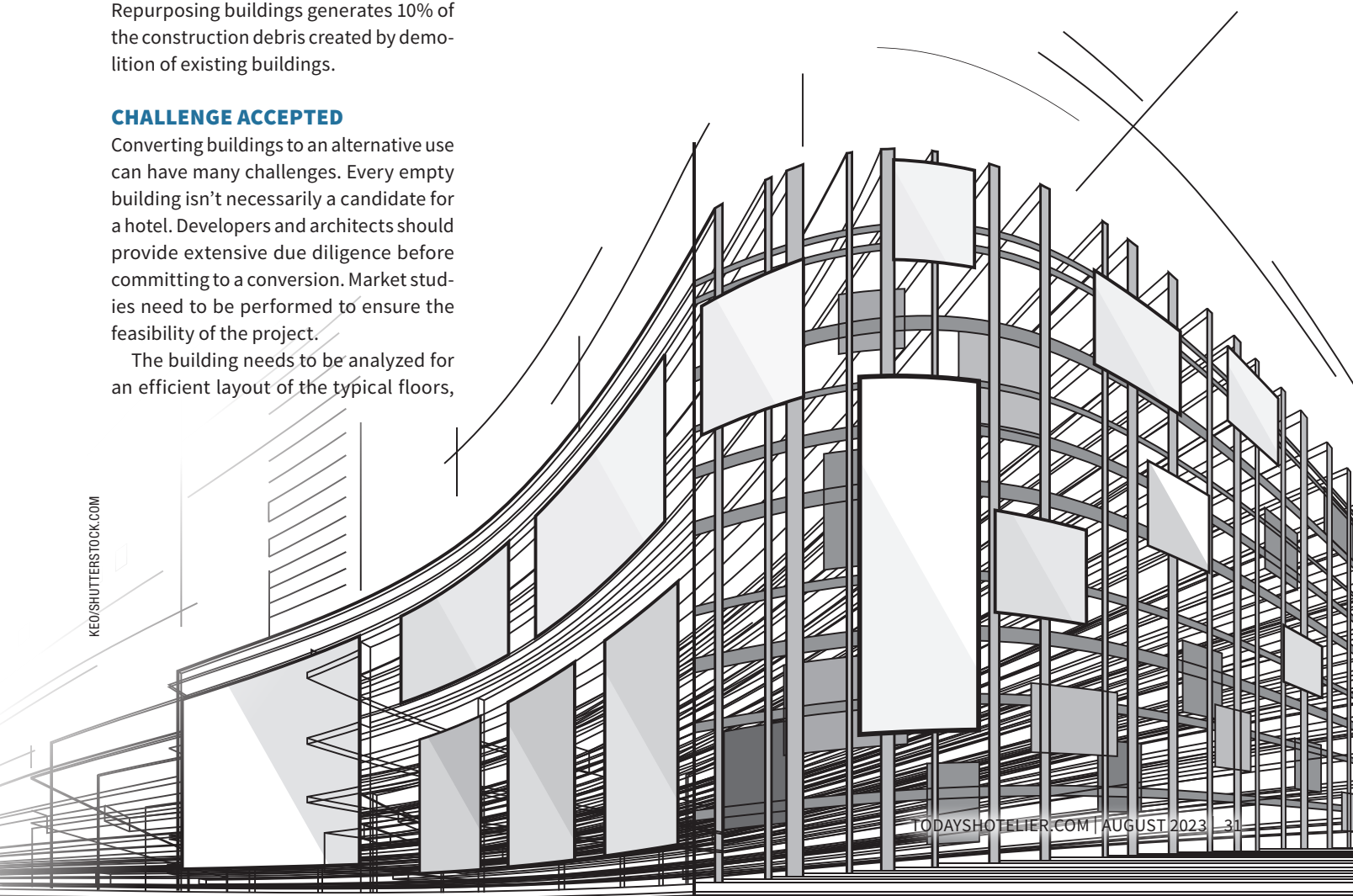
The next generation of travelers and hotel guests are seeking unique and rewarding experiences. Staying in a hotel that has modern-day conveniences while boasting a rich history with many stories to tell will enrich the guest's experience. These experiences differentiate adaptive use hotels in an increasingly competitive

environment for hotel guests. Vision, creativity, and experience are essential to successful adaptive use hotel projects. When completed, these unique, repurposed hotels are very rewarding for the hotelier, the local community, and the environment. ■



Stephen Overcash is managing principal for ODA Architecture. He can be reached at (704) 905-0423 or sovercash@oda.us.com. ODA Architecture, established in 1984 has provided architectural expertise to clients for more than 38 years in Charlotte, N.C., and throughout the eastern United States. ODA's foundation is built on a collaborative and entrepreneurial environment that puts the client first to produce an outstanding experience and FUNominal Design.

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FOUNDATION

Why are legal fees higher to close a CMBS transaction compared to a bank loan?

by RUSHI SHAH

“

Many borrowers complain that CMBS loan documents are too onerous and unnecessarily complex. Actually, this thoroughness ensures clarity and eliminates uncertainty of outcome.”

A **T THE HEART OF A COMMERCIAL REAL ESTATE FINANCING TRANSACTION** is the loan documentation. The complexity, flexibility, and legal fees incurred to prepare and navigate varies by transaction type. Legal fees can range from \$10,000 to \$15,000 for a regular bank loan and \$25,000 to \$35,000 for CMBS financing. Let’s explore the nuances that drive this cost difference and why, in many situations, the benefits of a CMBS transaction type can be worth the higher legal expense.

PREDICTING THE FUTURE

To better understand the reasons behind the higher legal costs for CMBS financing, let’s look at the healthcare industry. Studies have shown that more than 80% of serious medical errors are due to a botched transition or miscommunication during the hand-off between medical providers.

There’s a similar transition process in a CMBS transaction. Loan agreements are struck between the lender and the borrower and then often transferred to a third-party servicer. When the lender sells the loan through securitization, the loan documents associated with the loan also transfer to the new buyer of the loan. Therefore, to ensure a seamless transition – and insulate all parties from a future case of he said/she said – detailed loan documentation outlining the rules, process, and how potential issues will be resolved is agreed to upfront. Many borrowers complain that CMBS loan documents are too onerous and unnecessarily complex. Actually, this thoroughness ensures clarity and eliminates uncertainty of outcome. Because this documented road map governs all parties for the life of the loan, it’s

critical for borrowers to engage expert legal and financing advocates to represent their interests and negotiate the most borrower-favorable terms possible.

THE NEED TO NEGOTIATE

Yes, CMBS loan documents are long and detailed, but the terms outlined within them can be negotiated. This is where having the guidance of both an experienced lawyer and intermediary who understand the market and have closed transactions with the lender in the past can be a game-changer for a borrower. The legal and financing team will know what language has caused problems for borrowers in the past, which levers can be pushed and pulled, and what concessions lenders will reject outright, ensuring flexibility and saving the borrower time and headache.

Loan pre-payment, including type and calculation method, is a good example of a loan tenet that can be negotiated. Yield maintenance always is better than defeasance. While the calculations are the same, yield maintenance is much simpler and cheaper for a borrower.

Another negotiable element is when PIP repair funds are released for a hotel. This includes the amount of reserves, as well as the minimum amount needed to withdraw the reserves so a borrower doesn't have to spend money first and wait for reimbursement. Other commonly negotiated documentation areas include: cash management triggers, including opening of lockbox accounts and start and stop of sweeps; cure provisions in the event of default; service-level agreements, such as the number of days servicer has to respond to requests; the ability and cost to assume the loan; when and how much additional funds can be borrowed; and the ability to transfer shares of ownership without a change in control.

HOW BANK TRANSACTIONS DIFFER

Most community and regional banks, as well as credit unions, use auto-generated loan documents, which typically are cheaper for the borrower but tend to be one-sided and

only protect the lender because – in these types of loan transactions – the borrower agrees to full recourse. Because the borrower is on the hook personally to pay the loan, the documentation can use simpler, blanket language. With a full-recourse loan, if there are any future disagreements, issues, problems, or gaps in definition of terms, the onus and risk rests with the borrower.

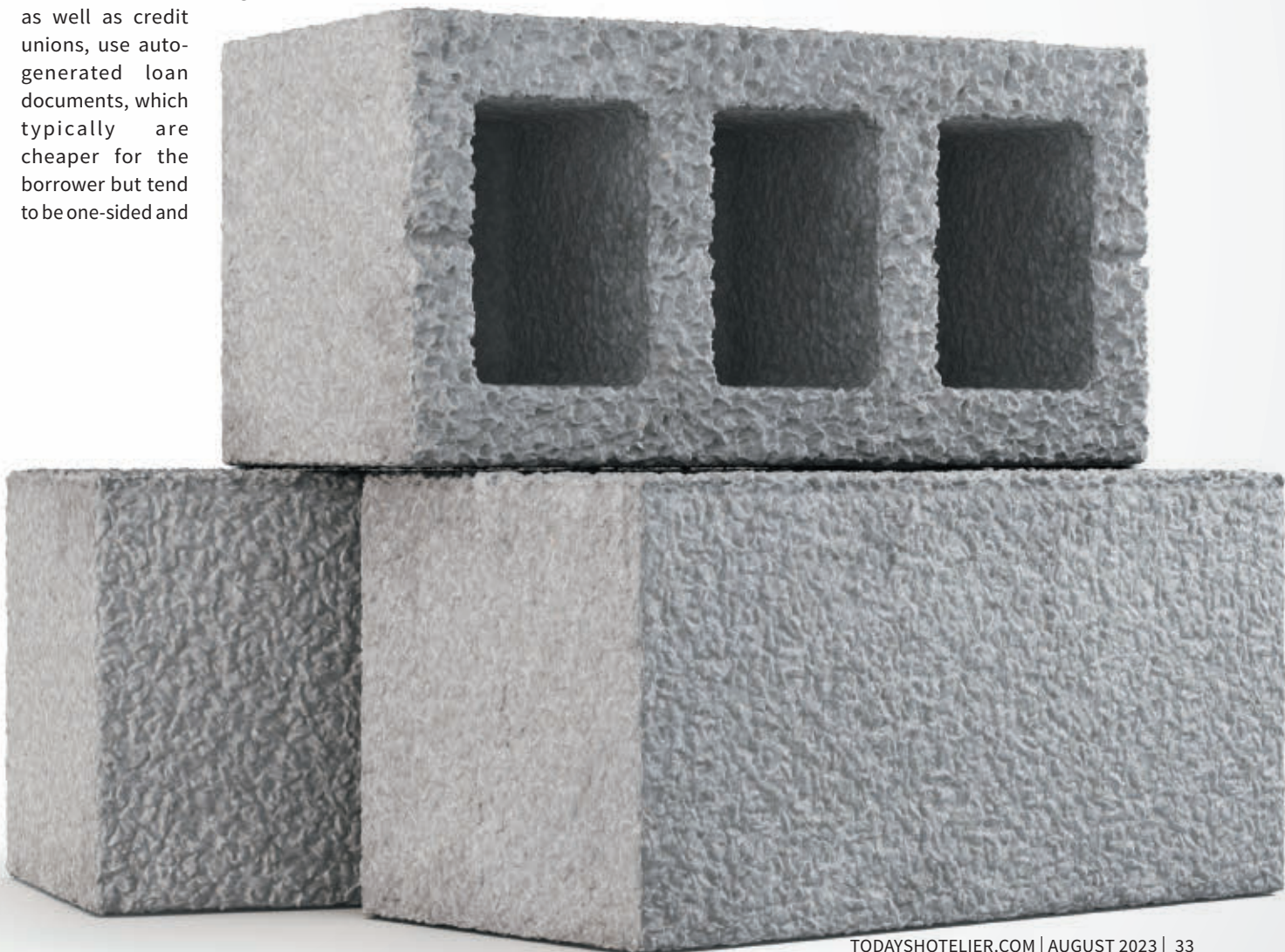
PREPARE NOW TO SUCCEED LATER

Whether borrowers choose the CMBS or bank loan transaction path, because the decisions they agree to now may affect how future situations will be handled, having strong legal and financing resources by their side is critical. As they say, hindsight is 20/20, and these experts have done this before, and they can identify potential disrupters or enablers for future success. ■



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, nonrecourse 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.



by PLACITO MICELI and
STEFAN BURKEY

ACCORDING TO THE CDC, roughly 48 million Americans become sick from foodborne illness every year. Of those, 128,000 wind up in the hospital and 3,000 even lose their lives. Whatever the source of the illness, it's a risk no one can afford to ignore.

Hotels serving food to their guests must do everything they can to prevent the spread of foodborne illnesses such as norovirus, salmonella, and E. coli. These illnesses spread quickly and can impact hundreds of people – even from a single evening – and ruin a hotel's reputation in the process.

REDUCE THE RISK

Despite the real danger associated with foodborne illness, there are steps that food workers can take to minimize the risk and protect hotel guests and diners alike. Keep these six best practices in mind.

1

Require good worker hygiene. The primary way to prevent the spread of foodborne illness is through proper hygiene. Food workers who thoroughly clean their hands according to the recommended practice will essentially eliminate the opportunity to spread germs from one place to another. Additionally, the use of proper clothing and gloves not only protect

workers from burns and other hazards, but they also prevent the transfer of germs. All food workers should start the day with clean clothing and aprons, as well as hair and beard nets that completely cover the area. Disposable gloves, such as latex or nitrile gloves, should be used for a single task and then changed to prevent cross-contamination.

2

Ensure proper temperature control. By adhering to strict guidelines for refrigeration, storage, and cooking temperatures, restaurant owners can prevent the growth of harmful bacteria and minimize the risk of food poisoning incidents. Investing in accurate thermometers, training staff on temperature control practices, and implementing food-safety management systems like HACCP are essential steps to maintain



optimal food safety. These measures not only protect customers' health but also uphold the restaurant's reputation and professionalism. By prioritizing temperature controls, restaurants can ensure their meals aren't only delicious but also safe for consumption.

3 Take the time to thoroughly clean surfaces. Wiping a surface with a damp cloth may be good enough at home, but it's not enough to eliminate the germs in a high-use hotel kitchen. There are two components of the process – cleaning and sanitizing – and each component must be performed properly. Be sure all food workers follow the four steps to properly clean a surface that is used during regular food preparations:

- Wet the area with potable water and rinse off any visible debris.
- Scrub the surface with soap or detergent and potable water to physically remove soil.
- Rinse the surface again with potable water.
- Apply sanitizer following the manufacturer's directions.

4 Put cellphones away. Studies have shown that a high percentage of cellphones – anywhere from 50% to 92% – are contaminated with bacteria and other germs. In today's world, where Americans admit to checking their phones once every four minutes, enforce a "no cellphone" policy, or at least require all workers to wash and sanitize their hands after they touch their phones.

5 Send sick workers home. Despite your best efforts to protect against it, sick workers can and do share their germs not only with other workers but also with the diners eating their food. Managers should send sick workers home when necessary.

6 Establish a plan. It's important to have a plan in place before a guest complains of food-poisoning symptoms. The plan should clearly identify who should speak with the guest and what the response should be. It should also lay out who else to notify, including health inspectors, vendors, and other guests, as well as when they should be notified. Finally, it's important to record the plan, share it with workers, and practice carrying out the plan as needed.

If your hotel kitchen does get hit with a foodborne illness, the cost to resolve the issue may be more than you expect. Talk to your broker to discuss supplementing your risk management practices with insurance coverage to support the business during your time of recovery. ■



Placito Miceli is a senior risk consultant for the HUB Gulf South Region in HUB's Risk Services Division. With more than 15 years in claims, safety, training, and risk management, Placito provides a unique perspective in risk management to assist clients in developing and implementing a holistic program.



Stefan Burkey is the hospitality practice leader for HUB International Florida. In this role, he oversees insurance placement solutions for owners, developers, and operators from limited-service hotels to full-scale resorts. Stefan and his team clearly understand the financial needs and exposures associated with the hospitality industry, and their singular focus has generated profound market knowledge and significant buying power for HUB clients throughout Florida and the U.S.

Eating clean

Protect hotel guests – and your hotel – from foodborne illness

Some like it

HOT

by AMY TURNER

WHILE NOBODY WANTS TO RUN OUT OF hot water, hoteliers have an even higher obligation to provide a safe guest experience. To address both concerns, with today's tankless water heaters, hotels can have all the hot water desired, while saving energy and helping combat legionella – the pathogen that causes Legionnaires' disease. And, aside from the basic responsibility hotel owners bear for guest and worker safety, properties open themselves up to the prospect of lawsuits if they haven't taken adequate steps to ensure their hotels aren't a breeding ground for bacteria of any kind.

Legionella is a resilient organism that lives and breeds in temperatures between 68° and 122° F. In temperatures below 68°, it goes dormant but doesn't necessarily die. It can survive at 122° for eight hours and won't instantly die until temperatures reach 176° degrees. So, it can live and thrive in many stratified hot water storage tanks.

There are three primary conditions required for legionella growth:



1. WATER TEMPERATURE

Hot water storage tanks typically are stratified by temperature, some of which is inhospitable to legionella. But, there are pockets of temperature that are friendly to the organism.

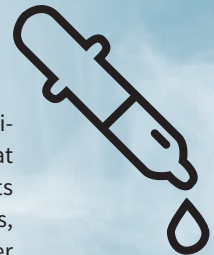
Depending on the facility or application, the required hot water temperatures will differ. A sink in a hotel room might be limited to 120°, while the hotel's laundry facility and restaurants might need 130° or higher. Engineers often solve this issue with mixing valves, but they're expensive mechanical devices that are prone to problems that can lead to temperature fluctuations. Additionally, mixing valves interferes with system equilibrium and may create risky pockets of stagnant water due to oversized piping, dead piping, or poorly balanced systems.

Is your hotel's water supply exposing your workers and guests to legionella?

2. WATER QUALITY AND MOVEMENT

Water quality in a storage tank rarely is uniform either, with sediment accumulating at the bottom of the tank. This sediment acts as food and insulator for micro-organisms, and it can be stirred up by a water hammer or nearby fire hydrant use. This creates an environment favorable for legionella.

Additionally, many hotel hot water systems are redundant and oversized to address peak-demand situations. It's this stored (stagnant) water that invites legionella. Beyond legionella, oversized hot-water systems also create efficiency and maintenance problems.



3. BIOFILM

Biofilm is a polymeric solution that is excreted from certain organisms. It forms a protective and adherent substrate, is a great insulator, and also is a food source, making it a popular breeding ground for bacteria. Legionella doesn't produce biofilm directly, but it does feed on it.

“

Aside from the basic responsibility hotel owners bear for guest and worker safety, properties open themselves up to the prospect of lawsuits if they haven't taken adequate steps to ensure their hotels aren't a breeding ground for bacteria of any kind.”

REDUCE RISK

To prevent Legionnaires' disease, it's imperative to reduce the risk of legionella growth and transmission in water systems. This can be achieved by making sure building water systems are clean and well-maintained, while inspecting water regularly for legionella bacteria.

While tankless water heating technology doesn't eliminate legionella risk, it does significantly mitigate it by creating a less hospitable environment for the pathogen in multiple ways:

- Bacteria, sediment, and biofilm risks are minimized due to no storage of water. Reducing or eliminating these impurities is key to success.
- Tankless units maintain a consistent output water temperature without additional controls, eliminating mechanical points of failure found in mixing valves. This consistent water temperature eliminates the stratification of water with its resulting pockets of attractive temperatures for legionella. Creating temperatures that are inhospitable to legionella is key to removing its risk.
- Finally, tankless units use advanced flow control, which keeps the water moving, making it inhospitable to legionella.

Ultimately, hotels must be vigilant to the importance of mitigating legionella risks – from a standpoint of protecting guests and workers, while also

shielding themselves from legal action should anyone get sick from inadequate on-property practices. Plus, the additional benefits – endless hot water and energy savings – provide a healthy incentive for hoteliers to better monitor their water-usage practices and procedures. ■



Amy Turner, CDMP, has served as Intellihot's director of marketing for more than three years, guiding the company's marketing efforts during its double-digit, year-over-year growth. She is a certified digital marketing professional and has a

"Women in Leadership" certification from Cornell University.

Expanding horizons

REITs as an alternative source of hospitality liquidity – part 2

by KEN PATEL

This is the conclusion of a two-part look at this subject. Be sure to check out the first part of the series in the July issue.

IN THE FIRST HALF OF THIS ARTICLE, WHICH appeared in the July issue of this publication, we looked at a few means by which property owners can secure liquidity and salvage underperforming properties given the challenging economic times in which we find ourselves, and we'll conclude this series here. A topic as nuanced and complex as this could probably fill a Tolkien-sized book, but – rather than take the deepest dive possible – we're concluding here with the hope that readers will use the information in this series to have a larger conversation with a financial expert to determine next steps.

THE REIT LIQUIDITY OPTION

By contributing their hotel assets to REITs, hotel owners can defer capital gains taxes, convert their fixed assets into marketable securities, and gain access to a much-needed influx of cash. This provides a more attractive value proposition than selling properties at a discount, getting diluted by issuing additional equity or issuing a substantially higher cost of capital, which could further compromise the already-dwindling revenue streams of hotel.

Moreover, by converting hotel properties into REITs, hoteliers can gain access to a wider pool of investors, whose investment contributions can provide a significant boost to the hotel's financial reserves. This enables hotels to weather the ongoing perfect storm of issues, by diversifying their revenue streams and expanding their financial horizons.

All in all, the hotel industry's decision to roll up into REITs highlights the innovative strategies being adopted by hotels to stay afloat in the face of the many challenges posed by the pandemic. By exploring new and unconventional avenues, hoteliers are emerging as resilient leaders in the face of adversity and uncertainty.

REAL ESTATE INVESTMENT TRUSTS

A REIT, or real estate investment trust, is modeled after mutual funds. They give everyday Americans the chance to invest in income-producing real estate that owns, operates, or finances income-producing assets across a range of sectors. These assets would otherwise likely be financially out of reach to the majority of Americans, by allowing them to buy and sell REIT shares like other stocks or mutual funds.

Congress created REITs in 1960 to give all Americans the chance to invest in large-scale, income-producing real estate beyond just their homes. In fact, the primary intention of Congress in authorizing the use of REITs was to provide a means "whereby small

investors can secure advantages normally available only to those with larger resources," in connection with real estate investment.

In short, everyone deserves the opportunity to invest in real estate. REITs historically have delivered to investors the benefits of commercial real estate investment along with the advantages of investing in a publicly traded stock.

In addition, REITs are total return investments. REITs are required to distribute at least 90% of their taxable income to shareholders annually in the form of dividends. However, most REITs typically distribute 100% of their taxable income and, as a result, pay no corporate-level income tax. Historically, they've provided high dividends plus the potential for moderate, long-term capital appreciation.

“

By converting hotel properties into REITs, hoteliers can gain access to a wider pool of investors, whose investment contributions can provide a significant boost to the hotel's financial reserves.”

The Benefits of Contributing Your Hospitality Assets to a REIT

While Multi-Faceted And Complex, This Can Be Broken Down Into Six Components:

① Dig into the data

Because REITs were intended to be passive investors of real estate – not active managers – all REITs are subject to a complicated and detailed tax regulatory structure, with many demands by the SEC for transparency and frequent reporting. However, many REITs will allow you as the owner-manager, to continue to manage your property, subject to the REIT's corporate governance. After all, nobody knows your assets better than you.

② The importance of outside counsel

You aren't selling your asset, therefore there would be no capital gains on the property's appreciation resulting from the transaction. Of course, you will need to secure your own legal and tax advice, yet most contributions are conducted in an environment devoid of any current tax impact as your investment basis won't change.

③ Strength in numbers

Hotels that join REITs benefit from balance sheet strength in numbers. By pooling their assets and becoming part of a publicly traded REIT, hotels can gain access to a much larger pool of resources and investors. This can enable them to strengthen their balance sheet, secure liquidity, and weather economic downturns much more effectively.

④ Demanding diversification

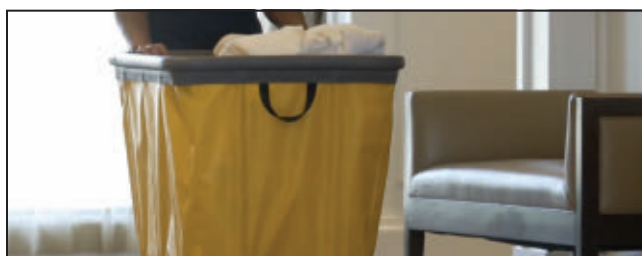
Contributing hotel assets to REITs diversifies the owner's portfolios. By converting a portion of their assets into marketable securities, hotel owners can spread their investments over multiple assets, reducing overall risk of concentration, and gaining ownership interests in different markets and product segments.

⑤ Pause for preparation

Conversion of fixed assets into marketable securities on your personal balance sheet can create an opportunity of market liquidity in less-favorable economic conditions. Needless to say, banks and other financial institutions like seeing a balance sheet from a sponsor with freely tradable, marketable securities, instead of a non-fungible fixed asset.

⑥ Bucking trends

Traditionally, selling property assets in times of low demand or a tough economic climate leads to a drop in value due to a buyer's market. As a non-traditional approach, conversion into REITs can lead to a different set of investors and additional investor capital.



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Ken Patel is the owner and CEO of A&R Group. After immigrating to the U.S. in 1996, he began his career in the hospitality industry by managing a family-owned hotel. In the years since, Patel has accumulated a portfolio of globally recognized brands such as Hilton, Intercontinental Hotel Group, and Wyndham.



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Get to know a few of your AAHOA Ambassadors

by EVELYN HOOVER

HERE, WE CATCH UP WITH FOUR AAHOA Ambassadors with the intention of allowing AAHOA Members to get to know each of them a little bit better. We'll be back in next month's issue with a few more profiles. And, a huge thank you to everyone who serves as an AAHOA Ambassador. The considerable time, talent, and energy they lend to their role goes a long way in making the industry better for everyone.

Sachin Amin, South Pacific Regional Ambassador



WHAT DO YOU THINK AAHOA COULD BE DOING MORE OF TO SERVE THE MEMBERS IN YOUR REGION?

AAHOA has been very active and encouraged hoteliers to think outside the box. The good old days of doing business are gone, and hotel owners must be ready to face new challenges.

WHAT ADVICE WOULD YOU GIVE THE NEXT GENERATION ABOUT GETTING INVOLVED IN HOSPITALITY AND AAHOA?

The hotel industry is a very innovative industry. Work hard and success will follow you.

WHAT'S THE SINGLE BIGGEST CHALLENGE HOTELIERS FACE IN YOUR REGION? DO YOU SEE THIS AS A SHORT-TERM CHALLENGE OR LONG-TERM?

The bigger branded hotels are taking over the industry. The option is to either be part of those joint franchises or go home.

Mayur Mahant, Southeast Texas Regional Ambassador

WHY DO YOU INVEST SO MUCH IN AAHOA AND SERVING THE MEMBERS IN YOUR REGION?

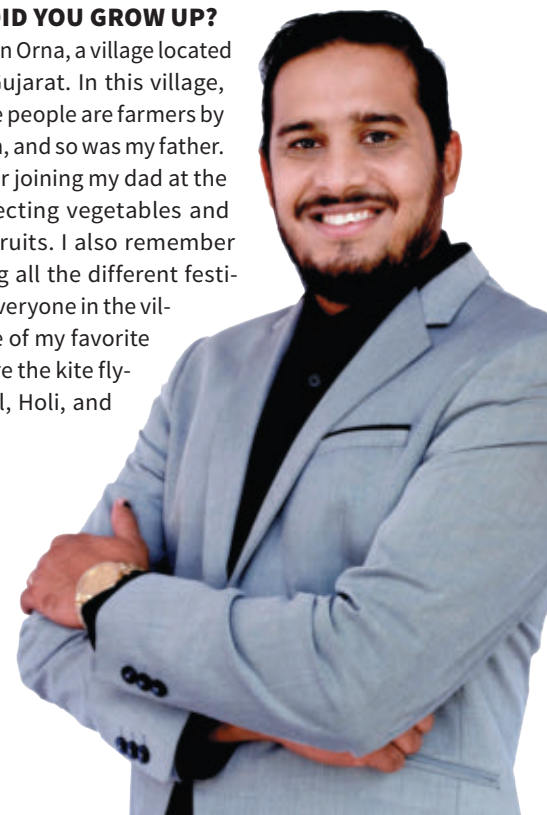
I love to give back to the community and share information on the resources that can help hotel owners in my region run their businesses more smoothly. The Southeast Texas Region is a very progressive market, and serving this community is a privilege.

WHEN DID YOU OWN YOUR FIRST HOTEL? CAN YOU SHARE THE STORY?

I acquired my first hotel in June 2016. It was a Scottish Inn & Suites. Before that, I worked as a front desk manager and housekeeper at a Super 8 Motel.

WHERE WERE YOU BORN AND WHERE DID YOU GROW UP?

I was born in Orna, a village located in Surat, Gujarat. In this village, most of the people are farmers by occupation, and so was my father. I remember joining my dad at the farm, collecting vegetables and delicious fruits. I also remember celebrating all the different festivals with everyone in the village. Some of my favorite festivals are the kite flying festival, Holi, and Diwali.



Meghna Patel, Florida Regional Ambassador



HOW DID YOU DECIDE TO BECOME AN AAHOA AMBASSADOR?

My passion for serving my community and fellow hoteliers inspired me to become an ambassador and I've served as an ambassador for three years.

WHAT WAS YOUR FIRST EVENT WITH AAHOA? WHAT DO YOU REMEMBER?

I attended my first AAHOA event in 2001. I remember AAHOA addressing the industry issues, and the fantastic trade shows that benefit daily hotel operations.

WHAT'S THE SINGLE BIGGEST CHALLENGE HOTELIERS FACE IN YOUR REGION? DO YOU SEE THIS AS A SHORT-TERM CHALLENGE OR LONG-TERM?

Two words: fair franchising. This long-term challenge must be highly prioritized, and unfair practices should come to a stop for the significant progress and success of franchisee members and non-members.

WHERE WERE YOU BORN AND WHERE DID YOU GROW UP?

I was born and raised in India. I grew up in the village of Kumbharia and moved to the U.S. at the age of 21. I learned the value of family, hard work, and passion for serving the community at a very early age from my father, mother, and grandparents.



Chintan Thakkar,
Upper Midwest Regional Ambassador

WHAT ASPECT OF AAHOA'S WORK GETS YOU MOST EXCITED?

Advocacy has been in my DNA ever since I started in the industry about 20 years ago. I feel I've been blessed. My family, peers, colleagues, and network have invested in me throughout the years. I don't take that investment for granted, so it's my duty and privilege to be able to serve.

WHAT DO YOU THINK AAHOA COULD BE DOING MORE OF TO SERVE THE MEMBERS IN YOUR REGION?

Our region is pretty large, and it's difficult to connect everyone at the same time under one roof. One idea I have is planning some micro-networking events in 10 different markets within the Upper Midwest Region.

WHAT ADVICE WOULD YOU GIVE THE NEXT GENERATION ABOUT GETTING INVOLVED IN HOSPITALITY AND AAHOA?

The hospitality industry is an amazing catapult into a wide variety of life trajectories. You can be your own boss in your

own little market, or you could be a real estate mogul with assets halfway around the world. Whatever appeals to your soul, there's probably an avenue within hospitality to get you there. AAHOA has the resources, education, network, and support that you may need along the way. This industry is a lot of fun, as well.

WHERE WERE YOU BORN AND WHERE DID YOU GROW UP?

I was born in Ahmedabad, Gujarat. Even though my family didn't have many resources, we still had a blast. I remember playing outside with rocks and sticks and wouldn't come back home until my parents dragged me back inside and forced me to take another bath since I was so dirty from all the playing. We lived in a one-room rental with a half wall to divide the kitchen area. I used to walk nearly two miles every day to get fresh milk from the local dairy. My father worked very hard. He began with nothing and built his success from the ground up. I'm grateful to have had such an amazingly simple upbringing. I know if I were to lose everything today, I wouldn't feel as if I lost anything at all. ■

AAHOA MEMBERS IN ACTION



During a Back-of-the-House Tour at Best Western Plus Mansfield Inn & Suites, Congressman Jake Ellzey (left) received the ins and outs of maintaining clean rooms and ensuring everything is in proper working order for hotel guests.



AAHOA Member Jayanti Patel (fifth from left) was recognized as the 2023 Small Business Owner of the Year by the Gettysburg & Adams Chamber of Commerce.



Hoteliers from the Waco, TX, area heard an incredible lineup of speakers during a Town Hall meeting in the "Heart of Texas."



▲ North Texas Regional Director Dhiren Masters (left) and AAHOA Member Zan Patel (second from left) hosted Congressman Jake Ellzey (R-TX) (right) for a Back-of-the-House Tour at Best Western Plus Mansfield Inn & Suites in Mansfield, TX.



◀ More than 120 attendees showed up for AAHOA's Town Hall meeting in Las Vegas, NV, the ultimate epicenter of hospitality.



AAHOA partnered with Hospitality Financial and Technology Professionals to support the up-and-coming icons of the industry at #HITECTOR23.



AAHOA Chairman Bharat Patel connected with attendees at the 45th Annual NYU International Hospitality Investment Conference in New York City.



William (Chip) Rogers, former AAHOA President & CEO, and the current American Hotel & Lodging Association President & CEO, addressed AAHOA Members as long-standing friends and gave updates on the industry and AHLA's The Hospitality Show during AAHOA's Town Hall meeting in Las Vegas, NV.



Greater Los Angeles Area Regional Director Naresh (ND) Bhakta, the president and board members of IGC, Mike Patel (Manna), Ricky Patel, and local Ambassadors hosted a special Town Hall meeting in Artesia, CA.



South Pacific Regional Director Mike Riverside and AAHOA Members supported their local community with a volleyball tournament hosted by the San Diego Asian American Sports Club.



AAHOA Southwest Regional Director Dharmesh Ahir (fourth from left) and President & CEO Laura Lee Blake (seventh from left) alongside elected officials and local ambassadors at the Southwest Regional Conference & Trade Show.

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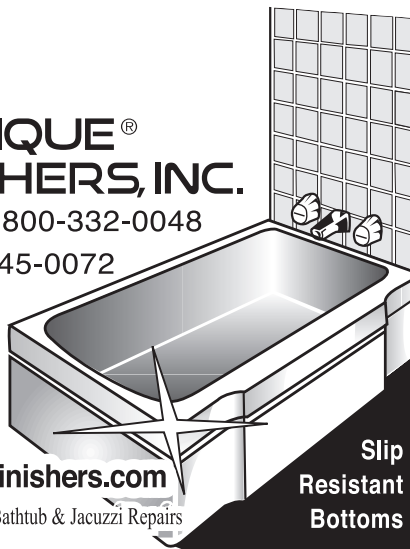


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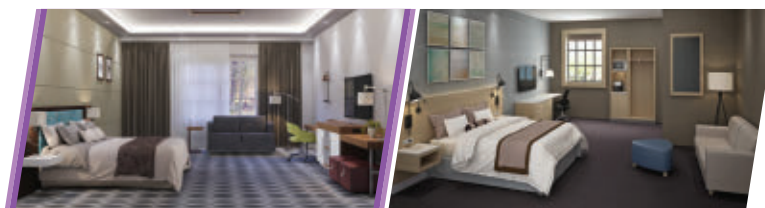
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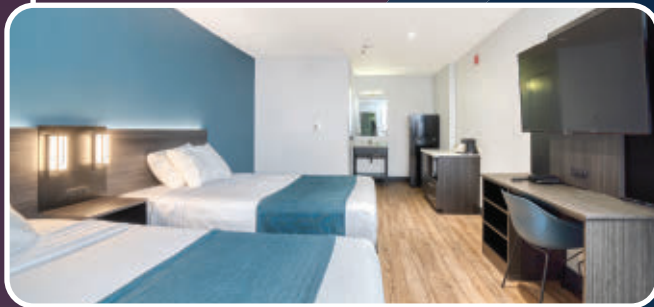
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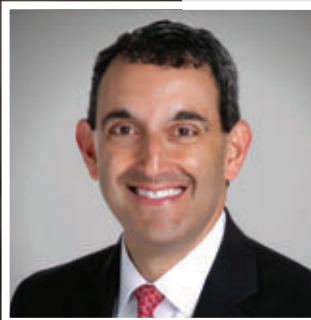


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