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Division of Public Health

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POSITION STATEMENT: Bed and Breakfast Homes: Changes in Definition and On-site Wastewater Treatment System Requirements

PURSUANT TO: Session Law 2013-413 (House Bill 74)

SOURCE: Larry D. Michael, Branch Head, Food Protection and Facilities Branch
Nancy Deal, Branch Head, On-site Water Protection Branch

QUESTIONS / ISSUES: What changes have occurred to the Bed and Breakfast Home definition and do these changes apply to Bed and Breakfast Inns?
How do these changes affect sewage flow rates and design requirements for on-site wastewater treatment systems serving these facilities?

DISCUSSION AND RATIONALE:

Session Law 2013-413 (formerly House Bill 74) adds a *Bed and Breakfast Home* definition to G.S. 130A-247 as follows:

"(5a) "Bed and breakfast home" means a business in a private home of not more than eight guest rooms that offers bed and breakfast accommodations for a period of less than one week and that meets all of the following criteria:

- a. Does not serve food or drink to the general public for pay.
- b. Serves the breakfast meal, the lunch meal, the dinner meal, or a combination of all or some of these three meals, only to overnight guests of the home.
- c. Includes the price of any meals served in the room rate.
- d. Is the permanent residence of the owner or the manager of the business."

This legislative amendment supersedes the definition of *Bed and Breakfast Home* in 15A NCAC 18A .2201(1).

RESPONSE / INTERPRETATION:

Effective October 1, 2013, Bed and Breakfast Homes may serve breakfast, lunch, and dinner or any combination of all or some of those meals only to their overnight guests. The cost for the meals must be included in the room rate. If a Bed and Breakfast Home prepares or serves food or drink for pay to non-overnight guests a .2600 permit will be required.

Bed and Breakfast Homes may increase the number of guest rooms to a maximum of eight rooms provided all applicable laws (local, state, and federal statutes, regulations, and ordinances) can be met. Please note the reference to the number of persons (in the rule definition) is no longer applicable and cannot be used as criteria to evaluate a Bed and Breakfast Home.

This law change does not apply to a Bed and Breakfast Inn and therefore the Inn may still only serve the breakfast meal to overnight guests. However, the owner or operator of a permitted Bed and Breakfast Inn may request to be re-permitted as a Bed and Breakfast Home if the establishment does not exceed eight guest rooms and meets the other criteria in the definition.

As a result of this new definition in G.S. 130A-247, the Branch will initiate a review of the *Rules Governing the Sanitation of Bed and Breakfast Homes* (15A NCAC .2200) to address any necessary changes to protect public health. The Department recognizes the current definition for *Bed and Breakfast Inn*, defined in G.S. 130A-247(6), should be amended for consistency with the new *Bed and Breakfast Home* definition. Implementing such a change will require action by the General Assembly.

Before expansion of Bed and Breakfast operations, each facility must be evaluated to determine compliance with applicable laws and rules and permits must be amended as warranted.

With reference to on-site wastewater treatment and disposal, S.L. 2013-413 states, "In carrying out this function, the Commission shall adopt requirements that are the least restrictive so as to protect the public health and not unreasonably interfere with the operation of bed and breakfast homes and bed and breakfast inns." Therefore, Bed and Breakfast Homes that include overnight accommodations and serve more than one meal only to overnight guests of the home shall have a sewage flow rate similar to dwelling units at 120 gallons per day (gpd) per bedroom, 60 gpd per person, and no less than 240 gpd per dwelling unit pursuant to 15A NCAC 18A .1949.

For Bed and Breakfast Homes that intend to expand food service operation under the legislation, Local Health Departments should recommend installation of an exterior grease trap to receive waste from the kitchen dishwasher and sinks to facilitate grease separation prior to the septic tank. If a Bed and Breakfast Home prepares or serves food or drink for pay to non-overnight guests a .2600 permit will be required (as referenced above) and the additional sewage flow from the kitchen shall be accounted for in the subsurface sewage treatment and disposal system in accordance with 15A NCAC 18A .1949.

REFERENCES:

Session Law 2013-413

N.C.G.S. 130A-247

N.C.G.S. 130A-248

Rules Governing the Sanitation of Bed and Breakfast Homes, 15A NCAC 18A .2200

Rules Governing Sewage Treatment and Disposal Systems, 15A NCAC 18A .1900

NOTE: Position statements are policy documents intended to clarify how to interpret or enforce a law or rule. They are not enforceable on their own, but are intended to promote uniform interpretation and enforcement of the underlying law or rule.