



National Update by AHLA

JUNE 13, 2023

AHLA is the Voice of the U.S. Hotel Industry



ADVOCATES

Fighting for responsible public policies that support your business and ensure the future growth of our industry



PROMOTES

Representing our industry & telling your story where it matters most - in the press and among policymakers



UNITES

Rallying all segments of our industry to tackle key industry-wide initiatives such as workforce development and safety and security

PPP Forgiveness Issues Update



Background: Hotel Industry Questions and Concerns Regarding PPP Forgiveness Process

The vast majority of branded hotel properties in the United States are owned by entities completely separate from the brand company under a franchise arrangement. Examples of hotel brand companies include Marriott International, Hilton Worldwide, and others and these owners range from single property owner entrepreneurs to large, multi-industry, commercial real estate ownership entities. There are two basic, common operating models within this system. In one, the hotel owner hires a third-party management company, not affiliated with either the owner or the brand, to manage and operate the hotel property. In the other model, the hotel owner contracts with the hotel brand's management company to manage and operate the hotel.

In both of these leading models, the individuals working at the hotel property are formally employees of the management company and not the hotel owner. However, typically in both models, the hotel owner, and not the management company or hotel brand, bears all financial responsibility and risk concerning hotel operations. The hotel owner is solely responsible for ensuring that hotel staff is paid, through payments the owner makes to the management company to cover all operational costs, particularly payroll. Commonly, the owner processes monthly payments to the management company with individual line items for payroll and other operational costs.



Isabella Casillas Guzman

Administrator, U.S. Small Business Administration



Biden-McCarthy debt ceiling deal



Biden and McCarthy reach a deal to avoid default.



Debt ceiling deal exposes Biden and McCarthy's weaknesses with their parties' extremes



President Biden
@POTUS

Speaker McCarthy and I reached a bipartisan budget agreement that will prevent the worst possible crisis – a default for the first time in our nation's history.

This deal is good news for the American people.

I strongly urge Congress to pass the agreement right away.



THE BIPARTISAN BUDGET AGREEMENT:

Prevents a first-ever default

Protects President Biden's key priorities and accomplishments

Rejects extreme cuts to programs veterans, seniors, and families count on

Protects Social Security, Medicare, and Medicaid

Keeps President Biden's student loan relief program for 40 million hardworking borrowers

Defended Like-Kind Exchanges

TheStreet

The End of Tax-Deferred Swaps? Proposed Section 1031 Changes Could Be Disastrous for the Real Estate Sector



Administration Unsuccessfully Seeks to Add Like-Kind Exchange Restrictions to Debt Ceiling Talks

The Washington Post
Democracy Dies in Darkness

ECONOMIC POLICY

GOP rejected White House effort to close tax loopholes in debt ceiling talks

Negotiations are stuck and time is running out, but Republicans have signaled that there cannot be any new tax increases as part of a budget deal



FTC Request for Information



FTC Seeks Public Comment on Franchisors Exerting Control Over Franchisees and Workers

Public urged to provide input on franchise agreements and franchisor business practices

- 75 questions under 6 headings
- Examining ability of franchisees to negotiate contract terms and relationship with employees
- Comments due May 9

What's Ahead in 2023: Legislative threats to franchising abound

JDSUPRA®

FTC Ratchets Up Focus on Franchise Issues

Acheson Hotels, LLC v. Laufer

 politics

Supreme Court takes up case concerning Americans with Disabilities Act ‘tester’ of hotels



March 30, 2023

U.S. Supreme Court to Decide Future of ADA Hotel Litigation

 LAW360®

Trade Groups Urge High Court To Take Up Hotel ADA Fight

No. 22-429

In The
Supreme Court of the United States

ACHESON HOTELS, LLC,

Petitioner,

v.

DEBORAH LAUFER,

Respondent.

On Petition For Writ Of Certiorari
To The United States Court Of Appeals
For The First Circuit

BRIEF OF *AMICI CURIAE*
RESTAURANT LAW CENTER,
AMERICAN HOTEL & LODGING ASSOCIATION,
NFIB SMALL BUSINESS LEGAL CENTER,
RHODE ISLAND HOSPITALITY ASSOCIATION,
PUERTO RICO RESTAURANT ASSOCIATION/
ASOCIACIÓN DE RESTAURANTES DE
PUERTO RICO, NEW HAMPSHIRE LODGING
& RESTAURANT ASSOCIATION,
MASSACHUSETTS RESTAURANT ASSOCIATION,
AND HOSPITALITYMAINE
IN SUPPORT OF PETITIONER



Addressing Workforce Shortage

**WE
ASKED...
YOU
ANSWERED!**

April 2022

- 96% understaffed
- 63% severely so

September 2022

- 87% understaffed
- 36% severely so

January 2023

- 79% understaffed
- 22% severely so

H-2B Visa Update



Rep. Henry Cuellar (D-TX)



Rep. Andy Harris (R-MD)

Bloomberg Law

March 31, 2023, 5:47 PM
Employers Hit Supplemental H-2B Visa Cap for Early Summer Hiring

H:\2024\BILL RUNS\METAL FILES\R10 5.15.23.XML

[FULL COMMITTEE PRINT]
Union Calendar No. _____
118TH CONGRESS 1ST SESSION **H. R.** _____
[Report No. 118-_____] Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2024, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES
2023
Mr. JOYCE of Ohio from the Committee on Appropriations, reported the following bill, which was committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL
Making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2024, and for other purposes.

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118TH CONGRESS 1ST SESSION **H. R.** _____
To streamline the issuance of nonimmigrant temporary work visas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES
Mr. TONY GONZALES of Texas introduced the following bill, which was referred to the Committee on _____

H-2B WORKFORCE COALITION
Protecting American Workers Through a Stable and Reliable Seasonal Workforce
www.h2bworkforcecoalition.com

- Steering Committee:**
American Hotel and Lodging Association
American Horticulture Council
Agriculture
American Rental Association
American Seafood Jobs Alliance
Federation of Employers and Workers of America
Forest Resources Association
Golf Course Superintendents Association of America
Leading Builders of America
Maritime Island Cruiselines & Visitors Bureau
National Association of Landscape Professionals
Outdoor Amusement Business Association
U.S. Chamber of Commerce
U.S. Travel Association
- May 22, 2023
- The Honorable David Joyce
Chair
Subcommittee on Homeland Security
House Appropriations Committee
U.S. House of Representatives
Washington, DC 20515
- The Honorable Henry Cuellar
Ranking Member
Subcommittee on Homeland Security
House Appropriations Committee
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Joyce and Ranking Member Cuellar:

As representatives of small and seasonal employers throughout the country, the H-2B Workforce Coalition thank you for including an H-2B returning worker exemption in the draft Fiscal Year 2024 Department of Homeland Security appropriations bill. Without this critical provision, many employers across the country will be without the critical workforce they need to operate next fiscal year. These businesses may not be able to fulfill contracts. They could be forced to turn away customers, lay off American workers whose jobs are supported by H-2B workers, and in some cases shut down their operations entirely.

In a strong economy with low unemployment, the program's congressionally mandated cap of 66,000 visas is inadequate to meet the seasonal needs of small businesses. The supplemental visas authorized by Congress and made available by the Department of Homeland Security for Fiscal Year 2023 in a December 15, 2022 rule were extremely helpful in meeting some of the needs of seasonal employers. However, the application process was still unpredictable, and it left many employers without workers for the early parts of their season. This required many employers to use time and resources to re-submit petitions to



Rep. Tony Gonzales (R-TX)



Staffing Shortage Solutions



February 27, 2023

The Honorable Chuck Schumer
Majority Leader
United States Senate
Capitol
Washington, DC 20510

The Honorable Mitch McConnell
Republican Leader
United States Senate
S-221, The Capitol
Washington, DC 20510

117TH CONGRESS
1ST SESSION

H. R. 3897

To make improvements to the H-2B nonimmigrant worker program, and for other purposes.

Kevin McCarthy
House
Representatives
Capitol
Washington, DC 20515

The Honorable Hakeem Jeffries
Minority Leader
U.S. House of Representatives
H-204, The Capitol
Washington, DC 20515

FEBRUARY 03, 2023

Collins, Sinema Introduce Bill to Help Asylum Seekers Obtain Jobs More Quickly

The legislation, co-sponsored by Senator King, would make asylum seekers eligible to receive work authorizations starting 30 days after filing an asylum application

Washington, D.C.—In an effort to allow asylum seekers to find employment more quickly and become self-sufficient, U.S. Senators Susan Collins (R-ME) and Kyrsten Sinema (I-AZ) introduced the *Asylum Seeker Work Authorization Act of 2023*. Their legislation would shorten the waiting period before asylum seekers are allowed to receive work authorizations. The bill was co-sponsored by Senator Angus King (I-ME).

HOUSE OF REPRESENTATIVES

JUNE 15, 2021

Mr. JOYCE of Ohio, Mr. KEATING, Mr. CHABOT, Mr. HARRIS) introduced the following bill; which was referred to the Judiciary, and in addition to the Committee on Labor, for a period to be subsequently determined in each case for consideration of such provisions as in their opinion should be reported with or without amendment to the committee concerned

A BILL

to amend the H-2B nonimmigrant worker program, and for other purposes.

Enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the “H-2B Returning

Mr. Schumer, Leader McConnell, Speaker McCarthy and Leader Jeffries:

America's hotel and lodging industry, we thank you for your leadership and support. AHLA is the singular voice representing every segment of the hotel industry: independent hotels, management companies, REITs, bed and breakfasts, and more. We support and advocate on behalf of the hospitality industry to ensure that the hotel and united hospitality industry that powers America's economy.

The H-2B program is essential for small and seasonal businesses that are committed to hiring American workers but are unable to fill seasonal jobs with American workers despite extensive efforts. It is important to both domestic and legal guest workers. For American businesses, year-round positions are reliant upon seasonal laborers to help meet peak demands. For H-2B workers, the program provides well-paying seasonal jobs that allow them to support their families and return to their native countries.

During peak cycles, many businesses cannot afford to employ H-2B workers the rest of the year. Despite requiring employers to gain approval from four agencies, seasonal employers still utilize it because they are committed to doing what they can to do to maintain a legal workforce.

The Department of Homeland Security's Citizenship and Immigration Services has proposed to drastically increase the fees to file an H-2B application. The total cost to file an application would increase to \$1,680 which is more than triple the current fee of \$460. The increase for the program would be extremely taxing and burdensome on the businesses that rely on the program to meet seasonal demand for their businesses.

For the seasonal employers and others who use the H-2B program, we urge you to maintain the current fee of \$460 and not create unnecessary barriers to entry for users which would devastate their business.



Overtime Update

April 10, 2023, 5:45 AM

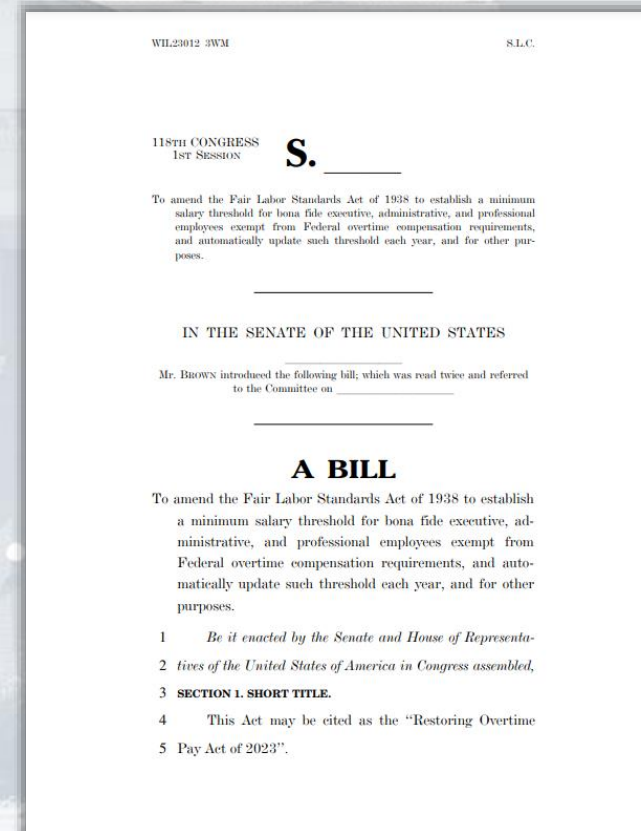
Punching In: DOL Defends Its Authority to Regulate Overtime Pay

BROWN INTRODUCES BILL TO MAKE MILLIONS OF AMERICAN WORKERS ELIGIBLE FOR OVERTIME PAY

Would Raise Salary Threshold to:

- \$45,000 as soon as bill is effective
- \$55,000 on Jan 1, 2024
- \$65,000 on Jan 1, 2025
- \$75,000 on Jan 1, 2026
- 55th percentile of earnings of full-time salaried workers (projected to be \$82,745 on Jan 1, 2027)

- The Biden administration is defending a Trump-era overtime rule in federal court in an attempt to quash a lawsuit that threatens to undermine its plans to issue another regulation to expand overtime protections to more workers



Julie Su Nomination



Acting Deputy Secretary of Labor

THE HILL

FEBRUARY 28, 2023
President Biden Nominates Julie Su for Secretary of the Department of Labor

BRIEFING ROOM STATEMENTS AND RELEASES



Biden's nominee for Labor secretary on shaky ground in Senate

House GOP calls on Biden to withdraw Labor secretary nominee: 'Disaster for workers and our economy'



SPENDING AGAINST SU: The "Stand Against Su" coalition against the nomination of Julie Su as Labor Secretary has placed newspaper ads in [Arizona](#), [Maine](#), [Montana](#) and [West Virginia](#), the group announced Friday.



COMMITTEE ON
**EDUCATION &
THE WORKFORCE**



US SENATE
COMMITTEE ON
**HEALTH
EDUCATION
LABOR &
PENSIONS**



Resort Fees Update

03.22.2023

Blumenthal & Whitehouse
Introduce Junk Fee Prevention Act
to End Unfair Surprise Costs for
Consumers



National Economic Council





State & Local

Alternative Accommodations

AXIOS Dallas

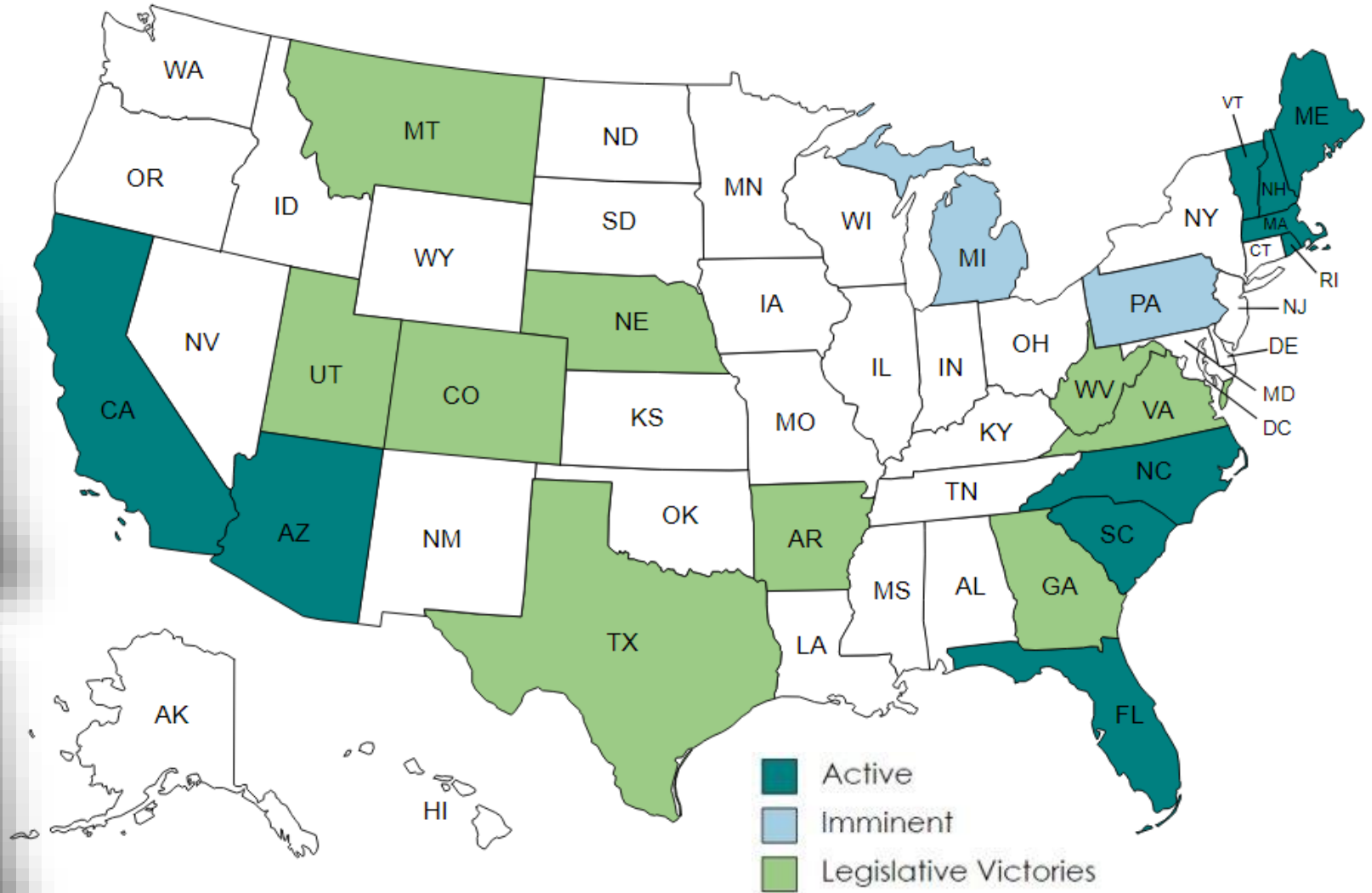
North Texas lawmakers struggle to regulate short-term rentals

The Dallas Morning News

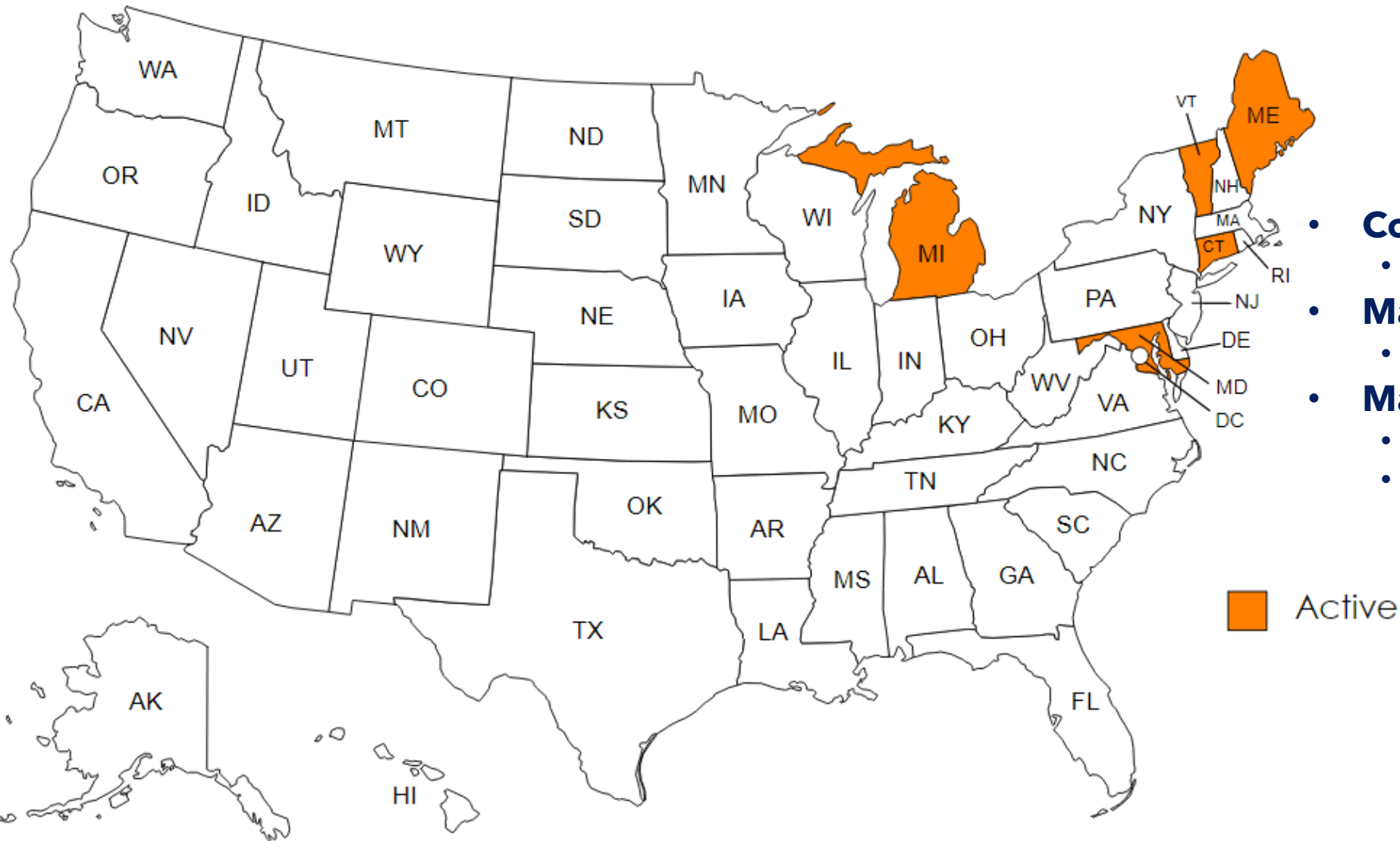
Texas voters are concerned with the negative effect of short-term rentals

Daily Hampshire
Gazette

Amherst woman sues Airbnb over alleged illegal camera in NYC apartment



Restrictive Scheduling Mandates



- **Connecticut**
 - SB 93
- **Maine**
 - LD 1190
- **Maryland**
 - SB 345
 - HB 349
- **Michigan**
 - HB 4035
- **Vermont**
 - HB 138
 - HB 116

Florida

2023 Legislative Session

- **SB 714** contained several components that provided additional regulations for short-term rental platforms
- **Senator Nick DeCeglie** promised to continue these efforts in 2024

“The vacation rental industry in 2011 is significantly different than what we are witnessing and experiencing right now in our neighborhoods, and I am committed to finding that balance to get that right because I want my neighbors to be able to sleep a full eight hours a night,” said DiCeglie.



South Carolina

2023 Legislative Session

SCRLA & AHLA defeated HB 3253, which looked to preempt regulation of short-term rentals on a state-wide scale.

Additionally, a **budget amendment** looking to handcuff local governments was also removed thanks to industry efforts.

Bill limiting short-term rental rules in SC is dead for the year but could resurface in 2024

Commentary: State takeover of short-term rentals will hurt SC senior citizens

North Carolina

2023 Legislative Session

Victory: SB 53, "Hotel Safety Law" passed after tireless efforts from the North Carolina Restaurant and Lodging Association

North Carolina Hotel Safety Act Signed Into Law

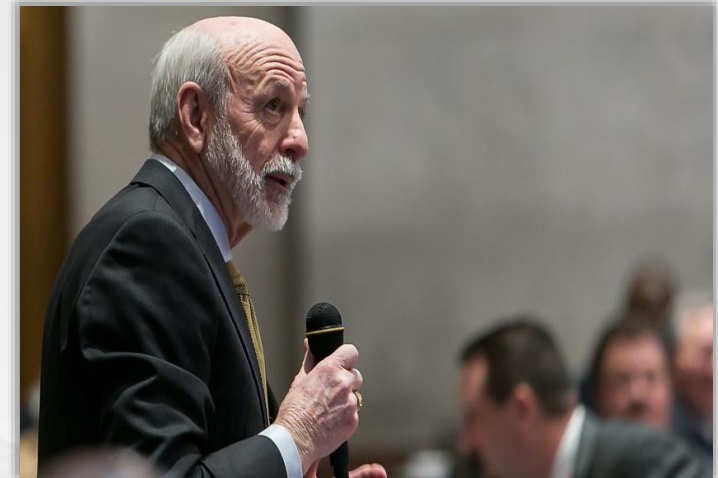
In Progress: NCRLA and AHLA are working to halt harmful short-term rental legislation

Tennessee

2023 Legislative Session

TN HB 774:
“Protecting Tennessee Business and Workers Act”

- The Tennessee Protecting Businesses and Workers Act has been signed by Governor Bill Lee
- Fantastic win for the industry and sets a precedent moving forward
- The bill's primary sponsor, **Rep. Jerome Moon**, was an exceptional industry champion with the bill



**New Law Helps Tennessee Hoteliers
and Employees**



Unites



**THE
HOSPITALITY
SHOW**

 **Questex**

**Business accelerates when the
right people are in the room.**

June 27–29, 2023 | The Venetian Las Vegas



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TO A STATE
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IN 2023!**

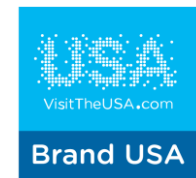
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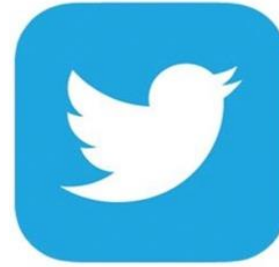
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There is a Hotel in every single Congressional District

Your Actions Lead to Results!



HotelsAct.org



Chip Rogers: twitter.com/ChipAHLA

AHLA: twitter.com/AHLA

AHLA Policy: twitter.com/AHLAPolicy



Chip Rogers: William “Chip” Rogers

AHLA: American Hotel &

Lodging Association



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Connect. Learn. Share. Scan To Join Today!



Thank you!

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