Regulatory Analysis

Notice of Intended Action to be published: 481—Chapter 37
"Hotel and Motel Inspections"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 137C.6

State or federal law(s) implemented by the rulemaking: Iowa Code section 137C.6 and Executive Order 10

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 4, 2025 9 a.m.	Ledges Conference Room 6200 Park Avenue Des Moines, Iowa

Information on virtual participation will be available on the Department of Inspections, Appeals, and Licensing's website prior to the hearing.

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Purpose and Summary

The proposed rulemaking repromulgates Chapter 37 and implements Iowa Code chapter 137C in accordance with the goals and directives of Executive Order 10. Iowa Code section 137C.6 gives the Director of the Department the authority to regulate, license and inspect hotels and enforce the Iowa hotel sanitation code in Iowa.

The proposed rulemaking implements the aforementioned Iowa Code chapter by setting out criteria for safe and sanitary hotels and motels, as well as setting forth the enforcement mechanisms for the Iowa Code chapter and these rules.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

Hotel and motel owners and managers will bear the costs of the proposed rulemaking. However, those costs are necessary to ensure safe and sanitary conditions.

- **Classes of persons that will benefit from the proposed rulemaking:**

Consumers who rent rooms and stay in hotels located in Iowa will benefit from the rulemaking. Motel and hotel license holders will benefit from clear and effective administrative procedures.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

The costs incurred by the public as a direct result of the rulemaking are highly variable and dependent upon the scope of each individual operation. The size of the facility and the number of staff needed to operate the facility are costs that may be influenced but not dictated by the rulemaking. For example, the more space and equipment a facility has, the more labor it will take to maintain sanitation standards.

- **Qualitative description of impact:**

Most of the requirements established by the rulemaking are focused on maintaining buildings and grounds, as well as effective cleaning and sanitizing processes and temperatures that protect public health.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

481—Chapters 30, 31 and 37 are heavily integrated, and costs to implement and enforce these rules cannot be separated by chapter or individual rule. 481—Chapter 30 establishes definitions and administrative processes for food establishments, food processing plants and hotels. 481—Chapters 31 and 37 establish inspection standards for food establishments, food processing plants, hotels and motels. The combined cost to implement and enforce these rules is as follows:

The licenses issued under these rules account for 98.346 percent of the Food and Consumer Safety Bureau's licensed establishment inventory and consumes an equivalent percentage of the budget. This equals an annual cost of $5.52 million to implement and enforce these chapters. The Department assumes similar costs based on specific inventories of food establishment and hotels for local health departments that regulate and enforce these rules under a 28E agreement with the Department.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues from this rulemaking.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

481—Chapters 30, 31 and 37 are heavily integrated, and benefits of these rules cannot be separated by chapter or individual rule. 481—Chapter 30 establishes definitions and administrative processes for food establishments, food processing plants and hotels. 481—Chapters 31 and 37 establish inspection standards for food establishments, food processing plants and hotels. The combined cost/benefit analysis for these rules is as follows:

The costs justify the benefit achieved. The benefits of conducting food safety and lodging inspections is prevention of illness and consumer protection. Preventing an illness is difficult to demonstrate, but the Department can show the number of interventions the Food and Consumer Safety Bureau has taken to reduce public health risks. During FY 2023, the Food and Consumer Safety Bureau:

- Conducted over 10,800 inspections,
- Identified over 18,000 code violations at 6,605 different facilities,
- Completed nearly 2,500 inspections to follow up on critical or significant violations that were not corrected during the initial inspection, and
- Identified and resolved 60 imminent health hazards by issuing four immediate suspension orders and gaining voluntary suspension of operations on 56 occasions where conditions presented an imminent health hazard. Once an imminent health hazard is mitigated, operations are approved to resume.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

Adopting uniform standards that are easily communicated, universally understood, suited for Iowa, and efficiently and consistently implemented and enforced is the least costly and least intrusive method of achieving the purpose.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

Alternatives were investigated but were not seriously considered. This rulemaking sets forth standards for hotels and motels that ensure safe and sanitary conditions.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

The Department has consistently engaged in a collaborative way with industry members to identify the least restrictive alternatives with equal benefit when setting out specific provisions. If a provision, as adopted, is too restrictive for a specific operation, the business can pursue a waiver for that provision.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

The food and lodging industry in Iowa is extremely diverse. While some food and lodging operations are small independent businesses, others are large multinational companies. This rulemaking implements Iowa Code chapters 137C and 137F in a simple and effective manner for both small and large businesses. The rulemaking clearly defines terms and sets simple administrative processes for licensing, assessing penalties, refunds, license renewals, enforcement, appeals, and posting of inspections and licenses. One of the most impactful methods this rulemaking employs to reduce impact on small businesses is the establishment of a minimum inspection frequency that is less frequent than any neighboring state and quite possibly less frequent than any other state in the continental U.S.

Text of Proposed Rulemaking

ITEM 1. Rescind 481—Chapter 37 and adopt the following **new** chapter in lieu thereof:

CHAPTER 37
HOTEL AND MOTEL INSPECTIONS

481—37.1(137C) Building and grounds. Owners or managers are expected to keep hotels clean, meaning no litter nor accumulation of refuse anywhere on the premises. The floors, walls, and ceilings shall be kept clean and in good repair.

37.1(1) Screens, self-closing doors or other effective methods shall be used to keep flies, mosquitoes and other pests out of hotel lobbies, kitchens or any other indoor area.

37.1(2) All garbage must be kept in metal or plastic containers with tight-fitting lids and removed regularly to avoid offensive odors, a problem with insects or rodents, or health or fire hazards.

37.1(3) Any room or article that becomes infested with insects or vermin shall be cleaned or chemically treated until there are no more insects or vermin.

481—37.2(137C) Guest rooms. Hotels built or extensively remodeled, as determined by the department, shall provide ventilation in guest rooms with windows or mechanical devices. The furniture, drapes and accessories shall be kept clean and in good repair.

481—37.3(137C) Bedding. All materials used on a bed or any sleeping place shall be kept clean and in good repair.

37.3(1) There shall be an under sheet and top sheet that are large enough to cover the mattress for every bed. Pillows shall have pillow slips.

37.3(2) Each guest shall be furnished clean sheets and pillow slips.

37.3(3) All other bedding shall be aired between guests and kept clean.

481—37.4(137C) Lavatory facilities. Hotels built or remodeled shall have lavatory facilities in each guest room, except for bed and breakfast inns.

37.4(1) Each guest room shall be equipped with hot and cold running water fixtures. The floors shall be nonabsorbent and impermeable so they can be washed with water.

37.4(2) Lavatory rooms shall be well-lighted and vented to the outside of the building, which may be done with electric units.

37.4(3) Each guest shall have a clean towel each day.

37.4(4) Bed and breakfast inns shall provide at least one restroom that is available to overnight guests that is equipped as provided in subrules 37.4(1) through 37.4(3).

481—37.5(137C) Glasses and ice.

37.5(1) Each guest shall have clean glasses to use. All cups, glasses or utensils usable more than once shall be sanitized by:

a. A sanitizing solution used in accordance with the manufacturer's use instructions; or

b. A mechanical dishwasher that sanitizes and is operated in accordance with the manufacturer's instructions.

37.5(2) Sanitizing temperature or solution concentration measuring devices are readily available to frequently measure sanitizing temperatures and sanitizing solution concentrations.

37.5(3) Ice kept for guests to use shall be protected from contamination with tight lids on ice machines or storage bins. Containers used to store ice shall be continuously drained and have no direct waste connection. Ice containers and utensils shall be designed so that the surfaces are made of a material that is safe for use as a food contact surface and so that the surface can be adequately cleaned.

481—37.6 Reserved.

481—37.7(137C) Room rates. Room rates will be posted in accordance with Iowa Code chapter 137C.

481—37.8(137C) Inspections. Hotels will be inspected in accordance with Iowa Code chapter 137C.

481—37.9(137C) Enforcement. Violation of these rules or any provision of Iowa Code chapter 137C is a simple misdemeanor. The department may employ various remedies if violations are discovered, including suspension or revocation of licenses (Iowa Code section 137C.10) or injunction (Iowa Code section 137C.29).

481—37.10(137C) Criminal offense—conviction of license holder.

37.10(1) The department may suspend or revoke the license of a license holder who conducts an activity constituting a criminal offense as set forth in Iowa Code section 137C.10(3).

37.10(2) A certified copy of the final order or judgment of conviction or plea of guilty is conclusive evidence of the conviction of the license holder.

These rules are intended to implement Iowa Code chapter 137C.