

Non-commercial, community recreational accommodation services

The rules relating to the provision of non-commercial, community recreational accommodation services are laid down in Government Decree 173/2003 (X. 28.).

The rules cover both accommodation establishments (any establishment providing a community accommodation within the frame of non-commercial economic activities with a capacity of at least six beds), service providers (owners, asset managers, lessees and operators of accommodation establishments) and guests (persons using the service as beneficiaries or family members or as domestic or foreign tourists).

Non-commercial, community recreational accommodation services may only be provided in accordance with the Decree; all official duties prescribed relating thereto are performed by the local government clerk of the municipality where the accommodation establishment is located.

The activity is a non-commercial, community recreational accommodation service activity providing a community service satisfying the needs of society without the purpose of realising any gain or obtaining any assets, regardless of the nature of the service provider.

According to the period of use:

- basic encampments primarily designed for tourists facing emergency situations and provisional night accommodation set up in a mountain huts for tourists facing emergency situations qualifies as an occasional accommodation;
- the term ‘accommodation for short stay’ includes nomadic camp grounds, the types of mountain huts which qualify as category C mountain huts or huts offering attached beds, and category A workers’ accommodation offering short-term or long-term accommodation with kitchen and dining areas;
- the term ‘accommodation for temporary stay’ includes holiday houses, children’s and youth camps, category A mountain huts and boarding houses.

According to the manner of operation:

- the term ‘unattended accommodation’ includes nomadic camp grounds, basic encampments primarily designed for tourists facing emergency situations, category C mountain huts and category A workers’ accommodation offering short-term or long-term accommodation with kitchen and dining areas;
- the term ‘accommodation under constant surveillance’ includes all types of accommodation not listed above.

An occasional accommodation shall be suitable for 24-hour human occupancy, therefore it shall:

- not be detrimental to health;
- provide a requisite minimum space to move around in; and

satisfy basic comfort needs including the following:

- a reclining area which is sufficient for a person with average physical dimensions;
- drinking water, sanitary facilities and toilet facilities in the vicinity of the accommodation.

Lodging of employees at accommodation provided by the employer or in category C workers' accommodation shall be in a manner that it appropriately satisfies the employee's housing needs required and maintains the dignity required for preserving their health and personal safety necessary to perform their work.

Each part of the building should be constructed so that the parts altogether will, with respect to proper use, comply with the requirements of the safety of life including:

- stability and resistance;
- fire safety; and
- safe use

as laid down in Government Decree 253/1997 (XII. 20.) on the national requirements of building and town planning ('OTÉK').

In accordance with the classification requirements laid down in the Government Decree, accommodation shall comply with the requirements governing:

- hygiene and health protection;
- environmental protection;
- energy saving and thermal protection;
- protection against moisture; and
- security surveillance

.

The size and establishment of each room shall also comply with the classification requirements laid down in the Government Decree; accommodation inaccessible from public roads will be relieved of meeting the requirements of constructing vehicle storage facilities or car park as well as of accessibility requirements.

The classification is designed to provide basic information to guests. The accommodation establishment shall be classified prior to the provision of services. The classification shall be carried out by the service provider on the basis of regulations governing the design, infrastructure, facilities and services of the accommodation, by means of self-classification.

As a general rule, the contract for services shall be in writing, and concluded prior to the commencement of service provision. The rights and obligations of guests are laid down in the

service contract and the regulations enclosed thereto (regulations for guests, operational instructions).

The service provider is entitled to the following:

- in the case of unattended accommodation, to determine the manner of access and any additional obligations on the guests;
- in the case of accommodation under constant surveillance, to exclude from using the services any guest who has severely disturbed the rest of others, or who is suffering from an infectious disease set out in legal regulations and might infect others.

The service provider shall

- make accessible all regulations relating to the use of the service including the regulations for guests on operating the accommodation properly, the information on the accommodation prices, and – for unattended accommodation – the operational instructions for the guests;
- ensure the proper functionality of the accommodation, the compliance with all regulations applicable to the relevant classification, the maintenance of furniture and equipment, and – for accommodation under constant surveillance – the responsible safeguarding of the accommodation itself and the valuable items deposited by the guests in its custody, as well as an undisturbed environment for resting; and
- record the grounds of the exclusion of a guest from the services in a report.

For the purposes of recording any written observations or complaints of the guests related to the services, service providers – except for occasional accommodation and nomadic camp grounds – shall make a Complaints Book available. The Complaints Book is to be certified by the clerk of the local government before it is taken into use. The opening date of the Complaints Book shall be indicated prior to its use. The Complaints Book shall be publicly available for inspection, and the relevant authority may request information from the Complaints Book in a manner and to the extent as set out in a separate law. Unless otherwise provided by law, the service provider must preserve the Complaints Book for 2 years from the last entry made in it.

The service provider shall provide access to the accommodation establishment for the local government clerk, the authorities as well as other bodies empowered to carry out inspections, in particular the consumer protection authorities, the tax authority, the immigration authority, the animal health and welfare authority, and enable them to carry out inspections in the establishment. The service provider has the right to be present during the inspection.

If the body authorised to make the inspection finds that the services fail to comply with the conditions set forth in this Decree, or the establishment or the condition, quality or cleanliness of the furniture and equipment does not meet the legal requirements, it will call upon the service provider in writing to remedy the condition complained of. The service provider shall remedy the

condition complained of within 30 working days upon receipt of the call, or – if it is not possible – to re-classify the accommodation establishment and notify the body authorised to inspection and the local government clerk of such re-classification in writing. If the service provider fails to put an end to the condition complained of within 30 working days upon receipt of the notice or to re-classify the accommodation, the local government clerk will carry out such re-classification.

The local government clerk will verify whether the services comply with the official records, the self-classification by the service provider and the legal regulations. The local government clerk will notify the authorities if in the course of such verification they become aware of any infringement which falls within their material jurisdiction.

Within the accommodation categories concerned, workers' accommodation means an official-purpose accommodation – in the period when providing non-commercial, community recreational accommodation services – which provides temporary or long-term work-related accommodation with the possibility to use the kitchen and the dining-room for workers living in other settlements and having their registered domicile there, in a final or temporary establishment constructed or reconstructed for that purpose, and this service activity amounts to at least 90 % of its annual turnover, or – in the event of taking development aid – at least 80 % thereof, and complies with all classification requirements. Workers' accommodation include in particular category C workers' accommodation and accommodation for single workers or nurses.

Category A workers' accommodation means an accommodation – in the period when providing non-commercial, community recreational accommodation services – operated as an independent unit which provides accommodation with the possibility to use the kitchen and the dining-room for a small number of persons on official secondment for a couple of days required to do their work, and this service activity amounts to at least 90 % of the annual turnover of the establishment, or – in the event if taking development aid – at least 80 % thereof. Accommodation in an artists' retreat or accommodation establishment for researchers also qualifies as a guest room.