

May an Innkeeper Legally Limit the Age for Accepting Children as Guests?

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The Pennsylvania Innkeepers' Rights Act ("Act"), effective December 30, 1996, allows Innkeepers to deny, without liability, accommodations, facilities or privileges to persons who do not demonstrate the financial ability to pay for the accommodations and services, or for specific public health and safety reasons, including any prospective guest who:

- (1) is unwilling to pay for accommodations and services. An Innkeeper has the right to require that prospective guests demonstrate their ability to pay by cash, valid credit card, or certified or cashier's check. When a minor is unaccompanied by a parent or legal guardian, the Innkeeper may require the minor's parent or legal guardian to assume financial responsibility for guestroom cost, taxes and all other charges incurred by the minor.
- (2) is disorderly;
- (3) the Innkeeper "reasonably believes" is seeking accommodations for an "unlawful purpose," such as the unlawful possession or use of a controlled substance or consumption of alcoholic beverages by any person under 21 years of age;
- (4) the Innkeeper "reasonably believes" is bringing into the lodging establishment property which may be dangerous to other persons, such as explosives or firearms; or
- (5) exceeds the maximum number of persons allowed to occupy any particular guest room in the lodging establishment, as posted by the lodging establishment.

An Innkeeper will not incur civil liability nor be subject to any fine or penalty for refusal or denial to provide accommodations for any of these reasons, so long as the refusal is not based upon a violation of the Pennsylvania Human Relations Act, currently prohibiting discrimination on the basis of race, color, familial status, religious creed, ancestry, handicap or disability, age, sex, national origin, or use of guide or support animal because of blindness, deafness, or other physical handicap.

Under the Act, a "minor" is anyone under the age of 18.

Apart from the Act, an Inn may develop age-sensitive policies regarding children.

When considering its policy toward children, Innkeepers should consider making such a policy clear in advertising their lodging. The following are excerpts from an excellent example used by a Gettysburg, Pennsylvania facility:

"Bringing Your Family to the Inn.

The Inn welcomes family travelers. Our goal is to provide a welcoming, relaxing, educational experience for all our guests.

Information for families:

1. Many Inns request 'well behaved children.' At our Inn, we request 'considerate parents.' We have plenty of space for your children to run around and enjoy themselves. . . . With a little common sense, you will be able to tell whether your children are bothering other guests. . . . We would rather that you stay in charge of your children instead of relying on the Inn staff to step in. However, we will speak up if we notice a problem. . . .
2. We try to make sure that both children and adults enjoy breakfast. We have cereal available for fussy eaters. Please let us know the night before if anyone in your family has special breakfast needs. We usually serve the same breakfast to all our guests. . . . We want to please, but don't want to make the majority of the guests wait for their meal. We usually seat families with small children at a table of their own. When we have a very mixed crowd with both families and get-away couples, we can set up breakfast in two different rooms to meet everyone's needs. We know that some couples are vacationing to get a break from their children and don't want to eat with someone else's child. They may love children – just not on this vacation. With a little planning, we make it all work out so everyone has a good time.
3. Please supervise your children outdoors. We are a 46 acre farm and have some hazards inherent in farm property. We have an elevated waterfall and goldfish pond by the front door and a farm pond outside. Both children and adults should stay out of the horse corrals and barn without a staff member accompanying them. The Canada Geese are nesting and caring for their young. They are wild and may defend themselves if children chase them. Rock throwing and tree climbing can be dangerous and we would prefer not to have children doing either. We want our guests to enjoy the outdoors without getting hurt!"

For additional information please contact any member of the Hospitality Practice Group.