



OFFICE OF THE CITY ATTORNEY
ROCKARD J. DELGADILLO
CITY ATTORNEY

REPORT NO. R 0 7 - 0 4 4 4

DEC 12 2007

REPORT RE:

**DRAFT ORDINANCE AMENDING LOS ANGELES MUNICIPAL CODE SECTION
41.49 RELATING TO HOTEL REGISTRATION AND ROOM RENTALS**

The Honorable Public Safety Committee
of the Los Angeles City Council
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File No. 06-0125

Honorable Members:

On October 9, 2007, the City Council instructed the City Attorney to prepare an ordinance amending Los Angeles Municipal Code Section 41.49 to facilitate the presentation of identification by individuals using emergency vouchers for lodging. The City Council further instructed the City Attorney to work with the Los Angeles Police Department, Los Angeles Homeless Authority and homeless providers to develop acceptable documentation or an identification process to allow homeless individuals to utilize emergency housing vouchers.

Los Angeles Municipal Code Section 41.49 requires a guest who is paying cash, does not have a reservation or is renting the room for a period of less than 12 hours to present an identification document. Persons without identification who wish to use homeless vouchers may have difficulty renting rooms if they lack reservations or are renting a room for a period of less than 12 hours. This Office has contacted the Los Angeles Police Department to determine whether in lieu of identification, a copy of the voucher should be maintained in the record for guests using vouchers for emergency housing. The Los Angeles Police Department has indicated that it has no objection to this procedure for guests who lack reservations. The Department does not recommend eliminating the identification requirement for persons using rooms for a period of less than 12 hours.

This Office has spoken with a representative of the Los Angeles Homeless Services Authority (LAHSA) who supports the concept of not requiring identification for homeless individuals who are paying for hotel/motel rooms with housing vouchers. The LAHSA representative also assisted in drafting a comprehensive definition of "housing voucher," which is contained in the draft ordinance. Contact was also made with a representative of a homeless services provider who was also very supportive of a process that would not require identification from homeless persons for lodging. That representative indicated that losing identification documents was a common occurrence among homeless individuals, so that even if an identification acceptance process was developed, it would be ineffective if the identification document had been lost. She also stated that housing vouchers were provided for overnight stay so that it would not be necessary to amend the section to eliminate the identification requirement for short term room rentals.

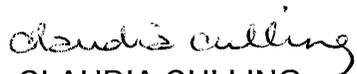
Based upon the above, this Office recommends that Los Angeles Municipal Code 41.49 be amended to state that in lieu of requiring identification from persons paying with housing vouchers, motels and hotels accepting housing vouchers be required to maintain a copy of the voucher with the registration record.

If you have any questions, please contact Assistant City Attorney Asha Greenberg at (310) 575-8500. Either she or another member of this office will be available when you consider this matter to answer any questions you may have.

Sincerely,

ROCKARD J. DELGADILLO, City Attorney

By


CLAUDIA CULLING
Special Counsel-Municipal

ORDINANCE NO. _____

An ordinance amending Section 41.49 of the Los Angeles Municipal Code regarding hotel registers and room rentals

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Section 41.49 of the Los Angeles Municipal Code is amended to read:

SEC. 41.49. HOTEL REGISTERS AND ROOM RENTALS

1. **Definitions.** For purposes of this section:

Guest means a person who exercises occupancy or is entitled to occupancy in a hotel by reason of concession, permit, right of access, license or other agreement.

Hotel means any public or private space or structure, including but not limited to, any inn, hostelry, tourist home, motel, lodging house or motel rooming house offering space for sleeping or overnight accommodations in exchange for rent and for a period of less than 30 days. Hotel includes the parking lot and other common areas of the hotel. Hotel does not include living accommodations provided at any governmental or nonprofit institution in connection with the functions of that institution.

Housing Voucher means a voucher, certificate or coupon for lodging issued individually or jointly by any of the following, or an agency or authority of any one or more of the following: (1) the federal government; (2) the State of California or another state; (3) a county; (4) a municipality; or (5) a non-profit entity that issues vouchers, certificates or coupons for lodging to homeless individuals or families.

Identification document means a document that contains the name, date of birth, description and picture of a person, issued by the federal government, the State of California, another state, a county or municipal government subdivision or one of their agencies, including but not limited to: a motor vehicle operator's license, an identification card, or an identification card issued to a member of the Armed Forces. Identification document also includes a passport issued by a foreign government or a consular identification card, issued by a foreign government to any of its citizens and nationals, which has been approved by the City of Los Angeles as valid identification.

Occupancy means the use or possession, or the right to the use or possession, of any room in any hotel.

Operator means the person who is either the proprietor of the hotel or any other person who has the right to rent rooms within the hotel, whether in the capacity of owner, manager, lessee, mortgagee in possession, licensee, employee or in any other capacity.

Record means written documentation of information about a guest. A record may be maintained electronically, in a book or on cards.

Rent means the consideration charged, whether or not received, for the occupancy of a room in a hotel valued in money, whether to be received in money, goods, labor or otherwise, including all receipts, cash, credits and property and services of any kind or nature.

Reservation means a request to hold a room for a potential guest that includes the following information and is documented in writing: (i) The potential guest's name and contact information; and (ii) the date and time when the contact was made.

Room means any portion of a hotel, which is designed or intended for occupancy by a person for temporary lodging or sleeping purposes.

Walk-in guest means any guest who did not make a reservation for a room prior to the time that he or she seeks to check in at the hotel.

2. Hotel Record Information.

(a) Every operator of a hotel shall keep a record in which the following information shall be entered legibly, either in electronic, ink or typewritten form prior to the room being furnished or rented to a guest:

(1) As provided by the guest in response to an inquiry or by other means:

(i) The name and address of each guest and the total number of guests;

(ii) The make, type and license number of the guest's vehicle if the vehicle will be parked on hotel premises that are under the control of the Operator or hotel management;

(iii) Identification information as required by Subsection 4 (a) and (b) of this section.

(2) The day, month, year and time of arrival of each guest;

(3) The number or other identifying symbol of location of the room rented or assigned each guest;

(4) The date that each guest is scheduled to depart;

(5) The rate charged and amount collected for rental of the room assigned to each guest;

(6) The method of payment for the room; and

(7) The full name of the person checking in the guest.

(b) For a guest checking in via an electronic registration kiosk at the hotel, instead of the information required by Subsection 2 (a), the hotel shall maintain the name, reservation information and credit card information provided by the guest, as well as the identifying symbol of the kiosk where the guest checked in and the room number assigned to the guest.

3. Maintenance of Hotel Record. Every operator of a hotel shall comply with the following requirements for maintaining the hotel record:

(a) The record shall be kept on the hotel premises in the guest reception or guest check-in area or in an office adjacent to that area. The record shall be maintained at that location on the hotel premises for a period of 90 days from and after the date of the last entry in the record and shall be made available to any officer of the Los Angeles Police Department for inspection. Whenever possible, the inspection shall be conducted at a time and in a manner that minimizes any interference with the operation of the business.

(b) No person shall alter, deface or erase the record so as to make the information recorded in it illegible or unintelligible, or hinder, obstruct or interfere with any inspection of the record under this section.

(c) Any record maintained in the form of a book shall be permanently bound, each page shall be sequentially numbered and the book shall be the minimum size of eight by ten inches. No page shall be removed from the book. Any record maintained in the form of cards shall be on cards that are the minimum size of two and one-half inches by four inches and numbered consecutively and used in sequence. Any card numbered within the sequence of utilized cards shall be preserved as part of the record even if it is not used for a room rental. The numbers shall be printed or otherwise indelibly affixed to the cards. If maintained electronically, the record shall be printable.

(d) Nothing in this section absolves the operator from maintaining the record for longer than 90 days in order to comply with any other provision of law, including the obligation to maintain and produce records for the purpose of paying a transient occupancy tax.

4. Renting of Hotel Rooms. The operator of a hotel shall not rent a room except in compliance with the following conditions.

(a) A guest who pays all or part of the rent for a room in cash at the time of checking in, and a walk-in guest, shall be required to present an identification document or a housing voucher at the time of checking into the hotel.

(b) A room shall not be rented hourly or for fewer than 12 hours unless an identification document is obtained from the guest when he or she checks into the hotel.

(c) The number and expiration date of the identification document obtained under Subsections 4 (a) or (b) shall be recorded and maintained by the operator in the record for at least 90 days or if a guest is paying with a housing voucher obtained under Subsection 4 (a), a copy of the housing voucher shall be maintained with the record for at least 90 days.

5. Training of employees. The owner or proprietor of a hotel business shall take all reasonable steps, including but not limited to, providing training regarding this section to ensure that the person who checks a person into the hotel complies with the provisions of this section. A person who has not been trained shall not be assigned to check persons into the hotel.

6. Guest obligations.

(a) No person shall give any assumed, false or fictitious name, or any other name other than his or her true name when checking into a hotel.

(b) No person shall present to any hotel identification that is any way false, altered or counterfeit or belongs to another person.

(c) Subsection 6 shall not apply to law enforcement personnel engaged in an investigation.

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

FRANK T. MARTINEZ, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

ROCKARD J. DELGADILLO, City Attorney

By *Claudia Cullin* for
ASHA GREENBERG
Assistant City Attorney

Date 12/12/07

Rev. 12/12/07