

FACT SHEET – WE NEED TO AMEND ORD. No. 177966!

Ordinance No. 177966, adopted October 23, 2006, amended LAMC §41.49 to require hotel registration clerks to obtain detailed information on each guest, including name, address, driver's license number, license expiration date, vehicle make, model, and license number. Where there are two or more guests, this information must be gathered for each person. These records are then required to be kept for 90 days, in sequential order, and available for immediate inspection by police, without notice.

If our desk clerks make any errors in taking down the information, they are subject to misdemeanor charges - criminal prosecution and jail! Unfortunately, paperwork errors occur in any line of work. As a result of normal errors, and because so many of our members and our employees speak English as a second language, we feel besieged by the unacceptably onerous impact of this Ordinance!

The Ordinance also has a discriminatory impact on our guests who hold identification cards issued by the Mexican consulate. We have been instructed by the City Attorney's office that the Ordinance makes it unlawful to rent hotel rooms where the only form of identification is a consular id card. Thus, we are required to refuse rooms to many Mexican nationals! It was lobbying efforts NELAHOA that this portion of the law was amended in July 2007 to allow rental to guest providing Consular Identification.

Our members have received citations where just a single piece of information is missing. Others have been cited where a single card is out of order. It is simply not possible to file numbered registration cards in perfect sequential order. What other business is subject to such harsh penalties for paperwork?

- It is unfair to impose criminal penalties for inadvertent recordkeeping errors!
- Speaking English as a second language shouldn't be a crime. But, in Los Angeles, it is!

The Ordinance has excessively harsh penalties. Our members, many of whom are Chinese and Indian American are being treated as criminals.

Here is what actually happened after February 2006 once Council Member Dennis Zine's motions to introduce LAMC 41.49 and have two officers from the LAPD Vice unit author the new law. The two LAPD Vice officers were leads in many of the sting operations.

Unfair citation for minor record keeping errors:

A lodging establishment in Eagle Rock was visited by three patrol cars and six uniformed officers at his hotel last fall just to check his records. They spent two hours in his office, in plain view of his guests, who looked concerned that the hotel was receiving scrutiny from the police. They showed him a record that showed three occupants on which he had written only one occupant's address. He told them that it had been a mother with two young sons, and he had assumed they all lived in the same place. They told him that he should write "Same Address" on the card, and wrote him a citation for violating section

41.49." The outcome placed the desk clerks immigration status on hold for one year before he could apply for residency.

Level of disruption to business:

A lodging establishment in Hollywood front desk clerk told of an incident in which a man and a woman approached his window and asked to rent a room. He sensed something was wrong with the situation, and he told the couple that the hotel was full. The man then identified himself as a police officer, and about five patrol cars pulled up in the parking lot with ten uniformed police officers, in full view of the public. They checked his registration records, and went knocking on doors of the guests' rooms, asking for ID to check against the register. The police cited him for failing to write down the license plate of a guest's vehicle."

Training of LAPD officers conduct during enforcement LAMC 41.49:

We need proper legal language in the law that clearly trains LAPD officers not to disturb the guest while they are in their rooms to validate information on the registration cards. This is an invasion of their privacy and would result in bad public relations for the lodging establishment.

Certain training procedures must be written in the law when and what time LAPD officers can approach a lodging establishment to review guest registration cards. Having 15-22 LAPD officers standing in the lobby of a lodging establishment is disruptive and makes the front desk clerk feel like criminal. This practice wrongly presents to the staying and arriving guests that the business establishment is a place of ill repute. In the morning the guest are checking out and this is the one of the busiest time for the front desk clerk. He or she cannot concentrate on the operation of the business while answering questing about the information on the registration cards. The same exist during high check in times for guest.

The law was written where each registration card must be numbered and file sequentially. This is not possible. The lodging industry files its registration cards by departure date. This is a standard hotel accounting method. The law was authored by two LAPD officers to make it easier for the citing officers to read the registration cards. The LAPD's lack of knowledge about the lodging industry accounting is very clear and it is not possible to follow this requirement. Can you imagine a guest coming back and asking for their receipt? The front desk clerk usually asks what the guest departure date to pull up the registration card. Because of the current enforcement of LAMC 41.49, the front desk clerk has to go through almost every card and search by name. The guest is not going to be able to tell the front desk clerk what number their registration card was.

WHAT WE WANT:

- Allow consular ID's as an acceptable form of identification
- Remove the requirement to number registration cards and file sequentially
- Penalties for minor record keeping errors should be a fine
- Implement proposed language to the ordinance replacing 41.49 in the attached memorandum from ACLU and APALC

MEMORANDUM

To: Councilman Huizar

From: Peter Bibring & Julie A. Su
ACLU of Southern California & Asian Pacific American Legal Center

Date: October 18, 2006

Re: **Proposed Revision to Ordinance No. ____, amending L.A.M.C 41.49**

Here is our proposed language to the ordinance replacing 41.49.

Add to beginning,

WHEREAS, the majority of hotel and motel owners in the City of Los Angeles are law-abiding, hardworking, often immigrant business owners trying to make a living;

WHEREAS, the majority of hotel guests in Los Angeles are law-abiding individuals who are traveling, whose housing is unstable or overcrowded, or for whom staying in a private hotel is an indulgence;

WHEREAS, hotel and motel operators' business depends on their ability to extend their legitimate clients respect and a degree of privacy;

WHEREAS, day-to-day operation of hotels frequently falls to clerks who are paid little over minimum wage, and who have a high rate of job turnover;

To Sec. 2., add the following at the end of the proposed section:

7. Penalties

Violations of this provision shall be punishable as follows:

(a) For the first violation within any one year period, by a warning.. Such warning shall be accompanied by a copy of the notification described in Section 3.

(b) For a second violation occurring within a one year period of a prior violation, which resulted in a warning, by a civil penalty not to exceed \$100.

(c) For a third violation occurring within a one year period of two or more prior violations, which resulted in a warning and then assessment of civil penalties up to \$100, by a civil penalty not to exceed \$250.

(d) For a fourth or any subsequent violation occurring within a one period period of three or more violations, which resulted in a warning and assessment of civil penalties up to \$250, by a civil penalty not to exceed \$350.

(e) Willful and repeated refusal to comply with the provisions is punishable as a misdemeanor.

For purposes of this subsection, multiple record-keeping violations discovered on a single inspection of the hotel records shall be punished as a single violation.

To item 2(a)(1)(i), make the following addition (additions underlined):

The name and address of each guest 18 and over and the total number of guests; if operator has reason to believe that guests 18 and under are not accompanied by a parent or guardian, names and addresses of such minors shall also be included on the record;

To Sec. 3., add the following at the end of the proposed section:

The City Attorney is instructed to prepare notification addressed to hotels about the change in legal obligations under these amendments. The notification shall include both detailed notice addressed to operators and a separate notice prepared for guests that operator has the option of posting to inform guests of the City's requirements. The Office of Finance, Tax, and Permits is instructed to send such notifications to all existing hotels along with the next annual Business Tax Renewal forms. Before January 1, 2008, no penalties shall be assessed against any hotel or employees of any hotel for a violation which occurred prior the hotel receiving either such notification or a warning given by the Los Angeles Police Department or another enforcement agency.

End of memorandum

We have the support of: the Asian Pacific American Legal Center; the American Civil Liberties Union; the Eagle Rock Chamber of Commerce; Los Angeles City Councilman Jose Huizar; Assembly Woman Nell Soto; Asian American Hotel Owners Association

The North East Los Angeles Hotel Owners Association

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