

Hotels and Tenants

When does a hotel guest become a legal “tenant”?

In general, hotel guests gain the legal status of tenants after occupying a hotel room for 30 days.

Are there any exceptions to the 30-day rule?

There are two major exceptions to the rule. In each of these scenarios, the hotel guest does not become a legal tenant after 30 days:

- (a) if the tenant isn't fully paid up on all room charges as of day 30; or
- (b) if the hotel meets all five of these criteria:
 - (1) The hotel keeps a right of access and control of the room; and
 - (2) The hotel has facilities to safeguard personal property; and
 - (3) The hotel provides central telephone service; and
 - (4) The hotel provides maid, mail, and room services; and
 - (5) Food service is in or adjacent to the premises of the hotel.

What legal rights does a “tenant” get that a hotel guest doesn't have?

Under state and local law, tenants have a number of special legal rights. The most significant is the requirement that the property owner go through the court process before evicting the tenant. This process includes serving a notice to quit and then filing an “unlawful detainer” lawsuit in court. Self-help evictions of tenants are prohibited.

Is it illegal for a hotel to move guests out and back in before the 30-day mark, to avoid them becoming tenants?

It is illegal if the hotel is a “residential hotel.” This means that the property has six or more units and is the primary residence of its occupants.

How can hotels use self-help to eject guests who won't leave voluntarily?

The only way that it's legal for a hotel to do self-help evictions of guests (changing the room key, removing the guest's property, and moving in a new guest) is if all of the following conditions are met:

- (a) It's not a “residential hotel”; and
- (b) The guest does not qualify as a “tenant” as defined above; and
- (c) The guest signed a notice when they moved in saying that this kind of self-help eviction could happen; and
- (d) An actual guest is scheduled to move into that particular room.

How can I get more information?

Call the City Attorney's Office (310-458-8336).