
THIRD READING

Bill No: AB 299
Author: Gabriel (D) and Rivas (D)
Amended: 7/17/25 in Senate
Vote: 27 - Urgency

SENATE JUDICIARY COMMITTEE: 12-0, 7/15/25

AYES: Umberg, Niello, Allen, Arreguín, Ashby, Caballero, Durazo, Laird, Stern,
Valladares, Weber Pierson, Wiener

NO VOTE RECORDED: Wahab

ASSEMBLY FLOOR: 77-0, 4/1/25 - See last page for vote

SUBJECT: Motels, hotels, and short-term lodging: disasters

SOURCE: Author

DIGEST: This bill specifies that a guest of a lodging may not have their continued occupancy constitute a new tenancy for the purposes of an unlawful detainer if the guest is living in the lodging because their prior housing was damaged, destroyed, or otherwise made uninhabitable by a disaster, even if the they reside in the lodging for more than 30 days.

ANALYSIS:

Existing law:

- 1) Applies provisions of the Civil Code (Civ. Code) relating to the hiring of real property to all persons who hire dwelling units located within the state, including tenants, lessees, boarders, lodgers, and others, however denominated. (Civ. Code § 1940(a).)
- 2) Defines the term “persons who hire” to exclude a person who maintains either of the following:
 - a) transient occupancy in a hotel, motel, residence club, or other facility when the transient occupancy is or would be subject to tax under Section 7280 of

the Revenue and Taxation Code, excluding a person who has not made valid payments for all room and other related charges owing as of the last day on which their occupancy is or would be subject to tax, as specified; or

- b) occupancy at a hotel or motel where the innkeeper retains a right of access to and control of the dwelling unit and the hotel or motel provides or offers all of the following services to all of the residents:
 - i) facilities for the safeguarding of personal property, as specified;
 - ii) central telephone service subject to tariffs covering the same filed with the California Public Utilities Commission;
 - iii) maid, mail, and room services;
 - iv) occupancy for periods of less than seven days; and
 - v) food service provided by a food establishment, as specified, located on or adjacent to the premises of the hotel or motel and owned or operated by the innkeeper or a person or entity pursuant to a lease or similar relationship with the innkeeper or person or entity affiliated with the innkeeper. (Civ. Code § 1940(b).)
- 3) Establishes that a tenant of real property is guilty of unlawful detainer in a number of specified circumstances, including when the tenant continues in possession without the permission of the landlord after default in the payment of rent pursuant to the lease or agreement under which the property is held, or after a neglect or failure to perform other conditions or covenants of the lease or agreement under which the property is held. (Code Civ. Proc. § 1161.)
- 4) Defines “tenant” for purposes of (3), above, to include any person who hires real property, except those persons whose occupancy is described in (2), above. (Code Civ. Proc. § 1161(7).)
- 5) Defines “hotel” for purposes of existing law governing innkeeping to mean any hotel, motel, bed and breakfast inn, or other similar transient lodging establishment, not including any residential hotel, as specified. (Civ. Code § 1865(a).)

- 6) Defines “guest” for purposes of existing law governing innkeeping to mean an occupant of a hotel whose occupancy is exempt from (1), above. (Civ. Code § 1865(b).)
- 7) Allows an innkeeper to evict a guest if the guest refuses or otherwise fails to fully depart the guest room at or before the innkeeper’s posted checkout time on the date agreed to by the guest, if certain conditions are met. (Civ. Code § 1865(c).)
- 8) Defines “short-term lodging” to mean a short-term rental, or a residential property in the state that is rented to a visitor for 30 consecutive days or less through a centralized platform whereby the rental is advertised, displayed, or offered and payments for the rental are processed, but does not include a hotel, motel, bed and breakfast inn, or other similar transient lodging establishment located in this state, nor a residential hotel. (Bus. & Prof. Code § 17568.8.)
- 9) Provides that a shelter program participant shall not have their continued occupancy in a motel, hotel, or shelter program constitute a new tenancy and shall not be considered persons who hire for purposes of existing law governing unlawful detainer proceedings if the shelter program meets certain requirements. (Civ. Code § 1954.09.)
- 10) Specifies that the Governor is empowered to proclaim a state of emergency in an area affected or likely to be affected when:
 - a) they find that certain circumstances exist specified by Section 8558 of the Government Code; and
 - b) either the Governor:
 - i) is requested to proclaim a state of emergency by the mayor or chief executive of a city or the chairperson of the board of supervisors or the county administrator of a county; or
 - ii) finds that local authority is inadequate to cope with the emergency. (Gov. Code §8625.)

This bill:

- 1) Specifies that a guest residing in a lodging may not have their continued occupancy constitute a new tenancy, and shall not be considered a person who hires pursuant to Civil Code Section 1940 or for the purposes of specified provisions relating to unlawful detainer, if the guest is residing in the lodging as a result of a disaster that substantially damaged, destroyed, or otherwise made uninhabitable their prior housing, until the guest has resided in the lodging for 270 days.
- 2) Specifies that, if a guest subject to these provisions has resided in a lodging for more than 30 days, the lodging operator must provide written notice to the guest at least 72 hours before requiring the guest to vacate the lodging.
- 3) Requires, at or before the time when a guest subject to its provisions physically or electronically reserves or extends a stay which would result in the guest residing in the lodging for more than 30 consecutive days, that the lodging or third-party online booking entity, if used, to provide the following notice, as specified:

“NOTICE FROM THE STATE OF CALIFORNIA:

Under California law, if you are staying here because your home has been damaged, destroyed, or made uninhabitable because of a disaster, state law will not consider you a tenant unless you have lived here for 270 days or more consecutively. If you have been displaced by a disaster and you stay here for more than 30 days but have not yet stayed here for 270 days consecutively, the lodging must give you 72 hours notice before requiring you to leave, subject to certain conditions.

You are being provided with this notice because the operator of this establishment or third-party online booking entity believes you are residing here as a result of a disaster and thus that, if you stay beyond 30 days, the above-described rules will apply to your stay until your stay lasts for 270 days or more.”

- 4) Permits a lodging to request and rely upon, among other reasonable confirmations, written affirmation from a guest that they are living in the lodging as a result of their prior housing being destroyed or otherwise made uninhabitable by a disaster.
- 5) Defines, for the purposes of its provisions, the following terms:

- a) “disaster” to mean an event or circumstance that results in a federal major disaster declaration approved by the President of the United States or a state of emergency proclaimed by the Governor pursuant to Government Code section 8625.
 - b) “Lodging” to mean any of the following:
 - i. A motel;
 - ii. A hotel;
 - iii. A property that either:
 - 1. If a local government required registration, licensure, or similar requirements for short-term lodgings on the date the disaster was declared or proclaimed, the property met those requirements; or
 - 2. If a local government did not have requirements for registration, licensure, or a similar requirement for short-term lodging of 30 days or less on the date the disaster was declared or proclaimed, the property met the definition of “short-term lodging” provided in Business and Professions Code section 17568.8.
- 6) Declares it an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of the California Constitution to avert economic and social harm as a result of the wildfires in the County of Los Angeles.
- 7) Repeals its provisions on January 1, 2031.

FISCAL EFFECT: Appropriation: No Fiscal Com.: No Local: No

SUPPORT: (Verified 8/14/25)

American Planning Association, California Chapter
California Association of Realtors
California State Association of Counties
California Yimby
County of Los Angeles Board of Supervisors
Housing Action Coalition

OPPOSITION: (Verified 8/14/25)

Acce
California Rural Legal Assistance Foundation
Leadership Counsel for Justice & Accountability
National Alliance to End Homelessness
Public Advocates
Public Counsel
Strategic Actions for a Just Economy
Tenants Together

ARGUMENTS IN SUPPORT: According to the County of Los Angeles Board of Supervisors, who support AB 299:

[AB 299] would help provide temporary housing stability for wildfire victims during a critical recovery period while keeping as many rental units as possible open.

The devastation of the January 2025 Los Angeles County wildfires is unprecedented in scope and cost. Tens of thousands of families are now entering the already difficult rental housing market, while thousands more Angelenos have lost their livelihoods, and will be struggling to make rent as they wait for assistance through unemployment, the Federal Emergency Management Agency, or other relief programs.

Los Angeles already had one of the most unaffordable housing markets in the country and largest homeless population before the wildfires, and the impact of the wildfires will reverberate throughout our region for years to come. While price gouging laws are in effect, and the County and other jurisdictions have additional renter protections, the dual emergencies of a natural disaster and the housing affordability crisis call for action.

You have answered the call by introducing legislation to ensure the unaffordability crisis does not become worse, and to keep people in the housing they are in to prevent more people from falling into homelessness.

Under AB 299, guests who are displaced by wildfires can remain in their temporary accommodations without triggering standard tenancy rules that might otherwise limit their stay or expose them to potential eviction.

There is no doubt that the wildfires will have a long-lasting ripple effect on our housing market across the County. AB 299 is a vital tool in mitigating those ripple effects and not worsen our housing and homelessness crisis.

ARGUMENTS IN OPPOSITION: According to the Alliance of Californians for Community Empowerment, which is opposed to AB 299 with a coalition of tenants' groups:

On behalf of our low-income clients, we respectfully must oppose AB 299 unless amended. AB 299 provides that people whose homes were damaged, destroyed, or made uninhabitable by a declared disaster who move to a hotel, motel, or short-term rental will not gain tenancy rights after 30 days, as would be the case under current law. While we appreciate that the goal of the bill is to remove perceived barriers to housing those displaced by a disaster, we are concerned about negative impacts both to disaster-impacted individuals and to vulnerable tenants already living in hotels and motels.

For those fleeing a disaster, hotels and motels are often the fastest way to obtain temporary housing. We appreciate the need to ensure immediate shelter options for those households. However, we must avoid creating a second-class tier of tenancy, in which disaster-impacted individuals are denied tenancy rights even after the immediate need for shelter wanes. Without a time limit on AB 299's policy, those with the least means to return to their homes or obtain alternative housing will be left with what is in reality a long-term tenancy, but without well-established tenancy rights. For existing tenants living in hotels, motels, or short-term rentals, the lack of documentation requirements could make AB 299 ripe for abuse by unscrupulous owners who will assert that certain guests are exempt from tenancy protections when they are not. For everyone, clear notice of their rights is critical.

To address these issues we request the following amendments:

1. Require a hotel, motel, or short-term rental to provide 30 days' written notice before requiring a person displaced by a disaster to vacate.
2. Limit the application of AB 299 to six months following a disaster declaration. After six months, displaced people who were subject to AB 299 at initial occupancy will become tenants.
3. Require a hotel, motel, or short-term rental to provide clear, written notice to those checking in that if they are a person

displaced by a disaster, their occupancy will not constitute a tenancy unless their stay lasts beyond six months following the disaster declaration. The notice should conspicuously state the date that the six months expires.

4. Require a hotel, motel, or short-term rental to document, in writing and with proof of prior address, which guests are subject to the AB 299 exception to the rule that a tenancy is created after 30 days.

ASSEMBLY FLOOR: 77-0, 4/1/25

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, DeMaio, Dixon, Elhawary, Ellis, Essayli, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wilson, Zbur, Rivas

NO VOTE RECORDED: Alvarez, Davies, Wicks

Prepared by: Ian Dougherty / JUD. / (916) 651-4113
8/14/25 16:22:48

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