

**TESTIMONY IN OPPOSITION TO 24-S 2271,
AN ACT RELATING TO BUSINESSES AND PROFESSIONS – HOTELS
March 5, 2024**

Our organizations strongly oppose one section of S-2271, a bill designed to repeal the sunset clause in a 2022 law that greatly expanded the power of hotels to eject guests. We believe that one provision in particular can only encourage discriminatory implementation against people of color, individuals of a certain economic status, and those living with behavioral health conditions.

Even before 2022, the law gave hotels a great deal of authority to deal with unruly guests, including those who “cause or threaten to cause a public disturbance.” The 2022 law and S-2271 expand this power – without our objection – to also allow for the ejection of guests who “verbally or physically threaten guests or employees.” But we are deeply concerned that the law and the bill go even further to authorize hotels to kick out guests for directing “offensive” or “demeaning” language towards employees or guests [Page 2, lines 1-3].

This broad, vague authority can only lead to arbitrary and discriminatory application. It doesn’t take much imagination to predict that certain guests will be given much more leeway than others when management decides whether language they used was “offensive” or “demeaning” enough to prompt their eviction.

Nationally, discrimination against hotel guests is far from a minor problem. It has been especially recognized in the context of racial bias. On the other side of this testimony are links to some news articles from the past few years that give a hint of the persistent nature of race discrimination in the hotel industry. Although less likely to show up in litigation, we fear that the language of this bill also can provide an excuse to kick out people with certain behavioral health conditions or homeless individuals given temporary lodging in hotels. Language in the law banning its use as a pretext for discrimination offers no meaningful protection to guests from abuse of this broad power.

Bill advocates may argue that our fears of the law’s misuse are unfounded, as there have been no public complaints about discriminatory enforcement in the year and a half it has been in effect. But even assuming that is true, it is likely either because this problematic language has been dormant and not used against guests, in which case there is no harm in deleting it, or it *has* been used but we have not heard about it because the victims are, by their very nature, transient and therefore unlikely to take the time, energy and effort to file a formal complaint about their mistreatment.

Hotels certainly deserve the right to expel guests who threaten others or who engage in other disruptive behavior. But the power to punish guests for making “demeaning” comments is a dangerous tool that invites class and race-based responses. We therefore oppose this bill as written and strongly urge deletion of the language on Page 2, lines 1-3.

Sincerely,

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**NATIONAL NEWS STORIES REPORTING ON
RACIAL DISCRIMINATION IN THE HOTEL INDUSTRY**

“South Dakota Hotel Owner Sued for Race Discrimination to Apologize and Step Down,” Associated Press, 11/13/2023

<https://www.sandiegouniontribune.com/business/nation/story/2023-11-13/south-dakota-hotel-owner-sued-for-race-discrimination-to-apologize-and-step-down>

“How Racial Bias Taints Customer Service: Evidence from 6,000 Hotels,” Harvard Business Week, 2/28/2022 (research showing that “hotel concierges provide better service to white customers than Black and Asian customers”)

<https://hbswk.hbs.edu/item/how-racial-bias-taints-customer-service>

“Family of Black Teen Wrongly Accused of Theft Filing Racial Profiling Lawsuit Against NYC Hotel,” WABC-TV, 3/24/2021 (white woman, abetted by hotel staff, wrongly accuses black teenager of stealing her cellphone and assaults him)

<https://abc7ny.com/keyon-harrold-arlo-hotel-racial-profiling-black-teen-accused-of-stealing-phone/10444069/>

“Hotels Grapple with Racial Bias,” New York Times, 1/18/2018 (citing numerous examples of racial bias experienced by hotel guests across the country, including one where a hotel clerk called a Black guest a “monkey”)

<https://www.nytimes.com/2018/08/01/travel/hotels-diversity-training.html>

“‘Do you Belong Here?’: Lawsuits Allege Hilton, Other Hotels Discriminated Against Blacks,” USA Today, 7/21/2020 (citing numerous recent lawsuits brought by Black guests against hotels)

<https://www.usatoday.com/story/travel/hotels/2020/07/21/hilton-discrimination-lawsuits-black-guests-allege-racism-hotels/5405270002/>

“Doubletree in Portland Fires 2 Employees After Kicking Out Black Man Who Made Call from Lobby,” New York Times, 12/28/2018

<https://www.nytimes.com/2018/12/28/us/black-man-kicked-out-hotel-portland.html>

“Black Family that May Have Been Racially Profiled by Boston Hotel Receives Apology,” Boston Globe, 8/24/2020

<https://www.bostonglobe.com/2020/08/24/business/black-family-that-may-have-been-racially-profiled-by-boston-hotel-gets-an-apology/>

“Black Woman Sues Marriott for Racial Discrimination Over ‘No Party Policy.’” The Hill, 1/2/20

<https://thehill.com/blogs/blog-briefing-room/news/476483-black-woman-sues-marriott-for-racial-discrimination-over-no/>