



1.0 HOTEL WORKER PROTECTION ORDINANCE WAIVER PROTOCOL

1.1 Overview of the Hotel Worker Protection Ordinance

The Los Angeles County Hotel Worker Protection Ordinance (HWPO), codified under Los Angeles County Code (County Code) Chapter 8.21, became effective on April 1, 2026.

The HWPO establishes requirements for hotel employers to provide protections and training to promote the personal safety of hotel workers in the unincorporated areas of the County of Los Angeles. The Department of Consumer and Business Affairs (DCBA), through its Office of Labor Equity (OLE), may promulgate rules, policies, and procedures governing the administration of the HWPO, enter into contracts with consultants, non-profits, community-based organizations, and other individuals to enforce and/or provide enforcement, education, and outreach related to the HWPO, and determine whether to grant a waiver from the requirements of the HWPO in accordance with this protocol.

1.2 Limited Waiver for Certain Hotel Employers Under the HWPO

Pursuant to County Code Section 8.21.070, DCBA is authorized to grant a waiver from the requirements of the HWPO for Hotel Employers able to demonstrate that compliance with the HWPO would require the Hotel Employer, in order to avoid bankruptcy or a shutdown of the Hotel Employer's hotel, to reduce its workforce by more than 20 percent or curtail its Hotel Workers' total hours by more than 30 percent.

DCBA shall grant such a waiver only after reviewing a Hotel Employer's financial condition at the Hotel Employer's expense. A waiver granted by DCBA shall be valid for no more than one year. A determination by DCBA to grant or deny a request for waiver may be appealed to a Hearing Officer appointed by the DCBA Director pursuant to Chapter 1.25, or through the Office of the County Hearing Officer pursuant to Chapter 2.14. A request for an appeal must be submitted in writing to DCBA within 10 days of receipt of the determination by the Hotel Employer.

1.3 Purpose of the Hotel Worker Protection Ordinance Waiver Protocol (HWPO Waiver Protocol)

The purpose of this protocol is to establish a uniform, fair, and transparent process for the receipt, review, determination (i.e., approval or denial), and appeal of waiver applications submitted pursuant to County Code Section 8.21.070.

1.4 Scope of the HWPO Waiver Protocol

The HWPO Waiver Protocol applies to all waiver applications filed with DCBA by a Hotel Employer seeking relief from any or all requirements of the HWPO on the grounds of severe economic hardship.

1.5 Definitions Used in the HWPO Waiver Protocol

For the purposes of the HWPO Waiver Protocol, all terms used shall have the same meaning as in County Code Section 8.21.030.

1.6 Pre-Application Requirement – Worker Notice

Before a Hotel Employer may file a waiver application, the Hotel Employer must provide written notice to all Hotel Workers currently employed by the Hotel Employer (the “Written Worker Notice”).

The Written Worker Notice shall be in English, Spanish, and any other language spoken by five percent or more of the workforce.

Minimum content of the notice:

- A statement that the Hotel Employer intends to seek a waiver from some or all requirements of the HWPO.
- An explanation of the claimed economic hardship that would result from complying with the HWPO.
- A statement that Hotel Workers may submit written comments to DCBA and the date by which Hotel Workers should do so. This date should coincide with the submission date of the Hotel Employer’s waiver application to DCBA.
- DCBA phone number, mailing address, and email:
Phone: (800) 593-8222
Email: hwpo@dcba.lacounty.gov
Mail: Department of Consumer and Business Affairs
320 W. Temple Street, Room G-10
Los Angeles, CA 90012

The notice shall be provided at least 30 days before the Hotel Employer’s submission of the waiver application. The Hotel Employer shall file a signed declaration along with the submission of the waiver application to DCBA confirming when the notice was provided to Hotel Workers and attaching a sample copy of the Written Worker Notice.

1.7 Submission of Waiver Applications and Hotel Worker Comments

Applications from Hotel Employers and comments from Hotel Workers shall be submitted to DCBA via either of the following methods:

Email: hwpo@dcba.lacounty.gov

Mail: Department of Consumer and Business Affairs
320 W. Temple Street, Room G-10
Los Angeles, CA 90012

The waiver application packet must include a fully completed copy of the Los Angeles County Hotel Worker Protection Ordinance Waiver Application form (Waiver Application Form) along with copies of all records and documents listed on, and required by, the Waiver Application Form.

The Waiver Application Form must be completed by an authorized representative of the Hotel Employer and signed under penalty of perjury under the laws of the State of California that all information submitted as part of the waiver application is true and correct to the best of their knowledge.

1.8 Completeness Review (Five (5) Business Days)

Waiver applications shall be submitted to the designated HWPO waiver email address or by mail. Upon receipt, DCBA shall record the application and corresponding information in a waiver tracking system. The tracking system shall populate a dashboard used by DCBA to monitor application status and ensure compliance with the timelines established in this Protocol.

Within five business days of receipt, DCBA shall issue a written Notice of Complete Application or Notice of Deficiency.

If the application is determined to be deficient, the Hotel Employer shall have five business days to cure the deficiency. Failure to cure the deficiency within the allotted time may result in denial of the waiver application, at DCBA's sole discretion.

1.9 Factors Considered for Substantive Waiver Application Review (10 Business Days)

The Hotel Employer must demonstrate by clear and convincing evidence that full compliance with the HWPO would, in order to avoid bankruptcy or hotel shutdown, require:

- A reduction in workforce by more than 20 percent, OR
- A curtailment of total Hotel Worker hours by more than 30 percent.

Factors DCBA will consider (non-exhaustive):

- Profitability of the hotel: A review of the ending balance on the hotel's balance sheet issued by or followed by a CPA's audit statement over the last three years. If the balance is negative, the presumption is to approve the waiver.
- Current and projected employee payroll: An analysis of the current timesheets and/or payroll register, including comparing the current number of full-time and

part-time employees as well as the average number of hours assigned to full-time and part-time Hotel Workers with the Hotel Employer's projections if forced to comply with the HWPO. DCBA should make a determination whether the Hotel Employer's projections are reasonable.

1.10 Enhanced Review and Auditing Expenses (Administrative Pause in Waiver Determination)

If during the 10 business days of substantive waiver application review, DCBA determines that enhanced review and an independent audit is required, DCBA shall notify the Hotel Employer that the Hotel Employer will be responsible for the expenses incurred from DCBA retaining an independent auditor.

In order to complete the enhanced review and independent audit, DCBA may retain an independent CPA or financial analyst (at the applicant's expense) to review financial materials and issue a report.

The Hotel Employer will have three business days to inform DCBA whether the Hotel Employer wants to withdraw the waiver application and not incur the expenses for an independent audit.

DCBA may determine that enhanced review and an independent audit is required if DCBA has reasonable basis to believe that the financial documents provided by the Hotel Employer are falsified, fraudulent, and/or a misrepresentation of the Hotel Employer's actual financial operations.

1.11 Written Determination

Within 10 business days of issuing the Notice of Complete Application (without any administrative pause for enhanced review and an independent audit), DCBA shall issue a written determination that:

- a. Grants the waiver (full or partial) for up to one year, with or without conditions, OR
- b. Denies the waiver. DCBA shall maintain a waiver tracking system that records applicable deadlines for each waiver application. The tracking system shall populate a dashboard used to monitor application status and ensure timely issuance of written determinations in accordance with this Protocol. Responsibility for monitoring these deadlines shall be assigned by DCBA.

The determination shall include detailed findings of fact and conclusions of law.

Within three business days of issuance, the Hotel Employer shall provide copies of the determination to all Hotel Workers in the same manner as the pre-application notice.

1.12 Conditions on Granted Waivers

DCBA may impose conditions including, but not limited to, quarterly financial reporting or a periodic audit of the Hotel Employer's finances.

1.13 Appeal of Waiver Determination

Any interested party may appeal the waiver determination within 10 calendar days of receipt of the written determination by submitting a written Request for Administrative Appeal Hearing to DCBA. Requests for an Administrative Appeal Hearing form and any related may be obtained by contacting DCBA at wagehearinghelp@dcba.lacounty.gov.

Appeals shall be heard by a County Hearing Officer in accordance with Chapter 1.25 or Chapter 2.14 of the Los Angeles County Code. The Hearing Officer shall conduct a fair and impartial hearing and issue a written decision following consideration of the evidence and testimony presented by the parties.

The Hearing Officer's decision shall constitute the County's final administrative decision and is subject to further judicial review as provided by law.

1.14 Revocation or Early Termination

DCBA may revoke or modify a waiver on 30 days' notice if it finds material improvement in financial condition or material misrepresentation in the application.

1.15 Record Retention and Confidentiality

DCBA shall retain all documents and files related to waiver applications and determinations for three years after issuing the waiver determination.

DCBA shall maintain the confidentiality of and shall not disclose financial records submitted in connection with a Waiver Application Form. DCBA shall not use financial records for any purpose other than to review a waiver application unless otherwise compelled by law or legal process.

1.16 Publication and Registry

DCBA shall maintain a public online registry of all waiver applications and written determinations on DCBA's website. Upon receipt of a waiver application and issuance of a written determination, DCBA shall record the application and determination in its waiver tracking system to facilitate publication and monitor compliance with the requirements of this Protocol. Prior to publication, DCBA shall redact confidential financial information and personally identifiable information as required by law.

The public online registry shall publish both the waiver applications and written determinations with confidential financial data and personal identification information redacted for three years after issuing the waiver determination.