

58-26

Introduced by: Alternate Deputy Presiding Officer Michael Giangregorio

Co-Sponsored by: Presiding Officer Howard J. Kopel, Deputy Presiding Officer Thomas McKevitt, Legislators Patrick Mullaney, John J. Giuffre, Scott Strauss, Mazi Melesa Pilip, Kayla Knight, Rose Marie Walker, Samantha Goetz, and James Kennedy

Proposed LOCAL LAW NO. 2026

**A LOCAL LAW TO BAN HOURLY RATES AND INCREASE TRAINING AND RECORD
KEEPING REQUIREMENTS AT HOTELS AND MOTELS IN NASSAU COUNTY**

APPROVED AS TO FORM

Majority Counsel

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BE IT ENACTED by the County Legislature of the County of Nassau as follows:

Section 1. Short Title. This law shall be known as the "Hourly Rates at Hotels & Motels Act" and shall appear in the Miscellaneous Laws of Nassau County as Title 94.

§2. Legislative Intent.

This Legislature hereby finds and determines that human trafficking is a persistent and nefarious activity plaguing communities across the country.

This Legislature also finds that due to the activities associated with human trafficking, hotels and motels that offer hourly rates are attractive venues due to their lower cost and expedited nature of the stay.

This Legislature further finds and determines that increased record keeping and training requirements, combined with the restriction of hourly rate options will significantly impair human trafficking and make Nassau County less attractive to perpetrators of the crime.

§3. Definitions. As used in this Title, the following terms shall have the meanings indicated:

“Hotel” or “Motel” shall mean and include any facility providing lodging on an overnight basis and shall include those facilities designated and commonly known as “bed and breakfast”, inns, cabins, cottages, campgrounds, tourist homes and convention centers.

“Core Employee” shall mean any employee whose job classification is related to housekeeping, front desk, or front service at a hotel. Such classifications include, but are not limited to, room attendants, house persons, and bell or door staff. Such classifications shall not include: laundry and valet employees; concierge, reservation agents and telephone operators; engineering and maintenance employees; specialty cleaning employees, including marble polishers, crystal lighting cleaners, aquarium cleaners, night cleaners and exterior window washing; parking employees; security employees; life guards; spa, gym and health club employees; minibar employees; audio-visual employees; and cooks, stewards, bartenders, servers, bussers, barbacks, room service attendants or other employees who primarily work in the food or beverage service operations of the hotel regardless of whether such employees are directly employed by the hotel operator or by another person.

“Hotel or Motel Operator” shall mean any person or entity operating a hotel or motel in the County of Nassau, including but not limited to the owner or proprietor of such premises, lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such hotel or motel. Such term shall include a room remarketer, and such room remarketer shall be deemed to operate a hotel, or portion thereof, with respect to which such person has the rights of a room remarketer.

“Hourly Rate” shall mean a rate offered by a hotel or motel to a guest to utilize the facility’s accommodations on an hourly basis.

§4. Hourly Rates Restricted.

1. A Hotel or Motel may not offer an hourly rate of less than eight (8) hours in duration for rooms with sleeping accommodations, and no discount or rebate may be offered for early checkouts.
2. This restriction does not apply to:
 - a. An hourly rate charged by a Hotel or Motel as a late checkout fee; or
 - b. An hourly rate charged for a room (i) where the room does not have overnight accommodation; (ii) is furnished incidental to other Hotel or Motel amenities, including bridal or wedding suites/packages or event packages; (iii) that is ancillary to the primary amenity rented on the same premises of the Hotel or Motel in connection with a catering service, speaking event, or lawful business

event; and (iv) where the total hourly room rental is equal to, and does not exceed the duration of the associated event or service.

- i. Documentation of the primary amenity rental, including contract, invoice, identification, and reservation record, shall be maintained for inspection for a period of five (5) years, and must clearly show that the room was not rented independently on an hourly or short-term basis.

§5. Register and Security Footage Requirement.

1. The Hotel or Motel Operator, as defined in this Title, of any Hotel or Motel located within the County of Nassau shall keep for a period of five years a register which shall show the name, residence, date of arrival and date of departure of guests, and for a period of five years shall also keep copies of photo IDs of guests.
2. Such records shall be kept, for the purposes of this article, digitally, in a manner which reproduces a complete copy of the original records. This subdivision shall become effective thirty days after the effective date of this Local Law.
3. Such records shall be made available for inspection upon lawful order by any authorized rescue worker, law enforcement official, emergency personnel, firefighter or a municipal employee authorized to enforce a local, state or federal ordinance, law, or regulation.
4. The Hotel or Motel Operator of any Hotel or Motel that records security footage shall maintain such footage for a minimum of 90 days.

§6. Required Training.

1. A Hotel or Motel Operator must provide human trafficking recognition training in accordance with section 205 of the New York General Business Law to Core Employees.
2. A Hotel or Motel Operator must provide human trafficking recognition training to a new Core Employee within 60 days of employment.
3. A Hotel or Motel operator must keep records of human trafficking recognition training as proscribed by section 205 of the New York General Business Law.
4. A Hotel or Motel Operator must, on a quarterly basis, provide the Nassau County Department of Consumer Affairs with a copy of all training provided in the previous quarter.

§7. Enforcement. This Title shall be enforced by the Nassau County Department of Consumer Affairs and the Nassau County Police Department.

§8. Rules and Regulations. The Commissioner of the Nassau County Department of Consumer Affairs is hereby authorized and empowered to promulgate and issue such rules and regulations as he or she shall deem necessary and sufficient to implement the provisions of this Title.

§9. Penalties for Violation.

1. Any violation of this Title shall constitute a criminal violation. The first conviction for a violation of this article shall be punishable by a fine not less than \$500 and not more than \$1,000.
2. Any second violation of this Title shall be punishable by a fine of not less than \$1,000 and not more than \$2,000.
3. The conviction for any third violation in less than 5 years shall be punishable by a fine of not less than \$5,000.

§10. Severability. If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the person, individual, corporation, firm, partnership entity or circumstance directly involved in the controversy in which order or judgment shall be rendered.

§11. SEQRA Determination. It is hereby determined by the Nassau County Legislature, the lead agency, and pursuant to the provisions of the State Environmental Quality Review Act ("SEQRA"), 8 NYECL section 0101 et seq. and its implementing regulations, Part 617 of 6 NYCRR, and Section 1611 of the County Government Law of Nassau County, that this Local Law will not have a significant impact on the environment and that no further environmental review or action is required.

§12. Effective Date. This law shall take effect immediately after becoming a law.