6-17/100.00 Innkeeperâ€™s Lien

An Innkeeper’s Lien is the right to take and hold or sell the property of a debtor (guest) as security or payment for a debt. Innkeeper's lien is a possessory or statutory lien allowing an innkeeper to hold, as security for payment, personal property that a guest has brought into the hotel.

The extent of innkeeper’s liens against baggage and other property of guests or renters, and the procedures for enforcement of such liens, are set forth in CC 1859 et seq.

CC 1861 sets forth the lien and procedures for enforcement in the case of a keeper of a hotel, motel, inn, boardinghouse, or a lodging house. The enforcement procedures in CC 1861 are enforced by the levying officer. It is to the lien created by CC 1861 that the provisions of this chapter of the manual apply.

The procedures for enforcement of innkeeper’s liens are not identical but closely parallel those set forth in the Code of Civil Procedure for claim and delivery. As in claim and delivery, the enforcement of an innkeeper’s lien is a provisional remedy that cannot be employed independently, but only under an action brought to recover charges or monies due. An Innkeepers covers the proper charges due from such guests for their accommodation, board and lodging and room rent, and such extras as are furnished at their request, and for all money paid for or advanced to such guests and for the costs of enforcing such lien. The lien may be enforced only after final judgment, however, during the pendency of the proceeding, the plaintiff may take possession of the baggage and property pursuant to a writ of possession. Any property which is exempt from enforcement of a money judgment is not subject to the lien. (CC 1861)

A “hotel,” “motel” “inn,” “boardinghouse,” or “lodging house keeper” means any person, corporation, partnership, unincorporated association, public entity, or agent of any of the aforementioned, who offers and accepts payment for rooms, sleeping accommodations, or board and lodging and retains the right of access to, and control of, the dwelling unit. (CC 1861.1) All references in this chapter to “innkeeper” shall include any such person or entity.

As hereinafter used in this chapter, the term “guest(s),” shall include “guests,” “boarders,” “tenants” and ”lodgers”; and the term “hotel,” shall include “hotel,” “motel,” “inn,” “boardinghouse,” and ”lodging house”.