

What is Hotel Liability?

In a matter of days Summer will officially be upon us, although most of us in Florida are already feeling the sweltering heat of the season. Aside from the heat, Summer is known for being a time of BBQ, swimming, sun, and of course, vacation. Whether we take that yearly trip to Walt Disney World, or go farther away, we're most likely to stay at a hotel. We like to think of hotels as clean, relaxing home-away-homes where everything is taken care of and all we have to focus on is that much needed R&R. Unfortunately, hotels in recent years have let customer service and therefore their standards fall by the wayside.

When we're presented with a hotel that leaves much to be desired, we can find ourselves at a loss for what to do. After saving up, planning a vacation for months, only to finally step off the plane to disappointment, and in some cases, disgust, it's difficult to know what the next steps are. That's because when we plan a Summer getaway we're not thinking about what can go wrong, although it's in our best interest to inform ourselves with everything we should know in the event that it does. Hotels are responsible for the health and safety of their guests while they're paying to stay on the property. Aside from what we've discussed in our [Negligent Security](#) series, hotels have a more stringent liability to guests who are sleeping and dining on their premises.

In this installment of the *Shaked Law Blog*, we'll present everything you should know about "What is Hotel Liability?"—our first of several informative articles on vacation-related [liability](#) topics. [Summer](#) presents a wide array of liability challenges for the travel industry and we intend to present a whole picture of each one, and how we can all best inform ourselves to best handle the problems that may arise anywhere from in the air to out at sea.

Uninvited guests

One subject that often comes up when it comes to the topic of hotel liability is bed bugs. These uninvited guests are not only a nuisance that will make even the most experienced traveler check out and head home, but they can cause serious health problems for victims who have unknowingly become inflicted with bites. Like any other insect that's known to bite, bed bugs can cause serious and life-threatening allergic reactions. Not only that, but secondary infection can set in from scratching itchy skin, leaving victims vulnerable to an endless list of medical problems they wouldn't have ever thought they'd be dealing with.

Hotels are responsible for maintaining a level of cleanliness throughout the establishment's common areas as well as in each and every guest room. It's important to know that just because a hotel's common areas appear clean and tidy, the same cannot always be said for the guest rooms. It's important to check your assigned room thoroughly before settling in and use

your cell phone or tablet to take pictures should you find anything unsavory, such as a bed bug infestation, anywhere in the room.

Taking pictures of a problem can help prove your case to hotel management, as well as prevent an argument with staff when asking for a refund in the event the hotel is uninhabitable. It's important to bring any problems to light with management as quickly as possible so that a solution can be reached; whether that solution is a refund or being issued a different room will be on a case by case basis and as per the policies of your specific hotel.

Vacation turned litigation

There may be a time when hotel staff is unreasonable, and acts in a manner that causes harm to the guest. This goes beyond refusing to refund the guest in the event they're dissatisfied with their room or the amenities. Unreasonable according to the law usually means the hotel staff acted in a way that caused harm, and had they not acted in this manner, injury or property damaged could have been avoided.

What's considered "reasonable" in the context of a hotel stay?

- Regular pest control and other prevention methods to deter bed bug infestation
- Maintain and update security as necessary to prevent theft in both guest rooms and common areas (on carts while luggage is waiting to be brought to the guest rooms)
- Pool staff should be trained in a reasonable manner to prevent accidents and enforce rules such as "*no diving*" and "*no running*" as well as any specific policies involving lifeguarding in that specific state
- Thorough background checks and proper vetting of hotel staff prior to hiring
- Regularly upgrade and maintain locks in and around the property, as well in guest rooms
- Ensure that slip and fall accidents are prevented by properly securing stairwells, elevators, and pool areas with the most up-to-date safety measures. Elevators should always be brought up to code and follow state regulations

Shaked Law Fact: Did you know many hotels have now issued signage notating oddly placed stairwells? That's because the location of stairwells in hotels has been a hot topic in recent years. Many hoteliers have heeded the warnings to prevent accidents from occurring on their own property, to avoid the hefty fines and damages that could result should the case end up in litigation.

From hotel room to court room

After an accident or property damage occurs as the result of a hotel's negligence, retaining board certified legal counsel is a must, as it is with any Personal Injury related accident, property damage, or negligent security claim. However, the proof necessary to obtain damages on behalf of a client differs in each area of Personal Injury law. That's why not every attorney is

suited to take every kind of claim. Some attorneys will present themselves as willing and able to take on a complex liability case but fail to follow through during litigation. This can leave the client with damaged property they can't afford to replace, or medical bills they can't afford to pay.

What does an experienced Personal Injury attorney need to present to the judge and jury to obtain damages on behalf of his or her client?

1. Proof that the hotel did not inspect the premises in a manner that's considered reasonable; this could be the frequency of inspection as well as the thoroughness of the inspection. If either of these things are shown to be true, the attorney may proceed to the next step of the legal process.
2. In the event of an injury sustained on hotel property, several things must be proven:
 - **Was the injured party (the "plaintiff") a guest of the hotel?** Non-guests do not have the same rights when on hotel property as paying guests. Non-guests should not be on hotel property unless invited by a hotel guest and should be aware of their surroundings at all times, abide by the hotel policies, and report any injuries immediately to hotel management.
 - **Did the hotel cause the injury?** This is a fairly straightforward point to be made. If the hotel was negligent (lack of inspection, lack of proper stairwell or elevator maintenance, no lifeguard on duty, or lack of pool safety measures), and therefore an injury such as a fall, drowning, or assault occurred on the property, the attorney will be able to provide the judge and jury with the necessary proof to obtain damages.
 - **Was personal property damaged?** If the guest's property was damaged or stolen due to lack of security, or if the guest and/or their belongings became susceptible to a bed bug infestation due to lack of cleanliness on the hotel's part, the establishment may be liable.
 - **Was harm caused?** Did the guest suffer an undue harm or physical injury because of the aforementioned points?

Stress less

All of the points made within this article are things we should take into account when traveling. They can prevent added stress should a situation arise for which we were not at-fault. Knowing how to properly handle a guest room with a bed bug infestation, or what to do in the event you become injured in a stairwell or elevator, or have your luggage damaged unexpectedly can help return some peace of mind. It's important to know your rights while traveling, and to retain legal counsel as quickly as possible should your rights be violated.

Contact us to schedule a complimentary consultation. There's no obligation. Take the first step and call today: (877). 529-0080

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