GUIDANCE FOR ACCEPTING GUESTS DURING A SHELTER-IN-PLACE ORDER

Currently, Governor Newsom’s statewide “stay-at-home” order prohibits hotels from allowing guests to stay for leisure travel. Only hotels that are used for COVID-19 mitigation and containment measures such as accommodations for essential workers or providing accommodations for persons caring for a sick individual are entitled to accept guests under the stay-at-home order. Hotels accepting homeless populations (Project Roomkey) are also allowed.

(Note: Local orders are being updated continuously to clarify/expand on the statewide order, so hotels should always confirm that they are complying with the most current version of their local order.)

To protect against claims of providing accommodations for leisure guests, hotels should consider having guests sign a simple form such as the following:

I confirm that I am traveling for purposes related to Covid-19 mitigation and containment measures such as an essential worker or traveling for the purpose of caring for a sick individual.

________________________  __________________
Signature                    Date

Hopefully, all eligible guests will sign the form. If a guest refuses to do so, hotel staff should inform the guest of the prohibitions discussed above and make a notation on the form that this was done. It is recommended that these documents be maintained for at least 30 days after the guest’s departure, or as otherwise mandated by a local order.

OVERVIEW

Hotels are not allowed to be open for leisure guests, only for those guests considered to be “essential” travelers. Please check often with your county for updated orders regarding acceptance of leisure guests.

Essential travelers include:

- Persons performing services for an essential business
- Persons performing services in the health care field
- Persons providing an essential governmental function
- Or persons providing care for a sick individual.

PLEASE NOTE: According to the Supreme Court ruling in the City of Los Angeles v. Patel, it is recommended that hotel owners/operators do not divulge guest information upon request by law enforcement without a warrant for such information. The guest registry information is the property of the hotel and guests have an expectation of privacy. Always consult legal counsel for such requests.

INDEMNIFICATION WAIVERS

Even though liability waivers are well-known (health club memberships, school field trips, etc.), the courts have yet to analyze a waiver in the context of COVID-19 and whether such a waiver would be contrary to public policy, rendering it unenforceable. This is uncharted territory. Please also note that any type of waiver will not protect a hotel from intentional, reckless, or grossly negligent behavior. (Legal article here.)

Practically, if a property requires any type of waiver for the guest, beware of a guests’ refusal to sign, which causes confrontation at check-in and could result in accusations of discrimination, etc. (Waiver example here.)

This is an information service of CHLA. It does not purport to serve as legal or other professional advice, and the counsel of competent professionals should always be sought.