



COVID-19 Re-Openings Spotlight: Santa Cruz County

May 2020

SANTA CRUZ COUNTY

While counties begin implementing relaxed Shelter in Place Orders, Santa Cruz County has reaffirmed restricted business operations for lodging businesses with the April 29, 2020 [supplemental order](#) to the original shelter order.

LODGING BUSINESSES GUIDELINES

In relation to hotel and lodging properties, there are essentially three components to specific lodging industry compliance:

- Social Distancing Signage (Sample Signage [Here](#))
- Compliance/Posting of Completed [Appendix A: Social Distancing Protocol](#)
 - Provide Completed Protocol to Employees
- Allow Only Essential Workers or Those Caring for a Sick Person
 - *Please Note: This must be documented.*

For Lodging, the Updated April 29, 2020 Order States:

4. Lodging restrictions remain in effect. Hotels, motels, inns, bed and breakfasts, vacation rentals, RV parks, campgrounds, and any other short-term lodging businesses **are prohibited from providing accommodations to any individual** unless that individual is present in the County for the purpose of performing services for an Essential Business, performing services at Health Care Operations, providing an Essential Governmental Function, or providing care for a sick individual. Prior to providing accommodation, at check-in, all lodging businesses are required to confirm that the basis for the lodging is consistent with the requirements of this Order. Lodging businesses are required to maintain written evidence that each lodger's stay is consistent with the terms of this Order (e.g., written confirmation of the purpose for a guest's stay). This evidence shall be maintained in such a manner that it may be easily audited by law enforcement officers and must be provided to law enforcement officers upon demand. *** Lodgers, business owners, and business operators are all subject to citation for violation of these restrictions.**

***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.*

OVERVIEW

Santa Cruz County relies on the State of California's Isolation Order that was issued on March 16, 2020. Since that date Santa Cruz County has issued a public health order and, to-date, three additional supplemental orders in addition to guidance for local health workers who desire to stay in county hotels.

HEALTH ORDERS

California

[Isolation Order](#) – 03-16-20

Santa Cruz

[Order of the Health Officer](#)

[Supplemental Order](#) – 03-31-20

[Supplemental Order](#) – 04-29-20

[Supplemental Order](#) 05-06-20

[Hotel Rooms for Local Health Care Workers](#) 04-28-20

[Public Information – Health Services Agency](#)

CHLA + CABBI Members:

Questions or concerns?

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PRACTICAL CONSIDERATIONS RELATED TO APRIL 29, 2020 ORDER

Regarding the specific provisions of paragraph 4:

- “Prior to providing accommodation, at check-in, all lodging businesses are required to confirm that the basis for the lodging is consistent with the requirements of this Order.”
 - It’s recommended (if possible/practical) that hotels add a statement to their website and/or reservation confirmation, noting that customers should review Santa Cruz County guidance and informing them that non-allowable reservations will not be honored. As an example:

Customers should review [Santa Cruz County guidance](#) to confirm eligibility to travel & stay at the hotel. Reservations will not be honored where prohibited.”

- “Lodging businesses are required to maintain written evidence that each lodger's stay is consistent with the terms of this Order (e.g., written confirmation of the purpose for a guest's stay).”
 - This written evidence can take many forms, such as a note in your property management system, documentation of a guest’s verbal confirmation, designation on a tally of the day’s check-ins, or the completion of an authorization form.
 - PLEASE NOTE: This written evidence can take *any* form and is at the discretion of the hotel.
 - You are required to rely on the answer you receive from the guest.
 - No documentation from the guest is required.
 - If your hotel is a brand/franchise, data collection is likely subject to the California Consumer Privacy Act (CCPA). **CCPA could conflict with the requirement to maintain written evidence.**
 - Do not store medical information. Certain confidentiality laws could apply.
 - Military identification is never copied or stored.
 - Sample Authorization Form:

By staying at [PROPERTY NAME], I acknowledge that my stay here is covered under the Order of the County Health Officer to Shelter in Place, effective May 1, 2020 for Santa Cruz County.

Guest Name: _____

Guest Signature: _____ Date: _____

- “This evidence shall be maintained in such a manner that it may be easily audited by law enforcement officers and must be provided to law enforcement officers upon demand.”
 - Hotels *are* required to keep a record of this information.
 - If law enforcement requests access to this information, it is recommended that:
 - You receive **written** documentation stating the supplemental order supersedes the Supreme Court ruling in the [City of Los Angeles v. Patel](#), so that you have some legal protection.
 - You are provided with a subpoena for the information and that your legal counsel reviews the subpoena in a timely manner.

DO NOT PROVIDE ANY GUEST INFORMATION WITHOUT CONSULTING AN ATTORNEY.

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.

