

Frequently Asked Questions related to new lodging restrictions

Q: What are the new restrictions?

A: Governor Carney introduced new lodging restrictions on April 6th through an update to the State of Emergency. The new restrictions limit who can stay in lodging facilities throughout the state to “essential guests” only. Any other type of guest, particularly those using lodging for vacation or recreational use, is not permitted to stay at a facility in the state under this new order. Essential guests are defined as anyone who is:

- Workers at an essential business on business travel to the state (also not required to quarantine for 14 days). Find a list of essential businesses by visiting business.delaware.gov/coronavirus;
- Persons placed by a government agency or healthcare provider in a lodging facility. This includes military personnel placed by their respective commanding authority, first responders, law enforcement, and firefighters;
- Persons acting as caretakers (such as someone caring for a family member) who need lodging to be close to the person they are caring for;
- Persons affected by domestic violence;
- Section 8 residents;
- Staff/personnel necessary to operate the lodging facility;
- Travelers stranded by restrictions in Delaware or elsewhere who are currently staying at a lodging facility;
- Travelers currently staying in commercial lodging on a pre-planned booking duration, until the originally scheduled end date of that stay (no extension to a booking already made);
- Journalists using lodging due to their employment situation (i.e. not for personal use);
- Persons displaced from their homes for some reason, who are homeless, or who otherwise have no other viable place of residence; and
- Persons using the hotel in order to comply with a court order.

Q: What constitutes a lodging facility?

A: Lodging facilities include all hotels, motels, condo-hotels, rental properties, inclusive of private renters or management companies and HOAs, Airbnb, VRBO, HomeAway style lodging and other overnight accommodations.

Q: Are there other restrictions currently in place that operators of lodging facilities need to be aware of?

A: Yes. The current State of Emergency also requires out-of-state visitors to quarantine in place for 14 days upon arriving to the state (this does not include those coming to the state on essential business, which includes those in the legal field). This means that any out-of-state resident who has



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booked lodging in Delaware must remain in their place of lodging for at least 14 days before doing any other activity. This requirement prohibits them from leaving their shelter for any reason short of medical necessity. It does not permit them to go grocery shopping or go to a restaurant to pick up food.

Q: What are my responsibilities as the operator of a lodging facility?

A: As the operator of a lodging facility, it is your responsibility to ensure your guests are all following the law, as it was before the State of Emergency. This means you have an affirmative duty to inform proper law enforcement authorities if you know or become aware that one of your guests is operating in violation of the current order. It also means you have an affirmative duty to ensure you are only accepting bookings from essential persons going forward.

Q: How do I administer bookings given this requirement?

A: Any channel through which a customer may book must have a way of verifying they qualify as essential prior to accepting a booking. As a lodging operator, you can opt to cease taking bookings through a channel (online, phone, walk-ins, etc) until you are able to put in place a system for verification.

Q: How do I verify a customer is essential prior to accepting a booking?

A: Due to privacy concerns with some requirements, we recommend you list out all the qualifications of an essential guest and allow the guests to affirm they reviewed the list and that they do meet at least one of the requirements. If the guest is not being truthful, the responsibility of the lodging operator is then to notify law enforcement if you become aware of this. Otherwise the operator has met their requirements under the law.

Q: What do I do with any current guests utilizing my facility?

A: As the operator of a lodging facility, it is your responsibility to verify that all guests currently utilizing your hotel qualify as essential. Of course, even if they are a vacationer, they are considered an essential guest for the remainder of their originally booked stay. As an operator, what you must do with guests in this category is identify them and ensure that they do not extend their stay. Once their originally planned end date is reached, they must leave unless they qualify as an essential guest under another category. Here is an illustrative example to help explain. A family booked a stay from March 30th – April 14th at a Delaware hotel for a vacation. As of April 6th, the release date of the modification to the State of Emergency, they remain guests at the hotel. They would be considered an essential guest until April 14th, at which point they would need to leave unless they can qualify under another category, for example if their state or country of residence has enacted inbound travel bans, making them a traveler stranded by restrictions.