

THOMAS J. DONOVAN, JR.
ATTORNEY GENERAL

JOSHUA R. DIAMOND
DEPUTY ATTORNEY GENERAL

SARAH E.B. LONDON
CHIEF ASST. ATTORNEY GENERAL



TEL: (802) 828-3171

<http://www.ago.vermont.gov>

STATE OF VERMONT
OFFICE OF THE ATTORNEY GENERAL
109 STATE STREET
MONTPELIER, VT

UPDATED April 10, 2020 - Attorney General's Directive to Lodging Operations on the Enforcement of COVID-19 Emergency Order

The Attorney General issues the following directive to all “lodging operations” regarding the enforcement of Executive Order 01-20, Addendum 6, Addendum 7, **and Addendum 9**. Executive Order 1-20 is the Governor’s executive order establishing a statewide state of emergency in response to COVID-19.

The Governor’s “Stay Home, Stay Safe” order, Addendum 6 to Executive Order 01-20, requires all businesses, including lodging operations, to suspend in-person operations unless the business provides “services or functions deemed critical to public health and safety, as well as economic and national security.” This exemption to the suspension of operations includes “lodging, *to the extent required to support COVID-19 response, critical infrastructure, and national security.*” (emphasis added).

Addendum 9 to Executive Order 01-20, issued April 10, 2020, extends the effective date of all previous Orders to May 15, 2020. With regard to reservations for lodging facilities, Addendum 9 supplements the previous Orders to allow for all lodging facilities to immediately begin accepting reservations for stays and events occurring on or after June 15, 2020, providing, however, that the Governor reserved the ability to amend or extend this date as necessary.

The Governor provided clarification to the suspension of in-person business for lodging facilities in Addendum 7 **and Addendum 9** to Executive Order 01-20:

- ❖ “Lodging operations” is defined to include all “hotels, motels, bed and breakfasts, inns, short term rentals such as those made available through VRBO, HomeAway, Airbnb and other services, parks for recreational vehicles and campgrounds, all public and private camping facilities including those managed by the Vermont Department of Parks and Recreation.”

- ❖ Online reservations shall be suspended **for any stays or events prior to June 15, 2020**, and lodging providers shall post a prominent notice on their web platforms which advises potential guests that reservations for lodging in Vermont **prior to that date**, only as allowed below, shall be accepted by phone only.

- ❖ Lodging is permitted **prior to May 15, 2020** for only the following:
 - a. Housing for vulnerable populations (emergency shelter for persons experiencing homelessness) as arranged through the state.
 - b. Providing accommodations for health care workers, or other workers deemed necessary to support public health, public safety or critical infrastructure.
 - c. Lodging properties being used as quarantine facilities as arranged by the state.
 - d. Limited verifiable extenuating circumstances for the care and safety of Vermonters.

Persons engaged in activities deemed essential pursuant to the Governor’s Stay Home, Stay Safe order (specifically paragraph 6 of Addendum 6) will be considered “other workers deemed necessary to support public health, public safety or critical infrastructure” and **lodging operations are permitted to provide short-term lodging to those persons who require lodging to perform essential activities**. This may include but not be limited to:

- Persons engaged in food supply and distribution,
- Persons providing mail and shipping services,
- Long-haul truckers requiring mandated rest,
- First responders and healthcare workers who require lodging to perform their work.

Lodging operations may also provide temporary non-group lodging to:

- Implement a temporary quarantine program to house (a) first responders and healthcare workers who need to quarantine safely without exposing their families, (b) families experiencing homelessness, with at least one member who tested positive for COVID-19, or (c) who live in congregate shelters and will require quarantine or isolation;
- Individuals receiving emergency aid from nonprofits and religious organizations for hotel rooms to avoid homelessness, as authorized by the State.

- Persons who are currently in extended-stay lodging and for which the lodging is their only housing option.

Any lodging operations that are allowed to continue operations **must strictly adhere to CDC and VDH guidance to ensure recommended social distancing.**

Any “lodging operation,” as defined above, that provides lodging for any purpose not required to support COVID-19 response as described above prior to May 15, 2020 or accepts reservations for stays or events prior to June 15, 2020 will be subject to enforcement by the Attorney General, including civil or criminal penalties, or both.

❖ Civil enforcement may include:

- The Attorney General may bring an action in superior court to compel compliance with the Governor’s order. This action for injunctive relief will be brought in the superior court of the county in which a violation occurs. 20 V.S.A. § 40(c).
- Civil penalties may include a fine of up to \$1,000 for each violation. 20 V.S.A. § 40(b). Each day a violation continues shall be deemed to be a separate violation. *Id.*

❖ Criminal enforcement may include:

- A fine not greater than \$500, or
- imprisonment not exceeding six months, or both. 20 V.S.A. § 24.

To ensure compliance with Executive Order 01-20 and its Addenda, the Department of Public Safety has authority to inspect the premises and records of any employer. 20 V.S.A. § 40(a). Local police and sheriffs’ departments will work cooperatively with the Department of Public Safety and the Office of the Attorney General in assessing whether to request such an inspection.

Questions and complaints:

If you have questions about whether your lodging operation qualifies for an exemption under the Governor’s orders, please direct your questions to the [Agency of Commerce and Community Development](#).

If you have questions about how to comply with the Governor’s order, please contact Ryan Kane, Assistant Attorney General, at Ryan.Kane@vermont.gov or (802) 828-2153.

If you wish to report a suspected violation of the Governor's orders by any business, lodging or otherwise, please contact local law enforcement.