STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF NEW JERSEY STATE POLICE
OFFICE OF EMERGENCY MANAGEMENT

ADMINISTRATIVE ORDER

HOTELS, MOTELS, GUEST HOMES

No. 2020-9

WHEREAS, on March 9, 2020, through Executive Order No. 103, the facts and circumstances of which are adopted by reference herein, the Governor declared both a Public Health Emergency and a State of Emergency throughout the State due to the public health hazard posed by Coronavirus disease 2019 (COVID-19); and

WHEREAS, to further protect the health, safety, and welfare of New Jersey residents by, among other things, reducing the rate of community spread of COVID-19, the Governor issued Executive Order No. 107 (2020) on March 21, 2020, the facts and circumstances of which are adopted by reference herein, which established enhanced social mitigation strategies for combatting COVID-19; and

WHEREAS, the Public Health Emergency declared in Executive Order No. 103 (2020) was extended by the Governor through Executive Order No. 119 (2020); and

WHEREAS, the Governor issued Executive Order No. 108 (2020) on March 21, 2020, the facts and circumstances of which are adopted by reference herein, finding that unitary management is essential for coordination needed during an emergency, and invalidating any county or municipal restriction imposed in response to COVID-19 that in any way will or might conflict with any of the provisions of Executive Order No. 107 (2020), or that in any way will or might in any way interfere with or impede its achievement or the achievement of Administrative Orders issued as authorized by the Governor's Executive Orders; and

WHEREAS, Executive Order No. 108 (2020) recognized that there are certain limited circumstances in which it may be beneficial for localities to be able to impose additional restrictions, and specifically identified that certain municipalities may have legitimate concerns about an influx of new visitors, which may cause public health concerns as the State imposes social distancing measures and aims to avoid unnecessary increases in density of individuals; and

WHEREAS, substantial influxes of new visitors may overtax the health care facilities and public safety and emergency services in a particular locality as COVID-19 spreads through the increased population; and

WHEREAS, Executive Order No. 108 (2020) permitted municipalities or counties to impose additional restrictions in response to COVID-19 on online marketplaces for arranging or offering

lodging and further authorized the State Director of Emergency Management to make additions, amendments, clarifications, exceptions, and exclusions to this list;

WHEREAS, the State Director of Emergency Management issued Administrative Order 2020-08 on April 4, 2020, relying on the authority granted to him under Executive No. 108 (2020), to clarify that municipalities may implement additional restrictions in response to COVID-19 on the ability of hotels, motels, guest houses, or private residences, or parts thereof, to accept new transient guests or seasonal tenants, in order to prevent such substantial influxes of new visitors; and

WHEREAS, the State Director of Emergency Management expressly recognized that such restrictions would not be appropriate where they impact the ability of individuals to find necessary shelter pursuant to a State program or state or local assistance, or limit the ability of healthcare workers to find temporary housing related to their work, undermining the public health and the public safety during this ongoing Public Health Emergency; and

WHEREAS, it is necessary to further clarify that Administrative Order 2020-08 also intended to prohibit any municipality or county from limiting the ability of hotels, motels, guest houses, or private residences, or parts thereof to accept persons who lack other safe housing options, and would therefore be left homeless, which will additionally undermine the public health and the public safety during this ongoing Public Health Emergency;

NOW, THEREFORE, I, Patrick J. Callahan, State Director of Emergency Management, hereby ORDER as follows:

1. Pursuant to Executive Order No. 108 (2020) and Administrative Order 2020-08 (April 4, 2020), it is further clarified that municipalities and counties may not impose restrictions in response to COVID-19 on the ability of hotels, motels, guest houses, or private residences, or parts thereof, to accept any individuals who have no permanent housing to which they may safely or lawfully return. Examples of individuals who would satisfy this criteria include, but are not limited to, homeless individuals, individuals affected by domestic violence, or individuals in hotels or motels in compliance with a court order. The State Director of Emergency Management reserves the right to amend this paragraph as needed to address the ongoing public health emergency.

2. When determining whether any hotel, motel, guest house, or private residence is permissibly operating by housing individuals who are listed in the categories in paragraph 1, the municipality or county shall defer to the determination made by the County Office of Emergency Management, which shall consult with the New Jersey Office of Emergency Management in making that determination.

3. Nothing in this Order shall be construed to conflict with the directive in Executive Order No. 106 (2020) that prohibited the removal of an individual from a residential property as the result of an eviction proceeding. As clarification, individuals who have no permanent housing to which they may safely or lawfully return and live at a hotel or motel on a continual basis are not considered “transient guests or seasonal tenants”, and thus are entitled to the protections against evictions included in Executive Order No. 106 (2020).

4. This Order shall take effect at 8:00 p.m. on Saturday, April 25, 2020.

April 24, 2020

Colonel Patrick J. Callahan
State Director of Emergency Management