

California Governor's Executive Order to Utilize Hotels for Emergency Purposes

Governor Newsom's March 4th Executive Order N-25-20, mandates that the "California Health and Human Services Agency ["CHHS"] and the Office of Emergency Services shall identify, and shall otherwise be prepared to make available—including through the execution of any necessary contracts or other agreements and, if necessary, through the exercise of the State's power to commandeer property—hotels and other places of temporary residence, medical facilities, and other facilities" for "quarantining, isolating, or treating individuals who test positive for COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period." The Governor cites a need to "secure numerous facilities to accommodate quarantine, isolation, or medical treatment."

According to the executive order, CHHS shall first reach out and try to reach a contractual agreement with any hotel that it identifies for use, or otherwise can rely on the commandeering authority under the California Emergency Services Act, specifically Gov. Code § 8572, if an agreement cannot be reached. Gov. Code § 8572 allows the Governor to "commandeer or utilize any private property or personnel deemed by him necessary in carrying out the responsibilities hereby vested in him as Chief Executive of the state and the state shall pay the reasonable value thereof," "in the exercise of the emergency powers...during a...state of emergency." Although the code provides that the state must pay the reasonable value of the private property or personnel commandeered, the Executive Order is silent as to what the reasonable value will be.

[According to news reports](#), a vacant 120 room Fairfield Hotel in San Carlos is currently being used to host cruise ship passengers that docked in Oakland last week. The site was voluntarily offered to the state by the hotel owner.

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