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Do Hotels Have to Help 2020 Census?

As the 2020 United States Census goes into full effect, the U.S. Census Bureau is sending letters to various hotels requesting their participation in the 2020 Census count (the “Census”). Every time, our clients have the same question: do we *have* to participate?

The Census is mandated by the Constitution and conducted by the U.S. Census Bureau, a nonpartisan government agency. The purpose of the Census is to count the population in all 50 states, the District of Columbia, and five U.S. territories (Puerto Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the U.S. Virgin Islands). The Census “population” includes individuals living or staying in “nontraditional” living situations, such as hotels or motels.

Notably, hotels, whether through its owner or management company, are legally required to cooperate with Census Bureau representatives or face fines up to \$500. Under federal law, cooperation in the Census means specifically, “to furnish the names of the occupants of such premises, or to give free ingress thereto and egress...” [13 U.S.C.A. § 223]. This cooperation will generally require hotels to provide Census Bureau representatives with access to individuals living or staying on property. While advocates have challenged the constitutionality of the Census and its privacy implications (i.e., giving up guest information would be a violation of the guest’s right to privacy), the Census remains in effect and mandatory for applicable hotels.

If you have received a letter from the Census Bureau and have any questions, please contact Stokes Wagner.

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