

Executive Summary of New Shelter Order Issued on March 31, 2020

On March 16, 2020, the County Health Officer issued an order limiting activity, travel, and business functions to the most essential needs. We refer to that order as the “Prior Shelter Order.” This new Order replaces the Prior Shelter Order.

When Does this Order Take Effect? When Does it End?

As of 11:59 pm on March 31, 2020, all individuals in the County must strictly follow the provisions in this new Order. This new Order will be in effect until May 3, 2020, but that date could be changed by the County Health Officer.

Why this New Order?

The COVID-19 public health crisis in the County, the region, and the nation has worsened significantly over the past two weeks. Confirmed cases in the six most populous Bay Area counties have increased more than eight-fold since the Prior Shelter Order. The number of confirmed cases increased from 258 to 2,092 cases between March 15, 2020 and March 29, 2020. The number of confirmed deaths rose from 3 to 51 in this same period. While the Prior Shelter Order has been effective in reducing the rate of transmission of the COVID-19 disease (“flattening the curve”), it is not enough.

The County Health Officer has determined that more and stricter social distancing is needed to slow the rate of spread, prevent deaths, and stop the health care system from becoming overwhelmed, and that we need to continue with these social distancing measures for a longer period of time.

What are the Major Changes this New Order (March 31, 2020) Makes to the County Health Officer’s Prior Shelter Order Issued on March 16?

The new Order **extends** the shelter in place requirements until 11:59 p.m. on May 3, 2020.

The new Order is also **more restrictive** in a number of ways. Major new restrictions include:

1. Social distancing requirements are mandatory. Unless strict compliance is explicitly waived, everyone must comply with the social distancing requirements at all times.
2. Before Friday, April 3, 2020, essential businesses that continue to operate facilities in the County must complete, post, and implement a social distancing protocol for each facility that remains open, using the template attached to the Order.
3. Essential businesses must maximize the number of employees who work from home, excepting only those employees who cannot perform their job duties from home.
4. Essential businesses that continue to operate facilities in the County must scale down operations to their essential component only.

5. Businesses that supply products needed for people to work from home are no longer essential businesses under the Order, and must cease operations (except minimum basic operations) at facilities in the County.
6. Use of playgrounds, dog parks, public picnic areas, and similar recreational areas is prohibited. These areas must be closed to public use.
7. Use of shared public recreational facilities such as golf courses, tennis and basketball courts, pools, and rock walls is prohibited. These facilities must be closed for recreational use.
8. Sports or activities that require use of shared equipment, like frisbees, basketballs, baseballs, and soccer balls, may only be engaged in by members of the same household.
9. Most construction—residential and commercial—is prohibited. Exceptions are made for healthcare facility construction directly related to the COVID-19 response; affordable housing; public works projects when designated as essential by the lead governmental agency; shelters and temporary housing; projects necessary to provide critical services to certain vulnerable individuals; construction necessary to secure an existing construction site; and limited essential residential or business repairs.

The new Order also makes **important clarifications**. Major clarifications include:

1. Crowding at beaches, public parks, and open spaces has been a problem. The Health Officer, government, or entity that manages the space may adopt restrictions to reduce crowding and risk of COVID-19 transmission, including limiting number of entrants, restricting vehicular access, or complete closure.
2. Essential businesses must follow industry-specific guidance issued by the County Health Officer related to COVID-19.
3. Childcare facilities may only provide care to children or dependents of individuals working for essential businesses, providing essential governmental functions, or performing minimum basic operations for non-essential businesses.
4. Individuals may move residences only if it is not possible to wait until the Order expires, such as if a move is already planned or if it is necessary for safety or habitability.
5. Landscapers and similar service professionals may only provide services necessary to maintain the sanitation, habitability, or operation of residences or businesses, or for safety reasons. They may not provide services that are cosmetic or for general upkeep.

For a complete list of significant changes, see the “Detailed Summary of Changes.”

Detailed Summary of Changes – New Shelter Order Issued on March 31, 2020

I Want More Detail. What Does this Order Change or Clarify?

This Order strengthens, extends, and clarifies the restrictions in the Prior Shelter Order. It also adds critical new restrictions. Here is a complete list of significant changes and clarifications. See the Order and the FAQs for additional details:

For Everyone:

- The Order is in effect until Sunday, May 3, 2020 at 11:59 p.m., unless the Health Officer extends or shortens it.
- Social distancing requirements are mandatory for everyone, including essential workers. These requirements include maintaining six-foot social distancing between individuals who are not members of your household. There are some exceptions—like when social distancing is impossible or inadvisable.
- Individuals may move residences only if it's not possible to wait until after the Order expires. In other words, you can move if the move is already planned or if it's necessary to maintain shelter, to stay safe, or to stay in a livable residence.
- If you move into or out of the Bay Area region, you are strongly encouraged to quarantine for 14 days, following the guidance of the U.S. Centers for Disease Control and Prevention.
- In addition to activities allowed under the Prior Shelter Order, you may leave your residence to:
 - ✓ Attend a funeral with no more than 10 individuals present.
 - ✓ Manage after-death arrangements and burial.
 - ✓ Arrange for shelter or avoid homelessness.
 - ✓ Avoid domestic violence or child abuse.
 - ✓ Travel for parental custody arrangements.
 - ✓ Travel to a temporary residence to avoid exposing others to COVID-19.

For Healthcare:

- You are allowed to leave your residence to access any healthcare services, including elective and preventative care services.
- You are allowed to leave your residence to work or volunteer at healthcare operations, as well as to provide or access health care services.
- Blood banks and blood drives can continue to operate. You're allowed to work or volunteer for blood banks or blood drives, and you can donate blood.

For Recreation:

- If you visit a park, beach, or other open space area, you must follow any restrictions that the local authorities or managers have in place for that area. These restrictions might include measures like closing parking areas, restricting car access, limiting the number of visitors, or closing the area to public access entirely.
- You are not allowed to use recreational areas with high-touch equipment or areas for gathering outside of your residence. This includes playgrounds, picnic and barbecue areas, dog parks, and outdoor gym equipment.
- Governments and other entities that manage recreational areas must close off public access to gathering areas and areas with high-touch equipment.
- You are not allowed to use shared recreational facilities outside of your residence, such as golf courses, basketball courts, tennis and pickle ball courts, rock parks, climbing walls, pools, spas, shooting and archery ranges, gyms, and disc golf.
- Governments and entities that manage shared recreational facilities must close them to public access.
- You are allowed to engage in sports or activities that use shared equipment only with members of your own household.

For Businesses:

- New Requirements for All Essential Businesses:
 - ✓ Before Friday, April 3, 2020, essential businesses that continue to operate facilities in the County must create, post, and implement a Social Distancing Protocol for each facility frequented by employees or the public, using the template attached to the Order. Essential businesses must also provide a copy of their Social Distancing Protocol to all employees and must provide evidence of its implementation to any authority enforcing the Order on demand.
 - ✓ Essential businesses must maximize the number of employees who can work from home. Only those employees who cannot perform their job duties from home may work outside their homes.
 - ✓ Businesses with both essential and non-essential components must scale down operations to only the essential components. However, retail outlets that sell a significant proportion of essential goods like food, hygiene, and consumer household products may keep open to the public (and stock) the portions of their retail storefronts dedicated to non-essential products.

- ✓ Essential businesses must follow industry-specific guidance issued by the Health Officer related to COVID-19.
- Removals from the List of Essential Businesses:
 - ✓ Businesses that supply products needed for people to work from home no longer qualify as essential businesses.
- Additions to the List of Essential Businesses:
 - ✓ Service providers that enable residential transactions, including real estate agents, escrow agents, notaries, and title companies. Residential viewings may only occur virtually, or if virtual viewing is impossible and the residence is unoccupied, by appointment with no more than two visitors from the same household and one person showing the unit.
 - ✓ Funeral home providers, mortuaries, cemeteries, and crematoriums.
 - ✓ Services to assist individuals in finding employment with essential businesses.
 - ✓ Moving services that facilitate residential or commercial moves allowed by the Order.
 - ✓ Rental car companies and rideshare services (including shared bicycles and scooters) providing services necessary for Essential Activities.
- Clarifications to the List of Essential Businesses:
 - ✓ Retailers that sell non-alcoholic beverages are essential businesses.
 - ✓ Establishments that sell multiple categories of specified essential products (unprepared food, pet supplies, hygienic products, and household consumer products necessary for sanitation, habitability, or operation of residences) are essential businesses if they sell a significant amount of those essential products. This includes, for instance, a liquor store that sells a significant amount of food.
 - ✓ Arborists, landscapers, gardeners, and similar service professionals are essential businesses, but only to provide services necessary to maintain the safety and healthy operation of a business or residence. This means they can provide services for fire prevention like weed abatement. But they cannot provide services that are cosmetic or that constitute general upkeep.
 - ✓ Gas stations, auto-supply, and auto-repair businesses, and auto dealerships may operate only to provide auto-supply and auto-repair services (and not, for example, car washes or onsite car sales).

- ✓ Businesses that supply products needed by other essential businesses may continue operating to supply those essential businesses. But they are prohibited from providing curbside pickup or onsite sales to members of the general public.
- ✓ Businesses are prohibited from operating facilities to manufacture or assemble non-essential products.
- ✓ Childcare facilities may only operate to provide childcare to children or dependents of workers exempt under the Order, including volunteers and contractors (e.g. employees of essential businesses, workers who must leave their residence to perform minimum basic operations, and workers performing essential governmental functions). Non-exempt workers cannot use childcare facilities.
- Clarifications for Non-Essential Businesses:
 - ✓ Non-essential businesses may deliver existing inventory directly to residences or other businesses.
 - ✓ Minimum basic operations include activities necessary to maintain the safety and sanitation of the business, as well as previously listed functions.

Essential Infrastructure:

- Essential infrastructure is clarified to include solid waste facilities (including collection, removal, disposal, and processing facilities), cemeteries, mortuaries, and crematoriums.
- The Order removes public works construction and construction of housing from the list of essential infrastructure. Construction is restricted to the types of projects described below.

Construction:

- Construction is restricted to the following types of projects:
 - ✓ Projects immediately necessary to the maintenance, operation, or repair of essential infrastructure. This means that construction related to essential infrastructure is not allowed if the infrastructure will not be ready for an extended period of time. The expansion of an infrastructural facility that will not be completed for a year, for example, is not fulfilling an immediate need.
 - ✓ Projects associated with healthcare operations, but only if the construction is directly related to the COVID-19 response.
 - ✓ Affordable housing, including multi-unit or mixed-use development with at least 10% income-restricted units. Other residential construction is not permitted.

- ✓ Public works projects, but only if they are specifically designated as an essential governmental function by the lead governmental agency.
- ✓ Shelters and temporary housing, but not including hotels or motels.
- ✓ Projects immediately necessary to provide critical non-commercial services to those experiencing homelessness, elderly persons, persons who are economically disadvantaged, and persons with special needs.
- ✓ Construction strictly necessary to ensure that a site that is shut down under this Order is safe and secure.
- ✓ Construction or repair necessary to ensure that a residence or a building containing essential businesses is safe, sanitary, and habitable if that work cannot be reasonably delayed.

Social Distancing Requirements:

- The Order expands and clarifies the list of social distancing requirements. These requirements now include:
 - ✓ Maintaining at least six-foot social distancing from other individuals who are not part of your household;
 - ✓ Frequently washing your hands with soap and water for at least 20 seconds or using hand sanitizer recognized by the CDC to be effective in combatting COVID-19;
 - ✓ Covering cough and sneezes with a tissue or fabric or, if that's not possible, coughing or sneezing into your sleeve or elbow (not into your hands); and
 - ✓ Avoiding all social interaction outside your home when you're sick with a fever or cough.
- Social distancing requirements are mandatory, except between members of the same family or living unit. Everyone must strictly comply with the social distancing requirements when they're not in their home unless the Order specifically allows otherwise. Exceptions are for activities where strict social distancing is impossible or inadvisable, like:
 - ✓ When providing care (including childcare, adult or senior care, care to individuals with special needs, and patient care);
 - ✓ When the work of essential businesses, essential governmental functions, or provision of minimum basic operations requires some amount of closer contact;

- ✓ By transit agencies and people riding on public transit, when strict compliance is impossible.

Enforcement:

- The Order clarifies that it can be enforced by law enforcement and also through civil remedies:
 - ✓ Failure to comply with the requirements is a misdemeanor punishable by fine, imprisonment, or both.
 - ✓ Violation of the Order constitutes a public nuisance and a violation of the County Ordinance Code. The County may take appropriate actions to stop businesses from violating the Ordinance, including obtaining a temporary restraining order and pulling an applicable permit or revoking an applicable license.

Additional Clarifications:

- Residences include both the living structures and outdoor spaces associated with them, such as patios, porches, backyards, and front yards that are only accessible to a single family or household unit.