

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:

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.
- 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, provided you maintain social distancing.
 - ✓ 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 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 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 California Department of Public Health 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.
- ✓ Licensed Cannabis businesses
- 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).
 - ✓ Only essential businesses can pick up orders from non-essential retail storefronts, and only if those orders are necessary to their business operation. Non-essential retailers are prohibited from providing curbside pickup service 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.
 - ✓ Construction or debris removal activities undertaken pursuant to Chapters 40 and 40A of the County Code, or any other rebuild construction and debris removal activities on fire damaged or destroyed properties within the incorporated areas of the County.
 - ✓ 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:
 - ✓ 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.

Tourism:

- The Order states short-term rentals (hotels, motels, Airbnb, Vrbo) are prohibited, unless they provide:
 - ✓ Lodging to protect the County homeless population;
 - ✓ Lodging for County residents displaced and cannot return to their residence that must isolate or quarantine or is at an increased risk of serious illness.
 - ✓ Lodging for a County resident who needs to isolate or quarantine and housing support for COVID-19 related essential functions.

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.