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Acting Health Officer

ORDER OF THE HEALTH OFFICER OF THE COUNTY OF SAN BERNARDINO

Clarifying the Governor's "Stay-at-Home" Order as Related to Lodging Facilities

DATE OF ORDER: MARCH 27, 2020

Please read this Order carefully. Violation of or failure to comply with this Order is a crime punishable by fine, imprisonment, or both. (California Health and Safety Code § 120295; County Code Section 31.0101 Et. Seq.)

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, TITLE 17 CALIFORNIA CODE OF REGULATIONS SECTION 2501, AND SAN BERNARDINO COUNTY CODE SECTION 31.0101 ET. SEQ., THE HEALTH OFFICER OF THE COUNTY OF SAN BERNARDINO ("HEALTH OFFICER") ORDERS:

1. The Order of the San Bernardino County Health Officer issued on March 17, 2020, and Governor Newsom's Executive Order N-22-20 and order of the California State Public Health Officer issued on March 19, 2020, requiring all persons residing in the State to remain in their homes or places of residence, except as needed to maintain the continuity of operations for critical infrastructure (the "Stay-at-Home Order") remain in effect until the Governor's Executive Order N-22-20 and the San Bernardino County Health Officer's Orders are rescinded.

2. Short-term lodging facilities (including hotels, motels, condominiums, or other units) which are used for COVID-19 mitigation and containment measures, including measures to protect homeless populations, may **only** continue to operate for the limited purpose of providing such mitigation and containment measures (examples include: isolation and quarantine or the housing of displaced persons).

3. Short-term lodging facilities (including hotels, motels, condominiums, or other units) which are used to house workers performing functions that are essential to maintain the continuity of operations for critical infrastructure, as listed in the attached Guidance, may continue to operate **only** for the limited purpose of housing those critical infrastructure workers.

4. In the event of a question of uncertainty as to whether a particular short-term lodging use falls within the Governor's exemptions (i.e. whether a it constitutes a mitigation or containment measure, or involves a critical infrastructure worker), a written determination from the State

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Department of Public Health, the San Bernardino County Health Officer, the San Bernardino County Public Health Department Operations Center (DOC) or the San Bernardino County Emergency Operations Center (EOC) that the use is authorized, or a directive from any of those entities to allow the use, shall be adequate to authorize such use. In the event it is not possible to obtain a determination in writing, such determination may be received orally and documented by the lodging provider (name of authorizing person, entity and date/time authorization made).

5. This Order is issued based on evidence of increasing transmission of COVID-19 within the County, in the state of California, and worldwide, scientific evidence regarding the most effective approach to slow transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect the public from the risk of spread of or exposure to COVID-19.

6. This Order is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 in communities worldwide. This Order will help to reduce the number of Californians who contract COVID-19 before an effective treatment or vaccine is available; protect those most likely to experience severe symptoms, such as older Californians and those with underlying chronic conditions; preserve and protect our healthcare delivery system; and minimize the social and economic impacts of COVID-19 over the long run.

7. This Order is issued in accordance with, and incorporates by reference, the: March 4, 2020 Proclamation of a State Emergency issued by Governor Gavin Newsom; the March 10, 2020 Declaration of Local Health Emergency based on an imminent and proximate threat to public health from the introduction of novel COVID-19 in San Bernardino County; the March 10, 2020 Resolution of the Board of Supervisors of the County of San Bernardino proclaiming the existence of a Local Emergency in the County of San Bernardino regarding COVID-19; the March 10, 2020 Resolution of the Board of Supervisors of the County of San Bernardino ratifying and extending the Declaration of Local Health Emergency due to COVID-19; and Executive Order N-22-20 of the Governor of California and Order of the State Public Health Officer issued on March 19, 2020.

8. This Order is made in accordance with all applicable State and Federal laws, including but not limited to: Health and Safety Code sections 101030, et seq.; Health and Safety Code sections 120100, et seq.; and Title 17 of the California Code of Regulations section 2501.

9. This Order shall not supersede any conflicting or more restrictive orders issued by the State of California or Federal governments, including any requirements regarding child care. If any portion of this Order or the application thereof to any person or circumstance is held to be invalid the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

10. To the extent necessary, pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, this order is enforceable by the Sheriff and all Chiefs of Police in the County. The violation of any provision of this Order constitutes an imminent threat to public health.

Copies of this Order shall promptly be: (1) made available at the County of San Bernardino Health Administration office located at 351 N. Mountain View Ave., #303, San Bernardino, CA 92415;

(2) posted on the County of San Bernardino Public Health Department's website (wp.sbcounty.gov/dph); and (3) provided to any member of the public requesting a copy of this Order.

IT IS SO ORDERED:

Dated: March 27, 2020

Dr. Erin Gustafson, MD, MPH
Acting Public Health Officer
County of San Bernardino

Approved as to form and legality:

Dated: March 27, 2020

Adam Ebright
County Counsel
County of San Bernardino