

**LOCAL EMERGENCY ORDER AND REGULATION NO. 6
COVID-19**

RESTRICTING THE USE OF SHORT-TERM LODGING FACILITIES

Please read this order carefully. Violation of or failure to comply with this order is a misdemeanor punishable by fine, imprisonment, or both. (County Code § 2.80.130.)

WHEREAS, at 6:30 p.m. on March 18, 2020, the San Luis Obispo County Emergency Services Director, in coordination with the County Health Officer and with the support of the seven cities within San Luis Obispo County, issued Local Emergency Order and Regulation No. 4 (“Order No. 4”) directing that all residents of the county shelter at home. Order No. 4 further required businesses to cease operations unless that business was deemed an “Essential Business,” in which case the business was allowed to remain open subject to Social Distancing and other requirements; and

WHEREAS, on March 19, 2020, the Governor of the State of California issued Executive Order No. N-33-20 likewise mandating cessation of certain activities and directing that all residents of the county stay at home (“Stay at Home Order”); and

WHEREAS, also on March 19, 2020, the State Public Health Officer ordered all individuals living in the State of California to stay at home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors; and

WHEREAS, on March 20, 2020, the State Public Health Officer designated a list of “Essential Critical Infrastructure Workers” to help state, local, tribal, and industry partners as they work to protect communities, while ensuring continuity of functions critical to public health and safety; and

WHEREAS, the State Public Health Officer further lists specific jobs and functions within those critical infrastructure sectors that are deemed “necessary.” This includes hotels and lodging activities related to isolating or quarantining persons infected with or exposed to the COVID-19 virus, or housing workers performing jobs deemed essential to maintaining critical infrastructure; and

WHEREAS, on May 16, 2020, County’s Order No. 4 expired on its own terms leaving in effect the State’s Stay at Home Order; and

WHEREAS, the County of San Luis Obispo is a tourist destination. It is half-way between Los Angeles and the Bay Area. While the County of San Luis Obispo has had success in mitigating the spread of the COVID-19 virus within the community, surrounding counties have experienced a significantly higher rate of transmission. While the County of San Luis Obispo normally welcomes individuals from these surrounding communities to visit our community, the County finds that during this crisis, the use of short-term lodging facilities for purposes unrelated to the housing of our essential workforce or for COVID-19 mitigation is a threat to public health and a direct violation of the State’s Stay at Home Order as it: (1) encourages an influx of persons

into the County, thus increasing the potential for the spread of the illness and adding strain upon the county health care system; and (2) is likely to impair efforts at mitigating the spread of the illness both within the County and statewide; and

WHEREAS, this Order is intended to reinforce the occupancy limitations of short-term lodging facilities under the State's Stay at Home Order. This Order is issued based on evidence of transmission of COVID-19 on a statewide basis, 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. This Order is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 in communities statewide. As the presence of individuals increases, the difficulty and magnitude of tracing individuals who may have been exposed to a case rises exponentially. Short term lodging facilities which are utilized for housing a frequently rotating clientele will likely impair efforts at mitigating the spread of the illness.

NOW, THEREFORE, it is ordered as follows:

1. The above recitals are true and correct and are incorporated herein by this reference.
2. Definitions. The following definitions shall apply to this Order:
 - a. "Essential work" shall mean:
 - i. Work or functions necessary to maintain continuity of operations of the federal critical infrastructure sectors as set forth in the State Public Health Officer's March 19, 2020 Order, (attached hereto as Exhibit A and incorporated herein by this reference), and as may be amended; or
 - ii. Work or functions for business sectors which are authorized to open pursuant to the State Public Health Officer's May 7, 2020 Order (attached hereto as Exhibit B and incorporated herein by this reference), and as may be amended.
 - b. "Essential workers" shall mean those individuals performing essential work.
 - c. "Hotel/motel lodging facility" shall mean commercial transient lodging establishments (stays of 30 days or less) including but not limited to hotels, motor hotels, motels, tourist courts or cabins, bed and breakfast inns, timeshares, primarily engaged in providing overnight or otherwise temporary lodging, with or without meals, for the general public. Hotel/motel lodging facility shall include "recreational vehicle parks" which means a transient lodging establishment primarily engaged in renting, leasing or otherwise providing overnight or short-term sites (stays of 30 days or less) for motorhomes, trailers, campers or tents, with or without individual utility hookups, but with other facilities such as public restrooms.

- d. "Occupancy rate" means the number of hotel rooms within a single hotel/motel lodging facility that may be let on any individual day.
 - e. "Permitted tenancy rate" shall mean any limitations on a residential vacation rental on the number of short-term tenancies (stays of 30 days or less) that residence may have per month, whether imposed by condition of approval, by law or otherwise.
 - f. "Residential vacation rentals" shall mean the use of an existing residence as a rental for transient use (stays of 30 days or less). This definition shall include "homestays." This definition does not include the single tenancy rental of the entire residence for periods of thirty consecutive days or longer.
 - g. "Short-term lodging facilities" shall include "hotel/motel lodging" and "residential vacation rentals" as defined in this Order.
3. Short term lodging facilities within the County of San Luis Obispo may remain open for only the following limited purposes:
- a. To serve as lodging for the following COVID-19 mitigation and containment measures:
 - i. Lodging to protect the homeless population;
 - ii. Lodging for persons who have been displaced and cannot return to their residence because there is a person residing at the residence that must self-isolate or quarantine or is at a higher risk of severe illness;
 - iii. Lodging for persons who need to self-isolate or quarantine; or
 - iv. Lodging for persons who care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons who reside in the County.
 - b. To serve as lodging to house essential workers.
4. No hotel/motel lodging facility shall have a room occupancy rate exceeding 50% for any day. By way of example, if a hotel/motel facility has 100 rooms, a 50% occupancy limit means that the facility may only let out fifty (50) rooms. Upon demand by any authority enforcing this Order, a lodging facility shall provide its occupancy rates and any information requested by the enforcing authority to substantiate the facility's actual occupancy rate for any dates being requested while this Order is in effect. A hotel/motel lodging facility may request an exception from this limitation by the County Health Officer upon a showing of good cause that the exception is needed in order to temporarily house additional essential workers at that facility. The hotel/motel lodging facility shall prove to the satisfaction of the County Health Officer that it has instituted all necessary measures and protocols to mitigate the spread of the COVID-19 virus at the facility consistent with the guidance issued

by the State Department of Public Health, linked here:

<https://covid19.ca.gov/pdf/guidance-hotels.pdf>

Section 4 of this Order shall be understood to apply immediately. However, in situations where short-term lodging facilities have guests in excess of the 50% occupancy limit that are physically present at the facility prior to May 17, 2020, guests may stay on-site through the end of their original booking period.

5. All residential vacation rentals shall reduce their permitted tenancy rate by 50%. If the residential vacation rental does not have a permitted tenancy rate, then the rate shall be two (2) individual tenancies per calendar month. Upon demand by any authority enforcing this Order, a residential vacation rental shall provide its tenancy rates and any information requested by the enforcing authority to substantiate the rental's actual tenancy rate for any months being requested while this Order is in effect. A residential vacation rental facility may request an exception from this limitation by the County Health Officer upon a showing of good cause that the exception is needed in order to temporarily house an additional number of essential workers at that residence in that month. The residential vacation rental shall prove to the satisfaction of the County Health Officer that it has instituted all necessary measures and protocols to mitigate the spread of the COVID-19 virus at the facility consistent with the guidance issued by the State Department of Public Health, linked here: <https://covid19.ca.gov/pdf/guidance-hotels.pdf>
6. No homeowner, agent of the homeowner, marketing agent, listing agent, or real estate agent shall engage in efforts to rent or lease any short-term lodgings within the County of San Luis Obispo for any purpose other than those identified in Section 3 of this Order.
7. This Order No. 6 shall be effective at 11:59 p.m. on May 17, 2020. This Order will be reviewed every fourteen (14) days to determine the need to continue or modify this Order.

A copy of this Local Emergency Order and Regulation No. 6 shall be posted on all outside public access doors of the new County Government Center of the County of San Luis Obispo and in one public place within any area of the County within which this order and regulation applies, and personnel of the County of San Luis Obispo shall endeavor to make copies of this order and regulation available to the news media.

Date: 16 MAY 2020



Wade Horton
Emergency Services Director

Time: 1400

Under the authority of California Health and Safety Code sections 101030, 101040, 101085, and 120100 et seq., Title 17 of the California Code of Regulations section 2501, and the Declaration of Local Health Emergency issued by me on March 13, 2020, I, Penny Borenstein, County Health Officer, hereby adopt and ratify in full this Order and Regulation No. 6 in response to the COVID-19 emergency.

Date: 05-16-2020


Penny Borenstein, MD, MPH
County Health Officer

Time: 10:30 am



Exhibit "A"

ORDER OF THE STATE PUBLIC HEALTH OFFICER
March 19, 2020

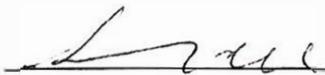
To protect public health, I as State Public Health Officer and Director of the California Department of Public Health order all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, as outlined at <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>. In addition, and in consultation with the Director of the Governor's Office of Emergency Services, I may designate additional sectors as critical in order to protect the health and well-being of all Californians.

Pursuant to the authority under the Health and Safety Code 120125, 120140, 131080, 120130(c), 120135, 120145, 120175 and 120150, this order is to go into effect immediately and shall stay in effect until further notice.

The federal government has identified 16 critical infrastructure sectors whose assets, systems, and networks, whether physical or virtual, are considered so vital to the United States that their incapacitation or destruction would have a debilitating effect on security, economic security, public health or safety, or any combination thereof. I order that Californians working in these 16 critical infrastructure sectors may continue their work because of the importance of these sectors to Californians' health and well-being.

This Order is being issued to protect the public health of Californians. The California Department of Public Health looks to establish consistency across the state in order to ensure that we mitigate the impact of COVID-19. Our goal is simple, we want to bend the curve, and disrupt the spread of the virus.

The supply chain must continue, and Californians must have access to such necessities as food, prescriptions, and health care. When people need to leave their homes or places of residence, whether to obtain or perform the functions above, or to otherwise facilitate authorized necessary activities, they should at all times practice social distancing.


SONIA Y. ANGELL, MD, MPH

3/19/2020
DATE



Exhibit "B"

ORDER OF THE STATE PUBLIC HEALTH
OFFICER
May 7, 2020

On March 19, 2020, I issued an order directing all individuals living in the State of California to stay at home except as needed to facilitate authorized, necessary activities or to maintain the continuity of operations of critical infrastructure sectors. (See <https://covid19.ca.gov/stay-home-except-for-essential-needs/>.) I then set out California's path forward from this "Stay-at-Home" Order in California's Pandemic Roadmap <https://www.gov.ca.gov/wp-content/uploads/2020/05/5.4.20-Update-on-Californias-Pandemic-Roadmap.pdf>. That Roadmap identifies four stages of the pandemic: safety and preparation (Stage 1), reopening of lower-risk workplaces and other spaces (Stage 2), reopening of higher-risk workplaces and other spaces (Stage 3), and finally an easing of final restrictions leading to the end of the stay at home order (Stage 4).

Today, COVID-19 continues to present a significant risk to the health of individuals throughout California. There are confirmed cases of the virus in 54 of the 58 counties across the State, and each day over the past two weeks over one thousand new cases have been confirmed in California and dozens of people have lost their lives due to the virus. However, owing to Californians' mitigation efforts, statewide data currently demonstrates stable rates of new infections and hospitalizations, the maintenance of surge capacity, and an improved ability to test, contact trace, isolate, and provide support to individuals exposed to COVID-19. As State Public Health Officer, I have determined that the statewide data now supports the gradual movement of the entire state from Stage 1 to Stage 2 of California's Pandemic Resilience Roadmap.

Gradual movement into Stage 2 is intended to reintroduce activities and sectors in a phased manner and with necessary modifications, in order to protect public health and result in a lower risk for COVID-19 transmission and outbreak in a community. Such deliberate phasing is critical to allowing the State to protect the public, and to mitigate and manage the impact of the re-openings, such that our health care delivery system has the capacity to respond to potential increased demands. Differences across the state in the prevalence of COVID-19, as well as testing rates, containment capability, and hospital capacity, have resulted in differences among local health jurisdictions' ability to safely progress through the various stages. The low and stable data reported by some local health officers in their local health jurisdictions, combined with sufficient COVID-19 preparedness, justifies allowance for some variation in the speed with which some local health jurisdictions will be able to move through the phases of Stage 2.

NOW, THEREFORE, I as State Public Health Officer and Director of the California Department of Public Health, order:

1. All local health jurisdictions in the state may begin gradual movement into Stage 2, as set forth in this Order, effective on May 8, 2020; however, a local health jurisdiction may implement or continue more restrictive public health measures if the jurisdiction's Local Health Officer believes conditions in that jurisdiction warrant it.
2. I will progressively designate sectors, businesses, establishments, or activities that may reopen with certain modifications, based on public health and safety needs, and I will add additional sectors, businesses, establishments, or activities at a pace designed to protect public health and safety. Those sectors, businesses, establishments, or activities that are permitted to open will be designated, along with necessary modifications, at <https://covid19.ca.gov/roadmap/>, as I announce them.
3. To the extent that such sectors are re-opened, Californians may leave their homes to work at, patronize, or otherwise engage with those businesses, establishments, or activities and must, when they do so, continue at all times to practice physical distancing, minimize their time outside of the home, and wash their hands frequently. To prevent further spread of COVID-19 to and within other jurisdictions within the State, Californians should not travel significant distances and should stay close to home. My March 19, 2020, Order otherwise remains in full effect.

4. The California Department of Public Health has set forth criteria to help local health officers assess the capacity of their local health jurisdictions to move through Stage 2. Local health jurisdictions that meet the criteria and follow the process set forth

<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/COVID-19-County-Variance-Attestation-Memo.aspx> will be permitted to move through Stage 2 more quickly than the State as a whole and reopen additional low-risk businesses before the rest of the state, if they choose to do so. A list of the sectors, businesses, establishments, or activities, and any necessary modifications, that such a qualifying jurisdiction may choose to reopen will be available at <https://covid19.ca.gov/roadmap-counties/>, and may be expanded if I deem it to be in the interest of public health and safety.

Pursuant to the authority under EO N-60-20, and Health and Safety Code sections 120125, 120140, 131080, 120130(c), 120135, 120145, 120175 and 120150, this Order is to go into effect immediately and shall stay in effect until further notice.

This Order is being issued to protect the public health of Californians as we move as expeditiously to minimize risk to the extent possible throughout the Stages of the Pandemic Resilience Roadmap.



Sonia Y Angell, MD, MPH
State Public Health Officer & Director
California Department of Public Health