AMENDED ORDER OF THE HEALTH OFFICER FOR THE COUNTY OF RIVERSIDE

CLARIFICATION OF GOVERNOR'S "STAY-AT-HOME" ORDER AS RELATED TO SHORT TERM LODGING FACILITIES

DATE OF ORDER: APRIL 2, 2020

Please read this Order carefully. Violation of or failure to comply with this Order is a crime punishable by fine, imprisonment, or both. Violators are also subject to civil enforcement actions including civil penalties of up to $1,000 per violation per day, injunctive relief, and attorneys' fees and costs. (California Health and Safety Code § 120295; County Ordinances 533 and 556.)

WHEREAS, a state of emergency has been declared by the State of California, and both a local health emergency and local emergency has been declared in the County of Riverside (the "County") in response to the virus COVID-19; and

WHEREAS, in the County as well as throughout California and the nation, there are insufficient quantities of critical healthcare infrastructure, including hospital beds, ventilators and workers, capable of adequately treating mass numbers of patients at a single time – should the virus spread unchecked; and

WHEREAS, in direct response to that lack of healthcare infrastructure, governments across the nation are taking actions to slow the spread of COVID-19 in order to "flatten the curve" of infection and reduce the numbers of individuals infected at any one time by minimizing situations where the virus can spread; and

WHEREAS, in furtherance of this effort, on March 19, 2020, Governor Newsom issued Executive Order N-33-20 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"); and

WHEREAS, also on March 19, 2020, the State Public Health Officer ordered 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; 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, the County Health Officer finds that the use of short-term lodging for non-COVID-19 purposes is a direct violation of the Governor'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, the County Health Officer wishes to provide clarity to businesses, renters, and property owners in the short-term lodging sector of the County regarding operations under the Governor's Stay-At-Home Order and therefore issues the following:

NOW, THEREFORE, UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, TITLE 17 CALIFORNIA CODE OF REGULATIONS SECTION 2501, AND RIVERSIDE COUNTY CODE SECTION 533.6, THE HEALTH OFFICER OF THE COUNTY OF RIVERSIDE ("HEALTH OFFICER") ORDERS as follows:

1. Short-term lodging facilities (including short-term rentals, vacation rentals, timeshares, hotels, motels, and other short-term lodgings) within the County of Riverside may remain open for the following limited purposes:

    a. To serve as short-term lodging facilities which are used 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 isolate or quarantine or is at a higher risk of severe illness;
        iii. Lodging for persons who need to isolate or quarantine
    b. Short-term lodging facilities (including short-term rentals, vacation rentals, timeshares, hotels, motels, and other short-term lodgings) which are used to house essential workers performing functions that are essential to maintain the continuity of operations for critical infrastructure, as listed in the attached Guidance.

2. 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 rentals, vacation rentals, timeshares, hotels, motels, and/or other short-term lodging within the County of Riverside for any purpose other than those identified in Paragraph 1 above.

3. For purposes of this Order, a "short-term lodging facility" shall be understood to refer to any facility, including short-term rentals, vacation rentals, timeshares, hotels, motels, and other short-term lodgings, which provides lodging or accommodation to persons for a time period of **sixty (60) days or less**. This definition shall supersede any definition, timeframe, or day limitation, which may currently be in use by any city within the County of Riverside to refer to "short-term lodging(s)" or "short-term rental(s)".

4. This Order shall be effective immediately and will remain in effect until **June 19, 2020**, pending further Order of the Public Health Officer. This Order supersedes the prior Orders of March 27, 2020 and March 30, 2020.

   This Order shall be understood to apply immediately. However, in situations where short-term lodgings have guests currently on-site that were physically present on the property prior to March 27, 2020, guests may stay on-site through the end of their original booking period. Bookings may not be extended beyond the original ending date unless guests fall into those categories identified in Paragraph 1 above, namely guests are: (1) homeless; (2) persons who have been displaced and cannot return to their residence because there is a person residing at the residence that must isolate or quarantine or is at a higher risk of severe illness; (3) persons who need to isolate or quarantine; or (4) essential workers.

5. In the event of a question or uncertainty as to whether a particular short-term lodging use falls within the Public Health Officer's exemptions (i.e., whether it constitutes a mitigation or containment measure, or involves an essential worker), a written determination from the County of Riverside Health Officer, that the use is authorized, or a directive from the Health Officer shall be adequate to authorize such use.

6. This Order is issued as a result of the worldwide pandemic of COVID-19 disease, also known as "novel coronavirus," which has infected over one million individuals worldwide in over 180 countries and is implicated in over 50,000 worldwide deaths, including over 400 cases and 13 deaths in Riverside County. These numbers increase significantly every day.

7. This Order is issued based on evidence of increasing transmission of COVID-19 both within the County of Riverside 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.

8. This Order is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 in communities worldwide. 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.

9. 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 8, 2020 Declaration of Local Health Emergency based on an imminent and proximate threat to public health from the introduction of novel COVID-19 in Riverside County; the March 10, 2020 Resolution of the Board of Supervisors of the County of Riverside proclaiming the existence of a Local Emergency in the County of Riverside regarding COVID-19; the March 10, 2020 Resolution of the Board of Supervisors of the County of Riverside ratifying and extending the Declaration of Local Health Emergency due to COVID-19; the guidance

issued on March 11, 2020 by the California Department of Public Health regarding large gatherings of 250 people or more; Governor Gavin Newsom's Executive Order N-25-20 of March 12, 2020 preparing the State to commandeer hotels and other places of temporary residence, medical facilities, and other facilities that are suitable as places of temporary residence or medical facilities as necessary for quarantining, isolating or treating individuals who test positive for COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period; the guidance issued on March 15, 2020 by the Centers for Disease Control and Prevention, the California Department of Public Health, and other public health officials through the United States and around the world recommending the cancellation of gatherings involving more than fifty (50) or more persons in a single space at the same time; the March 16, 2020 order of the Public Health Officer prohibiting all gatherings with expected presence above ten (10) individuals; Governor Newsom's Executive Order N-33-20 of March 19, 2020 ordering all persons to stay at home to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19; Governor Newsom's Executive Order N-35-20 giving the state the ability to increase the health care capacity in clinics, mobile health care units and adult day health care facilities and allowing local governments more flexibility to utilize the skills of retired employees in order to meet the COVID-19 surge; and Governor Newsom's Executive Order N-39-20 intended to expand the health care workforce and recruit health care professionals to address the COVID-19 surge. The Governor and the County Public Health Officer continue to issue COVID-19-related orders to mitigate the public health crisis.

10. 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.

11. To the extent necessary, pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and all Chiefs of Police in the County ensure compliance with and enforcement of this Order.

12. Copies of this Order shall promptly be: (1) made available at the County of Riverside Health Administration office located at 4065 County Circle Drive, Riverside, CA 92503; (2) posted on the County of Riverside Public Health Department's website (rivcoph.org); and (3) provided to any member of the public requesting a copy of this Order.

IT IS SO ORDERED:

Dated: April 2, 2020

Dr. Cameron Kaiser, MD, MPH, FAAFP
Public Health Officer
County of Riverside

EMERGENCY REGULATIONS

As Director of Emergency Services for the County of Riverside, I am authorized to promulgate regulations for the protection for life and property pursuant to Government Code section 8634 and Riverside County Ordinances 442 and 533. The following shall be in effect for the duration of the County of Riverside Health Officer's Order issued above which is incorporated in its entirety by reference:

The County of Riverside Health Officer's Order shall be promulgated as a regulation for the protection of life and property.

Any person who violates who violates or refuses or willfully neglects to obey this regulation is subject to fine, imprisonment, or both, pursuant to Government Code section 8665. Violators are also subject to civil enforcement actions including civil penalties of up to $1,000 per violation per day, injunctive relief, and attorneys' fees and costs.

Dated: April 2, 2020

George Johnson
County Executive Officer
Director of Emergency Services
County of Riverside

Approved as to form and legality:

Dated: April 2, 2020

Gregory P. Priamos
County Counsel
County of Riverside