OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU
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KIRK CALDWELL
MAYOR

ROY K. AMEMIYA, JR.
MANAGING DIRECTOR

GEORGETTE T. DEEMER
DEPUTY MANAGING DIRECTOR

May 28, 2020

OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU
EMERGENCY ORDER NO. 2020-14
(COVID-19 [Novel Coronavirus])

HO'OULU i HONOLULU 3.0
("RESTORE HONOLULU 3.0")

By the authority vested in me as Mayor of the City and County of Honolulu (the **"City"**) pursuant to Revised Charter of the City and County of Honolulu 1973 (2017 Edition), as amended; the Revised Ordinances of the City and County of Honolulu 1990, as amended; the Hawai'i Revised Statutes, as amended (**"Haw. Rev. Stat."**); the Constitution and laws of the State of Hawai'i (the **"State"**); I, KIRK W. CALDWELL, hereby issue this order, Ho'oulu i Honolulu 3.0 (**"Order"**), to further address the emergency declared in the Proclamation COVID-19 [Novel Coronavirus] that I issued on March 4, 2020, Supplemental Proclamation of Emergency or Disaster (COVID-19 [Novel Coronavirus]) that I issued on March 18, 2020, and the Second Supplemental Proclamation of Emergency or Disaster (COVID-19 [Novel Coronavirus]) that I issued May 6, 2020.

The virus that causes Coronavirus 2019 Disease (**"COVID-19"**) is easily transmitted, especially in group settings, and it is essential that the spread of COVID-19 be slowed to protect the ability of public and private health care providers to handle the influx of new patients and to safeguard public health and safety.

Due to the risk of the rapid spread of the virus causing COVID-19, and the need to protect all members of the City, especially including our members most vulnerable to the virus and also health care providers, this Order requires all individuals anywhere in the City to shelter in place—that is, stay at home and work from home—except for certain essential activities and work to provide essential business, designated businesses and operations, and government services; or perform essential public infrastructure construction, including housing. This Order is effective on **May 28, 2020**, and will continue through **June 30, 2020**, subject to the limited exceptions and under the terms and conditions more particularly set forth below.

Pursuant to Haw. Rev. Stat. § 127A-25 and the Rules of the Mayor City and County of Honolulu, dated March 20, 2020 (**"Mayor's Rules"**) promulgated under that section, each of the orders contained in this Order (**"the Orders"**) shall have the force and effect of law. The Orders

are in accordance with and incorporate by reference the Proclamation COVID-19 [Novel Coronavirus] that I issued on March 4, 2020; the Supplemental Proclamation of Emergency or Disaster (COVID-19 [Novel Coronavirus]) that I issued on March 18, 2020; the Second Supplemental Proclamation of Emergency or Disaster (COVID-19 [Novel Coronavirus]) that I issued May 6, 2020; and Hawai'i Governor David Y. Ige's Proclamation dated March 4, 2020 (as supplemented).

Violation of any of the Orders is punishable as a misdemeanor, with fines of up to $5,000, up to a year in jail, or both. Haw. Rev. Stat. § 127A-29; Mayor's Rules.

I. ORDERS

Order 1: All individuals currently living within the City are ordered to stay at their place of residence. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when they are outside their residence and comply with Social Distancing Requirements (as defined in Section II.K, and as applicable). All persons may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate or visit Essential Businesses or Designated Businesses and Operations, as those terms are defined in Section II. Individuals experiencing homelessness are exempt from this section, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to use COVID-19 risk mitigation practices in their operation).

Order 2: All businesses with a facility in the City, except Essential Businesses (as defined in Section II.F.) and Designated Businesses and Operations (as defined in Section II.G.), are required to cease all activities within such facilities, except Minimum Basic Operations (as defined in Section II.H.). For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses and Designated Businesses and Operations are strongly encouraged to remain open. To the extent applicable and to the greatest extent feasible, Essential Businesses and Designated Businesses and Operations shall comply with Social Distancing Requirements, including the six-foot physical distancing requirement for both employees and members of the public (including customers standing in line inside and outside of the facility).

Order 3: Gatherings.

A. Effective immediately, *outdoor* gatherings of up to ten (10) individuals (regardless of household or living unit affiliation) are permitted. To the greatest extent reasonably practicable, physical distancing of at least six (6) feet between members of different households/living units should be maintained; and face coverings should be worn. Physical distancing of at least six (6) feet between separate gatherings (of up to ten (10) individuals), if any, *must* be maintained at all times (i.e., no mingling between separate gatherings).

B. Effective June 5, 2020, *indoor* residential and non-commercial gatherings of up to ten (10) individuals (regardless of household or living unit affiliation) are permitted. To the greatest extent reasonably practicable, physical distancing of at least six (6) feet between members of different households/living units should be maintained; and face coverings should be worn. Physical distancing of at least six (6) feet between separate gatherings (of up to ten (10) individuals), if any, *must* be maintained at all times (i.e., no mingling between separate gatherings).

C. All other public and private gatherings are prohibited, except as permitted in Section II. Large indoor events (concerts, shows, etc.) remain prohibited. Nothing in this Order prohibits the gathering of members of a household or living unit on their property (including shared common areas).

Order 4: All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel and Essential Activities (as defined in Section II), is prohibited. People must use public transit only for purposes of performing Essential Activities; or to travel to and from Essential Businesses, or Designated Businesses and Operations; or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements, as applicable and to the greatest extent feasible. This Order allows travel into or out of the City to perform Essential Activities, operate or visit Essential Businesses, operate or visit Designated Businesses and Operations, or maintain Essential Governmental Functions.

Order 5: Non-Medical Grade Face Coverings.

All employees who work at businesses or perform services at Essential Businesses, as provided in Section II.F. of this Order, and Designated Businesses and Operations, as provided in Section II.G. of this Order, shall wear non-medical grade face coverings over their noses and mouths when engaged and interacting with customers and visitors of the Essential Business and Designated Business and Operation.

All customers and visitors of businesses and organizations defined as Essential Businesses, as provided in Section II.F. of this Order, and Designated Businesses and Operations, as provided in Section II.G. of this Order, shall wear non-medical grade face coverings over their noses and mouths to provide additional protection for employees and customers of Essential Businesses and Designated Businesses and Operations.

All passengers and users of public modes of transportation (TheBus and TheHandi-Van) shall wear non-medical grade face coverings over their noses and mouths when on board.

An owner or operator of an Essential Business under this Order, Section II.F. or Designated Business and Operation under this Order, Section II.G. *may* refuse admission or service to any individual who fails to wear face coverings.

Face coverings under this Order may not be worn only under the following circumstances:

- Within banks, financial institutions, or using automated teller machines where the inability to verify the identity of the customer or visitor of the bank, financial institution or automated teller machine poses a security risk;
- By individuals with medical conditions or disabilities where the wearing of a face covering may pose a health or safety risk to the individual;
- By children under the age of 5;
- By first responders (Honolulu Police Department, Honolulu Fire Department, Honolulu Emergency Services Department) to the extent that wearing non-medical grade face coverings may impair or impede the safety of the first responder in the performance of his/her duty;
- By children in childcare, educational, and similar facilities consistent with the latest guidance from the Centers for Disease Control and Prevention (**"CDC"**) for such facilities;
- As allowed by another provision of this Order.

The wearing of face coverings under this Order is intended to complement, not serve as a substitute, for physical distancing and cleanliness. All individuals in the City must adhere to the Social Distancing Requirements to the extent applicable and feasible.

Definition: "Non-medical grade face covering" or "face covering" as used in this Order, means a tightly woven fabric without holes that is secured to the head with either ties or straps, or simply wrapped and tied around the wearer's nose and mouth. It can be made of a variety of fabrics such as cotton, silk, or linen and may be factory-made, sewn by hand, or made from household items such handkerchiefs, scarfs, or shirts.

Recommendation: This Order requires non-medical grade face coverings to be worn in certain circumstances. However, all individuals within the City are encouraged to wear non-medical grade face coverings over their noses and mouths when they are outside their homes and engaging with other people while performing Essential Activities, as provided in Section II.A. of this Order, even in circumstances where wearing non-medical grade face coverings is not legally required.

Any seller of non-medical grade face coverings or materials or supplies to make or manufacture such face coverings shall abide by Haw. Rev. Stat. § 127A-30.

Order 6: Opening of City Parks

City and County of Honolulu parks and botanical gardens (**"City Parks"**), are opened for use as set forth below:

A. As determined by the City's Department of Parks and Recreation, City Parks (or portions of City Parks) shall be open to the public for all activities permitted in City Parks by law, each park's rules, and this Order.

B. Consistent with Order 3 of this Order, there shall be no gatherings of more than ten (10) individuals within City Parks and physical distancing of at least six (6) feet between gatherings must be maintained at all times.

C. Individuals (age 5 or over) engaged in permitted activities within City Parks are encouraged to wear non-medical grade face coverings to the extent it would not: (1) interfere unreasonably with the activity at issue; or (2) pose a health or safety risk to the individual while engaged in that activity.

II. DEFINITIONS AND EXEMPTIONS

A. For purposes of this Order, individuals may leave their residence only to perform any of the following **"Essential Activities."** However, people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible, except as necessary to seek medical care.

1. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies needed to work from home.

2. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.

3. To engage in outdoor activity in locations as allowed by law, including this Order.

4. To perform work providing products and services at an Essential Business, Designated Business or Operation, or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.

5. To care for a family member or pet in another household.

6. To obtain services, goods, or supplies from, or engage in activities at, Essential Businesses (as defined in Section II.F) and Designated Businesses and Operations (as defined in Section II.G.).

7. To visit graveyards, mausoleums, and similar sites consistent with the restrictions placed on gatherings in this Order.

B. For purposes of this Order, individuals may leave their residence to work for or obtain services at any **"Healthcare Operations"** including hospitals, clinics,

dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services, organizations collecting blood, platelets, plasma, and other necessary materials, licensed medical marijuana dispensaries and licensed medical marijuana production centers, eye care centers, including those that sell glasses and contact lenses. "Healthcare Operations" also includes veterinary care and all healthcare services provided to animals. Further, "Healthcare Operations" includes prepaid health care plan contractors as that term is defined under Haw. Rev. Stat. ch. 393, and other employer-sponsored health and welfare benefit plans, and/or individual or group health insurance plans that provides healthcare insurance benefits for payment or reimbursement for healthcare services provided by Healthcare Operations. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. "Healthcare Operations" does not include fitness and exercise gyms and similar facilities.

C. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of **"Essential Infrastructure,"** including, but not limited to, public works construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements to the extent applicable and reasonably possible. This Order shall be construed and applied in compliance and consistent with the United States Department of Homeland Security, Cybersecurity & Infrastructure Security Agency Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, updated March 28, 2020 (and any subsequent updates and guidance memoranda thereto).

D. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, jails and prisons personnel, and others working for or to support Essential Businesses or Designated Businesses and Operations are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing "Essential Governmental Functions." **"Essential Government Functions"** means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements to the extent applicable and reasonably possible.

E. For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.

F. For the purposes of this Order, **"Essential Businesses"** means:

1. Healthcare Operations and Essential Infrastructure;

2. Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;

3. Food cultivation, including farming, livestock, and fishing;

4. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;

5. Newspapers, television, radio, and other media services;

6. Gas stations and auto and bicycle supply, auto and bicycle repair, towing services, and related facilities;

7. Banks and related financial institutions. This provision shall be construed and applied in compliance and consistent with the United States Department of Homeland Security, Cybersecurity & Infrastructure Security Agency Memorandum on Identification of Essential Critical Infrastructure Workers During COVID-19 Response, dated March 19, 2020 (and any subsequent guidance memoranda thereto), and the United States Department of the Treasury Memorandum for Financial Services Sector Essential Critical Infrastructure Workers, dated March 22, 2020 (and any subsequent guidance memoranda thereto);

8. Hardware stores;

9. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, Essential Businesses, or Designated Businesses or Operations;

10. Businesses providing mailing and shipping and delivery services, and businesses that ship or deliver groceries, food, alcoholic and non-alcoholic

beverages, goods or services to residences and end users or through commercial channels, and including post office boxes;

11. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning, performing critical research, or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;

12. Laundromats, dry cleaners, industrial laundry services, and laundry service providers;

13. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out.

    a. Schools and other entities that typically provide food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and takeaway basis only, provided that social distancing of six-feet per person is maintained to the greatest extent possible. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;

    b. Cafeterias, lunchrooms, or dining facilities providing food and beverage services located within "healthcare facilities" as that term is defined under Haw. Rev. Stat. § 321-15.2 and similar facilities, may continue to do so under this order, provided that consumption within the cafeteria, lunchroom, or dining facility located within the healthcare facility is restricted to employees of the healthcare facility; patients of the healthcare facility; and no more than two (2) authorized visitors of the patient of the healthcare facility that have been appropriately screened by the healthcare facility in compliance with all of the facility's protocols related to infectious disease control measures and processes.;

14. Businesses that supply products needed for people to work from home;

15. Businesses that supply other Essential Businesses or Designated Businesses and Operations with the support or supplies necessary to operate;

16. Airlines, taxis, and other private transportation providers, vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;

17. Home-based care for seniors, adults, or children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness, including care givers such as nannies who may travel to the child's home to provide care, and other in-home services, including meal delivery;

18. Residential facilities and shelters for seniors, adults, and children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness;

19. Professional services, such as legal or accounting services, insurance services, other than real estate service provider (addressed separately via Section II.G.), when necessary to assist in compliance with legally mandated activities;

20. Childcare facilities providing services that enable employees exempted in this Order to work or engage in activities as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:

    a. Childcare must be carried out in stable groups of 12 or fewer ("stable" means that the same 12 or fewer children are in the same group each day).

    b. Children shall not change from one group to another.

    c. If more than one group of children is cared for at one facility, each group shall be in a separate room or separated by a physical divider. Groups shall not mix with each other.

    d. Childcare providers shall remain solely with one group of children.

21. Businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, rescues, kennels, and adoption facilities, provided they must comply with Social Distancing Requirements to the extent applicable and reasonably possible;

22. Hotels and motels, to the extent used for lodging; and service providers to hotels and motels that provide services that are necessary to maintaining the safety, sanitation, and essential operations of the hotel and/or motel, provided that they must comply with Social Distancing Requirements to the extent applicable and reasonably possible;

23. Funeral, mortuary, cremation, burial, cemetery, and related services, provided, the services provided must comply with Social Distancing Requirements as applicable and reasonably possible;

24. Critical trades. Building and construction tradesmen and tradeswomen, and other trades, including but not limited to, plumbers, electricians, exterminators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, moving and relocation services, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences, Essential Activities, Essential Businesses, or Designated Businesses and Operations provided that they must comply with Social Distancing Requirements to the extent applicable and reasonably possible;

25. Critical labor union functions that are essential activities that include the administration of health and welfare funds and personnel checking on the well-being and safety of members providing services in Essential Businesses or Designated Businesses and Operations, provided that these checks should be done by telephone or remotely;

26. Licensed private detectives and agencies and guards and agencies as those terms are defined under Haw. Rev. Stat. ch. 463;

27. Fabric Sellers/Suppliers, under the following conditions:

    a. The business is primarily engaged in selling fabric and related supplies ("Fabric Store(s)");

    b. Only two customers are allowed in the Fabric Store at a time, and the Fabric Store has implemented effective procedures to prevent any line from forming outside (appointment-only system, etc.);

    c. All orders from the Fabric Store, other than those to be made in person pursuant to sub-section II.F.27.b. (above), are facilitated exclusively online, or by other remote means;

    d. Orders from the Fabric Store, other than those to be made in person pursuant to sub-section II.F.27.b. (above), are fulfilled by no-contact delivery; a business providing mailing and shipping and delivery services to residences and end users or through commercial channels; or by curbside pick-up consistent with Social Distancing Requirements to the extent applicable and reasonably possible;

    e. In-person and pick-up orders from the Fabric Store are solely for the purpose of obtaining materials necessary to make masks; and

    f. The physical presence of workers at the Fabric Store is limited to the greatest extent feasible, and such workers must comply with Social Distancing Requirements to the extent applicable and reasonably possible.;

G. For the purposes of this Order, **"Designated Businesses and Operations"** are listed and defined in the attached Exhibit A.

H. For the purposes of this Order, **"Minimum Basic Operations"** include the following, provided that employees comply with Social Distancing Requirements to the extent applicable and reasonably possible, while carrying out such operations:

1. The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions.

2. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.

3. The minimum necessary activities to prepare for the re-opening of Designated Businesses and Operations.

I. For the purposes of this Order, **"Essential Travel"** includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements to the extent applicable and reasonably possible.

1. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, Designated Businesses and Operations, or Minimum Basic Operations.

2. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.

3. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.

4. Travel to return to a place of residence from outside the jurisdiction.

5. Travel required by law enforcement or court order.

6. Travel required for non-residents to return to their place of residence outside the City. Individuals are strongly encouraged to verify that their transportation out of the City remains available and functional prior to commencing such travel.

J. For purposes of this order, residences include hotels, motels, shared rental units, and similar facilities.

K. For purposes of this order **"Social Distancing Requirements"** include the following:

1. High risk populations. Elderly and others at high risk for COVID-19 are urged to stay in their residences to the extent possible, except as necessary to seek medical care.

2. Persons who are sick. Persons who are sick or have a fever or cough or are exhibiting symptoms such as shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, or new loss of taste or smell, are urged to stay in their residences to the extent possible, except as necessary to seek medical care.

3. Personal hygiene. Persons are encouraged to wash their hands with soap and water for at least twenty seconds as frequently as possible or use hand sanitizer, cover coughs and sneezes (into the sleeve or elbow, not hands), regularly clean high-touch surfaces, and avoid unnecessary contact with others (shaking hands, etc.).

4. Six-foot distances. All persons shall maintain a minimum of six-feet of physical separation from all other persons. Essential Businesses and Designated Businesses and Operations (to the degree applicable) shall designate with signage, tape, or by other means six-foot spacing for employees and customers in line to maintain appropriate distance. Employees shall monitor and enforce the six-foot distancing requirement set forth in this Order, whether outside waiting lines or as customers move about inside a facility. Checkout operations shall be modified, to the extent reasonably feasible, to provide this separation or to provide a transparent shield or barrier between customers and checkout clerks.

5. Limited Customer Occupancy. Each Essential Business and Designated Business and Operation facility shall determine the maximum number of customers that may be accommodated while maintaining the specified separation distance and limiting the number of customers in the facility or at the operation to that maximum number at any time, to the extent there is no conflict with any existing law or order.

6. Face Coverings. All persons shall comply with the Non-Medical Grade Face Coverings requirements set forth in Order 5 of this Order.

7. Hand sanitizer and sanitizing products. Essential Businesses and Designated Businesses and Operations (to the degree applicable) shall make hand sanitizer and sanitizing products readily available for employees and customers. Employees handling items from customers, such as cash or credit cards, shall frequently utilize hand sanitizers.

8. Disinfection. Essential Businesses and Designated Businesses and Operations (to the degree applicable) shall regularly disinfect all high-touch surfaces.

9. Safeguards for high risk populations. Essential Businesses and Designated Businesses and Operations (to the degree applicable) are urged to implement processes to safeguard elderly and high risk customers.

10. Online and remote access. Essential Businesses and Designated Businesses and Operations (to the degree applicable) shall post online whether a facility is open and how best to reach the facility and continue services by phone or remotely. Essential Businesses and Designated Businesses and Operations (to the degree applicable) shall encourage their customers to do their business remotely by phone or online to the extent possible.

11. Pickup at store or delivery. Essential Businesses and Designated Businesses and Operations (to the degree applicable) shall provide for, if feasible, online ordering and purchase of goods and customer pickup of orders at a location outside the facility or shall provide for delivery to customer locations.

12. Signage. Essential Businesses and Designated Businesses and Operations (to the degree applicable) shall post a sign at the entrance of the facility informing all employees and customers that they must comply with the Non-Medical Grade Face Coverings requirements set forth in Order 5 of this Order; avoid entering the business or operation if they have a cough or fever or otherwise do not feel well; maintain a six-foot distance from one another; and not shake hands or engage in unnecessary physical contact.

III. BASIS FOR THE ORDER

This Order is issued based on evidence of COVID-19 within the City, as reported by the Centers for Disease Control and Prevention (CDC), the State Department of Health, and guidance from the City's medical advisory experts, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the City places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 virus in the general public, which is a pandemic according to the World Health Organization, there is a public health emergency throughout the City. In addition, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the virus, and because evidence shows that it is easily spread, gatherings can result in preventable transmission of the virus.

The scientific evidence shows that at this stage of the emergency, it is essential to continue to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed, while also restoring the local economy. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. This Order helps preserve critical and limited healthcare capacity in the City while taking steps to revive the economy and begin to recover as a community.

This Order also is issued in light of the existence of 414 COVID-19 cases (and 11 deaths) in the City, as well as at least 642 total confirmed COVID 19 cases (and 17 deaths) in the State of Hawai'i, as of May 22, 2020.

IV. INTENT

The intent of this Order is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible to continue to slow the spread of COVID-19 to the maximum extent possible, while also enabling essential services and the reopening of designated businesses and operations with modifications to re-establish continuity of social and commercial life. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they shall, as applicable and at all times reasonably possible, comply with Social Distancing Requirements as defined in Section II.K.. All provisions of this Order should be interpreted to effectuate this intent.

V. GENERAL

A. **Superseding Order.** Emergency Order Nos. 2020-01 through 2020-12 issued by the Office of the Mayor City and County of Honolulu related to the COVID-19 pandemic) are hereby rescinded (to the extent they have not been already) and are superseded by this Order. Section 5 of the Supplemental Proclamation of Emergency or Disaster (COVID-19 [Novel Coronavirus]) issued on March 18, 2020, is hereby superseded to the limited extent necessary to carry out this Order.

B. **Duration.** This Order shall take effect on May 28, 2020, and shall continue in force and effect through June 30, 2020, or until it is extended, rescinded, superseded, or amended by a subsequent order, or as otherwise provided under Haw. Rev. Stat. ch. 127A.

C. **Enforcement.** All law enforcement of the State of Hawai'i and City shall ensure compliance with and enforce these Orders in accordance with Haw. Rev. Stat. § 127A-29 and Mayor's Rules.

D. **Promulgation/posting.** This Order shall be posted on the City website as soon as practicable in one or more appropriate places, and shall remain posted while in effect.

E. **Severability.** If any provision of the Orders or their application to any person or circumstance is held to be invalid, the remainder of the Orders, 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 the Orders are severable.

KIRK W. CALDWELL
Mayor
City and County of Honolulu

Date: May 28, 2020

Time: 4:00 PM

APPROVED:

PAUL S. AOKI
Acting Corporation Counsel
City and County of Honolulu

APPROVED:

DAVID Y. IGE
Governor
State of Hawai'i

Davidige (May 27, 2020 15:36 HST)

EXHIBIT A

Designated Businesses and Operations

1. Beaches. Starting May 16, 2020, the beach closures in Governor David Y. Ige's Seventh Supplemental Proclamation, and any subsequent proclamation, are not applicable to the City. In addition to those activities already allowed (e.g., ocean access and exercise), beaches or sand bars within the City may also be utilized with the following restrictions:

    a. All groups are limited to members of the same household or living unit.

    b. No group can exceed ten (10) persons.

    c. All persons using the beach, who are not part of members of the same household or living unit, shall comply with Social Distancing Requirements, provided that a caregiver may accompany a dependent.

    d. The beach or sand area may only be used one-half hour before sunrise to one-half hour after sunset, unless the person is engaged in shore fishing or permitted outdoor exercise.

    e. All other State of Hawaii or City restrictions related to COVID-19 must be followed, including, but not limited to, any applicable quarantine restrictions.

This section is subject to specific beach closures as designated by the City (including any of its departments) and the State of Hawai'i Department of Land and Natural Resources.

APPROVED:

David Y. Ige

David Ige (May 27, 2020 15:36 HST)

David Y. Ige
Governor of Hawai'i
or
Major General Kenneth Hara
Director, HI-EMA

(Approved by GOV/HI-EMA 5/15/20);

2. Public and private golf courses within the City operating in accordance with the guidelines set forth in the Professional Golfers' Association/Aloha Section's "Procedures for Reintroduction to the Game and Business of Golf" as may be updated/amended and to the extent reasonably practicable. (Approved by GOV/HI-EMA 4/29/20);

3. Certain real estate services (*through June 4, 2020*). All real property sales and management activities must be accomplished by remote/electronic means whenever possible. Whenever such services cannot be reasonably be accomplished by remote/electronic means, and subject to the following restrictions and conditions, the services shall constitute a Designated Business and Operation:

   a. Restrictions:
      i. Transportation to/from properties shall be in separate vehicles.
      ii. There shall be no (a) open houses for the general public to view a property; (b) real estate agent caravans; or (c) brokers' open events.
      iii. Property viewings, inspections, appraisals, etc. must be by appointment only and limited to no more than three (3) individuals at one time and meeting Social Distancing Requirements of the Stay at Home Order at all times. Prospective renters/buyers must be pre-qualified by remote means in order to make a viewing appointment.
      iv. No real estate activities relating to short term rentals (lodgings that provide guest accommodations for less than 30 days, other than hotels and motels) may be conducted.

   b. Permitted real estate activities:
      i. Residential rental property management (excluding short term rentals).
      ii. Satisfaction of, and compliance with current/pending contract contingencies and other legally mandated activities, such as:
         - Property inspection
         - Inventory
         - Termite inspection
         - Appraisal
         - Survey
         - Removal of items from property
         - Repairs/Cleaning
         - Signing
         - Final walk through
         - Key transfer

   c. Fulfilling listing agreement/property management obligations:
      i. Pre-listing property viewing / analysis for Comparative Market Analysis (CMA) 86 pricing
      ii. Photography / scanning
      iii. Virtual recording for virtual tours and virtual open houses (to post on property websites, etc.)
      iv. Inspection of vacant listings to ensure safety, maintenance, upkeep, etc.

v. Viewings by appointment, only to prequalified buyers/applicants limited to no more than three (3) individuals at one time (including agents).

(Approved by GOV/HI-EMA 4/29/20);

4. Certain real estate services (*effective June 5, 2020*). All real property sales and management activities should be accomplished by remote/electronic means whenever possible. Starting June 5, 2020, whenever in-person real property sales and management activities are warranted, and subject to the following restrictions and conditions, the services shall constitute a Designated Business and Operation:

a. Restrictions:

i. Any open house, brokers' open, meeting with client(s), property viewings, inspections, appraisals, or similar events shall be limited in number of attendees in accordance with Order 3 of this Order, and comply with Social Distancing Requirements to the extent applicable and reasonably possible.

ii. No real estate activities relating to short term rentals (lodgings that provide guest accommodations for less than 30 days, other than hotels and motels) may be conducted.

b. Permitted real estate activities:

i. Residential rental property management (excluding short term rentals).

ii. Satisfaction of, and compliance with current/pending contract contingencies and other legally mandated activities, such as:

- Property inspection
- Inventory
- Termite inspection
- Appraisal
- Survey
- Removal of items from property
- Repairs/Cleaning
- Signing
- Final walk through
- Key transfer

c. Fulfilling listing agreement/property management obligations such as:

i. Pre-listing property viewing / analysis for Comparative Market Analysis (CMA) 86 pricing

ii. Photography / scanning

iii. Virtual recording for virtual tours and virtual open houses (to post on property websites, etc.)

iv. Inspection of vacant listings to ensure safety, maintenance, upkeep, etc.

v. Viewings, limited in accordance with Order 3 of this Order (regarding gatherings).

(Approved by GOV/HI-EMA 5/27/20);

5. New and used car and truck dealerships - sales and leasing activities (with restrictions). Licensed new and used car and truck dealerships provided they first develop and implement appropriate COVID-19 mitigation plans and procedures consistent with City, State, and CDC guidelines, including, but not limited to: measures to ensure compliance with Social Distancing Requirements to the extent applicable and reasonably possible; and limitations on gatherings consistent with Order 3 of this Order. (Approved by GOV/HI-EMA 5/27/20);

6. Automated service providers. Service providers that do not require human interaction between the service provider and the customer, including, but not limited to, fully automated car washes; provided that the service provider implements sanitation measures consistent with CDC guidelines - https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html (Approved by GOV/HI-EMA 4/29/20);

7. Mobile service providers. Businesses that provide services on a mobile basis in which no human interaction between the service provider and the customer, including, but not limited to, mobile pet grooming and car washing/detailing businesses; provided that the service provider implements sanitation measures consistent with CDC guidelines - https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html (Approved by GOV/HI-EMA 4/29/20);

8. Educational services provided on a one-on-one basis that can be conducted in compliance with Social Distancing Requirements. Businesses that provide services such as private tutoring, music lessons, etc., one a one-on-one basis (e.g., one teacher and one student) that are able to comply with Social Distancing Requirements at all times and implementing sanitation measures consistent with CDC guidelines - https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html. (Approved by GOV/HI-EMA 4/29/20);

9. Retail and service businesses provided all of the following:

   a. Occupancy is limited at all times to no more than one (1) person per 200 square feet of the gross operation area (which equates to approximately 50 percent of the maximum occupancy load), except that businesses with very limited square footage may allow up to one customer within the business at a time, as long as six-feet of physical distancing between individuals can be maintained.

   b. Social Distancing Requirements (as defined in Section II.K.) are adhered to at all times to the extent applicable and reasonably practicable.

   c. The City's "COVID-19 Guidance for Businesses" (https://www.oneoahu.org/business-guidance) and applicable guidance from the CDC (available at https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html) are followed to the greatest extent possible.

d. If fitting rooms are made available, precautions must be taken to mitigate the spread of COVID-19, including frequent sanitizing of frequently touched surfaces, quarantining tried on merchandise for at least 24 hours, and ensuring appropriate physical distancing can be maintained in the fitting room area.

e. Within shopping malls, the following must remain closed:

- Food-court dining areas (except for delivery or carry out) until June 5, 2020, when restaurants reopen for in-person dining service, at which point the operator of the food-court dining area shall either comply with applicable sections of the "Restaurants" section contained in this Exhibit A (physical distancing of tables, limiting groups, etc.) to the extent reasonably practicable, or keep the area closed.
- Play areas
- Entertainment areas
- Common areas (except to access and depart from a retail or service business)
- Arcades
- Game rooms

(Approved by GOV/HI-EMA 5/27/20);

10. Outdoor sport fields, courts, open areas, and pools for individual or small group activities.. Public and private outdoor sport fields, courts, open areas, pools, and similar facilities (**"Outdoor Facilities"**) may reopen under the following conditions:

a. Group activities are limited to ten (10) individuals.

b. To the greatest extent reasonably practicable, physical distancing of at least six (6) feet between members of different households/living units should be maintained; and face coverings should be worn.

c. Physical distancing of at least six (6) feet between separate gatherings (of up to ten (10) individuals), if any, *must* be maintained at all times (i.e., no mingling between separate gatherings).

d. Indoor portions of the facility must remain closed, unless such portion is authorized under another section of this Order and comply with any restrictions imposed (e.g., retail space, etc.).

e. Individuals must comply with any lawful requirements imposed by the facility.

f. To the extent consistent with this section, and to the extent reasonably practicable, the facility operators and participants shall follow applicable guidance from the CDC (available at https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html). To the extent reasonably practicable, the facility operators and participants shall also follow established and reputable guidelines for their activity during the COVID-19

pandemic (if any). For example, for tennis, the guidelines issued by the United States Tennis Association's "Playing Tennis Safely: Player Tips and Recommendations" (available at https://www.usta.com/en/home/stay-current/national/usta-statement-on-safety-of-playing-tennis-during-the-covid-19-v.html) should be followed to the extent they are consistent with this section and to the extent reasonably practicable.

g. Participants waiting to use a facility open under this section shall abide by all applicable Social Distancing Requirements, including maintaining physical distance of six (6) feet from one another at all times. Facilities to open under this section are encouraged, but not required, to implement a reservation system to eliminate or reduce waiting times.

h. Nothing in this section requires a public or private sports field, court, open area, pool, or similar facility to open.

i. Commercial activities that are not authorized by permit — including, but not limited to — private or group exercise classes that assess a fee such as fitness classes, boot camps, beach yoga, dance classes, etc., are still not permitted in public parks.

(Approved by GOV/HI-EMA 5/27/20);

11. Drive-in services. Starting on May 15, 2020, drive-in services (e.g., spiritual/religious services) may be conducted provided all of the following:

a. All persons attending the service must drive up in an enclosed vehicle and remain in that same vehicle during the entire service.

b. Vehicle windows, sunroofs and convertible tops must remain closed during the entire service, unless the vehicle is parked more than six (6) feet away from any other vehicle.

c. Each vehicle may only be occupied by members of the same household or living unit.

d. All City, state, and federal laws related to vehicle operation must be followed.

e. Organizers and employees of the services must follow current City, State, and CDC guidelines.

f. Generally, no food, beverages, equipment, or materials of any kind may be distributed or collected during the service. However, organizers may use unattended drop-boxes, or distribute preordered food, beverages, equipment, or materials consistent with CDC guidelines and this Order. Attendees of the service must remain in their vehicles at all times, except to use the restroom while complying with Social Distancing Requirements (including wearing a face

covering and maintaining six (6) feet of physical distance between others). Where restroom facilities are provided, the organizers must ensure the availability of handwashing stations or sanitizer, and the routine maintenance and cleaning of the facilities consistent with CDC guidance.

(Approved by GOV/HI-EMA 5/13/20)

12. In-person spiritual services. In-person spiritual services may be conducted provided all of the following are implemented:

    a. All persons present at the service must maintain six (6) feet of physical distance between others, except members of the same household or living unit. Organizers are encouraged to limit the number of persons attending their in-person spiritual services to ensure this physical distancing requirement is met.

    b. Organizers and employees are strongly encouraged to develop and implement appropriate COVID-19 mitigation plans and procedures for their respective in-person services, which should include, but are not limited to, addressing the following issues:
        i. Usage of face coverings.
        ii. Safeguards for higher risk populations consistent with CDC guidance, available at https://www.cdc.gov/coronavirus/2019-ncov/faq.html#Higher-Risk.
        iii. Persons who are sick.
        iv. Personal hygiene.
        v. Usage of hand sanitizer and sanitizing products.
        vi. Cleaning and disinfection.
        vii. Online and remote access and/or drive-in services.
        viii. Signage.
        ix. Limiting community sharing of worship materials and other frequently touched items.
        x. Prohibiting or limiting activities that involve singing (or similar activities that increase the presence and propulsion of respiratory droplets in the air), as such activities may significantly increase the risk of spreading COVID-19.

    c. Organizers and employees of in-person spiritual services must follow to the greatest extent possible current COVID-19 related: City guidelines; State of Hawaii guidelines' CDC guidelines (available at https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/index.html), and their respective spiritual organizations' guidelines.

(Approved by GOV/HI-EMA 5/27/20);

13. Restaurants. This section applies to restaurants only. Bars and nightclubs remain closed. Starting June 5, 2020, restaurants in the City may resume table service dining under the following requirements, conditions, and privileges:

a. General.

i. Continued compliance with all State of Hawai'i and City regulatory and legal standards for operating a food services business.

ii. Compliance with Social Distancing Requirements (as modified by this "Restaurants" section).

iii. Development, posting, and implementation of written protocols (**"COVID-19 Mitigation Plan"**) consistent with this section; Centers for Disease Control and Prevention (**"CDC"**) guidance (available here: https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html), as updated or superseded; and, to the extent practicable, the National Restaurant Association's Reopening Guidance (available at https://restaurant.org/Downloads/PDFs/business/COVID19-Reopen-Guidance.pdf) .

b. Operations.

i. Face coverings (as defined in Order 5).

- Employees - Cooks and kitchen staff that do not interact with the public are encouraged, but not required, to wear face coverings during their shifts. All other restaurant employees must wear face coverings during their shift.
- Customers - Customers must wear face coverings when entering and leaving the restaurant facility, but may remove the face coverings while seated.

ii. Group dining is limited to a maximum of ten (10) individuals per group.

iii. Seating shall be arranged so that six (6) feet of separation is maintained between dining groups.

iv. Condiments shall be by request in single-use disposable packets, or reusable condiment containers that are sanitized between parties.

v. Tables and chairs must be fully sanitized after each group (or individual customer) leaves the restaurant.

vi. When non-disposable dishware and utensils are used, they must be sanitized after each use consistent with Hawaii Department of Health guidance and regulations, and "best practices" of the U.S. Food & Drug Administration (**"FDA"**) (available here: https://www.fda.gov/food/food-safety-during-emergencies/best-practices-re-opening-retail-food-establishments-during-covid-19-pandemic), as updated or superseded.

vii. Provide disposable menus or menu boards, or sanitize reusable menus after each use.

viii. Hourly touch-point sanitization (workstations, equipment, screens, door knobs, restrooms, etc.) required.

ix. No self-service buffets or drink stations.

x. No indoor live entertainment.

c. Hygiene.

i. Employer must provide hand washing capability or sanitizer for employees and customers.

ii. An adequate supply of soap, disinfectant, hand sanitizer, and paper towels must be available at all times.

iii. Frequent hand washing/sanitizing by employees is required.

d. Staffing.

i. Provide training for employees regarding these requirements and each restaurant's respective COVID-19 Mitigation Plan (as defined in subsection a.iii above).

ii. Conduct pre-shift screening, maintain staff screening log.

iii. No employee displaying symptoms of COVID-19 should provide services to customers. Symptomatic or ill employees should not report to work.

iv. No person should work within 72 hours of exhibiting a fever or other COVID-19 symptoms, and follow the CDC's "What To Do If You Are Sick" guidance, available at https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html.

v. Employer must establish a plan for employees getting ill and a return-to-work plan following CDC guidance, which can be found online at: https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html.

e. Cleaning and Disinfecting.

i. Cleaning and disinfecting must be conducted in compliance with CDC guidance.

ii. When an active employee is identified as being COVID-19 positive by testing, cleaning and disinfecting must be performed as soon after the confirmation of a positive test as practical consistent with CDC guidance.

iii. CDC guidance can be found online at: https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html

f. Encouraged practices. Restaurants are encouraged to do the following:

i. Have customers enter and exit through different entries using one-way traffic, where possible.

ii. Start or continue entryway, curbside, and home delivery.

iii. Encourage making reservations, preordering for dine-in service, and ordering for contactless pickup and delivery either by telephone or other remote means.

iv. Implement cashless and receiptless transactions.

g. Pilot sidewalk/outdoor dining privilege. From the effective date of this section, through the termination of Mayor's COVID-19-related Emergency Proclamation (as supplemented or extended), restaurants abutting City property may use City Property for dining and take-out operations under the following conditions:

i. The restaurant must be on the ground floor and abut paved City property

ii. Upon 24-hour's notice, the restaurant must vacate City property for regular maintenance by City (e.g. steam cleaning).

iii. The restaurant are responsible for own equipment, furniture, and supplies, which must be stored elsewhere during closed hours.

iv. The utilized City property may only be used by the restaurant during its business normal hours, but shall not be used between the hours of 11:00 p.m. and 7:00 a.m.

v. The restaurant is responsible for compliance with any additional requirements relating to its Hawaii Department of Health Food Establishment Permit.

vi. Liquor sales, if any, on the utilized City property must be authorized under the restaurant's liquor license and applicable law.

vii. No additional signage is permitted within the utilized City property.

viii. Dining services must be consistent with the requirements of this section 11, including Social Distancing Requirements and physical spacing of tables and customers.

ix. Furniture must be located at least six (6) feet from any vehicular ramp, driveway or street intersection.

x. No live or amplified music is allowed on the utilized City property.

xi. Furniture shall not be placed over planter strips and tree wells

xii. Furniture shall be outside an eight (8)-foot radius around bus stops and a five (5)-foot radius around fire hydrants.

xiii. All fire lanes shall be open and accessible at all times.

xiv. The restaurant is responsible for rubbish collection.

xv. Restaurants must cease operations completely when Mayor's COVID-19-related Emergency Proclamation (as supplemented) is no longer in effect.

xvi. Violations of these requirements will result in forfeiture of this privilege.

xvii. Sidewalk/outdoor dining under this section may include parklets (i.e., use of abutting parking/street spaces converted to dining space), subject to pedestrian clearance, traffic, and safety issues as determined by the City through the department(s) having authority over those issues.

xviii. Where sidewalks are present on all or part of the utilized City property, the restaurant must ensure a clear right of way of at least 36 inches at all times, (although 48 inches is recommended).

xix. For restaurants abutting "pedestrian malls", as more specifically defined in Section 29-1.1, et seq. of the Revised Ordinances of the City and County of Honolulu 1990 (as amended), the following additional requirements apply:

- A clear 20-foot wide right of way to accommodate delivery and emergency vehicles must be maintained at all times
- Operation cannot exceed mall hours
- No liquor service is allowed
- All rubbish must be removed nightly
- If the ground of the City property utilized consists of pavers, the restaurant must take precautions to prevent and address food, liquid, and grease spills

xx. For restaurants abutting a City park or playground, use of the City Property is limited to seven (7) feet from property line, and no more than one row of tables.

xxi. Activities permitted under this section may begin upon acceptance by the City of a completed liability form and proof of insurance.

(Approved by GOV/HI-EMA 5/27/20);

14. Outdoor attractions with limitations. Public and private outdoor attractions such as zoos, sea life attractions, water parks, recreational/commercial boating vessels (to the extent permitted under the State's COVID-19-related proclamations/orders and other applicable law), campgrounds, outdoor markets (including People's Open Markets), shooting ranges, archery ranges, and similar outdoor facilities **("Outdoor Attraction(s)")** may reopen under the following conditions:

a. Groups are limited to ten (10) individuals, and where multiple groups are present, operators must implement measures to ensure that they maintain six (6) feet of physical distance between each other at all times (i.e., no mingling between groups).

b. To the greatest extent reasonably practicable, physical distancing of at least six (6) feet between members of different households/living units should be maintained; and face coverings should be worn at all times.

c. Operators must implement measures to ensure that participants and groups waiting to use a facility or an activity open under this section maintain physical distance of six (6) feet from one another at all times. Outdoor Attractions to open under this section are encouraged, but not required, to implement a reservation system to eliminate or reduce waiting times.

d. Indoor portions of the facility must remain closed, unless such portion is authorized under another section of this Order and complies with any restrictions imposed (e.g., retail and services businesses, etc.).

e. Individuals must comply with any lawful requirements imposed by the Outdoor Attraction operator.

f. To the extent consistent with this section, and to the extent reasonably practicable: (1) the facility operators and participants shall follow applicable guidance from the CDC (available at https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html); and (2) established and reputable COVID-19-related guidelines for the facility and the activity at issue.

g. Nothing in this section requires a public or private Outdoor Attraction to open.

(Approved by GOV/HI-EMA 5/27/20);

15. Personal service providers. This section applies to barbers, beauty operators (including cosmetologists, hairdressers, estheticians, and nail technicians/nail salon workers), electrologists, tattoo/permanent makeup artists, massage therapists (non-health care setting), tanning service providers, tailors/seamstresses, pet-trainers, and other similar one on one personal service providers (collectively **"Personal Service Providers"**). Starting May 29, 2020, Personal Service Providers in the City may resume operations under the following requirements and conditions:

a. General.

i. Compliance with all State of Hawai'i and City statutory and regulatory requirements and standards for the service provided by the Personal Service Provider. (E.g., barbers must comply with Haw. Rev. Stat. ch. 438 and Haw. Admin. R. § 16-73-1 et seq.; beauty operators must comply with Haw. Rev. Stat. ch. 439 and Haw. Admin. R. § 16-78-1 et seq.; and both barbers and beauty operators must comply with the Rules Relating to Safety Guidelines for Barbers and Beauty Operators, attached as Exhibit I to the Governor of the State of Hawaii's Eighth Supplementary Proclamation Related to the COVID-19 Emergency, issued on May 18, 2020 and available at https://governor.hawaii.gov/wp-content/uploads/2020/05/2005088-ATG_Eighth-Supplementary-Proclamation-for-COVID-19-distribution-signed.pdf. Massage therapists must comply with Haw. Rev. Stat. ch. 452 and Haw. Admin. R. § 16-84-1 et seq.). All Personal Service Providers are encouraged to visit https://cca.hawaii.gov/pvl/hrs/ to determine if they are regulated under Hawaii law.

ii. Compliance with applicable CDC guidelines (available at https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html.

iii. Compliance with standards and guidelines issued by industry-specific associations or similar organizations of the respective Personal Service Provider's operations, to the extent reasonably practicable.

iv. Compliance with the City's "COVID-19 Guidance for Businesses" to the greatest extent possible. https://www.oneoahu.org/business-guidance.

b. Specific Requirements. Personal Services Providers must:

i. Arrange seating in the establishment so that customers are separated from other customers by six (6) feet between booths/stations or have physical barriers between them.

ii. Ensure Social Distancing Requirements are adhered to at all times to the degree applicable and to extent reasonably practicable, including the use of face coverings by both Personal Service Providers and their customers/clients. Notwithstanding this requirement, customers may temporarily remove the face covering when necessary to complete the personal service at issue, and individuals who cannot wear a face covering

due to a medical or health condition, and individuals under five (5) years of age are exempted from the requirement to wear a face covering.

iii. Implement additional mitigation measures when strict physical distancing of at least six (6) feet is not feasible for a specific task. Such measures include, but are not limited to, the use of physical barriers, additional PPE (e.g., plastic face shields/masks), and minimization of such personal services, enhanced cleaning, and increased ventilation of the area with outside air.

iv. Ensure that all equipment that comes into direct contact with customers/clients and all furniture in service areas (such as chairs, capes, and the shampooing area in a barber shop or salon) is completely cleaned and disinfected between each customer/client in accordance with CDC guidelines and applicable law.

v. Implement screening measures to screen service providers and customers/clients for signs and symptoms of COVID-19 before arriving at the service provider location. If a service provider or client/customer answers "yes" to any of the following questions, they should not provide or receive services at the Personal Service Provider's facility:

1) Do you now, or have you had in the past fourteen (14) days:
   - A cough or sore throat?
   - Fever or do you feel feverish?
   - Shortness of breath?
   - Loss of taste or smell?

2) Have you been around anyone with these symptoms in the last fourteen (14) days?

3) Have you been out of the State in the last fourteen (14) days?

c. Prior to reopening, all Personal Service Providers are encouraged to develop, post and implement written protocols ("**COVID-19 Mitigation Plan**") consistent with this section; Centers for Disease Control and Prevention ("CDC") guidance (available here: https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html, as updated or superseded; and, to the extent practicable, with standards and guidelines issued by industry-specific associations or similar organizations. The plan should include policies regarding the following control measures: PPE utilization; on-location physical distancing; hygiene; sanitation; self-screening and symptom monitoring; incident reporting; and location disinfection procedures.

d. Handwashing stations and/or disinfectants must be available to personal service providers and customers/clients throughout the workplace and frequently replenished.

e. No waiting areas are allowed.

f. No beverage service shall be provided.

g. When making personal service appointments, Personal Service Providers should advise customers/clients of new requirements, which may include, but are not limited to:

i. Customer/client must self-screen for signs and symptoms of COVID-19 before arriving at the service provider location.
ii. Customers/clients should not plan on bringing other guests with them, unless they are bringing children younger than 16 for an appointment.
iii. Customers/clients should advise Personal Service Providers via call, email or text that they have arrived at the location for the appointment, and are waiting for instructions to enter.
iv. Customers/clients should put on a face covering prior to leaving the vehicle, and they should be prepared to wash their hands for at least 20 seconds or use sanitizer prior to starting their service.
v. Payments for service should be through credit or debit cards or a touchless system to reduce the handling of cash.

h. For walk-in appointments, the Personal Service Provider should post a notice on the front door or window regarding access to the facility. The notice should include the phone number that the guest should call to determine availability of services. If service is available at the time, the walk-up guest will need to answer questions regarding COVID-19 exposure and current health, and put on a face covering before entering the location.

i. Personal Service Providers are encouraged to follow additional best practices:

i. Reducing the number of customers/clients serviced at one time. E.g., using only 50% of the available work stations.
ii. Operators must implement measures to ensure that participants and groups waiting to use a facility or an activity open under this section maintain physical distance of six (6) feet from one another at all times.
iii. Cashless and receiptless transactions.
iv. Customers/clients entering and exiting through different entries using one-way traffic, where possible.
v. Reserved hours for operation limited to high-risk populations.
vi. A manager or shop owner should be on site during business hours at all times.
vii. Advising customers to limit the number of items they bring into the premises.

(Approved by GOV/HI-EMA 5/27/20);

16. Business offices. This section applies to business offices, whether for-profit, non-profit, or educational entities, regardless of the nature of the business or service, the function it performs, or its corporate or entity structure, that were not previously authorized to utilize their offices under the City's COVID-19-related emergency orders. Starting June 5, 2020, business offices may reopen under the following requirements and conditions:

a. General.

i. Compliance with all City, State, and federal statutory and regulatory requirements.

ii. Compliance with all appropriate CDC guidelines – https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/businesses-employers.html

iii. Compliance with any standards and guidelines issued by industry-specific associations or similar organizations of the respective business.

iv. Compliance with the City's "COVID-19 Guidance for Businesses" – https://www.oneoahu.org/business-guidance.

v. Compliance with the State's COVID-19 guidelines including, but not limited to:

1) https://health.hawaii.gov/coronavirusdisease2019/what-you-can-do/how-to-prevent-the-spread-of-covid-19/.

2) https://health.hawaii.gov/coronavirusdisease2019/files/2020/04/What-To-Do-If-You-Have-Been-Tested-For-COVID19_040120.pdf

3) https://health.hawaii.gov/coronavirusdisease2019/files/2020/05/What-to-Do-if-a-Person-at-Your-Worksite-has-COVID-19.pdf

b. Specific Requirements.

i. The business shall ensure and promote compliance with the Social Distancing Requirements to the greatest extent applicable and reasonably possible.

ii. All occupied desks, cubicles and open workspaces, and furniture used for sitting or standing must be spaced at least six (6) feet apart.

iii. The business shall ensure cleaning and disinfecting of its facility in compliance with CDC guidelines – https://www.cdc.gov/coronavirus/2019-ncov/community/clean-disinfect/index.html.

iv. The business shall develop, post, and implement policies based on guidance from the CDC, Department of Labor, Occupational Safety and Health Administration (**"OSHA"**) and the Hawai'i Department of Health (**"HDOH"**) to limit and mitigate the spread of COVID-19, including, but not limited to, the following:

1) Promoting healthy hygiene practices.

2) Improving and intensifying cleaning and disinfection practices.

3) Improving ventilation and circulation of outside air to the extent practicable.

4) Monitoring for sickness.

5) Ensuring physical distancing at locations and times where employees, clients, or guests may congregate.

6) Providing necessary personal protective equipment.

7) Allowing for and encouraging employees to work remotely to the extent practicable.
8) Providing employees at higher risk for severe illness from COVID-19 (based on CDC guidance) with special accommodations, at the employee's request, to avoid contact with, and mitigate the risk of, the employee's exposure to co-workers and others in connection with the business, to the maximum extent possible.
9) Providing plans to return to work in phases to the extent practicable.
10) If someone at work tests positive for COVID-19 – https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html

(Approved by GOV/HI-EMA 5/27/20).