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

ROY K. AMEMIYA, JR.
MANAGING DIRECTOR

GEORGETTE T. DEEMER
DEPUTY MANAGING DIRECTOR

May 13, 2020

OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU
EMERGENCY ORDER NO. 2020-11
(COVID-19 [Novel Coronavirus])

HO'OULU i HONOLULU 2.0
("RESTORE HONOLULU 2.0")

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; I, KIRK W. CALDWELL, hereby issue this order, Ho'oulu i Honolulu 2.0 (**"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 13, 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.

1. 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). All persons may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate 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 greatest extent feasible, Essential Businesses and Designated Businesses and Operations shall comply with Social Distancing Requirements (as defined in Section II.K.), including by maintaining six-foot social distancing for both employees and members of the public, including, but not limited to, customers standing in line.

Order 3: All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes as expressly permitted in Section II. Nothing in this Order prohibits the gathering of members of a household or living unit.

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 work to operate Essential Businesses, Designated Businesses and Operations, or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements (as defined in Section II.K.), to the greatest extent feasible. This Order allows travel into or out of the City to perform Essential

Activities, operate Essential Businesses, operate 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.

The wearing of face coverings under this Order is intended to complement, not serve as a substitute, for social distancing and cleanliness. All individuals in the City must adhere to the Social Distancing Requirements as provided in Section II.K. of this Order.

<u>Definition:</u> "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: Limited Opening of City Parks

All City and County of Honolulu parks (except Hanauma Bay Nature Preserve and Koko Head Shooting Complex) and botanical gardens (**"City Parks"**), are to be opened on a limited basis, as set forth below:

A. City Parks shall be open to individual members of the public for the limited purpose of

1. engaging in outdoor individual exercise activities of walking, running/jogging, and biking on roads and pathways (as permitted by law and park rules);
2. using open comfort stations/showers;
3. accessing designated community garden plots;
4. traversing City Parks to engage in and return from ocean activities such as surfing, solo paddling, swimming, and other activities allowed by law; and
5. engaging in outdoor one-on-one sports and exercise activities in which it is both possible and reasonable for individuals to maintain six (6) feet of physical distance between each other at all times, as more specifically detailed in Exhibit A, Section 9. (Approved by GOV/HI-EMA 5/13/20)

(Collectively **"Authorized Park Activities"**).

B. There shall be no gatherings of any number of individuals within City Parks, unless the individuals are members of the same household or living unit sharing the same address and they are engaged in Authorized Park Activities. Individuals engaged in "Authorized Park Activity No. 5" above (i.e., outdoor one-on-one sports and exercise activities) are specifically excluded from this prohibitions of "gatherings" within City Parks. (Approved by GOV/HI-EMA 5/13/20)

C. Individuals engaged in Authorized Park Activities within the City Parks (other than individuals who are members of the same household or living unit sharing the same address) shall comply with Social Distancing Requirements set forth in the Stay at Home Order.

D. Parking lots of City Parks shall generally be open to allow individuals to access the City Parks for the purpose of engaging in Authorized Park Activities.

E. Individuals (age 5 or over) engaged in Authorized Park Activities 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, provided the individuals comply with Social Distancing Requirements as defined in this section, such as, by way of example and without limitation, walking, hiking, or running (with or without pets).

4. To perform work providing essential 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 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 by individuals and members of the same household or living unit sharing the same address (i.e., no gatherings of two or more people outside of the same household/living unit at such sites).

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 as defined this section, to the extent 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 as defined this section, to the extent 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 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. 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, at all times reasonably possible, comply with Social Distancing Requirements defined in this section;

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, at all times reasonably possible, comply with Social Distancing Requirements defined in this section;

23. Funeral, mortuary, cremation, burial, cemetery, and related services, provided, the services provided must comply with Social Distancing Requirements defined in this section at all times 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, at all times reasonably possible, comply with Social Distancing Requirements defined in this section;

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 (as defined in Section II.K.) to the extent 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 (as defined in Section II.K.) to the extent 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 as defined in Section II.K., to the extent 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 as defined in Section II.K.

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, 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 slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this Order helps preserve critical and limited healthcare capacity in the City.

This Order also is issued in light of the existence of 400 COVID-19 cases (and 11 deaths) in the City, as well as at least 621 total confirmed COVID 19 cases (and 17 deaths) in the State of Hawai'i, as of May 4, 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 limited opening of designated businesses and operations 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 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 2020-10 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 13, 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 13, 2020
Time: 3:20 PM

APPROVED:

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

EXHIBIT A

Designated Businesses and Operations

1. 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);

2. Certain real estate services. 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. In-person meetings with clients or customers are prohibited, except when necessary for viewing a property or signing documents required by law that may not be signed remotely / electronically.

      ii. Transportation to/from properties shall be in separate vehicles.

      iii. 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.

      iv. 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.

      v. 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:

- Pre-listing property viewing / analysis for Comparative Market Analysis (CMA) 86 pricing
- Photography / scanning
- Virtual recording for virtual tours and virtual open houses (to post on property websites, etc.)
- Inspection of vacant listings to ensure safety, maintenance, upkeep, etc.
- 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);

3. New and used car and truck dealerships - sales and leasing activities (with restrictions). Licensed new and used car and truck dealerships operating on an appointment-only basis and limiting appointments as necessary to ensure compliance with Social Distancing Requirements. No test driving with sales agents is permitted. (Approved by GOV/HI-EMA 4/29/20);

4. 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);

5. 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);

6. 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);

7. Floral businesses (with restrictions). Floral businesses to the extent all orders are taken remotely (via telephone, fax, email, etc.), and fulfilled either by delivery or pick-up outside of the business facility in compliance with Social Distancing Requirements. (Approved by GOV/HI-EMA 4/29/20);

8. Retail and repair service businesses, starting on May 15, 2020, 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).

   b. Social Distancing Requirements (as defined in Section II.K.) are adhered to at all times.

   c. The City's "COVID-19 Guidance for Businesses" is followed to the greatest extent possible – https://www.oneoahu.org/business-guidance.

   d. Fitting rooms (if any) must remain closed.

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

      - Food-court dining areas (except for delivery or carry out)
      - Play areas
      - Entertainment areas
      - Common areas (except to access and depart from a retail or repair service business)
      - Arcades
      - Game rooms

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

9. Outdoor sport fields and courts only for one-on-one sports or exercise where compliance with the six (6) feet of physical distance requirement is possible. Starting May 15, 2020, public and private outdoor sport fields and courts may reopen under the following conditions:

   a. Only outdoor one-on-one sports and exercise activities in which it is both possible and reasonable for individuals to maintain six (6) feet of physical distance between each other at all times are permitted. Examples include, but are not limited to, singles tennis, singles pickle ball, yoga, and tai chi. Excluded, are activities such as one-on-one or team basketball, in which it is neither possible nor reasonable to play while maintaining six (6) feet of physical distance.

   b. Participants must comply with all applicable Social Distancing Requirements, including the requirement of participants to maintain physical distance of six (6) feet from one another at all times. However, participants shall not be required to wear face coverings while actively participating in an activity authorized under this section.

   c. For outdoor group exercise allowed under this section, the maximum number of participants is ten (10).

d. Participants of an activity allowed under this section shall (1) travel to the outdoor sport field or court; (2) participate in the activity; and (3) then depart from the field or court. There shall be no social gatherings at the sport field or court complex.

e. To the extent consistent with this section, and to the extent reasonably practicable, the facility operators and participants shall follow established and reputable guidelines for the return to 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.

f. 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.

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

h. 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 5/13/20);

10. 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)