

Mono County Public Health Officer: AMENDED ORDER Clarifying Governor’s “Stay-at-Home” Order as Related to Lodging Facilities

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AMENDED ORDER: April 1, 2020

Please read this Order carefully. Violation of or failure to comply with this Order is a crime punishable by fine, imprisonment, or both. (California Health and Safety Code § 120295.) This Amended Order supersedes and replaces the March 21, 2020 Order of the Mono County Health Officer “Clarifying the Governor’s “Stay-at-Home” Order related to Lodging Facilities.”

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

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

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

WHEREAS, in furtherance of this effort, on March 19, 2020, Governor Newsom issued Executive Order N-33-20, which is attached hereto as Exhibit “A” and incorporated by this reference, requiring all persons residing in the State to remain in their homes or places of residence, except as needed to maintain the continuity of operations for critical infrastructure (the “Stay-at-Home Order”); and

WHEREAS, also on March 19, 2020, the State Public Health Officer ordered all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors, a copy of that order is attached hereto as Exhibit “B” and incorporated by this reference; and

WHEREAS, on March 20, 2020, the State Public Health Officer designated a list of “Essential Critical Infrastructure Workers” (“Infrastructure Workers List”) to help state, local, tribal, and industry partners as they work to protect communities, while ensuring continuity of functions critical to public health and safety, a copy of which is attached hereto as Exhibit “C”. The Infrastructure Workers List, as same may be amended or updated from time to time, is hereby incorporated by this reference; and

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

WHEREAS, the County Health Officer finds that the use of short-term lodging for non-COVID-19 purposes is a direct violation of the Governor’s Stay-at-Home Order as it will impair efforts at mitigating the spread of the illness both within the County, Town of Mammoth Lakes and statewide; and

WHEREAS, the County Health Officer wishes to provide clarity to businesses, renters, and property owners in the short-term lodging sector of the County regarding operations under the Governor’s Stay-At-Home Order and therefore issues the following:

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

1. Short-term lodging facilities (including short-term rentals, vacation rentals, timeshares, hotels, motels, campgrounds, RV parks and other short-term lodgings) within the County of Mono may remain open for the following limited purposes:
 - a. To serve as short-term lodging facilities which are used for the following COVID-19 mitigation and containment measures:
 - i. Lodging to protect the homeless population;
 - ii. Lodging for persons who have been displaced and cannot return to their residence because there is a person residing at the residence that must isolate or quarantine or is at a higher risk of severe illness; and
 - iii. Lodging for persons who need to isolate or quarantine.
 - b. Short-term lodging facilities (including short-term rentals, vacation rentals, timeshares, hotels, motels, and other short-term lodgings) which are used to house essential workers performing functions that are essential to maintain the continuity of operations for critical infrastructure, as listed in the attached Essential Workers List, but only to the extent and for the period of time necessary for such workers to stay in lodging facilities in the County of Mono in order to perform such functions.
2. No homeowner, agent of the homeowner, marketing agent, listing agent, or real estate agent shall engage in efforts to rent or lease any short-term rentals, vacation rentals, timeshares, hotels, motels, and/or other short-term lodging within the County of Mono including the Town of Mammoth Lakes for any purpose other than those identified in Paragraph 1 above.
3. In the event of a question or uncertainty as to whether a particular short-term lodging use falls within the Public Health Officer’s exemptions (i.e., whether it constitutes a mitigation or containment measure, or involves an essential worker, or whether the essential worker’s essential functions require staying in lodging facilities within the County), a written determination from the County of Mono Health Officer or the Mono County Emergency Operations Center, that the use is authorized, or a directive from the Health Officer shall be adequate to authorize such use.
4. This Order shall be effective immediately and will remain in effect until May 31, 2020, pending further Order of the Public Health Officer. This Order supersedes the prior Order of the Mono County Health Officer dated March 21, 2020.

Additional Findings, Determinations and Advisements

5. This Order is issued as a result of the worldwide pandemic of COVID-19 disease, also known as “novel coronavirus,” which has infected at least 529,591 individuals worldwide in 175 countries and is implicated in over 23,970 worldwide deaths, including 13 people and one death in Mono County, which has the highest per capita rate of COVID-19 cases in California.
6. This Order is issued based on evidence of increasing transmission of COVID-19 both within the County of Mono, Town of Mammoth Lakes and worldwide, scientific evidence regarding the most effective approach to slow transmission of communicable diseases generally and COVID-19 specifically, as well as best practices as currently known and available to protect the public from the risk of spread of or exposure to COVID-19.
7. This Order is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 in communities worldwide. As the presence of individuals increases, the difficulty and magnitude of tracing individuals who may have been exposed to a case rises exponentially. Short-term lodging facilities which are utilized for housing a frequently rotating clientele will likely impair efforts at mitigating the spread of the illness.
8. This Order is issued in accordance with, and incorporates by reference, the: March 4, 2020 Proclamation of a State Emergency issued by Governor Gavin Newsom; the March 15, 2020 Declaration of Local Health Emergency based on an imminent and proximate threat to public health from the introduction of novel COVID-19 in Mono County; the March 17, 2020 Resolution of the Board of Supervisors of the County of Mono proclaiming the existence of a Local Emergency in the County of Mono regarding COVID-19; and ratifying and extending the declaration of health emergency made on March 14; ; the guidance issued on March 11, 2020 by the California Department of Public Health regarding large gatherings of 250 people or more; Governor Gavin Newsom’s Executive Order N-25-20 of March 12, 2020 preparing the State to commandeer hotels and other places of temporary residence, medical facilities, and other facilities that are suitable as places of temporary residence or medical facilities as necessary for quarantining, isolating or treating individuals who test positive for COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period; the guidance issued on March 15, 2020 by the Centers for Disease Control and Prevention, the California Department of Public Health, and other public health officials through the United States and around the world recommending the cancellation of gatherings involving more than fifty (50) or more persons in a single space at the same time; and Governor Newsom’s Executive Order N-33-20 of March 19, 2020 ordering all persons to stay at home to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19.
9. This Order is made in accordance with all applicable State and Federal laws, including but not limited to: Health and Safety Code sections 101030, et seq.; Health and Safety Code sections 120100, et seq.; and Title 17 of the California Code of Regulations section 2501.
10. To the extent necessary, pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and Chiefs of Police in the County ensure compliance with and enforcement of this Order.

11. Copies of this Order shall promptly be posted on the County of Mono's Public Health Department's website (monohealth.com) and shall be provided to any member of the public requesting a copy of this Order.

IT IS SO ORDERED:

Thomas Boo, MD

Dated April 1, 2020

Tom Boo, MD, FAAFP

Mono County Health Officer

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Mammoth Lakes, CA 93546

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