

File No. 201057

Committee Item No. \_\_\_\_\_

Board Item No. 43

## COMMITTEE/BOARD OF SUPERVISORS

### AGENDA PACKET CONTENTS LIST

Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: September 29, 2020

#### Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/>            | Resolution                                   |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance                                    |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/> | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/> | <input type="checkbox"/>            | Youth Commission Report                      |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/> | <input type="checkbox"/>            | Department/Agency Cover Letter and/or Report |
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| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/> | <input type="checkbox"/>            | Grant Budget                                 |
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| <input type="checkbox"/> | <input type="checkbox"/>            | Award Letter                                 |
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| <input type="checkbox"/> | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Health Officer Order C19-07</u>                |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Mayor 4th Supplement - 3/18/20</u>             |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Mayor 8th Supplement - 3/18/20</u>             |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Governor Executive order N-28-20 - 3/16/20</u> |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Governor Executive order N-71-20 - 3/16/20</u> |
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Prepared by: Jocelyn Wong

Date: September 25, 2020

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Emergency Ordinance - Eviction of Commercial Tenants During COVID-19 Pandemic]

2

3 **Emergency ordinance to temporarily restrict landlords from evicting commercial**  
4 **tenants for non-payment of rent that was not paid due to the COVID-19 pandemic.**

5

6 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
7 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
8 **Deletions to Codes** are in ~~*italics Times New Roman font*~~.  
9 **Board amendment additions** are in double-underlined Arial font.  
10 **Board amendment deletions** are in ~~Arial font~~.  
11 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
12 subsections or parts of tables.

10

11 Be it ordained by the People of the City and County of San Francisco:

12

13 Section 1. Declaration of Emergency under Charter Section 2.107.

14 (a) Section 2.107 of the Charter authorizes passage of an emergency ordinance in  
15 cases of public emergency affecting life, health, or property, or for the uninterrupted operation  
16 of any City or County department or office required to comply with time limitations established  
17 by law. The Board of Supervisors hereby finds and declares that an actual emergency exists  
18 that requires the passage of this emergency ordinance.

19 (b) The COVID-19 pandemic is having an unprecedented impact on the City. Mayor  
20 London Breed proclaimed a state of emergency on February 25, 2020, and the County Health  
21 Officer, starting with Order No. C19-07 which was issued on March 16, 2020, has been  
22 restricting non-essential operations of businesses at physical locations across the City. Also,  
23 on March 16, 2020, the Governor issued Executive Order N-28-20, paragraph 2 of which  
24 granted local governments additional authority to regulate commercial tenancies. Executive  
25 Order N-28-20 found that promoting stability among commercial tenancies will further public

1 health, by allowing businesses to keep paying the residents they employ, and by allowing  
2 businesses to decide whether and how to remain open based on public health concerns  
3 rather than due to economic pressures, and that it is necessary for local jurisdictions to  
4 mitigate those economic pressures. On March 19, 2020, the Mayor issued a Fourth  
5 Supplement to the February 25 emergency proclamation (and the Mayor later issued an  
6 Eighth Supplement to clarify the Fourth Supplement), to protect certain commercial  
7 businesses in the City from eviction, based on the severe financial impacts of the pandemic  
8 and the public health risks that may result from such impacts. Finally, on June 30, 2020, the  
9 Governor issued Executive Order N-71-20, which extended the provisions of paragraph 2 of  
10 Executive Order N-28-20 through September 30, 2020. Copies of these orders and directives  
11 are on file with the Clerk in File No. 201057.

12 (c) The Board of Supervisors hereby finds that the findings in the orders and directives  
13 referenced in subsection (b) remain valid and compelling, and declares that an actual  
14 emergency continues to exist that requires the further extension of commercial eviction  
15 controls. An extension is necessary to prevent displacements due to the COVID-19  
16 pandemic, mitigate economic harms, and address the public health risks that may otherwise  
17 result. The City's economy is gradually reopening but the pandemic is continuing to cause  
18 severe and lasting economic effects. As stated in the Governor's Executive Order N-66-20  
19 (issued on May 29, 2020) and in Executive Order N-71-20, many Californians (including San  
20 Francisco residents) are continuing to experience substantial losses of income, and evicting  
21 local businesses will hinder residents from keeping up with their rent so that they can stay  
22 safely in their homes, and there is an ongoing need to promote security and stability in order  
23 to reduce the spread of COVID-19.

24 (d) For the foregoing reasons, the Board of Supervisors finds it is essential to prevent  
25 the unnecessary displacement of commercial tenants who are unable, due to the financial

1 impacts related to COVID-19, to pay rent that came due while the Governor’s Executive Order  
2 remains in effect (that is, rent from March 16, 2020 until September 30, 2020, unless the  
3 Governor extends the September 30 date). Preventing evictions will protect local businesses  
4 and the people that rely on them.

5  
6 Section 2. Protections for Commercial Tenants.

7 (a) This ordinance shall apply only to commercial tenants registered to do business  
8 in San Francisco under Article 12 of the Business and Tax Regulations Code with combined  
9 worldwide gross receipts for tax year 2019 for purposes of Article 12-A-1 of the Business and  
10 Tax Regulations Code equal to or below \$25 million. This figure shall be prorated in the case  
11 of businesses that were not operating for the entire 2019 tax year.

12 (b) If a covered commercial tenant (1) fails to make a rent payment that originally  
13 fell due during the time period when paragraph 2 of the Governor’s Executive Order N-28-20  
14 is or was in effect (including as said time period may be extended by the Governor from time  
15 to time), and (2) was unable to pay the rent due to financial impacts related to COVID-19, then  
16 the landlord may not recover possession of the unit due to the missed or delayed payment;  
17 provided, however, that if the landlord owns less than 25,000 square feet of rentable square  
18 feet in the building, then the eviction for non-payment may proceed if the landlord can  
19 demonstrate that being unable to evict would create a significant financial hardship (for  
20 example, default on debt or similar enforceable obligation) for the landlord.

21 (c) Subsection (b) shall also apply in its entirety to attempts to recover possession  
22 of a commercial unit from a tenant that is occupying the unit on a month-to-month periodic  
23 tenancy, holdover basis, or similar arrangement, and including where the landlord has the  
24 right to terminate or not renew the agreement at the landlord’s discretion. In such situations, if  
25 a tenant misses a rent payment due to COVID-19, the prohibition in subsection (b) against

1 recovering possession due to non-payment shall apply, unless the landlord qualifies for the  
2 “significant financial hardship” exception stated in subsection (b), or can demonstrate an  
3 alternative, non-pretextual reason (unrelated to the commercial tenant’s failure to make a  
4 rental payment) for recovering possession of the unit (for example, turning the unit over to a  
5 new tenant under a previously executed agreement; planned renovations or a previous  
6 agreement to turn over the unit vacant to a new owner).

7 (d) For purposes of this emergency ordinance, the term “financial impact” as it  
8 pertains to a commercial tenant means a substantial decrease in business income or  
9 substantial increase in business expenses that arose due to illness or other disruption,  
10 reduced open hours, or reduced consumer demand. A financial impact is “related to COVID-  
11 19” if it was caused by the COVID-19 pandemic, or by any local, state, or federal government  
12 response to the COVID-19 pandemic, and is documented.

13 (e) The provisions of this ordinance, being necessary for the welfare of the City and  
14 County of San Francisco, its residents, and the health of its economy, shall be liberally  
15 construed to effectuate its purpose, which is to protect commercial tenants from being evicted  
16 for missing rent payments due to the COVID-19 pandemic.

17 (f) Nothing in this ordinance shall relieve a commercial tenant of the obligation to  
18 pay rent, or restrict a landlord’s ability to recover rent due.

19  
20 Section 3. Deadline to Enact; Effective Date; Duration; Expiration.

21 This emergency ordinance shall take effect only if it is enacted before paragraph 2 of  
22 the Governor’s Executive Order N-28-20 expires. If this ordinance is enacted on or after the  
23 expiration of said paragraph of said Executive Order, it shall be null and void. If this ordinance  
24 is enacted before such date, then, consistent with Charter Section 2.107, it shall become  
25 effective and operative immediately upon enactment. Enactment occurs when the Mayor

1 signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance  
2 within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the  
3 ordinance. Once enacted, it shall remain in effect for 60 days, unless reenacted as provided  
4 by Section 2.107. If not reenacted, it shall expire on the 61st day after enactment.

5  
6 Section 4. Severability. If any section, subsection, sentence, clause, phrase, or word  
7 of this emergency ordinance, or any application thereof to any person or circumstance, is held  
8 to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such  
9 decision shall not affect the validity of the remaining portions or applications of the ordinance.  
10 The Board of Supervisors hereby declares that it would have passed this ordinance and each  
11 and every section, subsection, sentence, clause, phrase, and word not declared invalid or  
12 unconstitutional without regard to whether any other portion of this ordinance or application  
13 thereof would be subsequently declared invalid or unconstitutional.

14  
15 Section 5. Supermajority Vote Required.

16 In accordance with Charter Section 2.107, passage of this emergency ordinance by the  
17 Board of Supervisors requires an affirmative vote of two-thirds of the Board of Supervisors.

18  
19 APPROVED AS TO FORM:  
20 DENNIS J. HERRERA, City Attorney

21  
22 By: /s/  
23 MANU PRADHAN  
24 Deputy City Attorney  
25 n:\legana\as2020\2100108\01480343.docx

**REVISED LEGISLATIVE DIGEST**  
(Substituted, 9/22/2020)

[Emergency Ordinance - Eviction of Commercial Tenants During COVID-19 Pandemic]

**Emergency ordinance to temporarily restrict landlords from evicting commercial tenants for non-payment of rent that was not paid due to the COVID-19 pandemic.**

Existing Law

On March 16, 2020, the Governor issued Executive Order N-28-20, paragraph 2 of which allows local governments to enact measures to protect commercial tenants from being evicted due to their inability to pay rent due to COVID-19. Paragraph 2 of the Executive Order is currently set to expire on September 30, 2020.

On March 19, 2020, the Mayor issued an Emergency Order to restrict landlords from evicting commercial tenants registered to do business in San Francisco with worldwide gross receipts for tax year 2019 equal to or below \$25 million (“covered tenants”). The Order applies to rent owed by covered tenants from March 19 through the end of September. Under the Order, a landlord may not evict a covered tenant for non-payment of rent that fell due during this time period, for up to six months after the rent payment was first due. For example, if a covered tenant missed an April 1 rent payment, the tenant could receive an extension up until October 1 for that month’s rent. Likewise, a rent payment originally due on May 1 could be extended up until November 1. However, a landlord could evict for non-payment before the six-month mark by demonstrating that the eviction is necessary to avoid a significant financial hardship to the landlord.

Amendments to Current Law

The emergency ordinance would prohibit landlords from evicting covered tenants who had missed rent payments that fell due while paragraph 2 of the Executive Order was in effect (i.e., from March 16 until September 30, unless the Governor extends the September 30 date further). But, an eviction could proceed if the landlord owns less than 25,000 square feet of rentable square feet in the building, and can demonstrate that being unable to evict would create a significant financial hardship for the landlord. The ordinance is an emergency ordinance, so it would stay in effect for only 60 days after its enactment.

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**ORDER OF THE HEALTH OFFICER No. C19-07i**

**ORDER OF THE HEALTH OFFICER  
OF THE CITY AND COUNTY OF SAN FRANCISCO  
DIRECTING ALL INDIVIDUALS IN THE COUNTY TO CONTINUE  
STAYING SAFER AT THEIR PLACES OF RESIDENCE TO THE  
EXTENT THEY CAN EXCEPT FOR IDENTIFIED NEEDS AND  
ACTIVITIES, AND TO FOLLOW HEALTH RISK REDUCTION  
MEASURES OUTSIDE THEIR RESIDENCES; URGING GOVERNMENT  
AGENCIES TO PROVIDE SHELTER AND SANITATION FACILITIES  
TO INDIVIDUALS EXPERIENCING HOMELESSNESS; REQUIRING  
ALL BUSINESSES AND RECREATION FACILITIES THAT ARE  
ALLOWED TO OPERATE TO IMPLEMENT HEALTH RISK  
REDUCTION MEASURES; AND DIRECTING ALL BUSINESSES,  
FACILITY OPERATORS, AND GOVERNMENTAL AGENCIES TO  
CONTINUE THE TEMPORARY CLOSURE OF ALL OPERATIONS  
THAT ARE NOT YET SAFE ENOUGH TO RESUME**

**(STAY SAFER AT HOME)**

DATE OF ORDER: September 14, 2020

**Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety Code § 120295, *et seq.*; California Penal Code §§ 69, 148(a)(1); and San Francisco Administrative Code § 7.17(b))**

Summary: On February 25, 2020 the Mayor of the City and County of San Francisco (the “County”) declared a state of emergency to prepare for coronavirus disease 2019 (“COVID-19”). On March 5, 2020 there was the first reported case of COVID-19 in the County. On March 16, 2020 the County and five other Bay Area counties and the City of Berkeley, working together, were the first in the State to implement shelter-in-place orders in a collective effort to reduce the impact of the virus that causes COVID-19. That virus is easily transmitted, especially indoors or in group settings, and the disease can be extremely serious. It can require long hospital stays, and in some instances cause long-term health consequences or death. It can impact not only those who are older or have underlying health conditions and known to be at high risk, but also other people, regardless of age. And a major risk remains the spread of the virus that causes COVID-19 through asymptomatic and pre-symptomatic carriers, people who can spread the disease but do not even know they are infected and contagious. The spread of disease is a global pandemic causing untold societal, social, and economic harm.





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Initially the shelter-in-place orders generally required individuals to stay in their residences except for essential needs like grocery shopping, working in essential businesses, providing essential government functions, or engaging in essential travel. Over time, and based on health data and a risk analysis, the County allowed the phased resumption of some businesses and activities, consistent with the roadmap that the State has established under its order. For instance, the County allowed businesses that had operated primarily outdoors before March 16, 2020, to resume outdoor business activities, and the County has allowed many outdoor recreation activities that do not involve physical contact or shared equipment. Later, the County allowed additional categories of businesses and activities to resume, such as outdoor dining, curbside pick-up, and in-store retail, with other businesses and activities to be added over time when safe to do so.

Through this gradual reopening process the County has adopted risk reduction measures for individuals and businesses as further described below. Beginning on April 17, 2020 and based on increasing evidence that face coverings help protect against the spread of the virus, the County adopted a requirement for people to wear face coverings. That requirement has since been updated to expand the requirement to most settings outside people's residences. The County Health Officer has also issued best practices health directives for a number of businesses and activities, and the County Department of Public Health has issued companion guidance documents.

Meanwhile, in March 2020 after the County and neighboring jurisdictions adopted their shelter-in-place orders, the State adopted its own shelter-in-place order that applied throughout California. And in mid-April 2020 the State established a four-stage roadmap for reopening that sets a baseline for all counties in California and allows counties to go at a slower pace. The State has continued to revise its roadmap. Consistent with the State roadmap, the County created its own phased reopening plan. The County's plan provides for the incremental resumption of certain business and other activities to gradually increase the volume of person-to-person contact to help contain the risk of a surge in COVID-19 cases in the County and the region. The County's plan is available online at <https://sf.gov/topics/reopening>.

Because of the density of San Francisco and local health conditions, the County has moved more cautiously than the State otherwise allows. To help further protect workers and the public and give both more confidence in resuming day-to-day activities, the County has imposed health and safety measures that are more restrictive than the State's industry guidelines. In late June 2020, the County Health Officer, with support from the County Board of Supervisors, applied for and received a variance from the State to allow the County more flexibility in its decision-making on the phases of reopening. As long as the County makes progress on ways to contain virus transmission and health-based risk considerations support doing so, the Health Officer will allow additional business and other activities under a phased, incremental process, to provide for a safer economic recovery.



**ORDER OF THE HEALTH OFFICER No. C19-07i**

Our collective effort has had a positive impact on limiting the spread of the virus. Early on the County, along with the other Bay Area jurisdictions, were able to bend the curve and preserve hospital capacity. The County continues to work on building up its testing, case finding, case investigation, contact tracing capacity, and resources to protect vulnerable populations and address outbreaks. Still, the severe danger the virus poses to the health and welfare of all continues, and there remains a continuing risk of a surge that will overwhelm the capacity of our hospital system. Also, while the search continues, treatments for the disease are limited and there is no vaccine. The vast majority of the population remains susceptible to infection, and local conditions could rapidly worsen if reopening steps are taken too quickly or if people fail to safely modify their behavior, including wearing face coverings and adhering to social distancing requirements.

Indeed, recently the County and the region experienced a surge in infections and hospitalizations, and took appropriate steps to respond, including pausing the reopening process. Along with all the other counties in the Bay Area, the County was placed on the State monitoring list and temporarily suspended certain additional business activities as required by the State Health Officer. On August 28, 2020 the State adopted a new color coded, four-tiered framework to guide reopening statewide. Counties can be more restrictive than this State framework. Beginning on August 31, 2020, the County has been designated to be in the red tier (the second most restrictive tier). Most of the surrounding Bay Area counties have been designated the purple tier (the most restrictive tier). The County would have also been designated purple but the State adjusted for the County's testing above State mandated levels. The County is resuming its reopening process in a measured, data-driven way, based on local health indicators, and will initially be guided largely by the restrictions that apply to the Bay Area region as a whole.

We are going to have to live with the threat of the virus for many months to come. And for us to be able to reopen in-person schools as well as resume reopening business and other activities, we are all going to have to take responsibility to act safely, including wearing face coverings, keeping at least six feet from others who are not in our household, washing our hands frequently, and minimizing gatherings. We are all in this together, and each of us is going to have to make sacrifices for the good of the community as a whole, including for our most vulnerable members.

On August 14, 2020 the County shifted away from the prior shelter in place order and this Order continues that shift. In particular, the County will continue to focus more on risk reduction while as the same time keeping to an incremental, health-data-driven plan for resuming business and other activity. This Order sets forth the local health data framework that will guide the Health Officer's "gating" decisions about whether to move forward with phases to reopen businesses and resume activities and otherwise modify this Order. Gating criteria are the benchmarks that, when met, will allow the County to move through the gate to the next level of reopening. In connection with those changes to the gating framework, this Order details the risk criteria that the Health Officer will apply to reopening decisions for specific business sectors and other activities. Those risk factors, described in more detail in the Order, include: the ability to modify behavior to reduce



**ORDER OF THE HEALTH OFFICER No. C19-07i**

the risk; avoidance of risky activities; the nature of the setting; mixing of households; the number and nature of contacts; and the modification potential for the activity.

This Order includes the following requirements, and you should review the Order itself for additional details.

General Requirements. The Order:

- Urges all residents in the County to reduce the risk of COVID-19 transmission by staying in their residences to the extent possible and minimizing trips and activities outside the home;
- Allows people to engage in listed activities, including, for example, working for or going to the businesses listed below and certain governmental and essential infrastructure activities, as well as engaging in essential activities, outdoor activities, certain additional activities, and travel related to those activities;
- Urges older individuals and others who have serious underlying health conditions to remain home other than essential needs;
- Continues to require everyone to wear face coverings while outside their residences, subject to limited exceptions;
- Continues to require everyone to follow social distancing requirements, including staying at least six feet away from members outside of their household, subject to limited exceptions;
- Continues to urge government agencies to provide shelter and sanitation facilities for individuals experiencing homelessness;
- Continues to require everyone to comply with requirements issued by the State and other Health Officer orders and directives; and
- Limits gatherings among different households to help reduce the transmission of the virus.

Requirements for All Businesses. The Order:

- Allows only listed businesses to operate onsite, including essential businesses, outdoor businesses, healthcare operations, and certain additional businesses;
- Allows other businesses only to operate Minimum Basic Operations (as defined in the Order) onsite;
- Requires that businesses continue to maximize the number of people who work remotely from home to the extent possible;
- Requires businesses to complete and post a Social Distancing Protocol checklist in the form attached to the Order as Appendix A;
- Requires businesses to direct personnel to stay home when sick and prohibits adverse action against personnel for doing so;
- Requires businesses and governmental entities to report to the San Francisco Department of Public Health when three or more personnel test positive for the virus that causes COVID-19 within a two-week period;



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- Allows for customers to use reusable shopping bags at businesses; and
Requires businesses to cancel reservations or appointments without a financial penalty when a customer has a COVID-19 related reason.

Mandatory Best Practices Health Officer Directives. The Order requires that businesses and other entities review and comply with any applicable Health Officer Directives, and many of them require a Health and Safety Plan be completed and posted. These requirements include measures to help protect health of workers and customers, such as face covering, social distancing and sanitation protocols and in many instances capacity limits. There are currently directives for many types of businesses and activities, including: construction projects; food delivery and take-out restaurants; residential delivery services; grocery stores, pharmacies, farmer’s markets, and hardware stores; healthcare operations that offer elective surgeries, dental care, or ambulatory care; retail stores that offer curbside pickup; manufacturing and warehousing; summer camps; child care; golf and tennis facilities; outdoor dining; indoor retail sales and services; outdoor and indoor personal services; outdoor and indoor gyms and fitness facilities, lodging facilities; outdoor gatherings; and office environments. All directives are available online at www.sfdph.org/directives.

Term. This Order will remain in effect, without a specific expiration date, for so long as the threat of the pandemic continues, or until this Order is otherwise extended, rescinded, superseded, or amended in writing by the Health Officer. But the Health Officer will continue to carefully monitor the evolving situation and will periodically revise this Order to loosen – or if need be tighten – restrictions as conditions warrant, to help further the safer economic recovery and resumption of activities.

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UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER OF THE CITY AND COUNTY OF SAN FRANCISCO (“HEALTH OFFICER”) ORDERS:

1. Purpose and Findings.

a. Purpose. As of the effective date and time set forth in Section 13, below, this Order supersedes the September 1, 2020 Order of the Health Officer, No. C19-07h, (the “Prior Order”), and all individuals, Businesses (as defined in Section 8.e below), and applicable government agencies in the County are required to follow the provisions of this Order. This Order continues to temporarily prohibit certain Businesses and activities from resuming and limits gatherings with individuals from other Households (as defined in Section 3.b below) until it is safer to do so. But it allows certain other Businesses, activities, travel and governmental functions to occur subject to specified health and safety restrictions, limitations, and conditions to limit the transmission of Novel Coronavirus Disease 2019 (“COVID-19”). COVID-19 continues to pose a severe risk to residents of our County, and significant safety measures are necessary to protect against a surge in COVID-19 cases, serious illnesses and deaths. Accordingly, this Order requires risk reduction measures to be in place across Business sectors and activities that are allowed to occur, ensuring necessary precautions are followed as we adapt the way we live and function in light of the ongoing threat that the virus now poses and is very likely to continue to pose for some time to come. The Health Officer will continue to monitor data regarding COVID-19 and the evolving scientific understanding of the risks COVID-19 poses and may amend or rescind this Order based on analysis of that data and knowledge.



**ORDER OF THE HEALTH OFFICER No. C19-07i**

- b. **Intent.** The primary intent of this Order is to ensure that County residents continue to stay safer in their Residences (as defined in Section 3.b, below) to the extent possible and that together as a community our residents, along with visitors and workers in the County, take appropriate risk reduction measures, especially while outside their Residences, to slow the spread of COVID-19 and mitigate its impact on the delivery of critical healthcare services in the County and the region. As further provided in Section 2, below, the Health Officer intends to allow the phased resumption of Businesses and activities to provide for a safer reopening, with specified risk reduction measures, all while the Health Officer continues to assess the transmissibility and clinical severity of COVID-19 in light of the COVID-19 Indicators and risk framework described in Section 2 below.
- c. **Interpretation.** All provisions of this Order must be interpreted to effectuate the intent of this Order as described in subsection (b) above. The summary at the beginning of this Order as well as the headings and subheadings of sections contained in this Order are for convenience only and may not be used to interpret this Order; in the event of any inconsistency between the summary, headings or subheadings and the text of this Order below, the text will control. Certain initially capitalized used in this Order have the meanings given them in Section 8 below. The interpretation of this Order in relation to the health orders of the State is described in Section 10 below.
- d. **Effect of Failure to Comply.** Failure to comply with any of the provisions of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both, as further provided in Section 12 below.
- e. **Continuing Severe Health and Safety Risk Posed by COVID-19.** This Order is issued based on evidence of continued significant community transmission of COVID-19 within the County and throughout the Bay Area; continued uncertainty regarding the degree of undetected asymptomatic transmission; scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically; evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19; and further evidence that others, including younger and otherwise healthy people, are also at risk for serious outcomes. Due to the outbreak of the COVID-19 disease in the general public, which remains a pandemic according to the World Health Organization, there is a public health emergency throughout the County, region and State. That immediate threat to public health and safety is also reflected in the continuing declarations of emergency referenced in Section 9.a below. Making the problem worse, some individuals who contract the virus causing the COVID-19 disease have no symptoms or have mild symptoms, which means they may not be aware they



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carry the virus and are transmitting it to others. Further, evidence shows that the virus can survive for hours to days on surfaces and be indirectly transmitted between individuals and also may be transmitted through airborne micro-droplets. Because even people without symptoms can transmit the infection, and because evidence shows the infection is easily spread, gatherings of people and other direct or indirect interpersonal interactions, particularly those that occur indoors, can result in preventable transmission of the virus.

- f. **Local Health Conditions Relating to COVID-19.** The efforts taken beginning in March 2020 under the prior shelter-in-place orders of the Health Officer, along with those of health officers of five neighboring counties, slowed the virus's trajectory. While the public health emergency and threat to the County's population remain severe, the region has significantly increased its capacity to detect cases, contain spread, and treat infected patients through widespread testing; greatly expanded its case investigation and contact tracing program and workforce; and expanded hospital resources and capacity. At the same time, across the region and the rest of the State, there has been a significant reopening of Businesses and activities, accompanied by an increase in cases and hospitalizations, which increases carry risks to County residents and resources. As we continue to evolve our strategies for protecting residents of the County from COVID-19, we must take into account both the trajectory of the virus in the County and across the region, and the increased health risks associated with the opening of many Businesses and activities under the Prior Order. To protect the community from COVID-19, we must ensure that when people engage in activities they are doing so as safely as possible.
  - g. **Cases, Hospitalizations and Deaths.** As of September 11, 2020, there were 10,302 confirmed cases of COVID-19 in the County (up from 37 on March 16, 2020, the day before the first shelter-in-place order in the County went into effect) as well as at least 91 deaths (up from 1 death on March 17, 2020). This information, as well as information regarding hospitalizations and hospital capacity, is regularly updated on the San Francisco Department of Public Health's website at <https://data.sfgov.org/stories/s/fjki-2fab>.
2. **Health Gating and Risk Criteria Framework for Reopening.**

    - a. **Health Gating.** To inform decisions about whether and how to augment, limit, or temporarily prohibit Businesses or activities to slow the spread of COVID-19, the Health Officer will continually review (1) progress on the COVID-19 Indicators; (2) developments in epidemiological and diagnostic methods for tracing, diagnosing, treating, or testing for COVID-19; and (3) scientific understanding of the transmission dynamics and clinical impact of COVID-19.



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The COVID-19 Indicators will be key drivers in the Health Officer's gating decisions. In particular, the number of new COVID-19 cases per 100,000 residents, the rate of change in COVID-19 hospitalizations, and the amount of available hospital capacity will help guide decisions. If any indicator or a collection of these and other indicators are orange or red, then the Health Officer will give serious consideration to pausing or even reversing openings if appropriate. Also, the total number of hospitalized COVID-19 patients, and whether this total number is significantly increasing, flat, or decreasing, will play a role in gating decisions, especially if these numbers become larger than the prior surge (e.g., more than 100 COVID-19 positive patients in the County's hospitals at one time). Modeling estimates of peak hospitalizations will also be considered.

Information about San Francisco's status under the COVID-19 Indicators is available on the City's website at <https://data.sfgov.org/stories/s/Key-Health-Indicators-on-Containing-COVID-19/epem-wyzb>.

In addition to evaluating the COVID-19 Indicators in making gating decisions, the Health Officer will also consider the estimate of the effective reproductive number ( $Re$ ), and whether there is evidence it is increasing, stable, or decreasing. The effective reproductive number ( $Re$ ) is the average number of secondary cases per infectious case in the setting of public health interventions (e.g., sheltering in place, face coverings, physical distancing, etc.). When  $Re > 1$ , the epidemic curve increases. When  $Re < 1$ , the epidemic curve decreases. When  $Re \sim 1$ , the epidemic curve is flat.

**b. Risk Criteria for Additional Businesses and Additional Activities Under Phased Reopening.**

In connection with the health indicators and other public health data discussed above, the Health Officer will consider the risk of transmission involved in Businesses or activities in determining when and how they can safely resume, or if they must remain or be ordered temporarily closed. The following risk criteria will inform this analysis:

- 1) *Ability to modify behavior to reduce risk*—whether individuals engaged in the Business or other activity can wear face coverings at all times, maintain at least six feet of physical distancing at all times, and comply with other Social Distancing Requirements, including hand washing and sanitation;
- 2) *Avoidance of risky activities*—whether the nature of the Business or activity necessarily involves eating or drinking (which requires removing face covering); gatherings with other Households (which presents risks as described in subsection d below); or singing, chanting, shouting, or





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playing wind/brass instruments (which all present significant risk of airborne transmission);

- 3) *Setting*—Outdoor Businesses and activities are safer than indoor businesses or activities, so outdoors is strongly preferred;
- 4) *Mixing of Households*—Mixing of people from different Households present higher risk of virus transmission and community spread, and the more different Households that mix, the greater the cumulative risk;
- 5) *Number, frequency, duration and distance of contacts*—The more people who interact, the higher the risk of virus transmission; and the more people who gather at a site, or the more sites involved in the business, possible interactions increase exponentially (number of contacts). The more often people interact, the higher the risk of virus transmission (frequency of contacts). The longer the duration of contacts, the higher the risk of virus transmission (duration of contacts). The closer the proximity of people, the higher the risk of virus transmission (distance of contacts); and
- 6) *Modification potential*—the degree to which best practices health protocols can reduce the risk of transmission, where those protocols can be properly implemented.

**3. General Requirements for Individuals.**

- a. **Staying Safer At Home Is The Best Way To Control Risk.** All people are strongly reminded that continuing to stay home as much as possible is the best way to prevent the risk of COVID-19 transmission, and therefore minimizing trips and activities outside the home helps reduce risk to individuals and the community. All activities that involve contact with people from different Households increase the risk of transmission of COVID-19. Accordingly, all individuals currently living within the County are for the time being ordered to stay in their place of Residence to the extent possible. They are strongly urged to leave their Residence only to:

- Work for or access Businesses that are allowed to be open under this Order (Essential Businesses, Outdoor Businesses, and Additional Businesses, as those terms are defined in Sections 8.a, 8.b and 8.c);
- Work for, volunteer at, or access services at Healthcare Operations, as that term is defined in Section 8.g;
- Engage in activities that are allowed under this Order (Essential Activities, Outdoor Activities, and Additional Activities, as those terms are defined in Sections 8.h, 8.i and 8.j); and
- Engage in Essential Travel, as that term is defined in Section 8.k; or



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- **Provide any services or perform any work necessary to the operation maintenance of Essential Governmental Functions or Essential Infrastructure, as those terms are defined in Sections 8.l and 8.m.**
  
- b. Residences and Households. For purposes of this Order, “Residences” include hotels, motels, shared rental units, and similar facilities. Residences also include living structures and outdoor spaces associated with those living structures, such as patios, porches, backyards, and front yards that are only accessible to a single family or Household. For purposes of this order “Household” means people living in a single Residence or shared living unit.**
  
- c. Individuals Experiencing Homelessness. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter. Government agencies and other entities operating shelters and other facilities that house or provide meals or other necessities of life for individuals experiencing homelessness are strongly urged to, as soon as possible, make such shelter available, and must take appropriate steps to help ensure compliance with Social Distancing Requirements, including adequate provision of hand sanitizer. Also, individuals experiencing homelessness who are unsheltered and living in encampments should, to the maximum extent feasible, abide by 12 foot by 12 foot distancing for the placement of tents, and government agencies should provide restroom and hand washing facilities for individuals in such encampments as set forth in Centers for Disease Control and Prevention Interim Guidance Responding to Coronavirus 2019 (COVID-19) Among People Experiencing Unsheltered Homelessness (<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/unsheltered-homelessness.html>).**
  
- d. Older Adults and Individuals of Any Age with Underlying Medical Conditions. Older adults and individuals with underlying medical conditions—including chronic kidney disease, chronic obstructive pulmonary disease, immunocompromised state from solid organ transplant, obesity, serious heart conditions (such as heart failure, coronary artery disease, or cardiomyopathies), sickle cell disease, and diabetes—are strongly urged to stay in their Residence except to access critical necessities such as food, and to seek or provide medical care or Essential Governmental Functions. Individuals with other medical conditions might be at increased risk for severe illness from COVID-19 and are encouraged to minimize activities and interactions with people outside their Household to the extent practicable, except as necessary to seek or provide medical care or Essential Governmental Functions. These conditions, and the most up to date information about who is at greatest risk of severe illness as more information and data emerge about COVID-19, can be found at <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-increased-risk.html>.**



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- e. **Mandatory Risk Reduction Measures For Individuals Outside their Place of Residence.** When people leave their place of Residence, they must (1) strictly comply with the Social Distancing Requirements as defined in Section 8.o, including maintaining at least six feet of social distance from other people not in the same Household, except as expressly provided in this subsection below or elsewhere in this Order, and (2) wear Face Coverings as provided in, and subject to the limited exceptions in, Health Officer Order No. C19-12c issued July 22, 2020 (the “Face Covering Order”), including any future amendments to that order. The requirement to strictly comply with Social Distancing Requirements is subject to a limited exception as necessary to provide care (including childcare, adult or senior care, care to individuals with special needs, and patient care); as necessary to carry out the work of Essential Businesses, Essential Governmental Functions, or provide for Minimum Basic Operations; or as otherwise expressly provided in this Order. For clarity, individuals who do not currently reside in the County must comply with all applicable requirements of this Order when in the County.
- f. **Limitations on Gatherings that Involve Mixing of Different Households to Reduce Virus Transmission Risk.** Gatherings of individuals from different Households pose a significant risk of virus transmission to the community. The greater the number of people from different households in a gathering, the greater the risk of the spread of COVID-19. All public and private gatherings of any number of people occurring outside a single Household are prohibited, except as expressly permitted in this Order including, but not limited to, gatherings allowed as Additional Activities in Appendix C-2. If, despite this prohibition, people find themselves with members of other Households, they are required to follow the health guidelines for safer interactions set forth in the Tip Sheet for Safer Interactions During COVID-19 Pandemic, posted at: [www.sfdcp.org/communicable-disease/diseases-a-z/covid19whatsnew](http://www.sfdcp.org/communicable-disease/diseases-a-z/covid19whatsnew).
- g. **Quarantine Recommendation Upon Entering or Reentering the Bay Area.** When moving into or out of the Bay Area (i.e., the nine counties that make up the San Francisco Bay Area region) or returning after travel outside the Bay Area, individuals are urged to quarantine for 14 days if they engaged in activities while traveling or outside the Bay Area that would put them at higher risk of contracting the virus that causes COVID-19. These higher risk activities include those in which an individual: interacted for more than 15 minutes within six feet of individuals outside your Household if you or those around you were not wearing Face Coverings at all times, especially if you were indoors (including traveling on planes, buses, or trains if Face Coverings were not worn at all times by you and those around you). The greater number of people outside your household who are involved in these interactions, the greater the risk. To quarantine, individuals should follow the guidance of jurisdiction they are moving to and the United States Centers for Disease Control and Prevention and Health Officer Directive No. 2020-02c, available at [www.sfdph.org/directives](http://www.sfdph.org/directives).



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**4. General Requirements for Businesses and Business Activities.**

- a. **Allowed Businesses.** Essential Businesses, Outdoor Businesses, and Additional Businesses, as defined in Sections 8.a, 8.b and 8.c, are allowed to operate in the County under this Order. All other Businesses are temporarily required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 8.d. Except as otherwise provided in Appendix C-1, Businesses that include allowed operations alongside other operations that are not yet allowed must, to the extent feasible, scale down their operations to the allowed components only.
- b. **Maximization of Telework.** All Businesses must continue to maximize the number of Personnel who work remotely from their place of Residence, subject to the conditions and limitations provided in Appendix C-1.
- c. **Activities that Can Occur Outdoors.** All Businesses are strongly urged to move as many operations as possible outdoors, to the extent permitted by local law and permitting requirements, where there is generally less risk of COVID-19 transmission. Businesses that operate outdoors may, subject to any applicable permit requirements, conduct their operations under a tent, canopy, or other sun or weather shelter, but only as long as no more than one side is closed, allowing sufficient outdoor air movement. Also, the number and composition of barriers used for all outdoor shelters must allow the free flow of air in the breathing zone consistent with guidance from the Department of Public Health.
- d. **Social Distancing Protocol.** As a condition of operating under this Order, the operators of all Businesses allowed to operate must comply with the requirements of the Social Distancing Protocol attached to this Order as Appendix A and must complete a Social Distancing Protocol checklist for each of their facilities in the County frequented by Personnel or members of the public. The Social Distancing Protocol checklist must be posted at or near each public entrance of each of the Business facilities and must be easily viewable by the public and Personnel. A copy of the Social Distancing Protocol checklist must also be provided in hardcopy or electronic format to each person performing work at the facility. Each Business subject to this paragraph must provide evidence of its implementation of the Social Distancing Protocol requirements to any authority enforcing this Order upon demand. A copy of the Social Distancing Protocol checklist must also be provided by the Business or entity to any member of the public on request.

With the exception of construction activities—which must comply with the Construction Project Safety Protocols set forth in Appendix B—each Business must use the Social Distancing Protocol checklist included in Appendix A or a form that is substantially similar.



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- e. **Industry Specific Requirements.** In addition to the Social Distancing Protocol, all Businesses allowed to operate under this Order must follow any industry or activity-specific guidance issued by the Health Officer related to COVID-19 (available online at [www.sfdph.org/directives](http://www.sfdph.org/directives)) and any conditions on operation specified in this Order, including those specified in **Appendix C-1.**
  - f. **Businesses Must Allow Personnel to Stay Home When Sick.** As outlined in the Social Distancing Protocol, Businesses are required to allow Personnel to stay home if they have symptoms associated with COVID-19, and Personnel are prohibited from coming to work if they are sick and may only return to work as outlined in the Social Distancing Protocol. Each Business that is required to comply with the Social Distancing Protocol is prohibited from taking any adverse action against any Personnel for staying home in the circumstances listed in the Social Distancing Protocol.
- 5. Schools, Childcare, Youth Programs, and Higher Education**
- a. **Schools.** Except as expressly provided below, under the State Health Order, until San Francisco has been in the red tier (or lower) for 14 consecutive days (the “Waiting Period”), transitional kindergarten (TK)-12 schools may not open for in-person instruction and must conduct distance learning only.
    - 1) **Application for Waiver for In-Person Instruction for Elementary Schools.** Before the Waiting Period, a district superintendent, private school principal/head of school, or executive director of a charter school may apply for an advance written waiver by the Health Officer of this restriction to allow the school to open for in-person instruction for grades TK-6. If the Health Officer grants a waiver, only grades TK-6 may open for in-person education even if the grade configuration at the school includes additional grades. More information about the requirements for the waiver application process, including the criteria the Health Officer or the Health Officer’s designee will consider, is available at <https://www.sfdph.org/dph/covid-19/schools-education.asp>.
    - 2) **Submittal of Plan for In-Person Instruction for All TK-12 Schools.** After the Waiting Period ends, and subject to an approval process and schedule to be established by the Health Officer and the Department of Public Health, TK-12 schools and school districts may open for in-person instruction but only upon advance written approval of the Health Officer or the Health Officer’s designee of a plan to open for such purposes. More information about how to request approval of a plan by the Health Officer will be available at <https://www.sfdph.org/dph/covid-19/schools-education.asp>.



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- 3) **Specialized Targeted Support Services.** Beginning on September 8, 2020, TK-12 schools may operate to provide in-person specialized and targeted support services to vulnerable children and youth. Schools providing specialized targeted support services do not need to obtain a waiver or advance written approval of the Health Officer, but must comply with the Health Officer Directive No. 2020-26 (forthcoming). Additional information about what qualifies as specialized targeted support services and which students may be served in these specialized programs will be available at <https://www.sfdph.org/dph/covid-19/schools-education.asp>.

In addition to waiver applications or plans approved by the Health Officer, all TK-12 schools must follow any applicable directives issued by the County Health Officer ([www.sfdph.org/directives](http://www.sfdph.org/directives)) and any applicable “COVID-19 Industry Guidance” issued by the California Department of Public Health, available at <https://covid19.ca.gov/industry-guidance/>.

For clarity, this subsection a applies to public and private schools operating in San Francisco, including independent, parochial and charter schools.

- b. **Home-Based Care for Children.** Home-based care for children is permitted under Section 8.a.xxi, below.
- c. **Childcare Programs for Young Children.** Group care facilities for children who are not yet in elementary school—including, for example, licensed childcare centers, daycares, family daycares, and preschools (including cooperative preschools)—may operate subject to, and to the extent permitted by, the health and safety requirements set forth in Section 3.b.1 of Appendix C-1 and Health Officer Directive No. 2020-14c, as it may be amended in the future.
- d. **Out of School Time Programs.** With the exception of schools, which are addressed in subsection a above, educational or recreational institutions or programs that provide care or supervision for school-aged children and youth—including for example, learning hubs, other programs that support and supplement distance learning in schools, school-aged childcare programs, youth sports programs, and afterschool programs—may operate subject to, and to the extent permitted by, the health and safety requirements set forth in Section 3.b.3 of Appendix C-1 and Health Officer Directive No. 2020-21, as it may be amended in the future.
- e. **Institutions of Higher Education and Adult Education.** Institutions of higher education (“IHEs”), such as colleges and universities, and other programs offering adult education—including, for example, programs offering job skills training and English as a second language classes to adults—may operate subject to, and to the extent permitted by, the health and safety requirements set



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forth in Section 14 of Appendix C-1, and any relevant industry-specific Health Officer directives.

- f. **Additional Information.** Additional information about the operational requirements and restrictions relating to COVID-19 for schools, childcare, and youth programs is available at <https://www.sfdph.org/dph/covid-19/schools-education.asp>.

6. **Public Transit.**

Transit agencies and people riding or waiting to ride on public transit must comply with Social Distancing Requirements, as defined in Section 8.o, and Personnel and passengers must wear Face Coverings as required by the Face Covering Order. Also, people riding or waiting to ride on public transit must follow any applicable directives issued by the County Health Officer ([www.sfdph.org/directives](http://www.sfdph.org/directives)) and any applicable “COVID-19 Industry Guidance” issued by the California Department of Public Health, available at <https://covid19.ca.gov/industry-guidance/>.

7. **Mandatory Reporting by Businesses and Government Entities When Three or More Personnel Contract COVID-19 Within Two Weeks.**

Businesses and governmental entities must require that all Personnel immediately alert the Business or governmental entity if they test positive for COVID-19 and were present in the workplace within the 48 hours before onset of symptoms or within 48 hours of the date on which they were tested. Businesses and governmental entities can learn more about what to do after a positive COVID-19 case among Personnel at [www.sfcdep.org/covid19-positive-workplace](http://www.sfcdep.org/covid19-positive-workplace). If a Business or governmental entity has three or more Personnel who test positive for COVID-19 within a two-week period, then the Business or governmental entity is required to call the San Francisco Department of Public Health at 628-217-6100 immediately to report the cluster of cases. Businesses and governmental entities must also comply with all case investigation and contact tracing measures by the County, including providing any information requested.

8. **Definitions.**

For purposes of this Order, the following initially capitalized terms have the meanings given below.

**Allowed Businesses and Business Activities.**

- a. *Essential Businesses.* “Essential Businesses” means:

- i. Healthcare Operations (as defined in subsection g below);
- ii. Grocery stores, certified farmers’ markets, farm and produce stands,



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supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of unprepared food, canned food, dry goods, non-alcoholic beverages, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, as well as hygienic products and household consumer products necessary for personal hygiene or the habitability, sanitation, or operation of Residences. The Businesses included in this subsection include establishments that sell multiple categories of products provided that they sell a significant amount of essential products identified in this subsection, such as liquor stores that also sell a significant amount of food;

- iii. Food cultivation, including farming, livestock, and fishing;
- iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- v. Construction, but only as permitted under the State Shelter Order and only pursuant to the Construction Safety Protocols listed in Appendix B and incorporated into this Order by this reference. City public works projects shall also be subject to Appendix B, except if other protocols are specified by the Health Officer;
- vi. Newspapers, television, radio, and other media services;
- vii. Gas stations and auto-supply, auto-repair (including, but not limited to, for cars, trucks, motorcycles and motorized scooters), and automotive dealerships, but only for the purpose of providing auto-supply and auto-repair services. This subsection (vii) does not restrict the on-line purchase of automobiles if they are delivered to a Residence or Essential Business;
- viii. Bicycle repair and supply shops;
- ix. Banks and related financial institutions;
- x. Service providers that enable real estate transactions (including rentals, leases, and home sales), including, but not limited to, real estate agents, escrow agents, notaries, and title companies, provided that appointments and other residential real estate viewings must only occur virtually or, if a virtual viewing is not feasible, by appointment with no more than two visitors at a time residing within the same Household and one individual showing the unit (except that in person visits are not allowed when the occupant is present in the Residence);
- xi. Hardware stores;
- xii. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the habitability, sanitation, or operation of Residences and Essential Businesses;
- xiii. Businesses providing mailing and shipping services, including post office boxes;





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- xiv. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, or as allowed under subsection (xxvi), provided that social distancing of six feet per person is maintained to the greatest extent possible;**
- xv. Laundromats, drycleaners, and laundry service providers;**
- xvi. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free 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 take-away basis only. 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;**
- xvii. Funeral home providers, mortuaries, cemeteries, and crematoriums, to the extent necessary for the transport, preparation, or processing of bodies or remains, and to hold funerals for no more than 12 individuals (or, if higher, the number of individuals allowed to gather for social gatherings under Appendix C-2);**
- xviii. Businesses that supply other Essential Businesses and Outdoor Businesses with the support or supplies necessary to operate, but only to the extent that they support or supply these Businesses. This exemption shall not be used as a basis for engaging in sales to the general public from retail storefronts;**
- xix. Businesses that have the primary function of shipping or delivering groceries, food, or other goods directly to Residences or Businesses. This exemption shall not be used to allow for manufacturing or assembly of non-essential products or for other functions besides those necessary to the delivery operation;**
- xx. Airlines, taxis, rental car companies, rideshare services (including shared bicycles and scooters), and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;**
- xxi. Home-based care for seniors, adults, children, and pets;**
- xxii. Residential facilities and shelters for seniors, adults, and children;**
- xxiii. Professional services, such as legal, notary, or accounting services, when necessary to assist in compliance with non-elective, legally required activities or in relation to death or incapacity;**
- xxiv. Services to assist individuals in finding employment with Essential Businesses;**



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- xxv. **Moving services that facilitate residential or commercial moves that are allowed under this Order;**
  - xxvi. **Childcare establishments and other educational or recreational institutions or programs providing care or supervision for children (with the exception of summer camps, which are addressed separately in Appendix C-1, and schools, which are addressed separately in Section 6.b, above) that enable owners and Personnel of Essential Businesses and providers of Essential Governmental Functions to work as allowed under this Order;**
  - xxvii. **Businesses that operate, maintain, or repair Essential Infrastructure.**
- b. *Outdoor Businesses.* “Outdoor Businesses” means:**
- i. The following Businesses that normally operated primarily outdoors before March 16, 2020, and where there is the ability to fully maintain social distancing of at least six feet between all persons:**
    - 1. Businesses primarily operated outdoors, such as wholesale and retail plant nurseries, agricultural operations, and garden centers; and**
    - 2. Service providers that primarily provide outdoor services, such as landscaping and gardening services, and environmental site remediation services.**
- For clarity, “Outdoor Businesses” do not include outdoor restaurants, cafes, or bars. Except as otherwise provided in Appendix C-1, they also do not include Businesses that promote large, coordinated, and prolonged gatherings, such as outdoor concert venues and amusement parks.**
- Outdoor Businesses may conduct their operations under a tent, canopy, or other sun shelter as further provided in Section 4.c above.**
- c. *Additional Businesses.* “Additional Business” means any Business identified as an Additional Business in Appendix C-1, which will be updated as warranted based on the Health Officer’s ongoing evaluation of the COVID-19 Indicators and other data. In addition to the other requirements in this Order, operation of those Additional Businesses is subject to any conditions and health and safety requirements set forth in Appendix C-1 and in any industry-specific guidance issued by the Health Officer.**
- d. *Minimum Basic Operations.* “Minimum Basic Operations” means the following activities for Businesses, provided that owners, Personnel, and contractors comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:**
- i. The minimum necessary activities to maintain and protect the value of the Business’s inventory and facilities; ensure security, safety, and sanitation; process payroll and employee benefits; provide for the delivery of existing**



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inventory directly to Residences or Businesses; and related functions. For clarity, this section does not permit Businesses to provide curbside pickup to customers; and

- ii. **The minimum necessary activities to facilitate owners, Personnel, and contractors of the Business being able to continue to work remotely from their Residences, and to ensure that the Business can deliver its service remotely.**
- e. ***Business.*** A “Business” includes any for-profit, non-profit, or educational entity, whether a corporate entity, organization, partnership or sole proprietorship, and regardless of the nature of the service, the function it performs, or its corporate or entity structure.
- f. ***Personnel.*** “Personnel” means the following people who provide goods or services associated with the Business in the County: employees; contractors and sub-contractors (such as those who sell goods or perform services onsite or who deliver goods for the Business); independent contractors; vendors who are permitted to sell goods onsite; volunteers; and other individuals who regularly provide services onsite at the request of the Business. “Personnel” includes “gig workers” who perform work via the Business’s app or other online interface, if any.
- g. ***Healthcare Operations.*** “Healthcare Operations” includes, without limitation, hospitals, clinics, COVID-19 testing locations, dentists, pharmacies, blood banks and blood drives, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption for Healthcare Operations must be construed broadly to avoid any interference with the delivery of healthcare, broadly defined. “Healthcare Operations” excludes fitness and exercise gyms and similar facilities.

**Allowed Activities.**

- h. ***Essential Activities.*** “Essential Activities” means to:
  - i. **Engage in activities or perform tasks important to their health and safety, or to the health and safety of their family or Household members (including pets);**
  - ii. **Obtain necessary services or supplies for themselves and their family or Household members, or to deliver those services or supplies to others;**
  - iii. **Provide necessary care for a family member or pet in another Household who has no other source of care;**



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- iv. Attend a funeral with no more than 12 individuals present (or, if higher, the number of individuals allowed to gather for social gatherings under Appendix C-2); and
  - v. Move Residences.
- i. *Outdoor Activities*. “Outdoor Activities” means:
- i. To engage in outdoor recreation activity, including, by way of example and without limitation, walking, hiking, bicycling, and running, in compliance with Social Distancing Requirements and with the following limitations:
    - 1. Outdoor recreation activity at parks, beaches, and other open spaces must comply with any restrictions on access and use established by the Health Officer, government, or other entity that manages such area to reduce crowding and risk of transmission of COVID-19;
    - 2. Except as otherwise provided in Appendix C-2 or as otherwise authorized in writing by the Health Officer, use of outdoor recreational areas and facilities with high-touch equipment or that encourage gathering—including playgrounds, gym equipment, climbing walls, pools, spas, and barbecue areas—is prohibited outside of Residences, and all such areas must be closed to public access including by signage and, as appropriate, by physical barriers; and
    - 3. Except as otherwise provided in Appendix C-2, sports or activities that include the use of shared equipment or physical contact between participants may only be engaged in by members of the same Household.

Outdoor Activities may be conducted under a tent, canopy, or other sun shelter, but only as long as no more than one side is closed, allowing sufficient outdoor air movement.

- j. *Additional Activities*. “Additional Activities” means:
- i. To engage in outdoor recreation activities or other activities set forth in Appendix C-2, subject to any conditions and health and safety requirements set forth there.

**Allowed Travel**.

- k. *Essential Travel*. “Essential Travel” means travel for any of the following purposes:
- i. Travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, Minimum Basic Operations, Outdoor Activities, Outdoor Businesses, Additional Activities, and Additional Businesses;



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- ii. Travel to care for any elderly, minors, dependents, or persons with disabilities;
- iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services;
- iv. Travel to return to a place of Residence from outside the County;
- v. Travel required by law enforcement or court order;
- vi. Travel required for non-residents to return to their place of Residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional before commencing such travel;
- vii. Travel to manage after-death arrangements and burial;
- viii. Travel to arrange for shelter or avoid homelessness;
- ix. Travel to avoid domestic violence or child abuse;
- x. Travel for parental custody arrangements; and
- xi. Travel to a place to temporarily reside in a Residence or facility to avoid potentially exposing others to COVID-19, such as a hotel or other facility provided by a governmental authority for such purposes.

**Governmental Functions.**

- l. Essential Infrastructure.* “Essential Infrastructure,” including airports, utilities (including water, sewer, gas, and electrical), oil refining, roads and highways, public transportation, solid waste facilities (including collection, removal, disposal, recycling, and processing facilities), cemeteries, mortuaries, crematoriums, and telecommunications systems (including the provision of essential global, national, and local infrastructure for internet, computing services, Business infrastructure, communications, and web-based services).
- m. Essential Governmental Functions.* “Essential Governmental Functions” are determined by the governmental entity performing those functions in the County. Each governmental entity shall identify and designate appropriate Personnel, volunteers, or contractors to continue providing and carrying out any Essential Governmental Functions, including the hiring or retention of new personnel or contractors to perform such functions. Each governmental entity and its contractors must employ all necessary emergency protective measures to prevent, mitigate, respond to, and recover from the COVID-19 pandemic, and all Essential Governmental Functions must be performed in compliance with Social Distancing Requirements to the greatest extent feasible. All first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform



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essential services are categorically exempt from this Order to the extent they are performing those essential services.

The County may operate facilities as needed to address health emergencies related to weather conditions or acts of nature, such as excessive heat or smoke from wildfires, even if those facilities are not otherwise allowed to open for their intended purposes under this Order, provided that the operation of such facilities must be done in compliance with any COVID-19 related guidance that the Health Officer may issue. Those facilities include, but are not limited to, cooling centers and smoke respite centers, and may be operated directly by the County or by other entities at the direction of or in coordination with the County or as otherwise provided for in such guidance.

**Residences and Households.**

n. “Residences” and “Households” are defined as set forth in Section 3.b, above.

**Social Distancing.**

o. *Social Distancing Requirements.* “Social Distancing Requirements” mean:

- i. Maintaining at least six-foot social distancing from individuals who are not part of the same Household;
- ii. Frequently washing hands with soap and water for at least 20 seconds, or using hand sanitizer that is recognized by the Centers for Disease Control and Prevention as effective in combatting COVID-19;
- iii. Covering coughs and sneezes with a tissue or fabric or, if not possible, into the sleeve or elbow (but not into hands);
- iv. Wearing a face covering when out in public, consistent with the orders or guidance of the Health Officer; and
- v. Avoiding all social interaction outside the Household when sick with a fever, cough, or other COVID-19 symptoms.

**9. Incorporation of State and Local Emergency Proclamations and State Health Orders.**

a. **State and Local Emergency Proclamations.** This Order is issued in accordance with, and incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom, the March 12, 2020 Executive Order (Executive Order N-25-20) issued by Governor Gavin Newsom, the February 25, 2020 Proclamation by the Mayor Declaring the Existence of a Local Emergency issued by Mayor London Breed, as supplemented on March 11, 2020, the March 6, 2020 Declaration of Local Health Emergency Regarding Novel Coronavirus 2019 (COVID-19) issued by the Health Officer, and guidance issued



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by the California Department of Public Health, as each of them have been and may be supplemented.

- b. **State Health Orders.** This Order is also issued in light of the March 19, 2020 Order of the State Public Health Officer (the “State Shelter Order”), which set baseline statewide restrictions on non-residential Business activities, effective until further notice, the Governor’s March 19, 2020 Executive Order N-33-20 directing California residents to follow the State Shelter Order, and the July 13, 2020 Order of the State Public Health Officer. The May 4, 2020 Executive Order issued by Governor Newsom and May 7, 2020 Order of the State Public Health Officer permit certain Businesses to reopen if a local health officer believes the conditions in that jurisdictions warrant it, but expressly acknowledge the authority of local health officers to establish and implement public health measures within their respective jurisdictions that are more restrictive than those implemented by the State Public Health Officer. Also on June 18, 2020 the State Department of Public Health issued guidance for the use of face coverings, requiring all people in the State to wear face coverings in certain high-risk situations, subject to limited exceptions.

**10. Obligation to Follow Stricter Requirements of Orders.**

This Order adopts certain health and safety restrictions that are more stringent than those contained in the State Shelter Order. Without this tailored set of restrictions that further reduces the number of interactions between persons, scientific evidence indicates that the public health crisis in the County will worsen to the point at which it may overtake available health care resources within the County and increase the death rate. Where a conflict exists between this Order and any state public health order related to the COVID-19 pandemic, the most restrictive provision (i.e., the more protective of public health) controls. Consistent with California Health and Safety Code section 131080 and the Health Officer Practice Guide for Communicable Disease Control in California, except where the State Health Officer may issue an order expressly directed at this Order and based on a finding that a provision of this Order constitutes a menace to public health, any more restrictive measures in this Order continue to apply and control in this County. Also, to the extent any federal guidelines allow activities that are not allowed by this Order, this Order controls and those activities are not allowed.

**11. Obligation to Follow Health Officer Directives and Mandatory State Guidance.**

In addition to complying with all provisions of this Order, all individuals and entities, including all Businesses and governmental entities, must also follow any applicable directives issued by the County Health Officer ([www.sfdph.org/directives](http://www.sfdph.org/directives)) and any applicable “COVID-19 Industry Guidance” issued by the California Department of Public Health, available at <https://covid19.ca.gov/industry-guidance/>. To the extent that provisions in the directives of the County Health Officer and the guidance of the State Health Officer



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conflict, the more restrictive provisions (i.e., the more protective of public health) apply.

**12. Enforcement.**

Under Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and the Chief of Police in the County ensure compliance with and enforce this Order. The violation of any provision of this Order (including, without limitation, any Health Directives) constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both. The San Francisco Department of Public Health is authorized to respond to such public nuisances by issuing Notice(s) of Violation and ordering premises vacated and closed until the owner, tenant, or manager submits a written plan to eliminate all violations and the Department of Public Health finds that plan satisfactory. Such Notice(s) of Violation and orders to vacate and close may be issued based on a written report made by any City employees writing the report within the scope of their duty. The Department of Public Health must give notice of such orders to vacate and close to the Chief of Police or the Chief's designee to be executed and enforced by officers in the same manner as provided by San Francisco Health Code section 597.

**13. Effective Date.**

This Order becomes effective at 9:00 a.m. on September 14, 2020, and will continue, as updated, to be in effect until it is rescinded, superseded, or amended in writing by the Health Officer.

**14. Relation to Other Orders of the San Francisco Health Officer.**

Effective as of the date and time in Section 13 above, this Order revises and replaces Order Number C19-07h, issued September 1, 2020. This Order also extends Order Nos. C19-04 (imposing cleaning standards for residential hotels) and C19-11 (placing Laguna Honda Hospital and Rehabilitation Center under protective quarantine) without any further need to amend those orders, with those listed orders otherwise remaining in effect until the specific listed order or this Order is extended, rescinded, superseded, or amended in writing by the Health Officer. This Order does not prohibit amendment of those orders separately. This Order also does not alter the end date of any other Health Officer order or directive having its own end date or which continues indefinitely.

**15. Copies.**

The County must promptly provide copies of this Order as follows: (1) by posting on the Department of Public Health website ([www.sfdph.org/healthorders](http://www.sfdph.org/healthorders)); (2) by posting at City Hall, located at 1 Dr. Carlton B. Goodlett Pl., San Francisco, CA





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**94102; and (3) by providing to any member of the public requesting a copy. Also, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.**

**16. Severability.**

**If any provision of this Order or its application to any person or circumstance is held to be invalid, the remainder of the Order, 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 this Order are severable.**

**IT IS SO ORDERED:**

\_\_\_\_\_  
Tomás J. Aragón, MD, DrPH,  
Health Officer of the  
City and County of San Francisco

Dated: September 14, 2020

**Attachments:**

- Appendix A – Social Distancing Protocol for Businesses (revised September 14, 2020)
- Appendix B-1 – Small Construction Project Safety Protocol (revised July 13, 2020, and minor revisions on August 14, 2020)
- Appendix B-2 – Large Construction Project Safety Protocol (revised July 13, 2020, and minor revisions on August 14, 2020)
- Appendix C-1 – Additional Businesses (revised September 14, 2020)
- Appendix C-2 – Additional Activities (revised September 14, 2020)

Each business allowed to operate in San Francisco must complete, post onsite, and follow this Social Distancing Protocol checklist. The attached **Instructions and Requirements** detail what is required and how to complete this checklist.

Check off all items below that apply and list other required information.

*Business name:*

*Contact name:*

*Facility Address:*

*Email / telephone:*

*(You may contact the person listed above with any questions or comments about this protocol.)*

### **SIGNAGE & EDUCATION**

- Post signage at each public entrance of the facility requiring of everyone:
  - (1) do not enter if experiencing COVID-19 symptoms (cough, fever, or not feeling well);
  - (2) maintain a minimum six-foot distance from others in line and in the facility;
  - (3) wear a face covering; and
  - (4) for self-brought bags, keep bags in a cart/basket or carry them and self-place items in bags after checkout
- Post a copy of this two-page Social Distancing Protocol checklist at each public entrance
- Post signage showing maximum number of patrons who can be in line and in the facility
- Educate Personnel about this Protocol and other COVID-19 related safety requirements

### **PROTECTIVE MEASURES**

- Follow Sections 2.1 through 2.4 below, including:
  - Ensure Personnel stay home or leave work if they are sick
  - Provide Personnel a copy of the Personnel Screening Attachment (A-1) to ensure they understand when to stay home; translated versions are available online
  - Ensure Personnel review health criteria before each shift and advise Personnel what to do if they are required to stay home
- Require Personnel and patrons to wear a face covering as required by Health Officer orders
- Implement a plan to keep site Personnel safe, including by limiting the number of Personnel and patrons onsite to a number that ensures physical distancing and favoring allowing Personnel to carry out their duties from home when possible
- Ensure that patrons may cancel an appointment or reservation without financial penalty based on any COVID-19 symptoms or a COVID-19 related reason and require cancelation for fever or severe coughing not explained by a pre-existing condition, but you may offer to reschedule for another time if the patron wants to reschedule instead of to cancel

### **MEASURES TO PREVENT UNNECESSARY CONTACT**

- Tell Personnel and patrons to maintain physical distancing of at least six feet, except Personnel may momentarily come closer when necessary to accept payment, deliver goods or services, or as otherwise necessary
- Separate all used desks or individual work stations by at least six feet
- Place markings in patron line areas to ensure six feet physical distancing (inside and outside)

Provide for contactless payment systems or, if not feasible, disinfect payment systems regularly. The Board of Supervisors has required businesses to accept cash—if cash is used encourage exact change.

Maintain Plexiglas or other barriers between patrons and Personnel at point of payment (if not possible, then ensure at least six feet of distance)

Limit the number of patrons in the business at any one time to: \_\_\_\_\_

Separate ordering areas from delivery areas or similarly help distance patrons when possible

Optional—Describe other measures:

## **SANITIZING MEASURES**

Regularly disinfect high touch areas, and do so continuously for surfaces patrons touch (countertops, payment systems, pens, and styluses)

Provide disinfecting wipes that are effective against SARS-CoV-2 near shopping carts, shopping baskets, and high-touch surfaces and provide hand sanitizer

Have Personnel disinfect carts and baskets after each use

Provide hand sanitizer, sink with soap and water, and/or disinfecting wipes to patrons and Personnel at or near the entrance of the facility, at checkout counters, and anywhere else where people have direct interactions

Disinfect break rooms, bathrooms, and other common areas frequently, on the following schedule:

Break rooms:

Bathrooms:

Other:

Prevent people from self-serving any items that are food-related:

Provide lids and utensils for food items by Personnel, not for patrons to grab

Limit access to bulk-item food bins to Personnel—no self-service use

Require patrons and Personnel to follow requirements of Section 3.25 below for self-brought bags, and prohibit patrons from bringing any other reusable items such as coffee mugs.

Prohibit Personnel from using shared food prep equipment for their own use (e.g., microwaves, water coolers), but microwaves may be used if disinfected between each use and hand sanitizer is available nearby and water coolers may be used as outlined in Section 3.14 below.

Optional—Describe other measures (e.g., providing senior-only hours):

## **INDUSTRY-SPECIFIC DIRECTIVES**

Ensure that you have read and implemented the attached list of requirements.

In addition to complying with the Social Distancing Protocol, many businesses must comply with additional, industry-specific directives. Go to [www.sfdph.org/directives](http://www.sfdph.org/directives) and check to see if your business is subject to one or more additional directives. For each one, you must review the Health and Safety Plan (HSP) requirements and post an additional checklist for each one that applies. In the event that any directive changes the requirements of the Social Distancing Protocol, the more specific language of the directive controls, even if it is less restrictive. Check this box after you have checked the list of directives and posted any other required HSP.

\* Any additional measures may be listed on separate pages and attached.

**[You are not required to post these Instructions and Requirements]****Instructions:**

The two-page Social Distancing Protocol checklist above must reflect the business's completion of each requirement listed below unless an item is not applicable. Use the two-page checklist above to show compliance with these requirements. The business does not need to post these Instructions and Requirements, only the checklist above. The term "Personnel" is defined in Health Officer Order to which this Appendix is attached. The term "patron" includes customers, others seeking services, visitors, and guests.

**Requirements:**

In addition to the items below, this protocol requires the business to ensure that Personnel who perform work associated with the business are covered by the Social Distancing Protocol checklist and comply with those requirements. Each business is required to take certain steps in the protocol related to its Personnel, including the actions listed in Sections 2.1 through 2.4 below if Personnel are sick. Each business is prohibited from taking any adverse action against any Personnel for staying home in the circumstances listed in Sections 2.1 through 2.4 below. Personnel of each business are prohibited from coming to work if they are sick and must comply with the protocol, including the rules for returning to work listed in Sections 2.1 through 2.4 below.

**1. Signage and Education**

- 1.1.** Post signage at each public entrance of the facility or location (if any) to inform all patrons that they must: not wait in line or enter the facility or location if they have a cough or fever or are not feeling well; maintain a minimum six-foot distance from others while in line or in the facility or location; wear a face covering or barrier mask (a "Face Covering") at all times; not shake hands or engage in any unnecessary physical contact; and, if they bring their own reusable bags, leave the bags in a shopping cart/basket or carry them and bag their own items after checkout. Criteria for Face Coverings and the requirements related to their use are set forth in Health Officer Order No. C19-12, issued on April 17, 2020 (the "Face Covering Order"), including as that order is updated in the future. Sample signs are available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>. A list of common symptoms of COVID-19 can be found at <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>.
- 1.2.** Post a copy of the Social Distancing Protocol checklist at each public entrance to the facility or location.
- 1.3.** Distribute to all Personnel copies of the Social Distancing Protocol checklist in hardcopy or electronic format.
- 1.4.** Educate all Personnel on the requirements of the Social Distancing Protocol and any other Health Officer directive that applies.

**2. Screening Requirements and Related Restrictions**

[Entire section revised 9/14/20] Businesses and other entities in the City that are allowed to operate must screen all Personnel each day using the screening process described in Sections 2.1 through 2.4 below. Attached to this Appendix is the Personnel Screening Attachment (**Attachment A-1**) which provides the questions that must be used for that purpose. That form

may be used, or the business may adapt the questions for use through another method such as by phone, text message, email, web interface, or app.

Separately, many businesses and other entities that are allowed to operate are required by separate directives to screen guests, visitors, customers, or others using similar questions. Attached to this Appendix is the San Francisco COVID-19 Health Screening Form (**Attachment A-2**) that may be used for this purpose. If a directive requires use of the San Francisco COVID-19 Health Screening Form, then that form must be used or the business or entity may adapt the questions for use through another method such as by phone, text message, email, web interface, or app.

A copy of the applicable screening form should be provided to anyone on request, although a poster or other large-format version of the form may be used to review the questions with people verbally at entrances. Businesses and organizations can use the guidance available online at <https://www.sfcddcp.org/wp-content/uploads/2020/05/COVID19-Screening-Questions-UPDATE-05.26.2020.pdf> for determining how best to conduct screening. The City has flyers, posters, fact sheets, and social media graphics available in multiple languages for use by the community. These resources include posters regarding use of Face Coverings and screening. These resources are available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>.

The screening requirements listed in this Appendix are subject to any more specific (or different) requirements that apply under any other Health Officer directive or order.

#### Personnel Screening and Restrictions:

- 2.1.** Instruct all Personnel orally and in writing not to come to work or the facility if they are sick.
- 2.2.** Provide a copy of the Personnel Screening Attachment (**Attachment A-1**) to all Personnel who regularly work at the facility or location in hardcopy format or electronically. PDF and translated versions of the Personnel Screening Attachment can be found at [www.sfcddcp.org/screening-handout](http://www.sfcddcp.org/screening-handout). If the Personnel Screening Attachment is updated, provide an updated copy to all Personnel. Instead of sending out the attachment, Businesses may adopt the questions from the Personnel Screening Attachment and ask Personnel those questions through another format.
- 2.3.** Review the criteria listed in Part 1 of the Personnel Screening Attachment on a daily basis with all Personnel in the City who regularly work at the facility or location before each person enters work spaces or begins a shift. If such a review is not feasible because the business does not directly interact with some Personnel onsite daily, then that business must for those Personnel (1) instruct such Personnel to review the criteria before each shift in the City and (2) have such Personnel report to the business that they are okay to begin the shift such as through an app, website, or phone call.

Instruct any Personnel who answered yes to any question in Part 1 of the Personnel Screening Attachment to return home or not come to work and follow the directions on the Attachment.

- 2.4.** Instruct Personnel who stayed home or who went home based on the criteria listed on the Personnel Screening Attachment that they must follow the criteria as well as any applicable requirements from the quarantine and isolation directives (available at [www.sfdph.org/healthorders](http://www.sfdph.org/healthorders)) before returning to work. If they are required to self-quarantine or self-isolate, they may only return to work after they have completed self-quarantine or self-isolation. If they test negative for the virus (no virus found), they may only return to work after

waiting for the amount of time listed on the Attachment after their symptoms have resolved. Personnel are not required to provide a medical clearance letter to return to work as long as they have met the requirements outlined on the Personnel Screening Attachment. Additional information about insulation and quarantine is available online at [www.sfcdcp.org/i&q](http://www.sfcdcp.org/i&q).

### Guest, Visitor, Customer, and Other People Screening and Restrictions:

**2.5.** Health Officer directives may require screening of guests, visitors, customers, and others using the San Francisco COVID-19 Health Screening Form (**Attachment A-2**). In general, anyone who answers “yes” to any screening question on the San Francisco COVID-19 Health Screening Form should not enter the business or facility because they are at risk of having the virus that causes COVID-19. The form lists steps that should be taken by anyone who answers “yes” to a screening question. In some instances, a Health Officer directive will require that anyone who answers “yes” to be prevented from entry. In other situations, the Department of Public Health discourages organizations from denying essential services to those who may answer “yes” to any of the questions and encourages organizations to find alternative means to meet clients’ needs that would not require them to enter the facility.

### **3. Other Personnel and Patron Protection and Sanitation Requirements:**

- 3.1.** Businesses must periodically check the following website for any testing requirements for employers and businesses: [www.sfcdcp.org/covid19](http://www.sfcdcp.org/covid19). If requirements are added, ensure that the business and all Personnel comply with testing requirements.
- 3.2.** If an aspect of the business is allowed to operate and is covered by a Health Officer directive, then the business must comply with all applicable directives as well as this Social Distancing Protocol. Copies of other directives are available online at [www.sfdph.org/directives](http://www.sfdph.org/directives). For each directive that applies, review the Health and Safety Plan (HSP) requirements and post an additional HSP checklist for each one that applies. In the event that any directive changes the requirements of the Social Distancing Protocol, the more specific language of the directive controls, even if it is less restrictive.
- 3.3.** Instruct all Personnel and patrons to maintain at least a six-foot distance from others, including when in line and when shopping or collecting goods on behalf of patrons, except when momentarily necessary to facilitate or accept payment and hand off items or deliver goods. Note that if the business cannot ensure maintenance of a six-foot distance within the location or facility between Personnel or other people onsite, such as by moving work stations or spreading Personnel out, it must reduce the number of Personnel permitted in the location or facility accordingly.
- 3.4.** Provide Face Coverings for all Personnel, with instructions that they must wear Face Coverings at all times when at work, as further set forth in the Face Covering Order. A sample sign is available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>. Allow Personnel to bring their own Face Covering if they bring one that has been cleaned before the shift. In general, people should have multiple Face Coverings (whether reusable or disposable) to ensure they use a clean one each day. The Face Covering Order permits certain exceptions, and the business should be aware of exceptions that allow a person not to wear a Face Covering (for example, children 12 years old or younger or based on a written medical excuse). When Personnel do not wear a Face Covering because of an exception, take steps to otherwise increase safety for all.
- 3.5.** If patrons wait in line outside or inside any facility or location operated by the business, require patrons to wear a Face Covering while waiting in line outside or inside the facility or

location. This includes taking steps to notify patrons they will not be served if they are in line without a Face Covering and refusing to serve a patron without a Face Covering, as further provided in the Face Covering Order. The business may provide a clean Face Covering to patrons while in line. For clarity, the transaction or service must be aborted if the patron is not wearing a Face Covering. But the business must permit a patron who is excused by the Face Covering Order from wearing a Face Covering to conduct their transaction or obtain service, including by taking steps that can otherwise increase safety for all.

- 3.6.** Provide a sink with soap, water, and paper towels for handwashing for all Personnel working onsite at the facility or location and for patrons if sinks and restrooms are open to patrons. Require that all Personnel wash hands at least at the start and end of each shift, after sneezing, coughing, eating, drinking, smoking (to the extent smoking is allowed by law and the business), or using the restroom, when changing tasks, and, when possible, frequently during each shift. Personnel who work off-site, such as driving or delivering goods, must be required to use hand sanitizer throughout their shift.
- 3.7.** Provide hand sanitizer effective against SARS-CoV-2, the virus that causes COVID-19, at appropriate locations for patrons and elsewhere at the facility or location for Personnel. Sanitizer must also be provided to Personnel who shop, deliver, or drive for use when they are shopping, delivering, or driving. If sanitizer cannot be obtained, a handwashing station with soap, water, and paper towels will suffice for Personnel who are on-site at the facility or location. But for Personnel who shop, deliver, or drive in relation to their work, the business must provide hand sanitizer effective against SARS-CoV-2 at all times; for any period during which the business does not provide sanitizer to such shopping, delivery, or driving Personnel, the business is not allowed for that aspect of its service to operate in the City. Information on hand sanitizer, including sanitizer effective against SARS-CoV-2 and how to obtain sanitizer, is available online from the Food and Drug Administration here: <https://www.fda.gov/drugs/information-drug-class/ga-consumers-hand-sanitizers-and-covid-19>.
- 3.8.** Provide disinfectant and related supplies to Personnel and require Personnel to sanitize all high-touch surfaces under their control, including but not limited to: shopping carts and baskets used by Personnel and patrons; countertops, food/item display cases, refrigerator and freezer case doors, drawers with tools or hardware, and check-out areas; cash registers, payment equipment, and self-check-out kiosks; door handles; tools and equipment used by Personnel during a shift; and any inventory-tracking or delivery-tracking equipment or devices which require handling throughout a work shift. These items should be routinely disinfected during the course of the day, including as required below. A list of products listed by the United States Environmental Protection Agency as meeting criteria for use against SARS-CoV-2 can be found online here: <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>.
- 3.9.** Ensure that all shared devices and equipment are cleaned and/or sanitized by Personnel on frequent schedules, not less than at the beginning and end of each Personnel member's work shift and during the shift.
- 3.10.** Direct all Personnel to avoid touching unsanitized surfaces that may be frequently touched, such as door handles, tools, or credit cards, unless protective equipment such as gloves (provided by the business) are used and discarded after each use or hand sanitizer is used after each interaction.
- 3.11.** Frequently disinfect any break rooms, bathrooms, and other common areas. Create and use a daily checklist to document each time disinfection of these rooms or areas occurs.

Conspicuously post the checklist inside each respective break room, bathroom, or other common area clearly detailing the dates and times the room was last cleaned, disinfected, or restocked.

- 3.12.** For any facility or location that has carts, baskets, or other equipment for use by Personnel, assign Personnel to disinfect carts, baskets, or other equipment after each use and take steps to prevent anyone from grabbing used carts, baskets, or other equipment before disinfection.
- 3.13.** Establish adequate time in the work day to allow for proper cleaning and decontamination throughout the facility or location by Personnel including, but not limited to, before closing for the day and opening in the morning.
- 3.14.** *[Revised 8/14/20]* Except as listed in this Section 3.14, suspend use of any microwaves, water coolers, drinking fountains, and other similar group equipment for breaks until further notice. Microwaves may be used if disinfected by wiping the interior and exterior with an approved disinfectant after each use. Water coolers may be used if: i) touch surfaces are wiped down with an approved disinfectant after each use; and ii) any person changing a container-type water cooler must wash their hands or use hand sanitizer immediately prior to handling/replacing the water container.
- 3.15.** When possible, provide a barrier between the patron and the cashier such as a plexi-glass temporary barrier. When not possible, create sufficient space to enable the patron to stand more than six feet away from the cashier while items are being scanned/tallied and bagged.
- 3.16.** Provide for contactless payment systems or, if not feasible, sanitize payment systems, including touch screens, payment portals, pens, and styluses, after each patron use. Patrons may pay with cash but to further limit person-to-person contact, Personnel should encourage patrons to use credit, debit, or gift cards for payment.
- 3.17.** For any larger facility or location, appoint a designated sanitation worker at all times to continuously clean and sanitize commonly touched surfaces and meet the environmental cleaning guidelines set by the Center for Disease Control and Prevention.
- 3.18.** If an employee or other Personnel tests positive for COVID-19 or SARS-CoV-2, follow the guidance on “Business guidance if a staff member tests positive for COVID-19,” available at <https://sf.gov/business-guidance-if-staff-member-tests-positive-covid-19>.
- 3.19.** Post signs to advise patrons of the maximum line capacity to ensure that the maximum number of patrons in line is not exceeded. Once the maximum number of patrons is reached, patrons should be advised to return later to prevent buildup of congestion in the line.
- 3.20.** Place tape or other markings on the sidewalk or floor at least six feet apart in patron line areas with signs directing patrons to use the markings to maintain distance.
- 3.21.** When stocking shelves, if any, ensure that Personnel wash or sanitize hands before placing items on shelves, making sure to again wash or sanitize hands if they become contaminated by touching face or hair or being exposed to other soiled surfaces.
- 3.22.** Ensure that all Personnel who select items on behalf of patrons wear a Face Covering when selecting, packing, and/or delivering items.
- 3.23.** Require Personnel to wash hands frequently, including:



- When entering any kitchen or food preparation area
- Before starting food preparation or handling
- After touching their face, hair, or other areas of the body
- After using the restroom
- After coughing, sneezing, using a tissue, smoking, eating, or drinking
- Before putting on gloves
- After engaging in other activities that may contaminate the hands

**3.24.** Assign Personnel to keep soap and paper towels stocked at sinks and handwashing stations at least every hour and to replenish other sanitizing products.

**3.25.** [Added 7/13/20] If patrons bring their own reusable shopping bags, ensure that such bags, even in contexts other than grocery stores, are handled in a manner consistent with Cal/OSHA requirements available at <https://www.dir.ca.gov/dosh/Coronavirus/COVID-19-Infection-Prevention-in-Grocery-Stores.pdf>, including all of the following:

- Post signs at all entrances with infection control information to patrons, including requiring patrons to leave their own bags in the shopping cart or basket or carry them and bag their own items after checkout;
- Ensure that Personnel do not touch the bags or place items in them;
- Bags must not be placed on a conveyor belt, checkout area countertop, or other surface where patrons are served;
- Ensure that patrons bag their own items if they bring their own bags;
- Bags may not be loaded on the checkout area surface. Items can be left in a cart/basket and bagged elsewhere by the patron after checkout;
- Ensure that patrons maintain physical distancing while bagging their items; and
- Increase the frequency of disinfection in bagging areas and patron service areas frequented by patrons.

**3.26.** [Added 7/13/20] If a patron has symptoms of COVID-19 (see Section 1.1 above) or is otherwise unable to participate in an appointment or reservation for a COVID-19 related reason, the business must allow the patron to cancel without any financial penalty. If the patron reports having a fever or has a severe cough not explained by a pre-existing condition, the business must cancel the appointment or reservation. The business may offer to reschedule the appointment or reservation but cannot require rescheduling instead of allowing the patron to cancel. In the healthcare context, more specific Health Officer directives may allow appointments when a patient or client is ill, and the requirements of the directive must be followed in that situation.

Note – Sections 3.14 and 3.26 control over any contrary language in Health Officer Directive Nos. 2020-05, 2020-06, and 2020-07 until each of them is amended or updated.

## **ATTACHMENT A-1: Personnel Screening Form**

(September 14, 2020)

Any business or entity that is allowed to operate in San Francisco during the COVID-19 pandemic MUST screen Personnel with the questions below on a daily basis as part of its Social Distancing Protocol compliance and provide this information to Personnel. Go to [www.sfgcdcp.org/screening-handout](http://www.sfgcdcp.org/screening-handout) for more information or a copy of this form. Do not use this form to screen customers, visitors, or guests. The screening form for Non-Personnel is available at [www.sfgcdcp.org/screeningvisitors](http://www.sfgcdcp.org/screeningvisitors). Health Officer orders or directives may provide additional screening requirements.

### **Part 1 – You must answer the following questions before starting your work every day that you work.**

You may be required to provide the answers in person or via phone or other electronic means to the Business before the start of each shift. If any answers change while you are at work, notify the Business by phone and leave the workplace.

1. In the last 10 days, have you been diagnosed with COVID-19 or had a test confirming you have the virus?
2. In the past 14 days, have you had “Close Contact” with someone who was diagnosed with COVID-19 or had a test confirming they have the virus while they were contagious<sup>†</sup>?
  - † “Close Contact” means you had any of the following types of contact with the person with COVID-19 while they were contagious<sup>‡</sup>:
    - Lived or stayed overnight with them
    - Was their intimate sex partner
    - Took care of them or they took care of you
    - Stayed within 6 feet of them for more than 15 minutes
    - Exposed to direct contact with their body fluids or secretions (e.g., they coughed or sneezed on you) while you were not wearing a face mask, gown, and gloves
  - ‡ Contagiousness: People with COVID-19 are considered contagious starting 48 hours before their symptoms began until 1) they haven’t had a fever for at least 24 hours, 2) their symptoms have improved, AND 3) at least 10 days have passed since their symptoms began. If the person with COVID-19 never had symptoms, then they are considered contagious starting 48 hours before their test that confirmed they have COVID-19 until 10 days after the date of that test.
3. Have you had one or more of these symptoms today or within the past 24 hours which is new or not explained by another condition?
  - Fever (100.4°F/38.0°C or greater), chills, repeated shaking/shivering
  - Cough
  - Sore throat
  - Shortness of breath, difficulty breathing
  - Feeling unusually weak or fatigued
  - Loss of taste or smell
  - Muscle or body aches
  - Headache
  - Runny or congested nose
  - Diarrhea
  - Nausea or vomiting

If you answer “YES” to ANY of these 3 questions, do not enter any business or facility and follow the steps listed in Part 2 below.

### **Part 2 –**

- If you answered **YES to Question 1 or Question 2. DO NOT GO TO WORK.** And:
  - You **MUST** follow the rules **mandated** by the Health Officer Isolation/Quarantine Directive No 2020-03c/02c. **Follow Isolation/Quarantine Steps** at: [www.sfgcdcp.org/Home-Isolation-Quarantine-Guidelines](http://www.sfgcdcp.org/Home-Isolation-Quarantine-Guidelines)
  - Do not return to work until the Isolation or Quarantine Steps tell you it is safe to return!
- If you answered **YES to Question 3:** You may have COVID-19 and **must be tested for the virus** before returning to work. Without a test, the Business must treat you as being positive for COVID-19 and require you to stay out of work for at least **10** calendar days. To return to work sooner and protect others, **follow these steps:**
  1. **GET TESTED!** If you have insurance, contact your healthcare provider to get tested for COVID-19. If you do not have insurance, you can sign up for free testing at CityTestSF (<https://sf.gov/citytestsf>). If you live outside the City, you can check with the county where you live, get tested by your usual healthcare provider, or use CityTestSF.
  2. Wait for your results at home and follow the instructions at [www.sfgcdcp.org/Home-Isolation-Quarantine-Guidelines](http://www.sfgcdcp.org/Home-Isolation-Quarantine-Guidelines) to determine next steps. Only return to work when those guidelines say it is safe.

## **ATTACHMENT A-2: San Francisco COVID-19 Health Screening Form**

(September 14, 2020)

This handout is for use by anyone who is screening non-personnel individuals (such as clients, visitors, etc.) prior to entry into a location or business. **SFDPH discourages anyone from denying core essential services (such as food, medicine, shelter, or social services) to those who may answer “yes” to any of the questions below and encourages people to find alternative means to meet clients’ needs that would not require them to enter the location.** Health Officer Directives may provide additional requirements regarding screening in a specific context.

Go to [www.sfgcdcp.org/businesses](http://www.sfgcdcp.org/businesses) for more information or a copy of this form.

Screening forms for personnel can be found at [www.sfgcdcp.org/screening-handout](http://www.sfgcdcp.org/screening-handout).

### **Part 1 – Please answer the following questions before entering this location.**

1. In the last 10 days, have you been diagnosed with COVID-19 or had a test confirming you have the virus?
2. In the past 14 days, have you had “**Close Contact**” with someone who was diagnosed with COVID-19 or had a test confirming they have the virus while they were contagious<sup>†</sup>?
  - † “Close Contact” means you had any of the following types of contact with the person with COVID-19 while they were contagious<sup>‡</sup>:
    - Lived or stayed overnight with them
    - Was their intimate sex partner
    - Took care of them or they took care of you
    - Stayed within 6 feet of them for more than 15 minutes
    - Exposed to direct contact with their body fluids or secretions (e.g., they coughed or sneezed on you) while you were not wearing a face mask, gown, and gloves
  - ‡ Contagiousness: People with COVID-19 are considered infectious starting 48 hours before their symptoms began until 1) they haven’t had a fever for at least 24 hours, 2) their symptoms have improved, AND 3) at least 10 days have passed since their symptoms began. If the person with COVID-19 never had symptoms, then they are considered infectious starting 48 hours before their test that confirmed they have COVID-19 until 10 days after the date of that test.
3. Have you had one or more of these symptoms today or within the past 24 hours which is new or not explained by another condition?
  - Fever (100.4°F/38.0°C or greater), chills, repeated shaking/shivering
  - Cough
  - Sore throat
  - Shortness of breath, difficulty breathing
  - Feeling unusually weak or fatigued
  - Loss of taste or smell
  - Muscle or body aches
  - Headache
  - Runny or congested nose
  - Diarrhea
  - Nausea or vomiting

If you answer “YES” to ANY of these 3 questions, do not enter the location and follow the steps listed in Part 2 below. If you are seeking core essential services (such as food, medicine, shelter, or social services), work with the organization to determine how you can receive services these services without entering the building.

### **Part 2 –**

- If you answered **YES to Question 1 or Question 2:**
  - You **MUST** follow the rules **mandated** by the Health Officer Isolation/Quarantine Directive No 2020-03c/02c. **Follow Isolation/Quarantine Steps** at: [www.sfgcdcp.org/Home-Isolation-Quarantine-Guidelines](http://www.sfgcdcp.org/Home-Isolation-Quarantine-Guidelines)
  - Do not leave your home to the extent possible until the Isolation or Quarantine Steps tell you it is safe to do so!
  - If you need help with essential services like food, housing, or other needs while you are isolating or quarantining, call 3-1-1.
- If you answered **YES to Question 3:** You may have COVID-19 and to keep others safe, you should isolate until you know whether you have COVID-19. **Follow these steps:**
  1. Follow the instructions at: [www.sfgcdcp.org/Home-Isolation-Quarantine-Guidelines](http://www.sfgcdcp.org/Home-Isolation-Quarantine-Guidelines)
  2. **GET TESTED!** If you have insurance, contact your healthcare provider to get tested for COVID-19. If you do not have insurance, you can sign up for free testing at CityTestSF (<https://sf.gov/citytestsf>).
    - Follow the instructions in [www.sfgcdcp.org/Home-Isolation-Quarantine-Guidelines](http://www.sfgcdcp.org/Home-Isolation-Quarantine-Guidelines) to determine next steps depending on your test result.

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**Small Construction Project Safety Protocol (revised August 14, 2020)**

1. Any construction project meeting any of the following specifications is subject to this Small Construction Project Safety Protocol (“SCP Protocol”), including public works projects unless otherwise specified by the Health Officer:
  - a. For residential projects, any single-family, multi-family, senior, student, or other residential construction, renovation, or remodel project consisting of 10 units or fewer. This SCP Protocol does not apply to construction projects where a person is performing construction on their current residence either alone or solely with members of their own household.
  - b. For commercial projects, any construction, renovation, or tenant improvement project consisting of 20,000 square feet of floor area or less.
  - c. For mixed-use projects, any project that meets both of the specifications in subsections 1.a and 1.b.
  - d. All other construction projects not subject to the Large Construction Project Safety Protocol set forth in Appendix B-2.
  
2. The following restrictions and requirements must be in place at all construction job sites subject to this SCP Protocol:
  - a. Comply with all applicable and current laws and regulations including but not limited to OSHA and Cal-OSHA. If there is any conflict, difference, or discrepancy between or among applicable laws and regulations and/or this SCP Protocol, the stricter standard shall apply.
  - b. Designate a site-specific COVID-19 supervisor or supervisors to enforce this guidance. A designated COVID-19 supervisor must be present on the construction site at all times during construction activities. A COVID-19 supervisor may be an on-site worker who is designated to serve in this role.
  - c. The COVID-19 supervisor must review this SCP Protocol with all workers and visitors to the construction site.
  - d. Establish a daily screening protocol for arriving staff to ensure that potentially infected staff do not enter the construction site. If workers leave the jobsite and return the same day, establish a cleaning and decontamination protocol prior to entry and exit of the jobsite. Post the daily screening protocol at all entrances and exits to the jobsite. More information on screening can be found online at: <https://www.cdc.gov/coronavirus/2019-ncov/community/index.html>.
  - e. Practice social distancing by maintaining a minimum six-foot distance between workers at all times, except as strictly necessary to carry out a task associated with the construction project.

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- f. In the event of a confirmed case of COVID-19 at any jobsite, the following must take place:
- i. Immediately remove the infected individual from the jobsite with directions to seek medical care.
  - ii. Decontaminate and sanitize all surfaces at each location at which the infected worker was present. Provide those performing the decontamination and sanitization work with medical-grade PPE, ensure the workers are trained in proper use of the PPE, require the workers to use the provided PPE, and prohibit any sharing of the PPE. Prohibit anyone from entering the possibly contaminated area, except those performing decontamination and sanitization work. Cease all work in these locations until decontamination and sanitization is complete.
  - iii. Each subcontractor, upon learning that one of its employees is infected, must notify the General Contractor immediately, if you have one, and provide all of the information specified below. The General Contractor or other appropriate supervisor must notify the County Public Health Department Communicable Disease Control (CD Control) at 628-217-6100 immediately of every project site worker found to have a confirmed case of COVID-19, and provide all the information specified below. Follow all directives and complete any additional requirements by County health officials, including full compliance with any tracing efforts by the County.
- Information to be reported to CD Control regarding the jobsite:
    - 1) Address of jobsite;
    - 2) Name of project, if any;
    - 3) Name of General Contractor; and
    - 4) General Contractor point of contact, role, phone number and email.
  - Information to be reported to CD Control regarding the COVID-19 case(s):
    - 5) First and last name;
    - 6) Date of birth;
    - 7) Phone;
    - 8) Date tested positive;
    - 9) Date last worked;
    - 10) City of residence; and
    - 11) If the case is an employee of a subcontractor, please provide the following information:
      - Subcontractor;
      - Subcontractor contact name;
      - Subcontractor contact phone; and
      - Subcontractor contact email.
  - Information to be reported to CD Control regarding Close Contacts. For each reported case(s) above, please provide the following information (if you are

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reporting more than one positive case, please include the name of the positive case for each close contact):

- 1) Close contact's first and last name;
- 2) Phone;
- 3) City of residence; and
- 4) Positive case name.

A "Close Contact" in the workplace is anyone who:

- o Stayed within 6 feet of the Person with COVID-19 for 10 minutes or more while they were not wearing a face mask; OR
- o Had direct contact for any amount of time with the body fluids and/or secretions of the Person With COVID-19 (e.g., was coughed or sneezed on, shared utensils with, or was provided care or provided care for them without wearing a mask, gown, and gloves).

Close contacts are high risk exposures and need to quarantine for a full 14 days due to the 14 day incubation period of the virus. Even if a close contact tests negative within 14 days of their last exposure to the case, they must continue quarantining the full 14 day period to prevent transmission of the virus.

- g. Where construction work occurs within an occupied residential unit, separate work areas must be sealed off from the remainder of the unit with physical barriers such as plastic sheeting or closed doors sealed with tape to the extent feasible. If possible, workers must access the work area from an alternative entry/exit door to the entry/exit door used by residents. Available windows and exhaust fans must be used to ventilate the work area. If residents have access to the work area between workdays, the work area must be cleaned and sanitized at the beginning and at the end of workdays. Every effort must be taken to minimize contact between workers and residents, including maintaining a minimum of six feet of social distancing at all times.
- h. Where construction work occurs within common areas of an occupied residential or commercial building or a mixed-use building in use by on-site employees or residents, separate work areas must be sealed off from the rest of the common areas with physical barriers such as plastic sheeting or closed doors sealed with tape to the extent feasible. If possible, workers must access the work area from an alternative building entry/exit door to the building entry/exit door used by residents or other users of the building. Every effort must be taken to minimize contact between worker and building residents and users, including maintaining a minimum of six feet of social distancing at all times.
- i. Prohibit gatherings of any size on the jobsite, including gatherings for breaks or eating, except for meetings regarding compliance with this protocol or as strictly necessary to carry out a task associated with the construction project.

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- j. Cal-OSHA requires employers to provide water, which should be provided in single-serve containers. Sharing of any of any food or beverage is strictly prohibited and if sharing is observed, the worker must be sent home for the day.
- k. Provide personal protective equipment (PPE) specifically for use in construction, including gloves, goggles, face shields, and face coverings as appropriate for the activity being performed. At no time may a contractor secure or use medical-grade PPE unless required due to the medical nature of a jobsite. Face coverings must be worn in compliance with Health Officer Order No. C19-12b, issued April 17, 2020 and revised May 28, 2020, or any subsequently issued or amended order.
- l. Prohibit use of microwaves, water coolers, and other similar shared equipment except as allowed by the Social Distancing Protocol (Appendix A).
- m. Strictly control “choke points” and “high-risk areas” where workers are unable to maintain six-foot social distancing and prohibit or limit use to ensure that six-foot distance can easily be maintained between individuals.
- n. Minimize interactions and maintain social distancing with all site visitors, including delivery workers, design professional and other project consultants, government agency representatives, including building and fire inspectors, and residents at residential construction sites.
- o. Stagger trades as necessary to reduce density and allow for easy maintenance of minimum six-foot separation.
- p. Discourage workers from using others’ desks, work tools, and equipment. If more than one worker uses these items, the items must be cleaned and disinfected with disinfectants that are effective against COVID-19 in between use by each new worker. Prohibit sharing of PPE.
- q. If hand washing facilities are not available at the jobsite, place portable wash stations or hand sanitizers that are effective against COVID-19 at entrances to the jobsite and in multiple locations dispersed throughout the jobsite as warranted.
- r. Clean and sanitize any hand washing facilities, portable wash stations, jobsite restroom areas, or other enclosed spaces daily with disinfectants that are effective against COVID-19. Frequently clean and disinfect all high touch areas, including entry and exit areas, high traffic areas, rest rooms, hand washing areas, high touch surfaces, tools, and equipment
- s. Maintain a daily attendance log of all workers and visitors that includes contact information, including name, phone number, address, and email.
- t. Post a notice in an area visible to all workers and visitors instructing workers and visitors to do the following:
  - i. Do not touch your face with unwashed hands or with gloves.

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- ii. Frequently wash your hands with soap and water for at least 20 seconds or use hand sanitizer with at least 60% alcohol.
  - iii. Clean and disinfect frequently touched objects and surfaces such as work stations, keyboards, telephones, handrails, machines, shared tools, elevator control buttons, and doorknobs.
  - iv. Cover your mouth and nose when coughing or sneezing, or cough or sneeze into the crook of your arm at your elbow/sleeve.
  - v. Do not enter the jobsite if you have a fever, cough, or other COVID-19 symptoms. If you feel sick, or have been exposed to anyone who is sick, stay at home.
  - vi. Constantly observe your work distances in relation to other staff. Maintain the recommended minimum six feet at all times when not wearing the necessary PPE for working in close proximity to another person.
  - vii. Do not carpool to and from the jobsite with anyone except members of your own household unit, or as necessary for workers who have no alternative means of transportation.
  - viii. Do not share phones or PPE.
- u. The notice in Section 2.t must be translated as necessary to ensure that all non-English speaking workers are able to understand the notice.



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**Large Construction Project Safety Protocol (revised August 14, 2020)**

1. Any construction project meeting any of the following specifications is subject to this Large Construction Project Safety Protocol (“LCP Protocol”), including public works projects unless otherwise specified by the Health Officer:
  - a. For residential construction projects, any single-family, multi-family, senior, student, or other residential construction, renovation, or remodel project consisting of more than 10 units.
  - b. For commercial construction projects, any construction, renovation, or tenant improvement project consisting of more than 20,000 square feet of floor area.
  - c. For construction of Essential Infrastructure, as defined in Section 8.1 of the Order, any project that requires twenty or more workers at the jobsite at any one time.
2. The following restrictions and requirements must be in place at all construction job sites subject to this LCP Protocol:
  - a. Comply with all applicable and current laws and regulations including but not limited to OSHA and Cal-OSHA. If there is any conflict, difference or discrepancy between or among applicable laws and regulations and/or this LCP Protocol, the stricter standard will apply.
  - b. Prepare a new or updated Site-Specific Health and Safety Plan to address COVID-19-related issues, post the Plan on-site at all entrances and exits, and produce a copy of the Plan to County governmental authorities upon request. The Plan must be translated as necessary to ensure that all non-English speaking workers are able to understand the Plan.
  - c. Provide personal protective equipment (PPE) specifically for use in construction, including gloves, goggles, face shields, and face coverings as appropriate for the activity being performed. At no time may a contractor secure or use medical-grade PPE, unless required due to the medical nature of a job site. Face Coverings must be worn in compliance with Health Officer Order No. C19-12b, issued April 17, 2020 and revised May 28, 2020, or any subsequently issued or amended order.
  - d. Ensure that employees are trained in the use of PPE. Maintain and make available a log of all PPE training provided to employees and monitor all employees to ensure proper use of the PPE.
  - e. Prohibit sharing of PPE.
  - f. Implement social distancing requirements including, at minimum:

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- i. Stagger stop- and start-times for shift schedules to reduce the quantity of workers at the jobsite at any one time to the extent feasible.
- ii. Stagger trade-specific work to minimize the quantity of workers at the jobsite at any one time.
- iii. Require social distancing by maintaining a minimum six-foot distance between workers at all times, except as strictly necessary to carry out a task associated with the project.
- iv. Prohibit gatherings of any size on the jobsite, except for safety meetings or as strictly necessary to carry out a task associated with the project.
- v. Strictly control “choke points” and “high-risk areas” where workers are unable to maintain minimum six-foot social distancing and prohibit or limit use to ensure that minimum six-foot distancing can easily be maintained between workers.
- vi. Minimize interactions and maintain social distancing with all site visitors, including delivery workers, design professional and other project consultants, government agency representatives, including building and fire inspectors, and residents at residential construction sites.
- vii. Prohibit workers from using others’ phones or desks. Any work tools or equipment that must be used by more than one worker must be cleaned with disinfectants that are effective against COVID-19 before use by a new worker.
- viii. Place wash stations or hand sanitizers that are effective against COVID-19 at entrances to the jobsite and in multiple locations dispersed throughout the jobsite as warranted.
- ix. Maintain a daily attendance log of all workers and visitors that includes contact information, including name, address, phone number, and email.
- x. Post a notice in an area visible to all workers and visitors instructing workers and visitors to do the following:
  1. Do not touch your face with unwashed hands or with gloves.
  2. Frequently wash your hands with soap and water for at least 20 seconds or use hand sanitizer with at least 60% alcohol.
  3. Clean and disinfect frequently touched objects and surfaces such as workstations, keyboards, telephones, handrails, machines, shared tools, elevator control buttons, and doorknobs.
  4. Cover your mouth and nose when coughing or sneezing or cough or sneeze into the crook of your arm at your elbow/sleeve.
  5. Do not enter the jobsite if you have a fever, cough, or other COVID-19 symptoms. If you feel sick, or have been exposed to anyone who is sick, stay at home.
  6. Constantly observe your work distances in relation to other staff. Maintain the recommended minimum six-foot distancing at all times when not wearing the necessary PPE for working in close proximity to another person.
  7. Do not share phones or PPE.

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- xi. The notice in section 2.f.x must be translated as necessary to ensure that all non-English speaking workers are able to understand the notice.
  
- g. Implement cleaning and sanitization practices in accordance with the following:
  - i. Frequently clean and sanitize, in accordance with CDC guidelines, all high-traffic and high-touch areas including, at a minimum: meeting areas, jobsite lunch and break areas, entrances and exits to the jobsite, jobsite trailers, hand-washing areas, tools, equipment, jobsite restroom areas, stairs, elevators, and lifts.
  - ii. Establish a cleaning and decontamination protocol prior to entry and exit of the jobsite and post the protocol at entrances and exits of jobsite.
  - iii. Supply all personnel performing cleaning and sanitization with proper PPE to prevent them from contracting COVID-19. Employees must not share PPE.
  - iv. Establish adequate time in the workday to allow for proper cleaning and decontamination including prior to starting at or leaving the jobsite for the day.
  
- h. Implement a COVID-19 community spread reduction plan as part of the Site-Specific Health and Safety Plan that includes, at minimum, the following restrictions and requirements:
  - i. Prohibit all carpooling to and from the jobsite except by workers living within the same household unit, or as necessary for workers who have no alternative means of transportation.
  - ii. Cal-OSHA requires employers to provide water, which should be provided in single-serve containers. Prohibit any sharing of any food or beverage and if sharing is observed, the worker must be sent home for the day.
  - iii. Prohibit use of microwaves, water coolers, and other similar shared equipment except as allowed by the Social Distancing Protocol (Appendix A).
  
- i. Assign a COVID-19 Safety Compliance Officer (SCO) to the jobsite and ensure the SCO's name is posted on the Site-Specific Health and Safety Plan. The SCO must:
  - i. Ensure implementation of all recommended safety and sanitation requirements regarding the COVID-19 virus at the jobsite.
  - ii. Compile daily written verification that each jobsite is compliant with the components of this LCP Protocol. Each written verification form must be copied, stored, and made immediately available upon request by any County official.
  - iii. Establish a daily screening protocol for arriving staff, to ensure that potentially infected staff do not enter the construction site. If workers leave the jobsite and return the same day, establish a cleaning and decontamination protocol prior to entry and exit of the jobsite. Post the daily screening protocol at all entrances and exit to the jobsite. More information on screening can be found online at: <https://www.cdc.gov/coronavirus/2019-ncov/community/index.html>.
  - iv. Conduct daily briefings in person or by teleconference that must cover the following topics:
    - 1. New jobsite rules and pre-job site travel restrictions for the prevention of COVID-19 community spread.
    - 2. Review of sanitation and hygiene procedures.
    - 3. Solicitation of worker feedback on improving safety and sanitation.

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4. Coordination of construction site daily cleaning/sanitation requirements.
  5. Conveying updated information regarding COVID-19.
  6. Emergency protocols in the event of an exposure or suspected exposure to COVID-19.
- v. Develop and ensure implementation of a remediation plan to address any non-compliance with this LCP Protocol and post remediation plan at entrance and exit of jobsite during remediation period. The remediation plan must be translated as necessary to ensure that all non-English speaking workers are able to understand the document.
  - vi. The SCO must not permit any construction activity to continue without bringing such activity into compliance with these requirements.
  - vii. Report repeated non-compliance with this LCP Protocol to the appropriate jobsite supervisors and a designated County official.
- j. Assign a COVID-19 Third-Party Jobsite Safety Accountability Supervisor (JSAS) for the jobsite, who at a minimum holds an OSHA-30 certificate and first-aid training within the past two years, who must be trained in the protocols herein and verify compliance, including by visual inspection and random interviews with workers, with this LCP Protocol.
- i. Within seven calendar days of each jobsite visit, the JSAS must complete a written assessment identifying any failure to comply with this LCP Protocol. The written assessment must be copied, stored, and, upon request by the County, sent to a designated County official.
  - ii. If the JSAS discovers that a jobsite is not in compliance with this LCP Protocol, the JSAS must work with the SCO to develop and implement a remediation plan.
  - iii. The JSAS must coordinate with the SCO to prohibit continuation of any work activity not in compliance with rules stated herein until addressed and the continuing work is compliant.
  - iv. The remediation plan must be sent to a designated County official within five calendar days of the JSAS's discovery of the failure to comply.
- k. In the event of a confirmed case of COVID-19 at any jobsite, the following must take place:
- i. Immediately remove the infected individual from the jobsite with directions to seek medical care.
  - ii. Decontaminate and sanitize all surfaces at each location at which the infected worker was present. Provide those performing the decontamination and sanitization work with medical-grade PPE, ensure the workers are trained in proper use of the PPE, require the workers to use the provided PPE, and prohibit any sharing of the PPE. Prohibit anyone from entering the possibly contaminated area, except those performing decontamination and sanitization work. Cease all work in these locations until decontamination and sanitization is complete.
  - iii. Notify the County Public Health Department Communicable Disease Control (CD Control) immediately at 628-217-6100 and provide the information

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below. Follow all directives and complete any additional requirements by County health officials, including full compliance with any tracing efforts by the County.

- Information to be reported to CD Control regarding the jobsite:
  - 1) Address of jobsite;
  - 2) Name of project, if any;
  - 3) Name of General Contractor; and
  - 4) General Contractor point of contact, role, phone number and email.
  
- Information to be reported to CD Control regarding the COVID-19 case(s):
  - 5) First and last name;
  - 6) Date of birth;
  - 7) Phone;
  - 8) Date tested positive;
  - 9) Date last worked;
  - 10) City of residence; and
  - 11) If the case is an employee of a subcontractor, please provide the following information:
    - Subcontractor;
    - Subcontractor contact name;
    - Subcontractor contact phone; and
    - Subcontractor contact email.
  
- Information to be reported to CD Control regarding Close Contacts. For each reported case(s) above, please provide the following information (if you are reporting more than one positive case, please include the name of the positive case for each close contact):
  - 1) Close contact's first and last name;
  - 2) Phone;
  - 3) City of residence; and
  - 4) Positive case name.

A "Close Contact" in the workplace is anyone who:

- Stayed within 6 feet of the Person with COVID-19 for 10 minutes or more while they were not wearing a face mask; OR
- Had direct contact for any amount of time with the body fluids and/or secretions of the Person With COVID-19 (e.g., was coughed or sneezed

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on, shared utensils with, or was provided care or provided care for them without wearing a mask, gown, and gloves).

Close contacts are high risk exposures and need to quarantine for a full 14 days due to the 14 day incubation period of the virus. Even if a close contact tests negative within 14 days of their last exposure to the case, they must continue quarantining the full 14 day period to prevent transmission of the virus.

If you are unable to obtain the above case or close contact information from your subcontractor, please ensure your subcontractor is aware that they will need to report directly to SFDPH CD Control.

- l.* Where construction work occurs within an occupied residential unit, any separate work area must be sealed off from the remainder of the unit with physical barriers such as plastic sheeting or closed doors sealed with tape to the extent feasible. If possible, workers must access the work area from an alternative entry/exit door to the entry/exit door used by residents. Available windows and exhaust fans must be used to ventilate the work area. If residents have access to the work area between workdays, the work area must be cleaned and sanitized at the beginning and at the end of workdays. Every effort must be taken to minimize contact between workers and residents, including maintaining a minimum of six feet of social distancing at all times.
  
- m.* Where construction work occurs within common areas of an occupied residential or commercial building or a mixed-use building in use by on-site employees or residents, any separate work area must be sealed off from the rest of the common areas with physical barriers such as plastic sheeting or closed doors sealed with tape to the extent feasible. If possible, workers must access the work area from an alternative building entry/exit door to the building entry/exit door used by residents or other users of the building. Every effort must be taken to minimize contact between worker and building residents and users, including maintaining a minimum of six feet of social distancing at all times.

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**A. General Requirements**

The “Additional Businesses” listed below may begin operating, subject to the requirements set forth in the Order and to any additional requirements set forth below or in separate industry-specific guidance by the Health Officer. These businesses were selected based on current health-related information, the risk criteria set forth in Section 3 of the Order, and the overall impact that allowing these businesses to resume operation will have on mobility and volume of activity in the County.

To mitigate the risk of transmission to the greatest extent possible, before resuming operations, each Additional Business must:

- Comply with Social Distancing Requirements (Section 8.o of the Order) and prepare, post, implement, and distribute to their Personnel a Social Distancing Protocol checklist as specified in Section 5.d and Appendix A of the Order for each of their facilities in the County where Personnel or members of the public will be onsite;
- Prepare, post, implement, and distribute to their Personnel a written health and safety plan checklist that addresses all applicable best practices set forth in relevant Health Officer directives; and
- Comply with any relevant state guidance and local directives. If a conflict exists between state guidance and local public health directives related to the COVID-19 pandemic, the most restrictive provision shall be followed, as further provided in Section 10 of the Order.

Businesses that are permitted to operate outdoors may, subject to any applicable permit requirements, conduct their operations under a tent, canopy, or other sun or weather shelter, but only as long as no more than one side is closed, allowing sufficient outdoor air movement. Also, the number and composition of barriers used for all outdoor shelters must allow the free flow of air in the breathing zone consistent with guidance from the Department of Public Health.

The health-related basis for selection of Additional Businesses and the specific requirements for risk mitigation are summarized below. The bases for the additions were amended on July 13, 2020, to reflect an updated and refined analysis under the risk criteria set forth in Section 3 of the amended Order.

**B. List of Additional Businesses**

For purposes of the Order, Additional Businesses include the following, subject to the stated limitations and conditions:

- (1) Retail Stores for Goods ..... 2
- (2) Manufacturing, Warehousing and Logistical Support ..... 5
- (3) Childcare and Youth Programs for All Children ..... 6

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**(1) Retail Stores for Goods**

- a. Basis for Addition. Personnel and customers can wear Face Coverings at all times and maintain at least six feet of physical distance except for brief interactions (e.g., while paying for goods). No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. While shopping customers interact only with a small number of individuals from other Households. Although Personnel are interacting with a moderate number of people, the duration of those interactions are low and safety limitations can ensure adequate physical distancing and adherence with other Social Distancing Requirements (Section 8.o of the Order) and other worker protection measures and decrease the risk of virus transmission. Consistent with Section 5.c of the Order and to the extent possible, retail stores are urged to conduct curbside/outdoor pickup to further decrease the risk.
- b. Description and Conditions to Operate.
  1. Curbside/Outdoor Pickup: Retail stores may operate for curbside/outside pickup of goods, subject to the following limitations:
    - i. The store must limit the number of Personnel in the facility so that Personnel can comply with Social Distancing Requirements;



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- ii. The store must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order) and must comply with Health Officer Directive No. 2020-10b, as that directive may be amended from time to time, regarding required best practices for retail businesses with curbside pickup—including the requirement to create a Health and Safety Plan;
- iii. If a store chooses to display merchandise for sale on tables or otherwise outside the store, it must comply with the following specific requirements:
  - The store must obtain any necessary permits from the City;
  - Customers must either use hand sanitizer before touching items or ask the vendor to hand items to them;
  - Only the number of customers who can maintain at least six feet of physical distancing may approach the table at a time;
  - Chalk demarcations must be placed on the ground to indicate where shoppers should stand behind others, while waiting to purchase items; and
  - The store must take measures to help ensure against congestion and blocking passage by pedestrians, including people with disabilities.

Stores may apply for a free temporary permit to use the sidewalk or parking lane for retail operations at <https://sf.gov/use-sidewalk-or-parking-lane-your-business>.

- iv. The store must have direct access to an immediately adjacent sidewalk, street, alley, or parking area for pickup by customers using any mode of travel, without blocking pedestrian access or causing pedestrian or vehicle congestion; and
- v. Retail stores that are in an enclosed Indoor Shopping Center (defined as a large building or group of buildings where customer access to stores is possible only through indoor passage ways or indoor common areas, such as Stonestown Galleria, and Westfield San Francisco Centre) and that do not have direct access to adjacent sidewalk, street, parking lot or alley area, may only reopen for curbside/outdoor pickup at this time if the Indoor Shopping Center operator submits to the Health Officer a proposed plan for reopening and that plan is approved as provided below. The proposed plan must include:
  - a. the number of stores and businesses that would be resuming operation;
  - b. the number of Personnel associated with each store or business;
  - c. the number of customers expected daily; and
  - d. the specific social distancing and sanitation measures the shopping center would employ to prevent congestion at the doorways and streets, and protect customers and Personnel.

Plans must be submitted to [HealthPlan@sfcityatty.org](mailto:HealthPlan@sfcityatty.org). Subject to the advance written approval of the Health Officer or the Health Officer's designee,

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retailers in the Indoor Shopping Center may then operate for curbside pickup consistent with the approved plan.

2. **In-Store Retail:** Beginning at 6:00 a.m. on June 15, 2020, retail stores may begin to operate for indoor shopping, subject to the following limitations and conditions:
  - i. The store must reduce maximum occupancy to limit the number of people (including both customers and Personnel) to the lesser of: (1) 50% the store's normal maximum occupancy or (2) the number of people who can maintain at least six feet of physical distance from each other in the store at all times;
  - ii. Before opening for in-store shopping, the store must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order) and must comply with Health Officer Directive No. 2020-17, as that directive may be amended from time to time, regarding required best practices for retail businesses offering in-store shopping or services—including the requirement to create a Health and Safety Plan;
  - iii. If a store chooses to display merchandise for sale on tables or otherwise outside the store, it must comply with the following specific requirements:
    - The store must obtain any necessary permits from the City;
    - Customers must either use hand sanitizer before touching items or ask the vendor to hand items to them;
    - Only the number of customers who can maintain at least six feet physical distancing may approach the table at a time;
    - Chalk demarcations must be placed on the ground to indicate where shoppers should stand behind others, while waiting to purchase items; and
    - The store must take measures to help ensure against congestion and blocking passage by pedestrians, including people with disabilities.

Stores may apply for a free temporary permit to use the sidewalk or parking lane for retail operations at <https://sf.gov/use-sidewalk-or-parking-lane-your-business>.

- iv. Retail stores that are in an enclosed Indoor Shopping Center (as defined in subsection 1.b.1.iv above) and that do not have direct access to adjacent sidewalk, street, parking lot or alley area, may only reopen for in-store retail at no more than 25% capacity if the Indoor Shopping Center submits to the Health Officer a proposed plan for reopening and that plan is approved as provided below. The proposed plan must include:
  - a. the number of stores and businesses that would be resuming operation;
  - b. the number of Personnel associated with each store or business;
  - c. the number of customers expected daily;

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- d. confirmation that the Indoor Shopping Center will close all food courts for indoor dining and a description of how that closure will be effectuated;
- e. how the Indoor Shopping Center will regulate the number of people in the paths of travel of the shopping center and close any common gathering areas;
- f. how the Indoor Shopping Center will address HVAC/circulated air, use of elevators, use and cleaning of bathrooms;
- g. any special considerations for indoor parking garages and access points; and
- h. whether the Indoor Shopping Center will permit curbside pickup.

Plans must be submitted to HealthPlan@sfcityatty.org. Subject to the written advance approval of the Health Officer or the Health Officer’s designee, the Indoor Shopping Center may then operate for in-store retail consistent with the approved plan.

For clarity, operation of retail stores under category (1) and (2), above, applies only to the sale of goods and not to the provision of services or the rental of equipment, which are covered separately in Sections (4) and (5), below.

(Added May 17, 2020; Revised June 1, 2020, June 11, 2020; Non-substantive revisions July 13, 2020; Subsection suspended July 20, 2020, with minor update on August 14, 2020; Subsection reinstated with amendments on September 1, 2020)

**(2) Manufacturing, Warehousing and Logistical Support**

- a. Basis for Addition. Personnel can wear Face Coverings and maintain at least six feet of physical distance at all times. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. Personnel will interact only with a consistent and moderately sized group of people (i.e., the business’s other Personnel) as members of the public do not generally frequent these businesses. Finally, risks of virus transmission associated with this activity can be mitigated through Social Distancing Requirements (Order Section 8.o) and sanitation, and other worker safety protocols.
- b. Description and Conditions to Operate.
  1. Manufacturing: Manufacturing businesses—including non-essential manufacturing businesses —may operate, subject to the following limitations and conditions:
    - i. The business must limit the number of Personnel in the facility so that Personnel can comply with Social Distancing Requirements; and

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- ii. The business must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order) and must comply with Health Officer Directive No. 2020-11, as that directive may be amended from time to time, regarding required best practices for manufacturing businesses—including the requirement to create a Health and Safety Plan.
2. Warehousing and Logistical Support: Businesses that provide warehousing and logistical support—including non-essential businesses —may operate, subject to the following limitations and conditions:
    - i. The business must limit the number of Personnel in the facility so that Personnel can comply with Social Distancing Requirements; and
    - ii. The business must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order) and must comply with Health Officer Directive No. 2020-12, as that directive may be amended from time to time, regarding required best practices for warehouse and logistical support businesses—including the requirement to create a Health and Safety Plan.

(Added May 17, 2020; Revised June 1, 2020, June 11, 2020; Non-substantive revisions July 13, 2020)

### **(3) Childcare and Youth Programs for All Children**

- a. Basis for Addition. Childcare and educational or recreational programs for youth are critical to early education and developmental equity, family social and economic wellbeing, and economic recovery from the pandemic. More specifically, such programs are an important element for a child’s social and emotional development, as well as for a child’s physical health and wellness. Also, childcare and youth programs are often necessary to allow parents or guardians to work, making the availability of such programs important for individual families as well as the local economy. Although attendance at a childcare or youth program involves a high number of close contacts that may be of lengthy duration, the risks of virus transmission can be reduced by mitigation measures, as generally described below. But children’s inability to consistently follow social distancing and sanitation recommendations means that even with the mitigation measures the risk of transmission is higher than in interactions exclusively among adults. And while based on available evidence, children do not appear to be at higher risk for COVID-19 than adults, medical knowledge about the possible health effects of COVID-19 on children is evolving. Accordingly, the decision about whether to enroll a child in a childcare or youth program is an individualized inquiry that should be made by parents/guardians with an understanding of the risks that such enrollment entails. Parents/guardians may discuss these risks and their concerns with their pediatrician. The Health Officer will continue to monitor the changing situation and may amend this section as necessary to protect the public health.

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b. Description and Conditions to Operate.

1. Childcare Programs: Group care facilities for very young children who are not yet in elementary school—including, for example, licensed childcare centers, daycares, family daycares, and preschools (including cooperative preschools)—(collectively, “Childcare Programs”) may open and operate, subject to the following limitations and conditions:
  - i. Childcare Programs may not enroll children for fewer than three weeks;
  - ii. Childcare Programs must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order) and comply with all of the requirements set forth in Health Officer Directive No. 2020-14c, including any limits on the number of children that can be in a group, and the requirements to have the parent(s) or guardian(s) of any child attending the program sign an acknowledgement of health risks, and to prepare and implement a written health and safety plan to mitigate the risk of virus transmission to the greatest extent feasible.
2. Summer Camps: Summer camps and summer learning programs that operate exclusively outside of the academic school year (“Summer Camps”) may operate for all children over the age of six and school-aged children currently in grades transitional kindergarten (TK) and above who are under age six, subject to the following limitations and conditions:
  - i. Summer Camps must limit group size to 12 children (a “pod”) per room or space;
  - ii. Summer Camp sessions must last at least three weeks;
  - iii. Children must remain in the same pod for at least three weeks, and preferably for the entire time throughout the summer.
  - iv. Summer Camps may not begin to operate until they have created, posted and implemented a Social Distancing Protocol checklist (Appendix A to this Order) and complied with all of the requirements set forth in relevant industry-specific Health Officer directives (*see* Health Officer Directive No. 2020-13b) including the requirements to complete an online form with general information about the program and required certifications, to have the parent(s) or guardian(s) of any child attending the program sign an acknowledgement of health risks, and to prepare and implement a written health and safety plan to mitigate the risk of virus transmission to the greatest extent feasible.
3. Out of School Time Programs: Educational or recreational institutions or programs that provide care or supervision for school-aged children and youth—including for example, learning hubs, other programs that support distance learning, school-aged childcare programs, youth sports programs, and afterschool programs (“Out of School Time Programs” or “OST Programs”) may open for all children, subject to the following limitations and conditions:

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- i. OST Program sessions must be at least three weeks long, and programs without set sessions may not enroll children for fewer than three weeks;
- ii. OST Programs must create, post, and implement a Social Distancing Protocol checklist (Appendix A to this Order) and comply with all of the requirements set forth in Health Officer Directive No. 2020-21, including any limits on the number of children that can be in a group, and also the requirements to complete an online form with general information about the program and required certifications, to have the parent(s) or guardian(s) of any child attending the program sign an acknowledgement of health risks, and to prepare and implement a written Health and Safety Plan to mitigate the risk of virus transmission to the greatest extent feasible.

For clarity, this Section does not apply to schools, which are addressed separately in Section 6.b of the Order; Childcare Programs, which are addressed separately in subsection b.1 of this Appendix above; or Summer Camps, which are addressed separately in subsection b.2 of this Appendix above. OST Programs are intended to supplement, rather than replace, school programming.

(Added May 22, 2020; Revised June 1, 2020; Non-substantive revisions June 11, 2020; Revised further July 13, 2020 and August 14, 2020)

### **(4) Curbside Pickup and Drop-Off for Low Contact Retail Services**

- a. Basis for Addition. Personnel and customers can wear Face Coverings at all times and maintain at least six feet of physical distance except for brief interactions (e.g., in some instances where remote payment is not feasible, while paying for services). No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. Customers interact only with a small number of individuals from other Households, and although Personnel are interacting with a moderate number of people, the duration of those interactions are low and safety limitations can ensure adequate social distancing and decrease the risk of virus transmission. The majority of interactions can occur outdoors, which further decreases risk—and consistent with Section 5.c of the Order, businesses are strongly urged to conduct interactions outdoors to the largest extent possible.
- b. Description and Conditions to Operate. Services that do not generally require close customer contact (e.g., dog grooming and shoe or electronics repair) may operate, subject to the following limitations and conditions:
  - i. To the extent feasible, all interactions and transactions between Personnel and customers should occur outdoors;
  - ii. The store must limit the number of Personnel in the facility so that Personnel can comply with Social Distancing Requirements (Section 8.o of the Order);
  - iii. The businesses must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order) and comply with Health Officer Directive

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- No. 2020-10b, as that directive may be amended from time to time, regarding required best practices for retail businesses with curbside pickup and drop-off;
- iv. The stores must have direct access to an immediately adjacent sidewalk, street, alley, or parking area for pickup by customers using any mode of travel, without blocking pedestrian access or causing pedestrian or vehicle congestion; and
  - v. Stores in an enclosed indoor shopping center that do not have direct access to adjacent sidewalk, street, parking lot or alley area may not reopen at this time unless they are located in an approved Indoor Shopping Center as described in 1.b above.

For clarity, this provision does not apply to personal service businesses, such as hair salons, barbershops, nail salons, or piercing or tattoo parlors.

As discussed in Section 1.b above regarding retail stores and Indoor Shopping Centers, stores within enclosed shopping centers may operate only upon advance written approval by the Health Officer or the Health Officer's designee of a plan submitted by the Indoor Shopping Center operator. Plans must be submitted to [HealthPlan@sfcityatty.org](mailto:HealthPlan@sfcityatty.org).

(Added June 1, 2020; Revised June 11, 2020, July 20, 2020; Non-substantive revisions July 13, 2020)

**(5) Outdoor Activity Equipment Rental Businesses**

- a. Basis for Addition. Personnel and customers can wear Face Coverings at all times and maintain at least six feet of physical distance except for brief interactions (e.g., while paying for services). No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. Customers interact only with a small number of individuals from other Households, and although Personnel are interacting with a moderate number of people, the duration of those interactions are low and safety limitations can ensure adequate social distancing and decrease the risk of virus transmission. The majority of interactions can occur outdoors, which further decreases risk—and businesses are strongly urged to conduct interactions outdoors to the largest extent possible. Also, the risk of multiple individuals using shared equipment can be mitigated through sanitation measures. Finally, resumption of these businesses is expected to result in only a small increase in the number of people reentering the workforce and the overall volume of commercial activity.
- b. Description and Conditions to Operate. Businesses that rent equipment for permissible outdoor recreational activities (e.g., bicycles, kayaks, paddleboards, boats, horseback riding or fishing equipment) may operate, subject to the following limitations and conditions:
  - i. To the extent feasible, all interactions and transactions between Personnel and customers should occur outdoors;

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- ii. The store must limit the number of Personnel in the facility so that Personnel can comply with Social Distancing Requirements (Section 8.o of the Order);
- iii. The business must have created, posted and implemented a Social Distancing Protocol checklist (Appendix A to this Order) and must comply with Health Officer Directive No. 2020-10b, as that directive may be amended from time to time, regarding required best practices for retail businesses with curbside pickup and drop-off;
- iv. The business must have direct access to an immediately adjacent sidewalk, street, alley, or parking area for pickup by customers using any mode of travel, without blocking pedestrian access or causing pedestrian or vehicle congestion;
- v. Businesses in an enclosed indoor shopping center that do not have direct access to adjacent sidewalk, street, parking lot or alley area may not reopen at this time unless they are in an approved Shopping Center as described in 1.b above; and
- vi. All equipment must be thoroughly cleaned and disinfected between each use with procedures effective against the Novel Coronavirus SARS-CoV-2 in accordance with the following guidelines, which may be modified by the Health Officer as new information becomes available:
  - For hard non-porous surfaces, clean with detergent or soap and water if the surfaces are visibly dirty, before applying disinfectant. For these purposes, appropriate disinfectants include:
    - Products listed on the Environmental Protection Agency’s list of Disinfectants for Use Against SARS-CoV-2 (COVID-19), which can be found online at <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2-covid-19>. Follow the manufacturer’s instructions for concentration, application method, and contact time for all cleaning and disinfection products.
    - Diluted household bleach solutions prepared according to the manufacturer’s label for disinfection, if appropriate for the surface. Follow manufacturer’s instructions for application and proper ventilation. Check to ensure the product is not past its expiration date. Never mix household bleach with ammonia or any other cleanser.
    - Alcohol solutions with at least 70% alcohol.
  - For soft or porous surfaces, remove any visible contamination, if present, and clean with appropriate cleaners indicated for use on these surfaces. After cleaning, use products that are EPA-approved as effective against SARS-CoV-2 (COVID-19) (see link above) and that are suitable for porous surfaces.
  - For frequently touched electronic surfaces, remove visible dirt, then disinfect following the manufacturer’s instructions for all cleaning and disinfection products. If no manufacturer guidance is available, then consider the using alcohol-based wipes or sprays containing at least 70% alcohol to disinfect.



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- Gloves and any other disposable PPE used for cleaning and disinfecting the vehicle must be removed and disposed of after cleaning; wash hands immediately after removing gloves and PPE with soap and water for at least 20 seconds, or use an alcohol-based hand sanitizer with at least 60% alcohol if soap and water are not available. If a disposable gown was not worn, work uniforms/clothes worn during cleaning and disinfecting should be laundered afterwards using the warmest appropriate water setting and dry items completely. Wash hands after handling laundry.

As discussed in Section 1.b above regarding retail stores and Indoor Shopping Centers, stores within Indoor Shopping Centers may operate only upon the advance written approval by the Health Officer or the Health Officer's designee of a plan submitted by the Indoor Shopping Center operator. Proposed plans must be submitted to HealthPlan@sfcityatty.org.

(Added June 1, 2020; Revised June 11, 2020; Non-substantive revisions July 13, 2020; Suspension note added July 20, 2020 and removed September 1, 2020)

**(6) Professional Sports Teams: Practices, Games, and Tournaments without In-Person Spectators with an Approved Plan**

- a. Basis for Addition. Although contact sports may present a significant risk of virus transmission, those risks can be mitigated by stringent social distancing, sanitation, and testing measures. Resuming such events—without a live audience and subject to strict health controls and mitigation measures—represents a first step toward the resumption of professional sports exhibitions that can be broadcast for the entertainment of the public and viewed by the public remotely in a safe manner.
- b. Description and Conditions to Operate. Professional sports teams that wish to resume practices, games, or tournaments and broadcasting of those events in San Francisco, without in-person spectators, may submit to the Health Officer a proposed plan detailing the sanitation, social distancing, health screening, and other procedures that will be implemented to minimize the risk of transmission among players, staff, media, broadcast crew, and any others who will be in the facility. The plan must include a proposal for interval testing (without using City resources) of all players and coaching staff who will be present in the facility. Plans must be submitted to HealthPlan@sfcityatty.org. Subject to the advance written approval of the Health Officer or the Health Officer's designee, the team may then resume activities consistent with the approved plan, including any conditions to approval of the Health Officer or the Health Officer's designee. Teams, games, exhibitions, and tournaments must also comply with any applicable Health Officer directives to the extent they are consistent with the approved plan; in the event of an inconsistency, the approved plan controls. Finally, crew, athletes, coaching staff and other workers should also abide by protocols agreed to by labor and management, to the extent they are at least as protective of health as the approved plan.

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(Added June 1, 2020; Revised June 11, 2020; Non-substantive revisions June 26, 2020; Suspension note added July 20, 2020)

**(7) Entertainment Venues: Live Streaming or Broadcasting Events without In-Person Audiences with an Approved Plan**

- a. Basis for Addition. Although some types of live entertainment and cultural events, such as music, dance and comedy performances, may present a risk of virus transmission, those risks can be mitigated by stringent social distancing, sanitation, and testing measures. Resuming such events—without a live audience and subject to strict health controls and mitigation measures—represents a first step toward the resumption of these entertainment and cultural activities that can be broadcast and watched by the public remotely in a safe manner.
- b. Description and Conditions to Operate.
  1. Operators of entertainment venues may film, stream, or otherwise broadcast small scale events so long as:
    - i. the venue remains closed to the public;
    - ii. the live stream is limited to the fewest number of Personnel needed (up to a maximum of 12 people in the facility, including, without limitation, media Personnel needed for the broadcast);
    - iii. doors and windows are left open to the extent possible, or mechanical ventilation systems are run, to increase ventilation;
    - iv. the venue complies with the Social Distancing Requirements set forth in Section 8.0 of this Order; and
    - v. Because singing and playing wind or brass instruments can transmit particles farther in the air than breathing or speaking quietly, people must be in an isolation booth or in a separate room from others in the facility while singing or playing wind or brass instruments.

To further reduce the risk of transmission, it is strongly recommended that all events allowed under this section be conducted and filmed, streamed, or otherwise broadcast from outdoors. The same outdoors recommendation applies to all other operations that are allowed under the Order to be filmed, live streamed or otherwise broadcast indoors with health restrictions.

2. Operators of entertainment venues that wish to film, stream, or otherwise broadcast events that require more than 12 people to be on site at the facility at any one time may submit to the Health Officer a proposed plan detailing the sanitation, social distancing, health screening, and other procedures that will be implemented to minimize the risk of transmission among participants. If the event involves singing, playing wind or brass instruments, or physical contact, the plan must include a

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proposal for interval testing (without using City resources) of those individuals. Proposed plans must be submitted to [HealthPlan@sfcityatty.org](mailto:HealthPlan@sfcityatty.org). Subject to the advance written approval of the Health Officer or the Health Officer’s designee, the venue may then begin operating consistent with the approved plan, including any conditions to approval of the Health Officer or the Health Officer’s designee. Cast, crew, and other workers should also abide by protocols agreed to by labor and management, to the extent they are at least as protective of health as the approved plan.

(Added June 11, 2020; Non-substantive revisions June 26, 2020; Revised July 20, 2020)

**(8) Outdoor Dining**

- a. **Basis for Addition.** Outdoor dining with small groups of people potentially involves mixing of Households and a moderate number of contacts. Accordingly, and because Face Coverings must be removed to eat and drink, the risk of virus transmission is slightly higher than in other allowable interactions. But outdoor interactions carry a significantly lower risk of transmission than most indoor interactions, and mitigation measures in outdoor dining establishments can significantly decrease the transmission risk.
- b. **Description and Conditions to Operate.** Restaurants and bars that serve food (“outdoor dining establishments”) may operate for outdoor dining only subject to the following limitations and conditions:
  - i. Patrons must remain outside the outdoor dining establishment and may enter the establishment only (1) to access a bathroom, (2) to access an outdoor space that is only accessible by traveling through the restaurant, or (3) to order or pickup food at an indoor counter;
  - ii. All patrons must be seated at a table to eat or drink—standing between tables or in other areas of the outdoor space is not permitted;
  - iii. Patrons may not be served food or beverages while waiting to be seated;
  - iv. Patrons must wear Face Coverings any time they are not eating or drinking, including but not limited to: while they are waiting to be seated; while reviewing the menu and ordering; while socializing at a table waiting for their food and drinks to be served or after courses or the meal is complete; and any time they leave the table, such as to use a restroom. Customers must also wear Face Coverings any time servers, bussers, or other Personnel approach their table;
  - v. Tables used to seat patrons outdoors must be spaced to ensure that patrons are at least six feet apart from other patrons seated at different service tables or separated by an impermeable physical barrier between;

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- vi. No more than six patrons may be seated at a single table, unless all are members of the same household—it is strongly encouraged that only individuals in the same household sit together at a single table;
- vii. An outdoor dining establishment shall not be permitted to provide alcoholic beverage service without also providing real meal service in a bona fide manner. Bona fide meals must be prepared and served by the outdoor dining establishment or another person or business operating under an agreement with the outdoor dining establishment. The service of prepackaged food like sandwiches or salads, or simply heating frozen or prepared meals, shall not be deemed as compliant with this requirement;
- viii. No patrons are allowed to eat or drink indoors in the dining establishment; and
- ix. The business must have created, posted and implemented a Social Distancing Protocol checklist (Appendix A to this Order) and must comply with Health Officer Directive No. 2020-16b, as that directive may be amended from time to time, regarding required best practices for outdoor dining.

Outdoor dining establishments may apply for a free temporary permit to use the sidewalk or parking lane for business operations at <https://sf.gov/use-sidewalk-or-parking-lane-your-business>.

(Added June 11, 2020; Revised July 13, 2020)

### **(9) Outdoor Fitness Classes**

- a. **Basis for Addition.** Outdoor fitness classes involve mixing of Households and a moderate number of contacts. Also, the contacts are often of relatively long duration. Accordingly, and because exercise causes people to more forcefully expel airborne particles, the risk of virus transmission is higher than in other allowable interactions. But participants can—and must—wear Face Coverings and maintain at least six feet of physical distance at all times and not share equipment. Further, outdoor interactions carry a lower risk of transmission than most indoor interactions, and health protocols in outdoor fitness classes can significantly decrease the transmission risk.
- b. **Description and Conditions to Operate.** Outdoor fitness classes (e.g., outdoor boot camp, non-contact dance classes, tai chi, pilates, and yoga classes) may operate subject to the following limitations and conditions:
  - i. No more than 12 people, including the instructor(s), may participate in an outdoor fitness class;
  - ii. The business/instructor should ask participants to voluntarily provide their name and phone number for potential contact tracing purposes—the business/instructor should keep this information on file for at least three weeks;

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- iii. The business/instructor must ask each participant whether they have had any of the following symptoms within the prior 24 hours that are new and not explained by another reason:
- Fever or chills
  - Cough
  - Sore throat
  - Shortness of breath or trouble breathing
  - Feeling unusually weak or fatigued
  - New loss of taste or smell
  - Muscle pain
  - Headache
  - Runny or congested nose
  - diarrhea

Any participants who report having any of these symptoms should not be permitted to come to or participate in the fitness class.

In addition, the business/instructor must ask each participant (1) if within the last 10 days they have been diagnosed with COVID-19 or had a test confirming they have the SARS-CoV-2 virus; and (2) if they live with or have had close contact with someone who in the past 14 days was diagnosed with COVID-19 or had a test confirming they have the SARS-CoV-2 virus in that same period. Any participants who answer yes to either of these questions should not be permitted to come to or participate in the fitness class.

- iv. All participants must maintain a physical distance of at least six feet from each other, from the instructor(s), and from members of the public at all times;
- v. The business/instructor must have permission of the property owner to use the space;
- vi. All participants and instructors must wear a Face Covering at all times, unless they are specifically exempted from the Face Covering requirements in Health Officer Order No. C19-12c, issued on July 22, 2020, as that order may be amended from time to time; and
- vii. Equipment (e.g., medicine balls, resistance bands, mats, weights, or yoga blocks) may not be shared by members of the class and must be thoroughly cleaned and disinfected between each use with procedures effective against the Novel Coronavirus SARS-CoV-2 in accordance with the following guidelines, which may be modified by the Health Officer as new information becomes available:
- For hard non-porous surfaces, clean with detergent or soap and water if the surfaces are visibly dirty, before applying disinfectant. For these purposes, appropriate disinfectants include:
    - Products listed on the Environmental Protection Agency’s list of Disinfectants for Use Against SARS-CoV-2 (COVID-19), which can be found online at <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2-covid-19>. Follow the

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manufacturer's instructions for concentration, application method, and contact time for all cleaning and disinfection products.

- Diluted household bleach solutions prepared according to the manufacturer's label for disinfection, if appropriate for the surface. Follow manufacturer's instructions for application and proper ventilation. Check to ensure the product is not past its expiration date. Never mix household bleach with ammonia or any other cleanser.
- Alcohol solutions with at least 70% alcohol.
- For soft or porous surfaces, remove any visible contamination, if present, and clean with appropriate cleaners indicated for use on these surfaces. After cleaning, use products that are EPA-approved as effective against SARS-CoV-2 (COVID-19) (see link above) and that are suitable for porous surfaces.
- Gloves and any other disposable PPE used for cleaning and disinfecting the equipment must be removed and disposed of after cleaning; wash hands immediately after removing gloves and PPE with soap and water for at least 20 seconds, or use an alcohol-based hand sanitizer with at least 60% alcohol if soap and water are not available. If a disposable gown was not worn, work uniforms/clothes worn during cleaning and disinfecting should be laundered afterwards using the warmest appropriate water setting and dry items completely. Wash hands after handling laundry.

For clarity, this section does not allow contact sports (e.g., football) or fitness classes that involve physical contact (e.g., jiu jitsu or boxing with sparring) to resume. Also, this section does not cover childcare or summer camp programs for children or youth, which are governed by section 3 above and Heath Officer Directive Nos. 2020-13b and 2020-14b.

Additional guidance about outdoor fitness classes from the San Francisco Department of Public Health is available at <http://www.sfdph.org/directives>.

(Added June 11, 2020; Non-substantive revisions July 13, 2020, August 14, 2020)

### **(10) Indoor Household Services**

- a. Basis for Addition. Household service providers and residents can wear Face Coverings and maintain at least six feet of physical distance at all times. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. Although indoor household services may involve mixing of Households (if the resident is at home) and occurs indoors, the number of contacts is low. Finally, risks of virus transmission can be mitigated through adherence to other Social Distancing Requirements and to sanitation, and other safety protocols.
- b. Description and Conditions to Operate. Providers of indoor household services that can be provided while maintaining social distancing (e.g., house cleaners and cooks) may

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operate, subject to the following limitations and conditions:

- i. Residents may not have any household service provider come into their home if they have experienced any of the following symptoms within the prior 24 hours that are new and not explained by another reason:
  - Fever or chills
  - Cough
  - Sore throat
  - Shortness of breath or trouble breathing
  - Feeling unusually weak or fatigued
  - New loss of taste or smell
  - Muscle pain
  - Headache
  - Runny or congested nose
  - diarrhea
- ii. Household service providers may not enter a residence to provide services if they have experienced any of the above symptoms within the prior 24 hours that are new and not explained by another reason;
- iii. In addition, household service providers may not enter a residence to provide services if either the household service provider or anyone in the residence answers yes to either of the following questions: (1) within the last 10 days has the person been diagnosed with COVID-19 or had a test confirming they have the SARS-CoV-2 virus; and (2) does the person live with or have they had close contact with someone who in the past 14 days was diagnosed with COVID-19 or had a test confirming they have the SARS-CoV-2 virus in that same period.
- iv. When feasible, residents should leave the premises when household services providers are in their home—if leaving the premises is not feasible, residents should try to be in a different room than the household service provider to the greatest extent possible;
- v. When feasible, leave windows and doors open to increase ventilation or run mechanical ventilation systems;
- vi. High touch surfaces and any shared implements or tools should be cleaned at the beginning and end of any service visit;
- vii. Both residents and household service providers must wear a Face Covering at all times, unless they are specifically exempted from the Face Covering requirements in Health Officer Order No. C19-12c, issued on July 22, 2020.

For clarity, this section does not allow personal service providers, such as hair dressers or personal trainers, to provide in-home services. Also, this section does not apply to in-home childcare, which is independently permissible under Section 8.a.xxi of the Order.

Additional guidance about indoor household services from the San Francisco Department of Public Health is available at <http://www.sfdph.org/directives>.

(Added June 11, 2020; Non-substantive revisions July 13, 2020, August 14, 2020)

**[Revised September 14, 2020]**

**(11) Offices for Non-Essential Businesses: Individuals Necessary for Operations Where Telecommuting is not Feasible—SUSPENDED IN PART**

**THIS SECTION IS SUSPENDED IN PART.**

**ACCESSORY OFFICE SPACE THAT IS PHYSICALLY LOCATED WITHIN FACILITIES OF ADDITIONAL BUSINESSES THAT ARE ALLOWED TO OPERATE UNDER THE ORDER MAY BE USED SUBJECT TO THE REQUIREMENTS IN THIS SECTION. ONLY INDIVIDUALS NECESSARY FOR ALLOWED OPERATIONS WHO CANNOT WORK REMOTELY CAN USE THE OFFICE SPACE. PERSONNEL WHO CAN WORK REMOTELY ARE REQUIRED TO CONTINUE TO DO SO. IN ALL OTHER RESPECTS, OFFICES FOR NON-ESSENTIAL BUSINESSES ARE NOT ALLOWED TO OPERATE UNTIL FURTHER ORDER OF THE HEALTH OFFICER. ONCE OFFICES FOR NON-ESSENTIAL BUSINESSES ARE ALLOWED TO REOPEN, THE CONDITIONS TO OPERATE SET FORTH BELOW MAY BE REVISED.**

- a. *[Basis for Addition. Personnel can wear Face Coverings and maintain at least six feet of physical distance at all times. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. Personnel will interact only with a consistent and moderately sized group of people (i.e., the business's other Personnel). Finally, risks of virus transmission associated with this activity can be mitigated through adherence to other Social Distancing Requirements and to sanitation, and other safety protocols.*
- b. *Description and Conditions to Operate. Office workplaces that are not otherwise permitted to operate under this Order may open for individuals necessary for operations who cannot work remotely, subject to the following conditions:*
  - i. *All workers who are able to telecommute must continue to do so, only individuals necessary for operations who cannot work remotely may come into the office;*
  - ii. *Office Facilities must adjust their maximum occupancy rules based on the size of the facility to limit the number of people (including Personnel and members of the public), as follows:*
    - *Office Facilities with fewer than 20 Personnel must reduce their maximum occupancy to the number of people who can maintain at least six feet of physical distance from each other in the facility at all times,*
    - *Office Facilities with 20 or more Personnel must reduce their maximum occupancy to the **lesser** of: (1) 20% the facility's normal maximum occupancy or (2) the number of people who can maintain at least six feet of physical distance from each other in the facility at all times; and*
  - iii. *The business must have created, posted and implemented a Social Distancing Protocol checklist (Appendix A to this Order) and must comply with Health Officer Directive No. 2020-18, as that directive may be amended from time to time, regarding required best practices for businesses operating office facilities.]*

(Added June 11, 2020; Non-substantive revisions July 13, 2020; Suspended July 20, 2020; Suspension revised September 14, 2020)



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### **(12) Outdoor Zoos with an Approved Plan**

- a. Basis for Addition. Zoo Personnel and visitors can wear Face Coverings and maintain at least six feet of physical distance from people in different households at all times. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. And outdoor businesses—like the outdoor areas of the zoo—are safer than indoor businesses. Finally, the number, frequency and proximity of contacts can be minimized through capacity limitations and the risk of virus transmission can be reduced through other health protocols.
- b. Description and Conditions to Operate. Zoos that wish to resume operations for visits by the public solely in their outdoor spaces may submit to the Health Officer a proposed plan detailing the sanitation, social distancing, health screening, and other procedures that will be implemented to minimize the risk of transmission among Personnel and visitors.

The plan must be submitted to [HealthPlan@sfcityatty.org](mailto:HealthPlan@sfcityatty.org), and must include detailed descriptions of how the business intends to address the following safety precautions.

- Ensuring that the facility remains below the lesser of: (a) 50% of the maximum capacity for the outdoor space that is permitted to open; or (b) the capacity based on the ability of Personnel and patrons to comply with the Social Distancing Requirements;
- Signage regarding Social Distancing Requirements (to include at least six feet of distance, handwashing/sanitizer practices, Face Covering policy);
- Ensuring Personnel and patrons wear Face Coverings at all times, unless they are specifically exempted from the Face Covering requirements in Health Officer Order No. C19-12c, issued on July 22, 2020, as that order may be amended from time to time;
- Ticketing booths and payment systems;
- Personnel safety precautions;
- HVAC systems (e.g., quality and level of filtration, percentage of air exchange with outside air can HVAC be run at 100% capacity to increase ventilation);
- Compliance with applicable Health Officer directives (e.g. regarding Food and beverage concessions, and retail gift shops);
- Social distancing in elevators;
- Monitoring and limiting patrons to ensure physical distancing between members of different Households;
- Paths of travel through the establishment and wayfinding signage;
- Sanitation for restrooms;
- Tours and audio self-tour equipment;
- Coat/personal property check services;
- Sanitation for high-touch surfaces and areas; and
- Closing interactive exhibits or modifying those exhibits to prevent common touching.

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Beginning at 10 a.m. on July 13, 2020, and subject to the advance written approval of the Health Officer or the Health Officer’s designee, the zoo may resume operating its outdoor spaces for visits by the public at the lesser of: (a) 50% of the maximum capacity for the outdoor space that is permitted to open; or (b) the capacity based on the ability of Personnel and patrons to comply with the Social Distancing Requirements, consistent with the approved plan, including any conditions to approval of the Health Officer or the Health Officer’s designee.

(Added July 13, 2020; Non-substantive revisions August 14, 2020)

**(13) Open Air Boat Operators**

- a. Basis for Addition. Personnel and passengers can wear Face Coverings and maintain six feet of physical distance from people in different households at all times. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. And open-air boat excursions occur outside, which is safer than indoor interactions, and have additional air-flow from continual movement. Finally, outdoor boating excursions of socially distanced groups involve only a moderate number of contacts, and health mitigation measures in small boating excursions can significantly decrease the transmission risk.
- b. Description and Conditions to Operate. Individuals or businesses that offer open-air boat excursions (“Open-Air Boat Operators”) may operate, subject to the following limitations and conditions:
  - i. If the total number of passengers is greater than 12, then the Open-Air Boat Operator must assign each passenger to a group of no more than 12 people. Multiple groups of 12 may be on an Open-Air Boat simultaneously, subject to the requirements set forth in Health Officer Directive No. 2020-19b regarding outdoor gatherings on a moving vehicle, such as an open-top tour bus or open-air sea vessel;
  - ii. All passengers must maintain a physical distance of at least six feet from each other, from the captain, and from Personnel, at all times;
  - iii. Before boarding, passengers must wait on the dock at least six feet apart and must not board the vessel until the captain or crew allow boarding;
  - iv. For fishing, rod holders must be spaced at least six feet apart from each other;
  - v. Bathrooms (if any) must be sanitized after each use following EPA guidelines;
  - vi. Passengers must stay in the open-air portion of the boat except for brief periods, such as to use the bathroom;
  - vii. Open-Air Boat Operators should ask passengers to voluntarily provide their name and phone number for potential contact tracing purposes—the operator should keep this information on file for at least three weeks;

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- viii. Open-Air Boat Operators must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order);
- ix. Open-Air Boat Operators must ensure daily COVID-19 symptom and exposure screening is completed for all Personnel as required by the Social Distancing Protocol and its Attachment A-1.
- x. Open-Air Boat Operators must Screen all customers and other visitors on the day of the appointment or service prior to coming in to the facility as outlined by the Social Distancing Protocol and its Attachment A-2. Any person who answers “yes” to a screening question must have service cancelled or rescheduled. No cancellation or rescheduling fee may be charged in that situation.
- xi. All passengers and Personnel must wear a Face Covering at all times while waiting to board, at all times while on board—except when eating or drinking, and at all times when disembarking from the vessel, unless they are specifically exempted from the Face Covering requirements in Health Officer Order No. C19-12c, issued on July 22, 2020, as that order may be amended from time to time;
- xii. Passengers from different households should not shake hands, share food or drinks, or engage in any unnecessary physical contact—the captain and crew must instruct passengers about these requirements;
- xiii. Open-Air Boat Operators must make hand sanitizer available throughout the boat and at each rod station (if any);
- xiv. Equipment (e.g., fishing equipment) may not be shared by people outside of a single household, and the boat and all equipment belonging to the Open-Air Boat Operator or otherwise provided by the Open-Air Boat Operator must be thoroughly cleaned and disinfected after each trip with procedures effective against the Novel Coronavirus SARS-CoV-2 in accordance with CDC guidelines (<https://www.cdc.gov/coronavirus/2019-ncov/community/cleaning-disinfecting-decision-tool.html>).

For clarity, this section does not cover vessels used exclusively for Essential Travel (such as ferries and water taxis) and such vessels do not need to follow the conditions set forth in this section.

(Added July 13, 2020; Non-substantive revisions August 14, 2020; Revised September 14, 2020)

### **(14) Institutions of Higher Education and Adult Education**

- a. Basis for Addition. Personnel and students can wear Face Coverings and maintain at least six feet of physical distance from people in different households at all times. Restrictions can be placed to ensure that no inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. And to the extent classes occur outdoors with distancing and Face Coverings, these interactions are safer than indoor interactions. If indoor in person instruction is authorized by the Health Officer for adult education programs under the limited conditions set forth below, then health mitigation measures

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adopted under an approved plan can decrease the transmission risk.

- b. **Description and Conditions to Operate.** Institutions of Higher Education (“IHEs”) and other programs offering adult education—including, for example, programs offering job skills training and English as a second language classes (“Adult Education Programs”) (IHEs and Adult Education Programs are collectively referred to below as “Higher Educational Programs”)—may operate, subject to the following limitations and conditions:
- i. Higher Educational Programs may operate for purposes of facilitating distance learning and themselves performing essential functions, as set forth in Section 8.a.xiv of the Order;
  - ii. Higher Education Programs may offer in-person instruction *outdoors* in groups of no more than 14 people, including the instructor(s), so long as they follow Social Distancing Requirements and wear Face Coverings and subject to any other relevant health and safety requirements contained in any relevant industry-specific Health Officer directives;
  - iii. Higher Education Programs may not offer in-person instruction indoors unless the specific class:
    - (1) cannot be held remotely or outdoors due to the need for access to specialized equipment or space, and
    - (2) trains students to provide essential functions or services relating to the protection of public health or safety (“Core Essential Services”) or Essential Governmental Functions, and
    - (3) is offered in a specialized indoor settings whose design imposes substantial physical distancing on participants.Higher Education Programs that wish to resume indoor classes that meet these criteria may submit to the Health Officer a proposed plan detailing:
    - the in-person classes the program proposes to offer indoors and why those classes cannot be performed remotely or outdoors under the criteria set forth above;
    - how the classes will prepare students to serve a Core Essential Service;
    - the sanitation, social distancing, face covering, health screening, ventilation, room and building capacity and other safety precautions and procedures that will be implemented to minimize the risk of transmission; and
    - a proposal for PCR COVID-19 testing of students and staff who will be present in the facility, or an explanation of why no testing is necessary in the specific circumstances.
    - The plan must also include a statement that the operator of the Higher Education Program recognizes the risks inherent in holding indoor classes and

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will be responsible for taking all necessary precautions to mitigate the risk of transmission to the greatest extent possible.

Plans must be submitted to [schoolschildcaresites@sfdph.org](mailto:schoolschildcaresites@sfdph.org). Subject to the advance written approval of the Health Officer or the Health Officer's designee, the classes may begin consistent with the approved plan, including any conditions to approval of the Health Officer or the Health Officer's designee.

- iv. Collegiate athletics teams that wish to resume practices, games, or tournaments in San Francisco, without in-person spectators, may submit to the Health Officer a proposed plan detailing the sanitation, social distancing, health screening, and other procedures that will be implemented to minimize the risk of transmission among players, staff, and any others who will be in the facility. The plan must include a proposal for interval testing (without using City resources) of all players and coaching staff who will be present in the facility. The plan must also include a commitment to comply with local directives governing isolation and quarantine of individuals who are diagnosed with, or have had close contact with a person who is diagnosed with, COVID-19. Plans must be submitted to [healthplan@sfcityattorney.org](mailto:healthplan@sfcityattorney.org). Subject to the advance written approval of the Health Officer or the Health Officer's designee, the team may then resume activities consistent with the approved plan, including any conditions to approval of the Health Officer or the Health Officer's designee. But in connection with an approved plan no in-person spectators will be allowed under any circumstances.
- v. Subject to applicable land use laws and regulations, housing controlled or operated by IHEs or restricted for the use of students attending an IHE is permitted to open and operate for students in compliance with any relevant health and safety requirements contained in any relevant industry-specific Health Officer directives. Except for family housing, students must be housed in single rooms (i.e., without a roommate) unless the student specifically requests to be housed with a roommate.
- vi. All Higher Education Programs must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order) and comply with relevant health and safety requirements contained in any relevant industry-specific Health Officer directives.

(Added August 14, 2020; Revised September 1, 2020)

**[Revised September 14, 2020]**

**(15) Personal Service Providers**

- a. Basis for Addition. Although personal services such as hair and nail salons involve moderate to high contact intensity and a moderate number of contacts, the risk of transmission can be significantly lessened for by requiring that all providers and customers to wear a Face Covering at all times. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. Finally, the risk of virus transmission can be reduced through other health and sanitation protocols. Consistent with Section 5.c of the Order and to the extent possible, Personal Service Providers are urged to provide services outdoors to further decrease the risk.
- b. Description and Conditions to Operate.
  1. Outdoors. Personal service providers regulated by Division 3, Chapter 10 of the California Business and Professions Code or San Francisco Health Code Article 29 (collectively, “Personal Service Providers”) that can safely offer services outside, including, for example, hair salons, barber shops, nail salons, massage (in a non-healthcare setting), estheticians, skin care, and cosmetology services (collectively, “Outdoor Personal Services), may operate outdoors, subject to all of the following limitations and conditions:
    - i. The following personal services cannot be offered outside because they cannot be done safely in an outdoor setting: electrology, tattooing, piercing, microblading, permanent make-up, and other forms of body art that are invasive and require a controlled hygienic environment. Also, shampooing, chemical hair services, and services that require the customers to remove their face coverings are not permitted outside;
    - ii. Outdoor Personal Service Providers may, subject to any applicable permit requirements, conduct their operations under a tent, canopy, or other sun or weather shelter, but only as long as no more than one side is closed, allowing sufficient outdoor air movement. Also, the number and composition of barriers used for all outdoor shelters must allow the free flow of air in the breathing zone consistent with guidance from the Department of Public Health;
    - iii. Both Outdoor Personal Service Providers and clients/customers must wear a Face Covering at all times—including during the entire service—unless they are specifically exempted from the Face Covering requirements in Health Officer Order No. C19-12c, issued on July 22, 2020, as that order may be amended from time to time; and
    - iv. The Outdoor Personal Service Provider must have created, posted and implemented a Social Distancing Protocol and must comply with Health Officer Directive No. 2020-23, as that directive may be amended from time to time, regarding required best practices for outdoor personal services.
  2. Indoors. Personal service providers regulated by Division 3, Chapter 10 of the California Business and Professions Code or San Francisco Health Code Article 29 including, for example, hair salons, barber shops, nail salons, massage (in a non-healthcare setting), estheticians, skin care, and cosmetology services, electrology,

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tattooing, piercing, and microblading, may operate indoors (collectively, “Indoor Personal Services,” subject to all of the following limitations and conditions:

- i. Both Indoor Personal Service Providers and clients/customers must wear a Face Covering at all times—including during the entire service—unless they are specifically exempted from the Face Covering requirements in Health Officer Order No. C19-12c, issued on July 22, 2020;
- ii. The Indoor Personal Service Provider must have created, posted and implemented a Social Distancing Protocol and must comply with Health Officer Directive No. 2020-30, as that directive may be amended from time to time, regarding required best practices for Indoor Personal Services; and
- iii. Only the number of people who can safely fit inside the facility while maintaining social distance as required by Directive No. 2020-30 may be inside the facility at a time.

(Added September 1, 2020; Revised September 14, 2020)

### **(16) Gyms and Fitness Centers**

- a. Basis for Addition. Although gyms and fitness centers involve moderate contact intensity and a moderate number of contacts, the risk of transmission can be significantly lessened by requiring that everyone wear a Face Covering and maintain at least six feet of physical distance at all times. Also, the risk of virus transmission can be reduced through other health and sanitation protocols. Consistent with Section 5.c of the Order and to the extent possible, gyms and fitness centers are urged to provide services outdoors to further decrease the risk.
- b. Description and Conditions to Operate.
  1. Outdoors. Gyms and fitness centers offering space or equipment for customer-directed exercise may operate outdoors, subject to all of the following limitations and conditions:
    - i. Gyms and fitness centers may, subject to any applicable permit requirements, conduct their operations under a tent, canopy, or other sun or weather shelter, but only as long as no more than one side is closed, allowing sufficient outdoor air movement. Also, the number and composition of barriers used for all outdoor shelters must allow the free flow of air in the breathing zone consistent with guidance from the Department of Public Health.
    - ii. Everyone in the outdoor gym or fitness center facilities must maintain at least six feet of physical distance from people outside of their Household at all times;
    - iii. Gyms and fitness centers must limit the number of people, including Personnel, who are present in the space to ensure that six feet of physical distance can be maintained at all times;
    - iv. Everyone in the outdoor gym or fitness center facilities must wear a Face Covering at all times, unless they are specifically exempted from the Face

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Covering requirements in Health Officer Order No. C19-12c, issued on July 22, 2020; and

- v. The gym or fitness center must have created, posted and implemented a Social Distancing Protocol and must comply with any and all requirements contained in Health Officer Directive No. 2020-27, regarding outdoor gyms and fitness centers including, without limitation, all enhanced cleaning requirements.
2. **Indoors.** Gyms and fitness centers offering space or equipment for customer-directed exercise may operate indoors, subject to all of the following limitations and conditions:
- i. Gyms and fitness centers must limit the number of people, including Personnel, who are present in the space to the **lesser** of: (1) 10% of the facility's normal maximum occupancy or (2) the number of people who can maintain at least six feet of physical distance from each other in the facility at all times;
  - ii. Everyone in the gym or fitness center facility must maintain at least six feet of physical distance from people outside of their Household at all times;
  - iii. Individuals engaged in an activity that may increase breathing rate and/or intensity (including but not limited to cardio/aerobic activities or weight-lifting), must maintain at least 12 feet of physical distance from people outside of their Household while engaging in those activities;
  - iv. Group cardio/aerobic fitness classes (such as spinning, kickboxing, etc.) are not permitted indoors at this time;
  - v. Everyone in the gym or fitness center facility must wear a Face Covering at all times, unless they are specifically exempted from the Face Covering requirements in Health Officer Order No. C19-12c, issued on July 22, 2020; and
  - vi. The gym or fitness center must have created, posted and implemented a Social Distancing Protocol and must comply with any and all requirements contained in Health Officer Directive No. 2020-31, regarding indoor gyms and fitness centers including, without limitation, all enhanced cleaning requirements.

(Added September 1, 2020; Revised September 14, 2020)

**(17) Indoor Museums, Aquariums, and Zoos**

- a. **Basis for Addition.** As long as patrons move through exhibits and refrain from staying or gathering in an indoor or other enclosed space for a sustained period of time, and capacity and other health safety mitigation measures are used, indoor museums, aquariums and zoos (which have indoor and outdoor spaces) involve low contact intensity and a low number of contacts. Accordingly, the risk of transmission is low as long as adequate precautions are taken.
- b. **Description and Conditions to Operate.** Beginning on September 21, 2020, indoor museums (including art galleries), aquariums, and zoos may resume operations, subject to all of the following limitations and conditions:



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- i. Establishments must limit the number of people, including Personnel, who are present in the facility to the **lesser** of: (1) 25% of the facility's normal maximum occupancy or (2) the number of people who can maintain at least six feet of physical distance from each other in the facility at all times;
- ii. Establishments must limit the number of people, including Personnel, who are present in individual galleries or public spaces to the **lesser** of: (1) 25% of the room's normal maximum occupancy or (2) the number of people who can maintain at least six feet of physical distance from each other in the room at all times;
- iii. Everyone in the facility must maintain at least six feet of physical distance from people outside of their Household at all times;
- iv. Everyone in facility must wear a Face Covering at all times, unless they are specifically exempted from the Face Covering requirements in Health Officer Order No. C19-12c, issued on July 22, 2020; and
- v. The following must remain closed:
  - Common area gathering places such as meeting rooms and lounge areas;
  - Auditoriums;
  - Indoor restaurants and cafes (must remain closed to indoor dining but may provide take-away service);
  - Guided tours, events, classes, and other gatherings; and
  - Coat/personal property check services.
- vi. Before resuming operations, the museum, aquarium, or zoo must have created, posted and implemented a Social Distancing Protocol and must comply with any and all requirements contained in any relevant Health Officer Directives, including, for example, Directive Nos. 2020-05 and 2020-16b (if food is prepared and sold on-site for take-away or outdoor dining), Directive No. 2020-17 (if there is a gift-shop or other retail on-site), and Directive No. 2020-32 (forthcoming).
- vii. Also, in addition to the Social Distancing Protocol, before resuming operations, the museum, aquarium, or zoo must submit a plan to the Department of Public Health, including a detailed description of how the business intends to address safety precautions in the follow areas.
  - Ensuring that facility and individual galleries and rooms remain below 25% maximum capacity;
  - Signage regarding Social Distancing Requirements (to include at least six feet of distance, handwashing/sanitizer practices, face covering policy);
  - Ensuring Personnel and patrons wear face coverings at all times, unless they are specifically exempted from the face covering requirements in Health Officer Order No. C19-12c, issued on July 22, 2020, as that order may be amended from time to time;
  - Ticketing booths and payment systems;
  - Personnel safety precautions;

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- HVAC systems (an explanation of alterations and upgrades to ventilation to increase supply of fresh air and decrease stale or recirculated air, or an explanation of why alterations or upgrades were either (1) unnecessary or (2) unfeasible);
- Food and beverage concessions for takeaway or outdoor dining;
- Retail (e.g., gift shops);
- Social distancing in elevators;
- Monitoring and limiting patrons to ensure physical distancing between members of different households or living units;
- Paths of travel through the establishment and wayfinding signage;
- Plans for preventing patrons from gathering in an enclosed space for a sustained period of time;
- Sanitation for restrooms;
- Sanitation for high-touch surfaces and areas; and
- Closing interactive exhibits or exhibits in enclosed spaces or modifying those exhibits to prevent common touching.

A plan template, which sets forth additional requirements and conditions for operation, will be available at [sfdph.org/directives](http://sfdph.org/directives). It is strongly encouraged that businesses review the requirements set forth in the template and use the template to create their plan.

The plan must be submitted to [HealthPlan@sfcityatty.org](mailto:HealthPlan@sfcityatty.org), posted on the business's website, and made available at the facility. The permanent URL at which the plan will be posted must be provided to SFDPH.

For clarity, the museum, aquarium or zoo does not need SFDPH to approve its plan before it may resume operations in accordance with the proposed plan. But in the event SFDPH identifies deficiencies in the plan, SFDPH will follow up with the business.

(Added September 21, 2020)

**[Revised September 14, 2020]**

**(18) Outdoor Family Entertainment Centers**

- a. **Basis for Addition.** Certain outdoor Family Entertainment Centers involve only moderate risk given that they occur outside, they involve moderate contact intensity and a moderate number of contacts, and the risk of transmission can be significantly lessened by requiring that everyone wear a Face Covering and maintain at least six feet of physical distance at all times. The risk of virus transmission can also be reduced through other health and sanitation protocols. And because the State of California has included outdoor family entertainment centers on the list of options for the County’s current tier (red), this Appendix lists those that can be done now with appropriate safety protocols. More information about the State of California’s designation can be found online at <https://covid19.ca.gov/safer-economy/>.
- b. **Description and Conditions to Operate.** Family Entertainment Centers, as defined by this Section may begin to operate outdoors, subject to all of the limitations and conditions listed below. The term “Family Entertainment Centers” includes only those activities and businesses that are listed by the State of California as examples for the County current tier (red), which are: kart racing; mini-golf; and batting cages. Even if the County is placed on a less restrictive tier, this term will not be changed until this Section is revised. Conditions for outdoor Family Entertainment Centers are as follows:
  - i. All operations must be outdoors. Operations that cannot be safely performed outdoors are not permitted;
  - ii. Family Entertainment Centers may conduct their operations under a tent, canopy, or other sun or weather shelter, but only as long as no more than one side is closed, allowing sufficient outdoor air movement. Also, the number and composition of barriers used for all outdoor shelters must allow the free flow of air in the breathing zone consistent with guidance from the Department of Public Health.
  - iii. Everyone in the Family Entertainment Center facilities must maintain at least six feet of physical distance from people outside of their Household at all times;
  - iv. Family Entertainment Centers must limit the number of people, including Personnel, who are present in the space to ensure that six feet of physical distance can be maintained at all times;
  - v. Everyone in the Family Entertainment Center facility must wear a Face Covering at all times, unless they are specifically exempted from the Face Covering requirements in Health Officer Order No. C19-12c, issued on July 22, 2020, including as that order is amended; and
  - vi. The Family Entertainment Center must have created, posted, and implemented a Social Distancing Protocol and must comply with any and all requirements contained in relevant Health Officer directives, including, without limitation, all enhanced cleaning requirements.

In addition to the requirements listed above, the following other requirements must be met, as listed:

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- vii. For kart racing, services must be provided in compliance with the requirements for outdoor activity equipment rental businesses listed in Section (5) of this Appendix.
- viii. For mini-golf, services must be provided in compliance with the requirements for outdoor golf listed in Section (2) of Appendix C-2 as well as Directive No. 2020-15, including as that directive is updated in the future.
- ix. For batting cages, services must be provided in compliance with the requirements for “Other Outdoor Recreation and Athletic Activities” listed in Section (6) of Appendix C-2.

Note that at the current time many outdoor family entertainment activities are allowed under other sections and directives, including zoos, outdoor swimming pools, outdoor tennis and pickleball, outdoor golf, outdoor lawn bowling, outdoor museums, and outdoor fitness centers.

Also, other activities are not yet allowed because they cannot yet be done safely in the current context due to the difficulty of regularly cleaning high-touch surfaces and of keeping people from different homes physically distant, including: outdoor amusement park-type rides, such as Ferris wheels, carousels, miniature rideable trains, and mini rollercoasters (the operation of which is also prohibited by the State of California – see <https://files.covid19.ca.gov/pdf/guidance-family-entertainment--en.pdf>); and outdoor playgrounds.

(Added September 14, 2020)

### **(19) Open-Air Tour Bus Operators**

- a. Basis for Addition. Personnel and passengers can wear Face Coverings and maintain six feet of physical distance from people in different Households at all times. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. And open-air bus tours occur outside, which is safer than indoor interactions, and have additional air-flow from continual movement. Finally, outdoor tour bus excursions of small, socially distanced groups involve only a moderate number of contacts, and health mitigation measures can significantly decrease the transmission risk.
- b. Description and Conditions to Operate. Individuals or businesses that offer open-air bus tours (“Open-Air Tour Bus Operators”) may operate, subject to the following limitations and conditions:
  - i. If the total number of passengers is greater than 12, the Open-Air Tour Bus Operator must assign each passenger to a group of no more than 12 people. Multiple groups of 12 may be on an Open-Air Tour Bus simultaneously, subject to the requirements set forth in Health Officer Directive No. 2020-19b regarding outdoor gatherings on a moving vehicle, such as an open-top tour bus;
  - ii. All passengers must maintain a physical distance of at least six feet from each other, from the driver, and from Personnel, at all times;

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- iii. Before boarding, passengers must wait at least six feet apart and must not board the bus until the driver or other Personnel allow boarding;
- iv. Bathrooms (if any) must be sanitized after each use following EPA guidelines;
- v. Passengers must stay in the open-air portion of the bus except for brief periods, such as to board, disembark and use the bathroom;
- vi. Open-Air Tour Bus Operators should ask passengers to voluntarily provide their name and phone number for potential contact tracing purposes—the operator should keep this information on file for at least three weeks;
- vii. Open-Air Tour Bus Operators must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order);
- viii. Open-Air Boat Operators must ensure daily COVID-19 symptom and exposure screening is completed for all Personnel as required by the Social Distancing Protocol and its Attachment A-1.
- ix. Open-Air Boat Operators must Screen all customers and other visitors on the day of the appointment or service prior to coming in to the facility as outlined by the Social Distancing Protocol and its Attachment A-2. Any person who answers “yes” to a screening question must have service cancelled or rescheduled. No cancellation or rescheduling fee may be charged in that situation.
- x. All passengers and Personnel must wear a Face Covering at all times while waiting to board, at all times while on board—except when eating or drinking, and at all times when disembarking from the bus, unless they are specifically exempted from the Face Covering requirements in Health Officer Order No. C19-12c, issued on July 22, 2020, as that order may be amended from time to time;
- xi. Passengers from different households should not shake hands, share food or drinks, or engage in any unnecessary physical contact—Personnel must instruct passengers about these requirements;
- xii. Open-Air Tour Bus Operators must make hand sanitizer available;
- xiii. The bus and all equipment belonging to the Open-Air Tour Bus Operator or otherwise provided by the Open-Air Tour Bus Operator must be thoroughly cleaned and disinfected after each trip with procedures effective against the Novel Coronavirus SARS-CoV-2 in accordance with CDC guidelines (<https://www.cdc.gov/coronavirus/2019-ncov/community/cleaning-disinfecting-decision-tool.html>).

(Added September 14, 2020)

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**[Revised September 14, 2020]**

**(20) Lodging Facilities for Tourism**

- a. Basis for Addition. As long as guests refrain from congregating in common areas, and capacity and other health safety mitigation measures are used, lodging facilities involve low contact intensity and a low number of contacts. Personnel and guests can wear Face Coverings whenever they are in common areas and can maintain at least six feet of physical distance except for brief interactions (e.g., while checking in). In indoor common areas, no inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved.
- b. Description and Conditions to Operate. Lodging facilities, including hotels, motels, hostels, bed and breakfasts, inns and short-term rentals, may operate for tourist use, subject to all of the following limitations and conditions:
  - i. Indoor fitness centers, indoor pools, indoor dining facilities, ballrooms, conference rooms, business centers, lounge areas, and other indoor gathering places must remain closed; and
  - ii. The Lodging Facility must have created, posted and implemented a Social Distancing Protocol and must comply with any and all requirements contained in Health Officer Directive No. 2020-29 regarding best practices for lodging facilities, as well as any other relevant Health Officer Directives, including, for example, Directive Nos. 2020-05 and 2020-16b (if food is prepared and sold on-site for take-away or outdoor dining), and Directive No. 2020-17 (if there is a gift-shop or other retail on-site).

(Added September 14, 2020)

**Order No. C19-07i – Appendix C-2: Allowed Additional Activities**

**[Revised September 14, 2020]**

**A. General Requirements**

The “Additional Activities” listed below may resume, subject to the requirements set forth in the Order and to any additional requirements set forth below or in separate guidance by the Health Officer. These activities were selected based on current health-related information, the risk criteria set forth in Section 3 of the Order, and the overall impact that allowing these activities to resume will have on mobility and volume of activity in the County.

The health-related basis for selection of Additional Activities and the specific requirements for risk mitigation are summarized below. The bases for the additions were amended on July 13, 2020, to reflect an updated and refined analysis under the risk criteria set forth in Section 3 of the amended Order.

Activities that are permitted to operate outdoors may, subject to any applicable permit requirements, conduct their operations under a tent, canopy, or other sun or weather shelter, but only as long as no more than one side is closed, allowing sufficient outdoor air movement. Also, the number and composition of barriers used for all outdoor shelters must allow the free flow of air in the breathing zone consistent with guidance from the Department of Public Health.

**B. List of Additional Activities**

For purposes of the Order, Additional Activities include the following based on the summarized health risk related rationale:

(1) Outdoor Museums, Outdoor Historical Sites, and Outdoor Public Gardens .....	2
(2) Outdoor Recreation: Golf and Tennis .....	3
(3) Outdoor Recreation: Dog Parks .....	4
(4) Small Outdoor Special Gatherings.....	5
(5) Libraries for Curbside Pickup and Return .....	6
(6) Outdoor Recreation: Other Outdoor Recreation and Athletic Activities.....	6
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(9) Religious Activities.....	8
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[Revised September 14, 2020]

### (1) Outdoor Museums, Outdoor Historical Sites, and Outdoor Public Gardens

- a. Basis for Addition. Personnel and visitors can wear Face Coverings and maintain at least six feet of physical distance from people in different Households at all times. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. And outdoor activities are safer than indoor activities. Finally, the number, frequency and proximity of contacts can be minimized through capacity limitations and the risk of virus transmission can be reduced through other health protocols.
- b. Description and Conditions. Outdoor museums, outdoor historical sites, and outdoor public gardens (for example, the Botanical Gardens and Japanese Tea Garden may reopen to the public—and individuals may leave their residence and travel to visit these locations—subject to the following conditions:
  1. Only outdoor spaces may be open to the public, except for restrooms as provided below.
  2. Face Coverings must be worn by all staff and visitors, subject to the limited exceptions in Health Officer Order No. C19-12c (e.g., for young children), including as that order is amended in the future;
  3. Physical distancing of at least six-feet must be maintained at all times other than between members of the same Household;
  4. Other than picnic tables, which may be available for use with signs instructing patrons to clean them before and after use, common high-touch equipment and fixtures must be off-limits, with signage and with physical barriers as appropriate;
  5. Public restrooms, if any, must
    - a. be routinely disinfected frequently throughout the day,
    - b. have open doors to prevent touching of door handles or knobs,
    - c. have soap and paper towels, and
    - d. have signs promoting handwashing;
  6. The museum, outdoor historical site, or outdoor public garden must provide for contactless payment systems or, if not feasible, sanitize any payment systems, including touch screens, payment portals, pens, and styluses, after each customer use. Under San Francisco’s Legal Tender Law, customers must be allowed to pay with cash but to further limit person-to-person contact, Personnel should encourage customers to use credit, debit, or gift cards for payment;
  7. Signage must be posted at each public entrance to inform all personnel and customers that they must: avoid entering the facility or location if they have a cough or fever, maintain a minimum six-foot distance from one another while in the facility or location, wear a Face Covering at all times, and not shake hands or engage in any unnecessary physical contact (sample signs are available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>);



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8. Any on-site retail stores (e.g., gift shops) may operate for curbside/outdoor pickup only, and must do so in compliance with Appendix C-1 of this Order and Health Officer Directive 2020-10b (available at <https://www.sfdph.org/directives>);
9. Before resuming operations, outdoor museums, outdoor historical sites, and outdoor public gardens must prepare, post, implement, and distribute to their Personnel a Social Distancing Protocol checklist as required by Appendix A of the Order and a written health and safety plan that addresses all best practices listed in Section 1.b of this Appendix.

For clarity, this section does not apply to outdoor zoos, which are covered under Section 12 of Appendix C-1.

(Added May 17, 2020; revised June 1, 2020; Non-substantive revisions on July 13, 2020)

### **(2) Outdoor Recreation: Golf and Tennis**

- a. Basis for Addition. Non-contact outdoor sports like tennis and golf involve a low number of contacts and a high proximity of contact, as long as the groups engaged in play together are small, maintain required physical distance, and do not share equipment among different Households. Also, interactions and activities that occur outdoors carry a lower risk of transmission than most indoor interactions and activities. And the risk of transmission can be further mitigated by sanitation and hygiene practices. Finally, because outdoor recreation is already allowed under the Order, resumption of this activity is expected to result in only a relatively modest increase in mobility and may decrease congestion in other outdoor locations like public parks and beaches.
- b. Description and Conditions. Individuals may play tennis and golf outdoors, and outdoor tennis and golf facilities/clubs may open, subject to the following conditions:
  1. Face Coverings must be worn by all golf and tennis facility/club Personnel, subject to the limited exceptions in Health Officer Order No. C19-12c (e.g., for young children), including as that order is amended in the future;
  2. All golf and tennis players must wear a Face Covering while in facility/club parking lots, when entering and exiting facilities/clubs, and while waiting to play—Face Coverings may be removed during play if nobody from a different Household is within 30 feet of the player;
  3. For golf, groups must be limited to a maximum of four players per group, unless all players within the group are part of a single Household. Groups of players from different Households must comply with the State of California under its Stay-Safer-At Home Order;
  4. No more than two Households may play tennis together at any one time, and members of separate Households cannot have contact with each other and must remain at least six feet apart at all times; and

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5. Before resuming operations, each golf or tennis facility/club must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order) and comply with Health Officer Directive No. 2020-15 regarding required best practices for tennis and golf.

(Added June 1, 2020; Non-substantive revisions July 13, 2020; Revised September 1, 2020)

### **(3) Outdoor Recreation: Dog Parks**

- a. **Basis for Addition.** Although taking a dog to a dog park may involve mixing of Households, individuals can wear Face Coverings at all times and maintain at least six feet of physical distance from members of other Households except for short interactions. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. Also, outdoor activities carry a lower risk of transmission than indoor interactions and activities, and risk of transmission can be reduced through health protocols.
- b. **Description and Conditions.** Individuals may take their dogs to dog parks (both enclosed and unenclosed), and all dog parks may open, subject to the following conditions:
  1. Face Coverings must be worn by all people in the dog park, subject to the limited exceptions in Health Officer Order No. C19-12c (e.g., for young children), including as that order is amended in the future;
  2. The Centers for Disease Control and Prevention (CDC) has advised that “[u]ntil we learn more about how this virus affects animals,” owners should “treat pets as you would other human family members to protect them from a possible infection.” Specifically, the CDC recommends that pet owners: “Do not let pets interact with people or other animals outside the household,” “Walk dogs on a leash, maintaining at least 6 feet (2 meters) from other people and animals,” and “Avoid dog parks or public places where a large number of people and dogs gather.” Accordingly, pet owners are urged to use on-leash dog parks or keep their dogs on a leash, particularly if the dog is not under voice control—pet owners who choose to let their dogs be off leash in an off-leash dog park should prevent their dog from interacting with other people or animals to the greatest extent feasible;
  3. People in the dog park should maintain at least six feet of physical distance from people or animals other than those in their same Household;
  4. People must bring their own water for themselves and their pets, and must not use common touch water facilities in the park;
  5. People must use their sleeve or a disposable cloth to touch high-touch surfaces like gates;
  6. People should bring their own bags for picking up and disposing of pet waste;
  7. Signage must be posted at each dog park to inform people that they must: avoid entering the location if they have a cough or fever, maintain a minimum six-foot distance from one another, wear a Face Covering at all times, and not shake hands or

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engage in any unnecessary physical contact (sample signs are available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>); and

8. People must follow any other rules and regulations adopted by the operator of the dog park.

(Added June 1, 2020; Non-substantive revisions July 13, 2020)

### **(4) Small Outdoor Gatherings**

- a. Basis for Addition. As provided in Section 4.f of the Order, gatherings among different Households are strongly discouraged to help prevent the spread of COVID-19, and larger gatherings pose higher risks. Although small outdoor gatherings involve mixing of Households, individuals can wear Face Coverings at all times, except when eating and drinking, and maintain at least six feet of physical distance from others outside their Household at all times. Inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) can be—and are strongly urged to be—minimized to the greatest extent possible. Also, outdoor activities carry a lower risk of transmission than indoor interactions and activities, and risk of transmission can be reduced through health protocols.
- b. Description and Conditions. As further provided in Section 3.a of the Order, all people are strongly encouraged to continue staying safe at home and minimizing unnecessary interactions with others to the maximum extent possible. But individuals may participate in small outdoor gatherings—including for ceremonies, religious services, and other special purposes—subject to the following conditions:
  1. No more than six people may participate in a gathering that involves eating or drinking within six feet of each other, unless all are members of the same Household;
  2. No more than 12 people may participate in any other outdoor gathering under this section, unless all are members of the same Household.
  3. Unless eating or drinking in a group of six people or fewer, participants outside of the same Household must remain at least six feet apart from each other. Participants must otherwise follow all Social Distancing Requirements (Section 8.o of the Order), and wear Face Coverings unless eating, drinking, or exempted from wearing a Face Covering under Health Officer Order No. C19-12c (the Face Covering Order); and
  4. Participants and hosts of small outdoor gatherings must comply with Health Officer Directive No. 2020-19b regarding required best practices for small outdoor gatherings and with the health guidelines for safer interactions set forth in the Tip Sheet for Safer Interactions During COVID-19 Pandemic, posted at: [www.sfcdep.org/communicable-disease/diseases-a-z/covid19whatsnew](http://www.sfcdep.org/communicable-disease/diseases-a-z/covid19whatsnew).
  5. A host can hold simultaneous small outdoor gatherings up to the capacity limit for each kind of gathering, including at a single location, if the space allows for adequate physical distancing, so long as the host ensures that the gatherings remain separate,

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such as by placing physical barriers between the gatherings so that each separate gathering is at least six feet from each other. If the host is unable to use a physical barrier because of safety or other logistical considerations, each outdoor gathering must be kept at least 12 feet apart from the nearest simultaneous gathering.

For clarity, this section does not allow contact sports (e.g., football or boxing) or games with shared equipment (e.g. Frisbee, baseball, or playing catch) to resume among members of different Households. This section does not apply to outdoor religious or political protest gatherings, which are covered by Sections 9 and 10, below. This section also does not apply to organized outdoor fitness classes, which are covered by Section 9 of Appendix C-1.

(Added June 11, 2020; Non-substantive revisions July 13, 2020 and September 14, 2020)

### **(5) Libraries for Curbside Pickup and Return**

- a. **Basis for Addition.** Personnel and patrons can wear Face Coverings at all times and maintain at least six feet of physical distance except for brief interactions (e.g., while picking up items). Patrons interact only with a small number of individuals from other Households, and although Personnel are interacting with a moderate number of people, the duration of those interactions are low and safety limitations can ensure adequate social distancing and decrease the risk of virus transmission. In addition, interactions can occur outdoors, which further decreases risk.
- b. **Description and Conditions to Operate.** Libraries may open for curbside/outside pickup and drop off of items, and approved by the City Administrator. All Personnel and patrons must comply with Social Distancing Requirements—including the requirement to maintain at least six feet of physical distance—and wear a Face Covering at all times, subject to the limited exceptions in Health Officer Order No. C19-12c (e.g., for young children), as that order may be amended from time to time.

(Added July 20, 2020)

### **(6) Outdoor Recreation: Other Outdoor Recreation and Athletic Activities**

- a. **Basis for Addition.** Non-contact recreational and athletic activities such as pickleball, lawn bowling, bocce ball and frisbee have low-to-moderate levels of transmission risk. Participants can wear Face Coverings and maintain at least six feet of physical distance at all times, and outdoor activities are safer than indoor interactions.
- b. **Description and Conditions.** Beginning at 9:00 a.m. on September 1, 2020, non-contact recreational and athletic activities with members of other Households may occur, subject to the following conditions:
  1. No more than two Households may engage in these recreational and athletic activities together at any one time;

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2. No equipment (except balls, frisbees, or other similar recreational projectiles) may be shared between Households;
3. All recreational and athletic activities with members of another Household must occur entirely outdoors;
4. Members of separate Households cannot have contact with each other and must remain at least six feet apart at all times;
5. Pickleball is allowed under this section, provided that operators of facilities and players must follow the same guidelines that apply to Tennis Facilities under Health Officer Directive No. 2020-15b; and
6. Face Coverings must be worn at all times, subject to the limited exceptions in Health Officer Order No. C19-12c, issued on July 22, 2020 (e.g., for young children).

(Added September 1, 2020)

### **(7) Outdoor Recreation: Outdoor Swimming Pools**

- a. Basis for Addition. Outdoor swimming pools have few high-touch surfaces and do not require shared equipment. Risks associated with outdoor swimming pools can be substantially mitigated with limitations to ensure adequate social distancing and limit intermixing between Households.
- b. Description and Conditions. Beginning at 9:00 a.m. on September 1, 2020, individuals may use outdoor swimming pools, and outdoor swimming pools may open and operate, subject to the following conditions:
  1. Lap swimming must be limited to one swimmer per lane, except that members of the same Household may occupy a single lane;
  2. Use of shared swimming areas must be limited to no more than two swimmers from different Households per 300 square feet of shared pool space;
  3. Except for members of the same Household, swimmers must remain at least six feet apart at all times;
  4. Locker rooms must be closed to the public, except for use as a restroom;
  5. All gatherings are prohibited outside the pool, such as on pool decks, except (1) as expressly provided in Section 7, below, or Section 9 of Appendix C-1; and (2) members of a Household may observe a child or other person swimming to ensure safety and supervision; and
  6. Before resuming operations, each outdoor swimming pool must create, post and implement a Social Distancing Protocol and comply with the relevant provisions of Health Officer Directive No. 2020-24.

(Added September 1, 2020)

## Order No. C19-07i – Appendix C-2: Allowed Additional Activities

[Revised September 14, 2020]

### **(8) Drive-In Gatherings**

- a. Basis for Addition. Drive-In Gatherings, such as drive-in movies, where all individuals remain in vehicles with members of their Household involve low contact intensity and frequency. Inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) can and are strongly urged to be minimized to the greatest extent possible. Also, outdoor activities carry a lower risk of transmission than indoor interactions and activities, and risk of transmission can be reduced through health protocols.
- b. Description and Conditions. Drive-in gatherings, where participants stay in their vehicles, are permitted subject to the following conditions:
  1. All Drive-In Gatherings must be provided entirely outdoors in an area large enough to accommodate all distancing requirements of this Directive;
  2. Each Drive-In Gathering is limited to a maximum of 100 vehicles;
  3. Participants must remain within the bounds of the four wheels of their vehicle at all times except to use the restroom or during an emergency;
  4. Face Coverings must be worn at all times a participant is outside the bounds of their vehicle or inside or sitting on the vehicle unless the participant is inside the vehicle and all windows are closed, in accordance with Health Officer Order C19-12c issued July 22, 2020 and as it may be amended (the “Face Covering Order”); and
  5. Before hosting a Drive-In Gathering, the Host must create, post and implement a Social Distancing Protocol and comply with the relevant provisions of Health Officer Directive No. 2020-28.

(Added September 14, 2020)

### **(9) Religious Activities**

- a. Basis for Addition. In an effort to balance core First Amendment interests with public health, the Health Officer is creating special provisions for faith-based services and ceremonies. Even with adherence to physical distancing and face covering requirements, bringing members of different households together to engage in in-person religious gatherings carries a higher risk of widespread transmission of COVID-19. Such gatherings may result in increased rates of infection, hospitalization, and death, especially among more vulnerable populations. Therefore, even though in-person religious gatherings are allowed by this provision, with safety limitations, it is strongly recommended that individuals use alternative means to practice their faith for the time being, such as the many online and broadcasting platforms available in the digital age, in place of in-person gatherings.
- b. Description and Conditions to Operate.
  1. Individual indoor prayer in houses of worship: Members of the public may enter a house of worship, subject to the following conditions:

## **Order No. C19-07i – Appendix C-2: Allowed Additional Activities**

**[Revised September 14, 2020]**

- i. Only one individual member of the public may enter the house of worship at a time. If the person is a parent or guardian of minor children, the person may bring their children with them but not other adults from the same household. If the person is an adult who needs assistance, the person may bring a caregiver.
  - ii. The member of the public must maintain at least six feet of physical distance from any Personnel present in the facility;
  - iii. All individuals in the facility must wear a Face Covering, subject to the limited exceptions in Health Officer Order No. C19-12c (e.g., for young children);
  - iv. Doors and windows must left open to the extent possible, or mechanical ventilation systems must be run, to increase ventilation;
  - v. The house of worship must establish protocols for frequent cleaning and disinfection of commonly used surfaces and high traffic areas such as lobbies, hallways, and chapels;
  - vi. Signage must be posted at each public entrance to inform all individuals that they must: avoid entering the house of worship if they have a cough or fever, maintain a minimum six-foot distance from one another while in the facility or location, wear a Face Covering at all times, and not shake hands or engage in any unnecessary physical contact (sample signs are available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>); and
  - vii. The house of worship must comply with the Social Distancing Requirements set forth in Section 15.k of this Order—and create, post and implement a Social Distancing Protocol (Appendix A of this Order).
2. Outdoor Religious Gatherings: Houses of worship and operators of other facilities or groups may hold outdoor gatherings for the practice of religion, including religious services and religious ceremonies, subject to the following conditions:
- i. No more than 50 individuals may participate in the gathering and simultaneous gatherings in the same location or vicinity are prohibited;
  - ii. Participants must maintain at least six feet of distance from members of different households;
  - iii. All participants must wear a face covering, subject to the limited exceptions in Health Officer Order No. C19-12c (e.g., for young children); and
  - iv. No food or beverages may be served or sold;
  - v. One individual at a time may sing, chant, or shout, provided: (1) the person singing, chanting, or shouting is at least 12-feet from any other person; and (2) the person singing, chanting, or shouting is wearing a Face Covering at all times;

## **Order No. C19-07i – Appendix C-2: Allowed Additional Activities**

**[Revised September 14, 2020]**

- vi. No sharing or common use of objects or equipment is permitted unless those objects or equipment are sanitized with cleaning products effective against COVID-19 in between uses by members of different households;
- vii. The gathering must comply with all of the relevant requirements set forth in Health Officer Directive No. 2020-19b regarding outdoor gatherings; and
- viii. All participants must comply with any requirements—including permitting requirements and conditions—imposed by applicable public authorities.

(Added September 14, 2020)

### **(10) Political Activity**

- a. Basis for Addition. In an effort to balance core First Amendment interests with public health, the Health Officer is creating special provisions for political activities. Even with adherence to physical distancing and face covering requirements, bringing members of different households together to engage in in-person protests carries a higher risk of widespread transmission of COVID-19. Such gatherings may result in increased rates of infection, hospitalization, and death, especially among more vulnerable populations. In particular, activities like chanting, shouting, singing, and group recitation negate the risk-reduction achieved through six feet of physical distancing and face covering. Therefore, even though in-person political protests are allowed by this provision, with safety limitations, it is strongly recommended that individuals use alternative means of expression for the time being, such as the many online and broadcasting platforms available in the digital age, in place of in-person gatherings.
- b. Description and Conditions to Operate.
  - 1. Individual indoor political offices: A single individual may be inside a campaign office or other political office, subject to the following conditions:
    - i. Only one person may be in the office or facility at a time except as outlined in this section b.1.
    - ii. One other individual at a time may temporarily come into the office or facility, such as for a brief meeting or to pick up or drop off materials.
    - iii. All individuals in the facility must wear a Face Covering as required by Health Officer Order No. C19-12c, subject to the limited exceptions in that order;
    - iv. Doors and windows must left open to the extent possible, or mechanical ventilation systems must be run, to increase ventilation;
    - v. The facility must establish protocols for frequent cleaning and disinfection of commonly used surfaces and high traffic areas such as lobbies, hallways, and offices;
    - vi. Signage must be posted at each public entrance to inform all individuals that they must: avoid entering the location if they have a cough or fever, maintain



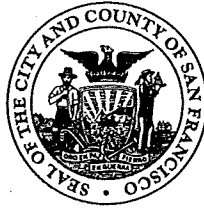
## **Order No. C19-07i – Appendix C-2: Allowed Additional Activities**

**[Revised September 14, 2020]**

a minimum six-foot distance from one another while in the facility or location, wear a Face Covering at all times, and not shake hands or engage in any unnecessary physical contact (sample signs are available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>); and

- vii. The facility or office must comply with the Social Distancing Requirements set forth in Section 15.k of this Order—and create, post and implement a Social Distancing Protocol (Appendix A of this Order).
2. Political Protest Gatherings: Facilities and groups may hold outdoor gatherings for in-person political protests, subject to the following conditions, subject to the following conditions:
- i. No more than 50 individuals may participate in the gathering and simultaneous gatherings in the same location or vicinity are prohibited;
  - ii. Participants must maintain at least six feet of distance from members of different households;
  - iii. All participants must wear a Face Covering, subject to the limited exceptions in Health Officer Order No. C19-12c (e.g., for young children); and
  - iv. No food or beverages may be served or sold;
  - v. One individual at a time may sing, chant, or shout, provided: (1) the person singing, chanting, or shouting is at least 12-feet from any other person; and (2) the person singing, chanting, or shouting is wearing a Face Covering at all times;
  - vi. No sharing or common use of objects or equipment is permitted unless those objects or equipment are sanitized with cleaning products effective against COVID-19 in between uses by members of different households;
  - vii. The gathering must comply with all of the relevant requirements set forth in Health Officer Directive No. 2020-19b regarding outdoor gatherings; and
  - viii. All participants must comply with any requirements—including permitting requirements and conditions—imposed by applicable public authorities.

(Added September 14, 2020)



LONDON N. BREED

MAYOR  
RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2020 MAR 18 PM 5:00

**FOURTH SUPPLEMENT TO MAYORAL PROCLAMATION DECLARING  
THE EXISTENCE OF A LOCAL EMERGENCY DATED FEBRUARY 25, 2020**

**WHEREAS**, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14) and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County or its citizens; and

**WHEREAS**, On February 25, 2020, the Mayor issued a Proclamation (the "Proclamation") declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus ("COVID-19"); and

**WHEREAS**, On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency; and

**WHEREAS**, On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State due to the threat posed by COVID-19; and

**WHEREAS**, On March 6, 2020, the Local Health Officer declared a local health emergency under Section 101080 of the California Health and Safety Code, and the Board of Supervisors concurred in that declaration on March 10, 2020; and

**WHEREAS**, On March 6, 2020, the City issued public health guidance to encourage social distancing to disrupt the spread of COVID-19 and protect community health; and

**WHEREAS**, On March 7, 2020, the Local Health Officer ordered certain City facilities not to hold non-essential group events of more than 50 people for the two weeks from the date of the order and prohibited visitors from Laguna Honda Hospital; and

**WHEREAS**, On March 7, 2020, the Department of Human Resources issued guidance to minimize COVID-19 exposure risk for City employees who provide essential services to the local community, in particular during the current local emergency; and

**WHEREAS**, On March 11, 2020, March 13, 2020, and March 17, 2020, the Mayor issued supplements to the Proclamation, ordering additional measures to respond to the emergency; and



**WHEREAS**, On March 16, 2020, the Local Health Officer issued an order requiring most people to remain at home subject to certain exceptions including obtaining essential goods such as food and necessary supplies, and requiring the closure of non-essential businesses, through April 7, 2020; and

**WHEREAS**, On March 16, 2020, the Governor issued Executive Order N-28-20, finding that it is necessary to promote stability among commercial tenancies to further public health and mitigate the economic pressures of the emergency, and waiving certain provisions of state law so that local jurisdictions may achieve these purposes; and

**WHEREAS**, There are currently 51 confirmed cases of COVID-19 within the City, more than 850 confirmed cases in California, and there have been 15 COVID-19-related deaths in California; and

**WHEREAS**, COVID-19 is causing and is expected to continue to cause abrupt serious negative impacts on the local economy and abrupt serious negative financial impacts to local businesses, including, but not limited to, reductions in income due to lower customer demand or forced closures; and

**WHEREAS**, These abrupt serious negative impacts will irreparably harm local businesses and the residents they employ, and will jeopardize public health; and

**WHEREAS**, It is in the public interest to take immediate steps to ensure that local businesses can continue to operate, either as essential businesses now under the shelter in place order or after the restrictions in the shelter in place order are lifted; and

**WHEREAS**, The Mayor proclaims that the conditions of extreme peril exist and continue to warrant and necessitate the existence of a local emergency,

**NOW, THEREFORE,**

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim that there continues to exist an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;

**In addition to the measures outlined in the Proclamation, in the March 11, 2020 Supplement to the Proclamation, the March 13, 2020 Second Supplement to the**



**Proclamation, and the March 17, 2020 Third Supplement to the Proclamation, it is further ordered that:**

A temporary moratorium on eviction for non-payment of rent by commercial tenants directly impacted by the COVID-19 crisis is imposed as follows:

(a) This Order applies only to commercial tenants registered to do business in San Francisco under Article 12 of the Business and Tax Regulations Code with 2019 combined worldwide gross receipts for tax year 2019 for purposes of Article 12-A-1 of the Business and Taxation Code equal to or below \$25 million. This figure shall be prorated in the case of businesses that were not operating for the entire 2019 tax year.

(b) If a covered commercial tenant fails to make a rent payment that was due on or after March 17, 2020, then the landlord may not recover possession of the unit due to the missed or delayed payment, without first providing the tenant written notice of the violation and an opportunity to cure the violation, as set forth in subsection (c).

(c) The written notice from the landlord required under subsection (b) shall specify a cure period of at least one month from the date the tenant receives the notice, but landlords are encouraged to offer a longer period. Upon receipt of the notice, the tenant shall have the full cure period to either (1) pay the rent, or (2) provide documentation to the landlord showing that the tenant is unable to pay the rent due to a financial impact related to COVID-19. For purposes of this Order, the term "financial impact" means a substantial decrease in business income due to illness or other disruption, reduced open hours or reduced consumer demand, or temporary closure of the business, including temporary closure required to comply with restrictions or in response to restrictions under the shelter in place or other orders of the Health Officer. A financial impact is "related to COVID-19" if caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.

(d) If the tenant provides the landlord documentation of the tenant's inability to pay rent due to a financial impact related to COVID-19, then the cure period shall be extended by one month, so that the landlord and tenant can discuss the matter in good faith and attempt to develop a payment plan for the tenant to pay the missed rent. If the landlord and tenant cannot agree to a payment plan, then the tenant shall, on or before the new date that the cure period will expire, at the one-month mark, either (1) pay the rent, or (2) provide additional documentation of its continuing inability to pay due to a



financial impact related to COVID-19, in which case the cure period shall extend by one more month. Thereafter, the tenant may obtain additional monthly extensions of the cure period by providing updated documentation each month, but under no circumstances shall the landlord be prohibited from evicting for non-payment for more than six months after the date the rent was originally due. If the tenant has not paid all outstanding rent at the end of the applicable cure period, then the landlord may proceed with the eviction for non-payment.

(e) Nothing in this Order relieves a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover the rent due through means other than an eviction for non-payment.

(f) This Order will last for a period of 30 days, until the Proclamation of Local Emergency is terminated, or upon further Order from the Mayor, whichever occurs sooner. The cure period requirements of subsections (c) and (d) shall survive the expiration or termination of this Order for any missed rent payment that occurred prior to the expiration or termination of the Order. The Mayor may extend this Order by an additional period of 30 days if emergency conditions at that time warrant extension. The Mayor shall provide notice of the extension through an Executive Order posted on the Mayor's website and delivered to the Clerk of the Board of Supervisors.

(g) The Office of Economic and Workforce Development ("OEWD") is delegated authority to adopt regulations and to develop and publish guidelines consistent with this Order, including forms and recommendations of the types of documentation that may show financial impacts related to COVID-19. OEWD shall also have the authority to grant waivers from this Order to landlords who can demonstrate that being unable to evict would cause them a significant financial hardship (for example, default on debt or similar enforceable obligation).

DATED: March 18, 2020

A handwritten signature in black ink that reads "London Breed".

London N. Breed  
Mayor of San Francisco



**EIGHTH SUPPLEMENT TO MAYORAL PROCLAMATION DECLARING THE  
EXISTENCE OF A LOCAL EMERGENCY DATED FEBRUARY 25, 2020**

**WHEREAS**, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14) and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County or its citizens; and

**WHEREAS**, On February 25, 2020, the Mayor issued a Proclamation (the “Proclamation”) declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus (“COVID-19”); and

**WHEREAS**, On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency; and

**WHEREAS**, On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State due to the threat posed by COVID-19; and

**WHEREAS**, On March 6, 2020, the Local Health Officer declared a local health emergency under Section 101080 of the California Health and Safety Code, and the Board of Supervisors concurred in that declaration on March 10, 2020; and

**WHEREAS**, On March 6, 2020, the City issued public health guidance to encourage social distancing to disrupt the spread of COVID-19 and protect community health; and

**WHEREAS**, On March 7, 2020, the Local Health Officer ordered certain City facilities not to hold non-essential group events of more than 50 people for the two weeks from the date of the order and prohibited visitors from Laguna Honda Hospital; and

**WHEREAS**, On March 7, 2020, the Department of Human Resources issued guidance to minimize COVID-19 exposure risk for City employees who provide essential services to the local community, in particular during the current local emergency; and

**WHEREAS**, On March 11, 2020, March 13, 2020, March 17, 2020, March 18, 2020, and March 23, 2020, the Mayor issued supplements to the Proclamation, ordering additional measures to respond to the emergency; and



**WHEREAS**, On March 16, 2020, the City’s Health Officer issued a stay safe at home order, Health Officer Order No. C19-07 (the “Stay Safe At Home Order”), requiring most people to remain in their homes subject to certain exceptions including obtaining essential goods such as food and necessary supplies, and requiring the closure of non-essential businesses, through April 7, 2020, and on March 31, 2020, the Health Officer extended the Stay Safe At Home Order through May 3, 2020; and

**WHEREAS**, On March 19, 2020, the Governor issued Executive Order N-33-20 and the California Public Health Officer issued a corresponding order requiring people to stay home except as needed subject to certain exceptions; and

**WHEREAS**, There are currently 434 confirmed cases of COVID-19 within the City and there have been 7 COVID-19-related deaths in the City; there are more than 9,500 confirmed cases in California, and there have been 204 COVID-19-related deaths in California; and

**WHEREAS**, This order and the previous orders issued during this emergency have all been issued because of the propensity of the virus to spread person to person and also because the virus physically is causing property loss or damage due to its proclivity to attach to surfaces for prolonged periods of time; and

**WHEREAS**, On March 17, 2020, the Mayor issued the Third Supplement to the Emergency Proclamation, which contained an order prohibiting meetings of City boards, commissions, and advisory bodies, other than the Board of Supervisors, through April 7, 2020, unless authorized by the Mayor or the Board of Supervisors; given the extension of the Stay Safe At Home Order through May 3, 2020, it is necessary to continue the restrictions on meetings of these bodies through May 3, 2020; and

**WHEREAS**, On March 18, 2020, the Mayor issued the Fourth Supplement to the Emergency Proclamation, imposing a temporary moratorium on eviction for non-payment of rent by commercial tenants directly impacted by the COVID-19 crisis, and it is necessary to clarify how the moratorium is intended to apply; and

**WHEREAS**, The Mayor proclaims that the conditions of extreme peril exist and continue to warrant and necessitate the existence of a local emergency,



**NOW, THEREFORE,**

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim that there continues to exist an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;

**In addition to the measures outlined in the Proclamation and in the Supplements to the Proclamation dated March 11, March 13, March 17, March 18, March 23, March 27, and March 31, 2020, it is further ordered that:**

(1) Section 5 of the Third Supplement to the Emergency Proclamation dated March 17, 2020, is revised and replaced as follows: From March 18, 2020 through May 3, 2020, City policy and advisory bodies shall not hold public meetings, unless the Board of Supervisors, acting by written motion, or the Mayor or the Mayor's designee directs otherwise, based on a determination that a policy body has an urgent need to take action to ensure public health, safety, or essential government operations. This order applies to all City commissions, boards, and advisory bodies other than the Board of Supervisors and its committees.

(2) The Fourth Supplement to the Emergency Proclamation dated March 18, 2020 (the "Fourth Supplement"), imposing a temporary moratorium on eviction for non-payment of rent by commercial tenants directly impacted by the COVID-19 crisis, is amended as follows:

(a) Notwithstanding the word "eviction" in subsection (d) of the Fourth Supplement, the moratorium applies to all attempts to recover possession of a unit due to non-payment, including situations where the tenant is occupying the unit on a month-to-month periodic tenancy, holdover basis, or similar arrangement, and including where the landlord has the right to terminate or not renew the agreement at the landlord's discretion. In such situations, if a tenant misses a payment due to COVID-19, the moratorium against recovering possession due to non-payment shall apply, unless the landlord can demonstrate an alternative, non-pretextual reason for recovering possession of the unit (e.g., turning the unit over to a new tenant under a previously executed agreement, planned renovations, or previous agreement to turn over the unit vacant to a new owner).

(b) The moratorium is also intended to cover security deposits. The moratorium does not prohibit a landlord from drawing from an existing security deposit, in the event





the tenant has missed a rent payment and the agreement allows the landlord to deduct rent from the security deposit. However, a landlord may not require a tenant described in subdivision (a) of the Fourth Supplement to increase the security deposit. If an existing agreement contains a provision requiring a tenant to replenish a security deposit that the landlord has drawn from, the landlord shall not attempt to recover possession of the unit due to the tenant's inability to replenish the security deposit, if the tenant was unable to do so because of the financial impacts of COVID-19. In such event, the landlord and tenant shall follow the notice and cure requirements set forth in subdivisions (c) and (d) of the Fourth Supplement with regard to replenishment of the security deposit. Any failure to replenish a security deposit as set forth in an existing agreement shall not be a basis to recover possession of the unit until six months after the moratorium expires. Notwithstanding the foregoing, landlords are discouraged from using tenants' security deposits to cover missed rent payments during the moratorium.

(c) The foregoing provisions are incorporated into the Fourth Supplement as though set forth directly therein, and shall expire at the same time that the Fourth Supplement expires. If the Fourth Supplement is renewed, the foregoing provisions shall also renew.

DATED: April 1, 2020

A handwritten signature in blue ink, reading "London Breed".

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London N. Breed  
Mayor of San Francisco

EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA

EXECUTIVE ORDER N-28-20

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection and otherwise mitigate the effects of COVID-19 are needed; and

**WHEREAS** the economic impacts of COVID-19 have been significant, and could threaten to undermine Californians' housing security and the stability of California businesses; and

**WHEREAS** many Californians are experiencing substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rents, mortgages, and utility bills; and

**WHEREAS** Californians who are most vulnerable to COVID-19, those 65 years and older, and those with underlying health issues, are advised to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19; and

**WHEREAS** because homelessness can exacerbate vulnerability to COVID-19, California must take measures to preserve and increase housing security for Californians to protect public health; and

**WHEREAS** local jurisdictions, based on their particular needs, may therefore determine that additional measures to promote housing security and stability are necessary to protect public health or to mitigate the economic impacts of COVID-19; and

**WHEREAS** local jurisdictions may also determine, based on their particular needs, that promoting stability amongst commercial tenancies is also conducive to public health, such as by allowing commercial establishments to decide whether and how to remain open based on public health concerns rather than economic pressures, or to mitigate the economic impacts of COVID-19; and

**WHEREAS** in addition to these public health benefits, state and local policies to promote social distancing, self-quarantine, and self-isolation require that people be able to access basic utilities—including water, gas, electricity, and telecommunications—at their homes, so that Californians can work from home, receive public health information, and otherwise adhere to policies of social distancing, self-quarantine, and self-isolation, if needed; and

**WHEREAS** many utility providers, public and private, covering electricity, gas, water, and sewer, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19; and

**WHEREAS** many telecommunication companies, including internet and cell phone providers, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19;

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

- 1) The time limitation set forth in Penal Code section 396, subdivision (f), concerning protections against residential eviction, is hereby waived. Those protections shall be in effect through May 31, 2020.
- 2) Any provision of state law that would preempt or otherwise restrict a local government's exercise of its police power to impose substantive limitations on residential or commercial evictions as described in subparagraphs (i) and (ii) below—including, but not limited to, any such provision of Civil Code sections 1940 et seq. or 1954.25 et seq.—is hereby suspended to the extent that it would preempt or otherwise restrict such exercise. This paragraph 2 shall only apply to the imposition of limitations on evictions when:
  - (i) The basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and
  - (ii) The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

The statutory cause of action for judicial foreclosure, Code of Civil Procedure section 725a et seq.; the statutory cause of action for unlawful detainer, Code of Civil Procedure section 1161 et seq., and any other statutory cause of action that could be used to evict or otherwise eject a residential or commercial tenant or occupant of residential real property after foreclosure is suspended only as applied to any tenancy, or residential real property and any

occupation thereof, to which a local government has imposed a limitation on eviction pursuant to this paragraph 2, and only to the extent of the limitation imposed by the local government.

Nothing in this Order shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

The protections in this paragraph 2 shall be in effect through May 31, 2020, unless extended.

- 3) All public housing authorities are requested to extend deadlines for housing assistance recipients or applicants to deliver records or documents related to their eligibility for programs, to the extent that those deadlines are within the discretion of the housing authority.
- 4) The Department of Business Oversight, in consultation with the Business, Consumer Services, and Housing Agency, shall engage with financial institutions to identify tools to be used to afford Californians relief from the threat of residential foreclosure and displacement, and to otherwise promote housing security and stability during this state of emergency, in furtherance of the objectives of this Order.
- 5) Financial institutions holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, are requested to implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses, which were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.
- 6) The California Public Utilities Commission is requested to monitor measures undertaken by public and private utility providers to implement customer service protections for critical utilities, including but not limited to electric, gas, water, internet, landline telephone, and cell phone service, in response to COVID-19, and on a weekly basis publicly report these measures.

Nothing in this Order shall be construed to invalidate any limitation on eviction enacted by a local jurisdiction between March 4, 2020 and this date.

Nothing in this Order shall in any way restrict state or local authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential real property.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**I FURTHER DIRECT** that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 16th day of March 2020.



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GAVIN NEWSOM  
Governor of California

**ATTEST:**

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ALEX PADILLA  
Secretary of State

## **EXECUTIVE ORDER N-71-20**

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** the COVID-19 pandemic, as well as physical distancing and other public health measures undertaken in response to it, continue to affect individuals, businesses, schools, and governmental agencies alike, with associated impacts on adherence to certain statutory and regulatory deadlines and requirements; and

**WHEREAS** minimizing evictions during this period is critical to reducing the spread of COVID-19 in vulnerable populations by allowing those most vulnerable to COVID-19 to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19; and

**WHEREAS** under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would continue to prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

### **IT IS HEREBY ORDERED THAT:**

- 1) Paragraph 4 of Executive Order N-26-20 is withdrawn and superseded by the following text:

For LEAs that initiate a school closure between March 13, 2020 and June 30, 2020 to address COVID-19, the closure shall qualify as a condition that prevents the maintenance of the LEA's schools during a fiscal year for at least 175 days pursuant to Education Code section 41422. Additionally, for such LEAs, the requirement in Education Code section 41422 to submit affidavits of the members of the governing board of the school district, the governing board of the county office of education, or the governing board or body of the charter school and of the county superintendent of schools are hereby suspended on the condition that the superintendent of the school district, the county superintendent of schools, or the charter school leader certifies in writing to the Superintendent of Public Instruction that the closure occurred to address COVID-19.

- 2) The timeframe for the protections set forth in Executive Order N-28-20, Paragraph 1, extended via Executive Order N-66-20, Paragraph 20, is hereby extended through September 30, 2020.

3) The timeframe for the protections set forth in Executive Order N-28-20, Paragraph 2, extended via Executive Order N-66-20, Paragraph 21, is hereby extended through September 30, 2020.

4) Paragraph 1 of Executive Order N-29-20 is withdrawn and superseded by the following text:

As to individuals currently eligible for benefits under Medi-Cal, and to the extent necessary to allow such individuals to maintain eligibility for such benefits, any state law, including, but not limited, to California Code of Regulations, Title 22, section 50189(a), that would require redetermination of such benefits is suspended. This Order shall be construed to be consistent with applicable federal laws, including, but not limited, to Code of Federal Regulations, Title 42, section 435.912, subdivision (e), as interpreted by the Centers for Medicare and Medicaid Services (in guidance issued on January 30, 2018) to permit the extension of otherwise-applicable Medicaid time limits in emergency situations.

5) Paragraph 3 of Executive Order N-65-20 is withdrawn and superseded by the following text:

The deadline specified in Government Code section 1774(c), related to the Senate's confirmation of an individual appointed or reappointed by the Governor to an office, is extended for a period of 90 days. Additionally, the deadlines specified in Government Code section 1774(a), related to the Governor's reappointment of an incumbent to an office, and Government Code section 1774(b), related to transmittal of the required information about reappointment of an incumbent to the Secretary of the Senate, and which were extended via Executive Order N-35-20, are further extended for a period of 60 days.

6) Paragraph 10 of Executive Order N-65-20 is withdrawn and superseded by the following text:

The timeframes set forth in Executive Order N-35-20, Paragraph 11, are extended by an additional 60 days.

7) The timeframe set forth in Executive Order N-35-20, Paragraph 12, as extended via Executive Order N-65-20, paragraph 11, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.

8) The timeframe set forth in Executive Order N-39-20, Paragraph 8, as extended via Executive Order N-69-20, Paragraph 2, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.

9) Paragraph 11 of Executive Order N-66-20, is withdrawn and superseded by the following text:

The timeframe set forth in Executive Order N-40-20, Paragraph 1, is extended by an additional 60 days.

- 10) Paragraph 12 of Executive Order N-66-20 is withdrawn and superseded by the following text:

The timeframe set forth in Executive Order N-40-20, Paragraph 2, is extended by an additional 60 days.

- 11) The timeframe set forth in Executive Order N-40-20, Paragraph 7, as extended via Executive Order N-66-20, Paragraph 13, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.

- 12) The timeframe set forth in Executive Order N-40-20, Paragraph 9, as extended via Executive Order N-66-20, Paragraph 14, is hereby extended through August 27, 2020.

- 13) Paragraph 10 of Executive Order N-40-20, as extended via Executive Order N-66-20, Paragraph 15, is hereby withdrawn and superseded by the following text:

The deadlines to pay annual fees, including any installment payments, currently due or that will become due during the proclaimed emergency, as specified in Business and Professions Code sections 19942, 19951, 19954, 19955, and any accompanying regulations; the expiration dates of all licensees, work permits, findings of suitability, or other approvals, as specified in Business and Professions Code sections 19876, 19877, 19912(a)(1)(B), and any accompanying regulations; the deadlines for submission and processing of any renewal application or related fee, as specified in Business and Professions Code sections 19868, 19876, 19877, 19942, and any accompanying regulations; the deadline for completing the annual financial reports and audited reports, as specified in section 12313 of Title 4 of the California Code of Regulations; and the deadlines for satisfying any outstanding requirements, including conditions or restrictions on licenses, work permits, findings of suitability, or other approvals, as specified in Business and Professions Code sections 19824, 19870, and 19912, are extended for an additional 60 days for any card room or third-party provider of proposition player service that suspended operations due to the proclaimed emergency.

- 14) Paragraph 16 of Executive Order N-66-20, is withdrawn and superseded by the following text:

The timeframe set forth in Executive Order N-40-20, Paragraph 12, is extended for an additional 60 days.

- 15) Paragraph 13 of Executive Order N-40-20, as extended via Executive Order N-66-20, Paragraph 17, is withdrawn and superseded by the following text:

In order to limit the need for in-person transactions at Department of Motor Vehicle offices and thereby facilitate adherence to physical distancing guidelines, the prohibition in Vehicle Code section 12814.5(e) against renewals by mail of driver's licenses and the



requirements in Vehicle Code section 13002.1(b) for in-person renewals of identification cards, and any accompanying regulations, are waived. This waiver shall be in effect until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.

- 16) Paragraph 18 of Executive Order N-66-20, is withdrawn and superseded by the following text:

The timeframe set forth in Executive Order N-40-20, Paragraph 15, is hereby extended by 30 days.

- 17) Paragraph 19 of Executive Order N-66-20, is withdrawn and superseded by the following text:

The timeframe set forth in Executive Order N-40-20, Paragraph 16, is hereby extended for 30 days.

- 18) Paragraph 1 of Executive Order N-47-20, as extended via Executive Order N-68-20, Paragraph 10, is, effective August 4, 2020, withdrawn and superseded by the following text:

The provisions of Welfare and Institutions Code sections 12301.1, 12301.2, and 12309 are suspended to the extent necessary to permit in-home initial assessments of IHSS applicants who have known exposure to, present symptoms of, or test positive for COVID-19 to be conducted by video-conferencing, to the extent permitted under federal law.

- 19) The timeframe set forth in Executive Order N-52-20, Paragraph 1, as extended via Executive Order N-69-20, Paragraph 3, is hereby extended until December 31, 2020.

- 20) The timeframe set forth in Executive Order N-52-20, Paragraph 2 as extended via Executive Order N-69-20, Paragraph 4, is hereby extended until December 31, 2020.

- 21) The timeframe set forth in Executive Order N-52-20, Paragraph 3 as extended via Executive Order N-69-20, Paragraph 5, is hereby extended until December 31, 2020.

- 22) Paragraph 9 of Executive Order N-52-20 is withdrawn and superseded by the following text:

Consistent with the Federal Motor Carrier Safety Administration's Waiver in Response to the COVID-19 National Emergency – For States, CDL Holders, and Interstate Drivers Operating Commercial Motor Vehicles, which was issued on March 24, 2020, and which waives certain federal regulations concerning the validity of commercial driver licenses and permits and the status of medical certifications held by the holders of commercial driver licenses and permits, the timeframes set forth in Vehicle Code section 12804.9(c), and accompanying regulations, pertaining to possessing a valid medical certificate in order to maintain a valid commercial driver license or certificate, are waived. This waiver shall apply to holders of current

commercial driver's licenses or certificates, whose required medical certificate has or will expire on or after March 4, 2020, and shall remain in effect for the duration of the Federal Motor Carrier Safety Administration Waiver in Response to the COVID-19 National Emergency and any subsequently issued Federal Motor Carrier Safety Administration waiver granting the same relief.

- 23) Paragraph 1 of Executive Order N-53-20, as extended via Executive Order N-68-20, Paragraph 11, is withdrawn and superseded by the following text:

To facilitate the continued provision of care and supervision during the COVID-19 pandemic, the Department of Social Services may, to the extent necessary, temporarily waive, in whole or in part, Resource Family Approval Program standards set forth in the Resource Family Approval Program pursuant to Article 2 of Chapter 5 of Part 4 of Division 9 of the Welfare and Institutions Code and any accompanying regulations, written directives, or other related policies or procedures, including but not limited to standards regarding inactive status, home environment, caregiver training, complaint investigation protocols, and face-to-face interview requirements.

- 24) Paragraph 8 of Executive Order N-69-20, which modified and replaced Paragraph 8 of Executive Order N-53-20, is withdrawn and superseded by the following text:

State extended foster care eligibility for all youth entering or reentering extended foster care requiring any physical, in-person, face-to-face application, meetings, visits, and signature requirements, as required by Welfare and Institutions Code sections 388, 388.1, 11400, and 11403 and accompanying rules or regulations, are suspended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner. In addition, to ensure effective transitions for nonminor dependents, the maximum age criteria for state foster care eligibility for nonminor dependents who turn 21 on or after April 17, 2020, as required by Welfare and Institutions Code sections 11400 and 11403 and accompanying rules or regulations, is suspended through June 30, 2020.

- 25) Paragraph 10 of Executive Order N-53-20, as extended via Executive Order N-69-20, Paragraph 9, is withdrawn and superseded by the following text:

Physical, in-person, face-to-face visitation requirements contained in Section 11405 of the Welfare and Institutions Code and accompanying rules or regulations are suspended.

- 26) The timeframe set forth in Executive Order N-53-20, Paragraph 11, as extended via Executive Order N-68-20, Paragraph 15, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.

- 27) The timeframe set forth in Executive Order N-53-20, Paragraph 12, as extended via Executive Order N-69-20, Paragraph 10, is hereby

extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.

- 28) The timeframe set forth in Executive Order N-53-20, Paragraph 13, as extended via Executive Order N-69-20, Paragraph 11, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.
- 29) The provisions of Executive Order N-58-20 are hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.
- 30) The timeframe set forth in Executive Order N-59-20, Paragraph 1, as extended via Executive Order N-69-20, Paragraph 13, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.
- 31) The timeframe set forth in Executive Order N-59-20, Paragraph 2, as extended via Executive Order N-69-20, Paragraph 14, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.
- 32) The timeframe set forth in Executive Order N-59-20, Paragraph 3, as extended via Executive Order N-69-20, Paragraph 15, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.
- 33) The timeframe set forth in Executive Order N-59-20, Paragraph 4, as extended via Executive Order N-69-20, Paragraph 16, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.
- 34) The timeframe set forth in Executive Order N-63-20, Paragraph 6, is extended by 120 days.
- 35) The timeframe set forth in Executive Order N-65-20, Paragraph 5, is extended by an additional 60 days.
- 36) The provisions of Executive Order N-63-20, Paragraph 15, are hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.
- 37) Executive Order N-63-20, Paragraphs 8(g) (as modified by Executive Order N-68-30, paragraph 3), 8(h), 8(i), and 8(j), shall become inoperative on August 29, 2020.
- 38) Executive Order N-68-20, Paragraphs 4(i) and 4(ii), shall become inoperative on August 29, 2020.
- 39) The deadlines specified in, or that apply to, the statutes and regulations identified in Paragraphs 9(a), 9(c), and 9(d) of Executive Order N-63-20, including as previously extended, are hereby suspended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.

40)The timeframe set forth in Executive Order N-63-20, Paragraph 8(a), is modified so that the deadlines extend for up to 120 days.

41)The deadlines specified in, or that apply to, the statutes and regulations identified in Paragraphs 9(b) and 9(e) of Executive Order N-63-20, and which were not previously extended, shall be extended for a period of 15 days.

**IT IS FURTHER ORDERED** that, as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 30th day of June 2020.

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GAVIN NEWSOM  
Governor of California

**ATTEST:**

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ALEX PADILLA  
Secretary of State

# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only

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- 5. City Attorney Request.
- 6. Call File No. [ ] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. [ 201057 ]
- 9. Reactivate File No. [ ]
- 10. Topic submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

[ Peskin; Preston ]

Subject:

[ Emergency Ordinance - Eviction of Commercial Tenants During COVID-19 Pandemic ]

The text is listed:

Emergency ordinance to temporarily restrict landlords from evicting commercial tenants for non-payment of rent that was not paid due to the COVID-19 pandemic.

Signature of Sponsoring Supervisor: [ /s/ Aaron Peskin ]

For Clerk's Use Only