

**ORDER OF THE HEALTH OFFICER FOR THE COUNTY OF
MONTEREY REGARDING SHORT TERM LODGING FACILITIES**

DATE OF ORDER: May 3, 2020

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

WHEREAS, a state of emergency has been declared by the State of California, and a local emergency has been declared in the County of Monterey ("County") in response to the pandemic caused by the virus SARS-CoV-2 which is the cause of the infectious disease COVID-19; and,

WHEREAS, on May 1, 2020, the County Health Officer issued an order, which is attached hereto as Exhibit "A" and incorporated by this reference, directing all persons residing in the County to shelter in place; and,

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

WHEREAS, in direct response to the anticipated lack of healthcare infrastructure, governments across the nation are taking actions to slow the spread of COVID-19, reduce transmission of the virus, and reduce the numbers of individuals infected at any one time; and,

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

WHEREAS, the County Health Officer finds that the use of short-term lodging for non-COVID-19 related purposes is a direct violation of the Governor's Executive Order and the County Health Officer's Order as it: (1) encourages an

influx of persons into the County, thus increasing the potential for the spread of the illness and adding strain upon the local health care system; and (2) is likely to impair efforts at mitigating the spread of the illness both within the County and statewide; and,

WHEREAS, on April 24, 2020, the County Health Officer issued a prior order regarding short term lodging facilities which expires May 3, 2020; and,

WHEREAS, the basis for issuing the prior order remain, as set forth above, and it is therefore necessary to issue a new order regarding short term lodging facilities; and,

WHEREAS, the County Health Officer wishes to provide continued clarity to businesses, renters, and property owners in the short-term lodging sector within the county and cities regarding operations under the Governor's Executive Order and the County Health Officer Order, and therefore issues the following:

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

1. Short-term lodging facilities (including bed and breakfasts, short-term rentals, vacation rentals, timeshares, hotels, motels, and other short-term lodgings) within the County of Monterey may remain open and continue to operate for the following limited purposes:
 - a. To serve as short-term lodging facilities which are used for the following COVID-19 containment and mitigation measures:
 - i. Lodging for the homeless population;
 - ii. Lodging for persons seeking stable housing;
 - iii. Lodging for persons who cannot return to their own residence because there is a person with COVID-19 residing at the residence that cannot isolate or quarantine themselves;
 - iv. Lodging for persons who need to isolate or quarantine and cannot isolate or quarantine at their own residence.
 - b. Lodging for persons temporarily relocated to provide essential services as defined in the County Health Officer Shelter in Place Order of May 1, 2020.

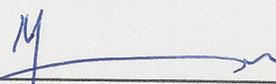
2. No homeowner, agent of the homeowner, marketing agent, listing agent, or real estate agent shall engage in efforts to rent or lease any bed and breakfast, short-term rental, vacation rental, timeshare, hotel, motel, and/or other short-term lodging within the County of Monterey for any purpose other than those identified in Paragraph 1 above.
3. For purposes of this Order, a "short-term lodging facility" shall be understood to refer to any facility, including bed and breakfast, short-term rental, vacation rental, timeshare, hotel, motel, and other short-term lodging, which provides lodging or accommodations to persons for a period of less than thirty (30) days. This definition shall supersede any definition, timeframe, or day limitation, which may currently be in use in the unincorporated and incorporated areas of the County of Monterey that refer to "short-term lodging(s)" or "short-term rental(s)"
4. This Order supersedes the April 24, 2020 County Health Officer Order for the County of Monterey Regarding Short Term Lodging Facilities. This Order shall be effective May 4 at 12:01 am and will remain in effect until it is extended, rescinded, superseded, or amended in writing by the Health Officer. All individuals, businesses and government agencies in the unincorporated and incorporated areas of the County are required to follow the provisions of this Order. This Order supplements and clarifies the County Health Officer Order to Shelter in Place of May 1, 2020, which remains in full force and effect.
5. In situations where short-term lodgings have guests currently on-site that were physically present on the property prior to April 24, 2020, guests may stay on-site through the end of their original booking period. Bookings may not be extended beyond the original end date unless guests fall into those categories identified in Paragraph 1.
6. This Order is issued as a result of the worldwide pandemic of COVID-19 disease, which has resulted in at least 235 confirmed cases and six (6) deaths in Monterey County as of May 2, 2020.
7. This Order is issued based on evidence of increasing transmission of COVID-19 both within the County of Monterey and worldwide, scientific evidence regarding the most effective approach to slow transmission of communicable diseases generally and COVID-19 specifically, as well as

best practices as currently known and available to protect the public from the risk exposure to COVID-19.

8. This Order is intended to reduce the likelihood of exposure to COVID-19, thereby slowing the spread of COVID-19 in communities worldwide and specifically in the County of Monterey. Short-term lodging facilities which are utilized for housing a frequently rotating clientele will likely increase the frequency of exposure to infectious individuals and will impair efforts at mitigating the spread of the illness.
9. This Order is issued in accordance with, and incorporates by reference, the: April 3, 2020 Order of the Monterey County Health Officer, the March 19, 2020 Order of the State Health Officer, The March 19, 2020 Executive Order N-33-20 issued by the Governor of California, the March 12, 2020 Executive Order (Executive Order N-25-20) issued by the Governor of California, the March 10, 2020 Resolution of the Board of Supervisors of the County of Monterey Ratifying and Extending the Proclamation of a Local Emergency, the March 6, 2020 Proclamation of a Local Emergency issued by the County Administrative Officer, the March 4, 2020 Proclamation of a State of Emergency issued by the California Governor, and guidance issued by the California Department of Public Health, as each of them have been and may be supplemented.
10. This Order is made in accordance with all applicable State and Federal laws, including but not limited to: Health and Safety Code sections 101030, et seq.; Health and Safety Code sections 120100, et seq.; and Title 17 of the California Code of Regulations section 2501.
11. To the extent necessary, pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and all Chiefs of Police in the County ensure compliance with and enforcement of this Order.
12. Copies of this Order shall promptly be: (1) made available at the County Government Center at 168 West Alisal Street, CA 93901 and the County Health Department at 1270 Natividad Rd., Salinas CA 93906; (2) posted on the County Health Department website www.mtyhd.org; and (3) provided to any member of the public requesting a copy of this Order.

13. If any provision of this Order or its application to any person or circumstance is held to be invalid, then 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:



Edward Moreno, MD, MPH
Health Officer of the County of Monterey
Dated: May 3, 2020

Attachments: Exhibit A. County Health Officer Shelter in Place Order
 Exhibit B. California Governor Executive Order N-33-20