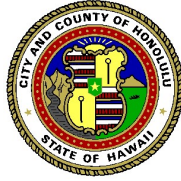


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May 7, 2021

**OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU
EMERGENCY ORDER NO. 2021-05
(COVID-19 [Novel Coronavirus])**

**ORDER: (1) TEMPORARILY SUSPENDING MOVEMENT WITHIN HONOLULU'S
COVID-19 RECOVERY FRAMEWORK; & (2) CONTINUING TIER 3**

By the authority vested in me as Mayor of the City and County of Honolulu (the “City”) pursuant to Revised Charter of the City and County of Honolulu 1973 (2017 Edition), as amended; the Revised Ordinances of the City and County of Honolulu 1990, as amended; the Hawai‘i Revised Statutes, as amended (“**Haw. Rev. Stat.**”), the Constitution and laws of the State of Hawai‘i, I, RICK BLANGIARDI, hereby issue this Order: (1) Temporarily Suspending Movement Within Honolulu’s COVID-19 Recovery Framework; & (2) Continuing Tier 3 (the “**Order**”) to further address the emergency initially declared via proclamation on March 4, 2020, and the Thirteenth Proclamation of Emergency or Disaster (COVID-19 [Novel Coronavirus]) issued concurrently with this Order.

OVERVIEW

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

In the summer of 2020, the City experienced a resurgence of COVID-19 during which there was an almost tenfold increase in cumulative confirmed positive COVID-19 cases in a three-month period. Specifically, there were 973 confirmed cases as of July 15, 2020; 2053 cases as of August 3, 2020; 4212 as of August 15, 2020; and 9225 as of September 15, 2020. In early August of 2020, the City discussed with the State public health and healthcare system representatives concerns over hospital capacity. This led to orders restricting gathering sizes, closures of parks, beaches, and trails, and culminated in the City issuing a Second Stay at Home / Work from Home Order (“**Second Stay at Home Order**”) that largely required individuals anywhere in the City to stay at home and work from home. On August 27, 2020, the Second Stay At Home Order went into effect, and it was extended through September 24, 2020 by an amendment.

The Second Stay at Home Order was highly effective at reducing the number of positive COVID-19 cases in the City. As of September 21, 2020 there were 9765 cumulative confirmed cases for Oahu with an average of approximately 90 cases per day over the previous seven (7) days.

During the period of the Second Stay at Home Order, the City worked with experts from the public and private sector to devise a metrics-based plan for reopening (“**Honolulu’s COVID-19 Reopening Framework**” or “**Framework**”), while simultaneously working to improve testing, contact tracing, and quarantine/isolation capabilities. Honolulu’s COVID-19 Reopening Framework may be reviewed at <https://www.oneoahu.org/reopening-strategy>. The City started off in Tier 1 of the framework and remained there for four (4) weeks, as required. Over the next two weeks, the City met the criteria for moving to Tier 2.

On October 22, 2020, the City moved to Tier 2 and on February 25, 2021 the City moved to Tier 3. On April 7, 2021, the average daily case numbers over a two week period was incongruous with Tier 3 under the Framework. However, due to a change of circumstances from the time the Framework was conceived, including the early approval and administration of effective COVID-19 vaccines, the Governor of the State of Hawai‘i and I agreed to a four week observation period in which the City would remain in Tier 3. At the end of this observation period, the average daily case numbers for the City increased from 58 on April 7, 2021 to 65 on May 5, 2021 (based on seven-day averages). Out of concern for this increase and the potential effect of COVID-19 variants circulating, but weighed against the administration and effectiveness of the vaccines, ample hospital and healthcare capacity, and economic concerns, Governor Ige and I have agreed that the City should remain in Tier 3 through June 10, 2021 (“**Additional Observation Period**”). During the Additional Observation Period, the City and State will work together to adjust the framework to better reflect the current environment and relevant factors, including the availability and administration of COVID-19 vaccines. This Order is intended to maintain Tier 3 level restrictions and allowances during the Additional Observation Period.

This Order builds upon the framework of the Second Stay at Home Order. Section I sets forth the “Orders” which mandate what is and what is not permitted within the City at this time. Section II provides definitions of the capitalized terms contained in the Orders and the exemptions to the Orders, including Designated Businesses and Operations, which represent the additional businesses and operations that are allowed to reopen (with modifications) under Tier 3 of Honolulu’s COVID-19 Reopening Framework. *See* § II.G. (below); Exhibit A (attached). Section III outlines the basis for the Order. Section IV explains the Order’s intent for interpretation purposes, and Section V contains general provisions relating to the Order’s effect on prior orders, duration, enforcement, posting, and severability of the Order.

This Order will become **effective immediately upon signing and will continue through June 10, 2021** unless terminated or superseded by another order or operation of law.

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

are in accordance with, and incorporate by reference (to the extent they are consistent with this Order), all the City's prior COVID-19 related emergency proclamations and Hawai'i Governor David Y. Ige's COVID-19 related emergency proclamations.

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

I. ORDERS

Order 1: All individuals currently living within the City may leave their residences to engage in Essential Activities¹, maintain Essential Governmental Functions, operate/visit Essential Businesses, or operate/visit/utilize Designated Businesses and Operations. All other activities, businesses, and operations are prohibited. Unless otherwise allowed under this Order, to the extent individuals are using shared or outdoor spaces, they must at all times reasonably possible maintain physical distancing of at least six (6) feet from any other person when they are outside their residence and wear face coverings consistent with Order 5 below.

Order 2: All businesses with a facility in the City, except Essential Businesses, and Designated Businesses and Operations, are required to cease all activities within such facilities, except Minimum Basic Operations. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). To the extent applicable and to the greatest extent feasible, Essential Businesses, and Designated Businesses and Operations, shall comply with applicable Social Distancing Requirements.

Order 3: Gatherings.

- A. Indoor and outdoor social gatherings of more than ten (10) individuals are prohibited. For purposes of this Order, a **"social gathering"** is a gathering or event that brings together persons from multiple households or living units at the same time for a discrete, shared or group experience in a single room, space, or place such as a private home, park, auditorium, stadium, arena, conference room, lunch room, meeting hall, or other indoor or outdoor space.
- B. This limitation on social gatherings does not apply to gatherings/events/activities that are permitted under Section II. Nothing in this Order prohibits the gathering of members of a household or living unit on their property (including shared common areas).

Order 4: Travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, for Essential Travel and Essential Activities is permitted. This Order also allows travel into or out of the City to perform Essential Activities, operate or visit Essential Businesses, operate or visit Designated Businesses and Operations, or maintain Essential Governmental Functions. All other travel is prohibited. Individuals should limit use of public transit to the greatest extent possible (i.e., use only for purposes of performing Essential Activities; or to travel to and from Essential Businesses or to maintain/access Essential

¹ Unless otherwise stated, all capitalized terms are defined under Section II of this Order.

Governmental Functions). Individuals using public transit must comply with applicable Social Distancing Requirements, including the face covering requirements contained in Order 5 below.

Order 5: Face coverings.

All individuals shall wear face coverings over their noses and mouths when in public settings.

The only exceptions to this requirement are:

- A. Individuals with medical conditions or disabilities where the wearing of a face covering may pose a health or safety risk to the individual;
- B. Children under the age of 5;
- C. While working at a desk or work station and not actively engaged with other employees, customers, or visitors, provided that the individual's desk or workstation is not located in a common or shared area and physical distancing of at least six (6) feet is maintained;
- D. While eating, drinking, smoking, as permitted by applicable law;
- E. Inside private automobiles, provided the only occupants are members of the same household or living unit;
- F. While receiving services allowed under a State or county order, rule, or proclamation that require access to that individual's nose or mouth;
- G. Where federal or state safety or health regulations, or a financial institution's policy (based on security concerns), prohibit the wearing of facial coverings;
- H. Individuals who are communicating with the hearing impaired while actively communicating (e.g., signing or lip reading);
- I. First responders (police, fire fighters, lifeguards, etc.) to the extent that wearing face coverings may impair or impede the safety of the first responder in the performance of his/her duty;
- J. While outdoors when physical distance of six (6) feet from other individuals (who are not members of the same household or living unit) can be maintained at all times; and
- K. As specifically allowed by a provision of a State or City COVID-19 related order, rule, or proclamation.

An owner or operator of any business or operation *shall* refuse admission or service to any individual who fails to wear a face covering, unless an exception applies under this section. Businesses or operations may adopt stricter protocols or requirements related to face coverings

and face shields. Businesses or operations not enforcing this rule may be subject to enforcement, including fines and mandatory closure.

Definition: “Face covering” as used herein means a tightly woven fabric (without holes, vents, or valves) that is secured to the head with either ties or straps, or simply wrapped and tied around the wearer’s nose and mouth. Face coverings must comply with the recommendations of the Center for Disease Control and Prevention (“CDC”), as such recommendations may change from time to time.

The current CDC guidelines are available at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html>. Examples of compliant homemade masks and other facial coverings may be found at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>. A medical grade face-covering is not required.

Face shields (plexiglass/clear plastic shields, etc.) are not permitted as substitutes for face coverings unless an exception to the face covering requirement applies. Individuals who are unable to wear a face covering due to medical conditions or disabilities where the wearing of a face covering may pose a health or safety risk to the person, or other exception, are encouraged to wear a face shield instead.

The wearing of face coverings is intended to complement, not serve as a substitute, for physical distancing and cleanliness.

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

Order 6: City Parks and State Parks.

City and County of Honolulu parks, campgrounds, trails, and botanical gardens (“**City Parks**”) and State of Hawai’i parks, campgrounds, and trails within the City (“**State Parks**”), may be opened for limited use as set forth below:

- A. Up to ten (10) individuals may engage in any lawful activity (e.g., walking, running, biking, sitting, fishing, etc.) as a group at City Parks and State Parks.
- B. Canopies are permitted in City Parks only by permit, as determined and issued by the City’s Department of Parks and Recreation. Permitted canopies shall not be larger than 10 ft. x 10 ft. and each must be spaced at least 12 ft. apart from any other canopy. Permits may be obtained in person at the City’s Department of Parks and Recreation offices or at <http://bit.ly/canopypermit>. “Canopies” for purposes of this section does not include umbrellas and small sunshades designed for three or fewer people (e.g., golf umbrella, standard-sized beach umbrella, small pop-up shade for parent/child).
- C. No canopies are permitted in State Parks.

- D. Shooting and archery ranges may remain open as determined by the City's Department of Parks and Recreation.
- E. Bicycle paths, designated community garden plots, and playgrounds/courts (for use consistent with ten-person group limit) shall be open.
- F. Parking lots of City Parks and State Parks shall generally be open to allow individuals to engage in permitted activities as described in Orders 6 and 7.
- G. All other State or City restrictions related to COVID-19 must be followed, including, but not limited to, any applicable quarantine restrictions.
- H. State Parks may be opened for the above limited use as announced by the State Department of Land and Natural Resources consistent with this Order and Governor Ige's approval of this Order.

Order 7: Beaches.

Consistent with Governor David Y. Ige's COVID-19 related proclamations and approval of this Order, all beaches and sand bars within the City may be opened for limited use as set forth below:

- A. Up to ten (10) individuals may engage in any lawful activity (e.g., walking, running, biking, sitting, fishing, etc.) as a group on the beach.
- B. All other State or City restrictions related to COVID-19 must be followed, including, but not limited to, any applicable quarantine restrictions.
- C. Beaches under the State's jurisdiction may be opened for the above limited use as announced by the State Department of Land and Natural Resources consistent with this Order and Governor Ige's approval of this Order.
- D. No canopies are allowed on State beaches and sand bars within the City.

Order 8: Restrictions on singing, playing wind instruments, and similar activities.

In general, singing, and/or playing a wind instrument, and similar activities that increase the presence and propulsion of respiratory droplets in the air in mixed household/living unit settings are prohibited. However, such activities are permitted provided they are performed at a gathering/business/operation authorized under the Order, and the following mitigation measures are taken:

- A. If the activity takes place *outdoors*:
 - 1. Any person(s) singing and/or playing a wind instrument, etc. shall maintain physical distancing of at least ten (10) feet from any other person(s) while engaged in such activity. Members of the same

performing group may be closer than ten (10) feet together while performing, provided the group consists of ten (10) or fewer persons.

2. To the extent reasonable and practicable, a physical barrier (e.g., plexiglass) of sufficient size to mitigate the spread of COVID-19 shall separate any person(s) singing and/or playing a wind instrument, etc. from any other person(s) other than members of the same performing group.

B. If the activity takes place *indoors*:

1. Any person(s) singing and/or playing a wind instrument, etc. shall maintain physical distancing of at least ten (10) feet from any other person(s) while engaged in such activity.
2. A physical barrier (e.g., plexiglass) of sufficient size to mitigate the spread of COVID-19 shall separate any person(s) singing and/or playing a wind instrument, etc. from any other person(s) other than members of the same performing group (of ten (10) or fewer persons).

Order 9: Restrictions on shared indoor spaces (lunchrooms, breakrooms, conf. rooms, etc.).

There is a heightened risk of spreading COVID-19 in shared indoor spaces such as lunchrooms, breakrooms, and conference rooms located in public and private businesses and operations (including Essential Businesses and Designated Businesses and Operations). Therefore, generally, such shared indoor spaces should be closed and operators of facilities with such spaces should, to the extent practicable, provide and encourage workers and visitors to use alternative and suitable outdoor spaces while adhering to face coverings and physical distancing protocols contained in this Order. Under circumstances where closing such shared indoor spaces is impracticable, they may be opened and used, provided operators:

- A. strictly limit capacity in each shared space such that physical distancing of at least six feet is maintainable at all times;
- B. ensure that there is no congregating and that individuals maintain six feet of physical distance from one another in the shared indoor spaces;
- C. ensure that face coverings are worn at all times in the shared indoor spaces, except that in designated spaces where eating and drinking are allowed, face coverings may be removed only while actively eating or drinking;
- D. ensure routine cleaning and disinfection of the shared indoor spaces (with special attention to high-touch surfaces) consistent with CDC guidelines; and
- E. improve circulation of fresh air by opening windows/doors, improving ventilation systems, etc. to the extent possible and feasible.

II. DEFINITIONS AND EXEMPTIONS

- A. For purposes of this Order, individuals may leave their residence only to perform any of the following “**Essential Activities.**” However, people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.
1. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies needed to work from home.
 2. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.
 3. To engage in outdoor activity in locations as allowed by law, such as, by way of example and without limitation, swimming, surfing, walking, or running (with or without pets).
 4. To perform work providing products and services at an Essential Businesses, or Designated Businesses and Operations, or maintain Essential Government Functions, or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.
 5. To care for a person or pet in another household.
 6. To obtain services, goods, or supplies from, or engage in activities at (or in connection with), Essential Businesses, Designated Businesses and Operations; or Essential Government Functions.
 7. To visit graveyards, mausoleums, and similar sites consistent with the restrictions in this Order.
 8. To engage in any other activity required or allowed by law.
- B. For purposes of this Order, individuals may leave their residence to work for or obtain services at any “**Healthcare Operations**” including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services, organizations collecting blood, platelets, plasma, and other necessary materials, licensed medical marijuana dispensaries and licensed medical marijuana

production centers, eye care centers, including those that sell glasses and contact lenses. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. Further, “Healthcare Operations” includes prepaid health care plan contractors as that term is defined under Haw. Rev. Stat. ch. 393, and other employer-sponsored health and welfare benefit plans, and/or individual or group health insurance plans that provides healthcare insurance benefits for payment or reimbursement for healthcare services provided by Healthcare Operations. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. Healthcare Operations does not include fitness and exercise gyms and similar facilities. Healthcare Operations shall be conducted and performed in compliance with applicable Social Distancing Requirements to the extent reasonably possible, except that all persons shall comply with the face coverings requirements set forth in Order 5 of this Order.

- C. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of **“Essential Infrastructure,”** including, but not limited to, public works construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Applicable Social Distancing Requirements to the extent reasonably possible, except that all persons shall comply with the face coverings requirements set forth in Order 5 of this Order. This Order shall be construed and applied consistent with the United States Department of Homeland Security, Cybersecurity & Infrastructure Security Agency Advisory Memorandum on Ensuring Essential Critical Infrastructure Workers Ability to Work During COVID-19 Response, updated August 18, 2020 (and any subsequent updates and guidance memoranda thereto).
- D. Further, nothing in this Order shall prohibit any individual, or government department or agency, from performing or accessing **“Essential Governmental Functions.”** “Essential Governmental Functions” means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public and includes, but is not limited to, all first responders, emergency management personnel, emergency dispatchers, members of the judiciary and related court personnel, law enforcement personnel, jails and prison personnel, and health, education, and social service providers. All Essential Governmental Functions shall be conducted and performed in compliance with applicable Social Distancing Requirements to the extent reasonably possible, except that all persons shall comply with the face coverings requirements set forth in Order 5 of this Order.

- E. For the purposes of this Order, covered businesses and operations include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.
- F. For the purposes of this Order, Essential Businesses must comply with applicable Social Distancing Requirements to the extent reasonably possible, except that all persons shall comply with the face coverings requirements set forth in Order 5 of this Order. **“Essential Businesses”** means:
1. Healthcare Operations, Essential Government Functions, and Essential Infrastructure;
 2. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
 3. Food cultivation, including farming, livestock, and fishing;
 4. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
 5. Newspapers, television, radio, and other media services;
 6. Gas stations and auto and bicycle supply, auto and bicycle repair, towing services, and related facilities;
 7. Banks and related financial institutions. This provision shall be construed and applied consistent with the United States Department of Homeland Security, Cybersecurity & Infrastructure Security Agency Advisory Memorandum on Ensuring Essential Critical Infrastructure Workers Ability to Work During COVID-19 Response, updated August 18, 2020 (and any subsequent guidance memoranda thereto), and the United States Department of the Treasury Memorandum for Financial Services Sector Essential Critical Infrastructure Workers, dated March 22, 2020 (and any subsequent guidance memoranda thereto);
 8. Hardware stores;
 9. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;

10. Businesses providing mailing and shipping and delivery services, and businesses that ship or deliver groceries, food, alcoholic and non-alcoholic beverages, goods or services to residences and end users or through commercial channels, and including post office boxes;
11. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating learning, performing critical research, or performing other essential functions, provided that social distancing of six (6)-feet per person and other safety precautions are maintained to the greatest extent possible. COVID-19 responsive operational restrictions shall be determined by each educational institution based on CDC, DOH, and industry guidance;
12. Laundromats, dry cleaners, industrial laundry services, and laundry service providers;
13. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out.
 - a. Cafeterias, lunchrooms, or dining facilities providing food and beverage services located within “healthcare facilities” as that term is defined under Haw. Rev. Stat. § 321-15.2 and similar facilities, may continue to do so under this order, provided that consumption within the cafeteria, lunchroom, or dining facility located within the healthcare facility is restricted to employees of the healthcare facility; patients of the healthcare facility; and no more than two (2) authorized visitors of the patient of the healthcare facility that have been appropriately screened by the healthcare facility in compliance with all of the facility’s protocols related to infectious disease control measures and processes.;
14. Businesses that primarily supply products necessary for people to work from home such as computer and communications hardware and software, but not including businesses primarily engaged in selling furniture;
15. Businesses that supply other Essential Businesses with the support or supplies necessary to operate;
16. Airlines, taxis, and other private transportation providers, vehicle rental services, paratransit, and other private, public, and commercial transportation and logistics providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
17. Home-based care for seniors, adults, or children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness, including care givers such as nannies who

may travel to the child's home to provide care, and other in-home services, including meal delivery;

18. Facilities and shelters for seniors, adults, and children, and/or people with developmental disabilities, intellectual disabilities, substance use disorders, and/or mental illness;
19. Professional services, such as legal or accounting services, insurance services, real estate services (including appraisals and title services) when necessary to assist in compliance with legally mandated activities;
20. Childcare facilities providing services that enable employees to work, or engage in activities as permitted. Childcare facilities must operate in accordance with State of Hawai'i Department of Human Services requirements;
21. Businesses that provide food, shelter, and other necessities of life for animals, including animal shelters, rescues, kennels, and adoption facilities;
22. Hotels and motels, to the extent used for lodging; and service providers to hotels and motels that provide services that are necessary to maintaining the safety, sanitation, and essential operations of the hotel and/or motel;
23. Funeral, mortuary, cremation, burial, cemetery, and related services, provided that for each death-related event (funeral, etc.) if food or drinks are served the applicable restrictions in the "Restaurants/Bars" section in Exhibit A are complied with;
24. Critical trades. Building and construction tradesmen and tradeswomen, and other trades, including but not limited to, plumbers, electricians, exterminators, cleaning and janitorial staff for commercial and governmental properties, security staff, operating engineers, HVAC, painting, moving and relocation services, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences, Essential Activities, Essential Businesses, and Designated Businesses and Operations;
25. Critical labor union functions that are essential activities that include the administration of health and welfare funds and personnel checking on the well-being and safety of members providing services in Essential Businesses, Designated Businesses and Operations, or Essential Government Functions;
26. Licensed private detectives and agencies and guards and agencies as those terms are defined under Haw. Rev. Stat. ch. 463;

27. In-person spiritual services. In-person spiritual services may be conducted provided applicable Social Distancing Requirements are adhered to including, but not limited to, the wearing of face coverings (in accordance with Order 5 of this Order) and maintaining proper physical distancing. Funerals are subject to the limitations on “Funeral, mortuary, cremation, burial, cemetery, and related services” above, even when conducted as part of an in-person spiritual service allowed under this section;
 28. Film and television production. All local, national, and international film production, television production, streaming production, and similar production may operate in the City based on the guidelines and recommendations for production cast and crew members available at: https://www.honolulu.gov/rep/site/oed/oed_docs/Guidelines_and_Best_Practices_for_filming_on_the_Island_of_Oahu_during_the_time_of_COVID_060320.pdf. Compliance with the Order and the COVID-19 related proclamations issued by the State is required, including all travel quarantine requirements as modified by the guidelines and recommendations available at: https://www.honolulu.gov/rep/site/oed/oed_docs/FilmOffice/ModifiedQuarantine_HonFO_Final.pdf.
- G.** For the purposes of this Order, “**Designated Businesses and Operations**” are those businesses and operations listed and defined in the attached Exhibit A (each a “**Designated Business/Operation**”).
- H.** For the purposes of this Order, “**Minimum Basic Operations**” include the following, provided that employees comply with applicable Social Distancing Requirements to the extent reasonably possible, except that all persons shall comply with the face coverings requirements set forth in Order 5 of this Order, while carrying out such operations:
1. The minimum necessary activities to maintain the value of the business’s inventory, ensure security, process payroll and employee benefits, or for related functions.
 2. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.
- I.** For the purposes of this Order, “**Essential Travel**” includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all applicable Social Distancing Requirements to the extent reasonably possible, except that all persons shall comply with the face coverings requirements set forth in Order 5 of this Order.
1. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, Designated Businesses and Operations, or Minimum Basic Operations.

2. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.
 3. Travel to or from educational institutions for purposes of education, receiving materials for learning, for receiving meals, and any other related services.
 4. Travel to return to a place of residence from outside the jurisdiction.
 5. Travel required by law enforcement or court order.
 6. Travel required for non-residents to return to their place of residence outside the City. Individuals are strongly encouraged to verify that their transportation out of the City remains available and functional prior to commencing such travel.
- J.** For purposes of this order, residences include hotels, motels, shared rental units, and similar facilities.
- K.** For purposes of this order “**Social Distancing Requirements**” include the following:
1. High risk populations. Elderly and others at high risk for COVID-19 are urged to stay in their residences to the extent possible, except as necessary to seek medical care.
 2. Persons who are sick. Persons who are sick or have a fever or cough or are exhibiting symptoms such as shortness of breath or difficulty breathing, chills, repeated shaking with chills, muscle pain, headache, sore throat, or new loss of taste or smell, are urged to stay in their residences to the extent possible, except as necessary to seek medical care.
 3. Personal hygiene. Persons are encouraged to wash their hands with soap and water for at least twenty seconds as frequently as possible or use hand sanitizer, cover coughs and sneezes (into the sleeve or elbow, not hands), regularly clean high-touch surfaces, and avoid unnecessary contact with others (shaking hands, etc.).
 4. Six (6)-foot distances. All persons shall maintain a minimum of six (6)-feet of physical distance from all other persons who are not members of the same household/living unit. Essential Businesses and Designated Businesses and Operations, (to the degree applicable) shall designate with signage, tape, or by other means six (6)-foot spacing for employees and customers in line to maintain appropriate distance. Employees shall monitor and enforce the six (6)-foot distancing requirement set forth in this Order, whether outside waiting lines or as customers move about inside a facility. Checkout operations shall be modified, to the extent reasonably feasible, to provide this separation or to provide a transparent shield or barrier between customers and checkout clerks.

5. Limited Customer Occupancy. Unless otherwise specified in this Order, each Essential Business, and Designated Business/Operation facility shall determine the maximum number of customers that may be accommodated while maintaining the specified six-feet of physical spacing between persons within the facility at all times, and never exceed that maximum number at any time.
6. Face Coverings. All persons shall comply with the face coverings requirements set forth in Order 5 of this Order.
7. Hand sanitizer and sanitizing products. Essential Businesses, and Designated Businesses and Operations, (to the degree applicable) shall make hand sanitizer and sanitizing products readily available for employees and customers at their facilities. Employees handling items from customers, such as cash or credit cards, shall frequently utilize hand sanitizers.
8. Disinfection. Essential Businesses, and Designated Businesses and Operations, (to the degree applicable) shall regularly disinfect all high-touch surfaces within their facilities.
9. Safeguards for high risk populations. Essential Businesses, and Designated Businesses and Operations, (to the degree applicable) are urged to implement processes to safeguard elderly and high risk customers.
10. Online and remote access. Essential Businesses, and Designated Businesses and Operations, (to the degree applicable) shall post online whether a facility is open and how best to reach the facility and obtain goods/services by phone or remotely. Essential Businesses, and Designated Businesses and Operations, (to the degree applicable) shall encourage their customers to do their business remotely by phone or online to the extent possible.
11. Pickup at store or delivery. Essential Businesses, and Designated Businesses and Operations, (to the degree applicable) shall provide for, if feasible, online ordering and purchase of goods and customer pickup of orders at a location outside the facility or shall provide for delivery to customer locations.
12. Signage. Essential Businesses, and Designated Businesses and Operations, (to the degree applicable) shall post a sign at the entrance of their facilities informing all employees and customers that they must comply with the face coverings requirements set forth in Order 5 of this Order; avoid entering the business or operation if they have a cough or fever or otherwise do not feel well; maintain a six-foot distance from one another; and not shake hands or engage in unnecessary physical contact.

III. BASIS FOR THE ORDER

This Order is issued based on evidence reported by the CDC and DOH that COVID-19 is circulating within the City, and that the age, condition, and the health of a significant portion of the population of the City places that population at risk for serious health complications, including death, from COVID-19. This Order is also based on guidance from the CDC, DOH, and the City's medical advisory experts; scientific evidence; and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically.

Due to the outbreak of the COVID-19 virus in the general public, which is a pandemic according to the World Health Organization, there is a public health emergency throughout the City. In addition, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the virus, and because evidence shows that it is easily spread, gatherings can result in preventable transmission of the virus.

The scientific evidence shows that at this stage of the emergency, the spread of the virus may spiral out of control. It is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed, while also allowing access to basic life necessities. One proven way to slow the transmission is to limit interactions among people. This Order helps preserve critical healthcare capacity in the City while allowing essential and relatively safe business and community activities and functions to continue.

This Order is also issued in light of the fact that as of May 6, 2021, the City has averaged 68 new COVID-19 cases per day (which includes inmate COVID-19 positive cases in State prisons) over the last seven (7) days with a 2.3% positivity rate of COVID-19 tests performed over the same time period. 901 COVID-19 positive cases remain "active." Since the beginning of the pandemic, the City has had a total of 25,225 COVID-19 cases, 2,178 COVID-19 related hospitalizations, and 376 COVID-19 related deaths. As of May 7, 2021 at least 1,274,050 COVID-19 vaccinations have been administered across the State (with over 633,203 of those administered within the City, not counting doses administered through federal programs). City hospitals have additional capacity: 47 individuals are currently hospitalized and eight (8) individuals are in intensive care unit ("ICU") beds due to COVID-19. 118 ICU beds and 366 ventilators remain available for use within the City. The City's COVID-19 related fatality rate (death/number of cases) is presently at 1.5%. With this Order, the City continues its recovery from the recent resurgence of COVID-19 and the resulting Second Stay at Home Order.

IV. INTENT

The intent of this Order is to ensure that the City does not have another resurgence of COVID-19 and there are sufficient levels of critical healthcare capacity in the City, while also enabling essential services and designated businesses and operations to operate with modifications to re-establish continuity of social and commercial life. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities within the City, they shall comply with applicable Social Distancing Requirements. Specifically, the intent is to ensure that people generally maintain six (6) feet of physical distance

from others, and wear face coverings when interacting with each other (especially when indoors). All provisions of this Order should be interpreted to effectuate this intent.

V. GENERAL

- A. **Superseding Order.** Emergency Order Nos. 2020-01 through 2020-31 and Nos. 2021-01 through 2021-04 issued by the Office of the Mayor City and County of Honolulu (related to the COVID-19 pandemic) are hereby rescinded — to the extent they have not been already — and are superseded by this Order.
- B. **Duration.** This Order shall take effect **immediately upon signing and will continue through June 10, 2021**, unless it is extended, rescinded, superseded, or amended by a subsequent order, or as otherwise provided under Haw. Rev. Stat. ch. 127A.
- C. **Enforcement.** All law enforcement of the State of Hawai‘i and City shall ensure compliance with and enforce these Orders in accordance with Haw. Rev. Stat. § 127A-29 and Mayor’s Rules.
- D. **Promulgation/posting.** This Order shall be posted on the City website as soon as practicable in one or more appropriate places, and shall remain posted while in effect.
- E. **Severability.** If any provision of the Orders or their application to any person or circumstance is held to be invalid, the remainder of the Orders, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of the Orders are severable.

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Rick
Date: 2021.05.07 18:31:20
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RICK BLANGIARDI
Mayor
City and County of Honolulu

APPROVED:

 Digitally signed by Viola, Dana M
O
Date: 2021.05.07 18:25:58 -10'00'

DANA M. O. VIOLA
Corporation Counsel Designate
City and County of Honolulu

APPROVED:



DAVID Y. IGE
Governor
State of Hawai‘i

EXHIBIT A

Designated Businesses and Operations

All Designated Businesses and Operations must comply with:

- Applicable Social Distancing Requirements (including the face coverings requirement, unless a specific exemption or exception applies);
- Limitation on groups. Where the Designated Business/Operation allows for groups, they are limited to ten (10) individuals. And, where multiple groups are present, operators must ensure that the groups maintain physical distance of at least six (6) feet from one another at all times, unless a specific exemption or exception applies to the Designated Business/Operation at issue.
- Collection of “**Sign-in Data**” (as applicable). Where the Designated Business/Operation requires the collection of “Sign-in Data” for contact tracing purposes, that means:
 - The operator of the Designated Business/Operation must obtain the full name, address, and phone number of at least one adult member of each group (unless a greater number is specified); or the full name, address, and phone number of each individual guest/customer (“**data**”).
 - The sign-in process may be conducted through any means established by the operator, including a digital and/or paper form.
 - The operator must maintain a record of the data for a minimum period of 28 days and make such data available to State and City health officials upon request. The data shall otherwise be kept confidential to the greatest extent feasible (e.g., limiting access to the data to certain employees/managers).
- Restrictions on shared indoor spaces (lunchrooms, breakrooms, conf. rooms, etc.) under Order 9, as applicable;
- All applicable City, State, and federal statutory and regulatory requirements;
- All applicable CDC guidelines to the extent they do not conflict with this Order available at <https://www.cdc.gov/coronavirus/2019-ncov/community/index.html>;
- Any standards and guidelines issued by industry- or activity-specific associations or similar organizations to the extent they do not conflict with this Order;
- The City’s “COVID-19 Guidance for Businesses” available at <https://www.oneoahu.org/business-guidance>, to the extent applicable; and
- Applicable COVID-19 guidelines and resources issued by DOH, available at <https://health.hawaii.gov/coronavirusdisease2019>.

[Exhibit A continues on the next page]

The following Designated Businesses and Operations may open and operate:

1. **Outdoor sports, for which a permit is not required**, provided conditions at <https://www.oneoahu.org/reopening/#outdoorsports> are followed. Sports associated with educational institutions may operate in accordance with Department of Health guidance.
2. **Public and private commercial pools** provided conditions at <https://www.oneoahu.org/reopening/#pools> are followed.
3. **Shooting and archery ranges** provided conditions at <https://www.oneoahu.org/reopening/#ranges> are followed.
4. **Public and private golf courses** provided conditions at <https://www.oneoahu.org/reopening/#golf> are followed.
5. **Real estate services** provided conditions at <https://www.oneoahu.org/reopening/#realestate> are followed.
6. **New and used car and truck dealerships** provided conditions at <https://www.oneoahu.org/reopening/#dealerships> are followed.
7. **Automated service providers** provided conditions at <https://www.oneoahu.org/reopening/#automated> are followed.
8. **Mobile service providers** provided conditions at <https://www.oneoahu.org/reopening/#mobile> are followed.
9. **Retail and service businesses** provided conditions at <https://www.oneoahu.org/reopening/#retail> are followed.
10. **Shopping malls** provided conditions at <https://www.oneoahu.org/reopening/#malls> are followed.
11. **Restaurants/Bars** provided conditions at <https://www.oneoahu.org/reopening/#restaurants> are followed. NOTE: Penalties for violations related to this Designated Business/Operation are also set forth at <https://www.oneoahu.org/reopening/#restaurants>.
12. **Zoos, sea life attractions, aquariums, museums, botanical gardens** provided conditions at <https://www.oneoahu.org/reopening/#attractions> are followed.
13. **Other commercial attractions:** water parks, cultural attractions, go kart, mini golf, and other similar outdoor attractions may operate provided conditions at <https://www.oneoahu.org/reopening/#otherattractions> are followed.
14. **Bowling alleys** provided conditions at <https://www.oneoahu.org/reopening/#bowling> are followed.

15. **Transportation (non-essential)** provided conditions at <https://www.oneoahu.org/reopening/#transportation> are followed.
16. **Tours** provided conditions at <https://www.oneoahu.org/reopening/#tours> are followed.
17. **Helicopter tours, plane tours, & skydiving** provided conditions at <https://www.oneoahu.org/reopening/#air> are followed.
18. **Personal recreational boating** may be allowed for limited use as announced by the State Department of Land and Natural Resources consistent with this Order and Governor Ige's approval of this Order and provided conditions at <https://www.oneoahu.org/reopening/#personalboating> are followed.
19. **Commercial recreational boating** may be allowed for limited use as announced by the State Department of Land and Natural Resources consistent with this Order and Governor Ige's approval of this Order and provided conditions at <https://www.oneoahu.org/reopening/#boating> are followed.
20. **Hair salons, barber shops, and nail salons** provided conditions at <https://www.oneoahu.org/reopening/#hair> are followed.
21. **Personal care services** provided conditions at <https://www.oneoahu.org/reopening/#services> are followed.
22. **Pet services** provided conditions at <https://www.oneoahu.org/reopening/#pets> are followed.
23. **Business offices** provided conditions at <https://www.oneoahu.org/reopening/#offices> are followed.
24. **Movie theaters** provided conditions at <https://www.oneoahu.org/reopening/#theaters> are followed.
25. **Group physical activity classes** provided conditions at <https://www.oneoahu.org/reopening/#groupfitness> are followed.
26. **Gym and fitness facility operations and activities** provided conditions at <https://www.oneoahu.org/reopening/#gyms> are followed.
27. **Arcades** provided conditions at <https://www.oneoahu.org/reopening/#arcades> are followed.
28. **Legal short-term rentals** provided conditions at <https://www.oneoahu.org/reopening/#shorttermrentals> are followed.
29. **Drive-in services** provided conditions at <https://www.oneoahu.org/reopening/#driveinservices> are followed.

30. **Outdoor organized sports** provided conditions at <https://www.oneoahu.org/reopening/#outdoororganizedsports> are followed.
31. **Structured events** provided conditions at <https://www.oneoahu.org/reopening/#structuredevents> are followed.
32. **Wedding event operators** provided conditions at <https://www.oneoahu.org/reopening/#weddings> are followed.