

Q. I am a homeowner, business owner or renter of short term lodging. If I rent lodging to a client and the rental is not permitted by this Order, can I be cited?

A. Yes, you could be cited if you rent a property to a client and that rental is not permitted in the Health Officer Order. That is why it is important to carefully read the Order and understand what can be rented and what cannot.

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)

Q. If I book, rent or lease from a homeowner, business owner or an agent and the rental is not permitted by this Order, can I be cited.

A. No, you will not be cited under this Order. This Order is for homeowners and agents, who can be cited if they rent or lease to you and the rental or lease is not permitted in this Order. However, you may be cited if your travel to the lodging was not included as essential travel in the County Health Officer Order of April 3, 2020.

WHEREAS, on April 3, 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,

Q. Do I still need to shelter in place if I rent or lease from a homeowner or agent and the rental or lease is permitted under this Order

A. Yes, you must still shelter in place. The Health Officer Order of April 3, 2020 still requires you to remain at your booked, rented or leased residence and only leave that residence to provide essential services or to receive essential services.

WHEREAS, on April 3, 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,

Q. Why did the Health Officer issue this Order?

A. The COVID-19 pandemic may cause a large number of people in Monterey county to become sick and in need of hospital care all at once. There are still limited amounts of hospital resources available to Monterey County Hospitals to adequately care for patients when we reach the peak of the pandemic. Therefore, we need to take steps to reduce the spread of the virus which will decrease the total number of residents seeking hospital care when we reach our peak of the pandemic. People that stay in short term rentals come from different regions of the world and bring COVID-19 into our county, thus posing a potential public health threat to county residents. Therefore, restricting bookings, rentals and leases for COVID related reasons will reduce the number of visitors that could bring COVID-19 to Monterey County but still allow for essential short term rentals and leases and longer rentals and leases.

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 (the "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,

Q. What authority does the County Health Officer have to issue this Order.

A. The County Health Officer receives the authority to issue this Order under California law, specifically Health and Safety Codes 101040 and 120175 as well as the California Code of Regulations, specifically Title 17 section 2501.

NOW, THEREFORE, UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, AND 120175, TITLE 17 CALIFORNIA CODE OF REGULATIONS SECTION 2501, THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, AND 120175, TITLE 17 CALIFORNIA CODE OF REGULATIONS SECTION 2501, ...

Q. Who can stay in short-term lodging under this Order?

A. People can stay in short-term lodging for the following purposes.

- As part of local efforts to slow the spread of the virus such as:
 - a. Lodging for the homeless population, who may be living in situations that increase their risk of exposure to COVID-19;
 - b. Lodging for persons seeking stable housing, who may be between residences;
 - c. 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;
 - d. Lodging for persons who need to isolate or quarantine and cannot isolate or quarantine at their own residence, or
- Lodging for persons temporarily relocated to provide essential services as defined in the County Health Officer Order of April 3, 2020.

Q. Why is short-term lodging limited to COVID-19 prevention and control efforts?

A. During this pandemic, we must continue to provide opportunities to house people that struggle to find housing such as homeless individuals or people that are between housing and need a place to stay until they can get into stable housing. We may also need to isolate and quarantine some individuals who cannot isolate or quarantine at home. For example, a health care worker exposed to COVID-19 that can't quarantine at home because there is someone in the home that is at increased risk of complications and death due to COVID-19.

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 Order of April 3, 2020.*

WHEREAS, on April 3, 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,

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.*

Q. What is considered a short-term lodging?

A. A bed and breakfast, short-term rental, vacation rental, timeshare, hotel, motel, and other short-term lodging that rent or lease for less than 30 days are all considered short-term lodging..

Q. Are campgrounds considered short term lodging?

A. Yes, they fall under other short-term lodging.

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)"*

Q. When does this Order take effect?

A. This Order takes effect immediately and will continue to remain in effect until modified by the County Health Officer.

4. This Order shall be effective immediately and will remain in effect until May 3, 2020, pending further Order of the County Health Officer. This Order supplements and clarifies the Order of April 3, 2020, which remains in full force and effect.

Q. If I have a renter currently in a short-term lodging rental or lease agreement but that person does not meet one of the approved purposes, will my renter need to leave now?

A. No. if your renter was had an agreement and was in the lodging when this Order took effect, the renter may remain for the duration of the short-term rental agreement. After that, the renter must vacate

Q. I understand that a renter who is in a short-term lodging agreement and was in the lodging when the Order took effect but does not meet one of the approved reasons to stay in short term lodging can remain for the duration of the rental agreement. However, can I extend the agreement once it ends?

A. No. Once the rent or lease agreement ends, the individual must vacate. Rentals or bookings may not be extended beyond the original end date unless guests fall into those categories mentioned in the Order.

5. *This Order shall be understood to apply immediately. However, 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.*

Q. Why is the Order limited to short-term lodging under 30 days and not lodging of 30 days and longer?

A. Short-term lodging is occupied by people who come from a variety of different locations, each experiencing COVID-19. Frequent turn over in renters means more people potentially infected with COVID-19 coming into the county and potentially exposing county residences in public and at essential businesses.

6. *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.*

Q. Does this Order conflict with other Orders or laws?

A. No. this Order is in accordance with the County Health Officer Order, the Governor's Executive Order and the State Health Officer's Order. It is also in accordance with the County Board of Supervisor's Proclamation of a Local Emergency.

7. *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.*
8. *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.*

Q. Is this Order enforceable and who or what agency can enforce the Order?

A. This Order is enforceable. California law allows the Sheriff and Chiefs of Police to enforce the Order.

9. *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.*

Q. Where can I find a copy of the Order?

A. A copy can be found at the Monterey County Health Department website at www.mtyhd.org

10. *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.*