

To: NIELSEN MERKSAMER CLIENTS

From: NM Government Law Section

Date: June 19, 2020

Re: California Statewide COVID-19 Actions

To keep the public informed of all COVID-19 developments, the state has created a webpage, <https://www.covid19.ca.gov/>, to provide up-to-date information and resources that contains links to all relevant state departments and local government websites.

EXECUTIVE ORDERS:

The state's public health experts have determined that gatherings should be postponed or canceled across the state until further notice. Nonessential gatherings must be limited to no more than 10 people, while also following social distancing guidelines.

March 4: [Emergency Declaration](#)

Mar 12: [Executive Order N-25-20](#): General Provisions & Government

This order relaxes protocols for unemployment insurance (specifically waives the one-week waiting period for people who are unemployed and/or disabled as a result of COVID-19), delays the state income tax deadline, discourages large gatherings and waives portions of the Brown Act.

March 13: [Executive Order N-26-20](#): Schools

This order sets forth requirements that school must meet, even if they close because of COVID-19.

March 16: [Executive Order N-27-20](#): State Licensed Facilities

This order establishes guidance for state licensed facilities that house populations most vulnerable to COVID-19. It directs the Health and Human Services Agency, in consultation with counties and labor organizations and consumers, to leverage existing services and programs to support home isolation of vulnerable Californians, including seniors and those with serious chronic underlying health conditions.

SACRAMENTO

1415 L STREET, SUITE 1200
SACRAMENTO, CA 95814

T 916.446.6752 F 916.446.6106

SAN FRANCISCO BAY AREA

2350 KERNER BLVD, SUITE 250
SAN RAFAEL, CA 94901

T 415.389.6800 F 415.388.6874

March 16: [Executive Order N-28-20](#): Renters and Homeowners

This order authorizes local governments to take measures to halt evictions and protect against utility shutoffs and sets forth guidance for any jurisdiction looking to do so. The order does not relieve tenants from the obligation to pay rent or restrict the landlord's ability to recover rent that is due. The protections are in effect through May 31, 2020, unless extended. The order also requests banks and other financial institutions to halt foreclosures and related evictions during this time. It also asks the California Public Utilities Commission to monitor measures undertaken by public and private utility providers to implement customer service protections for critical utilities, including electric, gas, water, internet, landline telephone and cell phone service on a weekly basis.

March 17: [Executive Order N-31-30](#): Goods Movement

This order eases restrictions on commercial drivers engaged in support of emergency relief efforts. The change comes in conjunction with the Federal Motor Carrier Safety Administration's emergency waiver announced last week to ensure the free flow of critical supplies and equipment.

March 18: [Executive Order N 29-20](#): Safety Net Services & Brown Act

This order relaxes requirements for state social safety net programs but waiving eligibility re-determinations for 90 days for Medi-Cal, CalFresh, CalWorks, Cash Assistance for Immigrants and In-Home Supportive Services. It also replaces and revises EO-25-20 and makes further suspensions of Bagley-Keene Act and Brown Act to states that there is no requirement for state or local legislative bodies to make a physical location available from which the public can make public comment, so long as options to participate telephonically or electronically are provided. Local bodies must still follow noticing requirements and implement a procedure for resolving requests for accommodation from individuals with disabilities.

March 18: [Executive Order N-30-20](#): School Testing

This order is focused entirely on school testing. It waives, for the 2019-2020 school year, the requirement that all students be administered academic assessments each year.

March 18: [Executive Order N-32-20](#): Local Flexibility for Homelessness

This order aims to grant local flexibility on spending and building shelters to combat homelessness during the COVID-19 outbreak including waiving certain regulatory barriers for shelters or facilities built with this emergency funding. It provides \$150 million for emergency homelessness actions: \$100M direct to local governments for shelter support and emergency housing to address COVID 19 amend the homeless population and \$50M to purchase travel trailers and lease rooms in hotels, motels and other facilities in partnership with counties and cities to provide immediate isolation for homeless individuals.

March 19: [Executive Order N-33-20](#): Stay at Home Order

This order institutes a statewide stay at home order and includes a link defining critical infrastructure and essential workers.

March 20: [Executive Order N-34-20](#): Elections

This order focuses on elections procedures during the COVID-19 outbreak, including allowing vote-by-mail for certain upcoming special elections and extends timeframes for the March 4, 2020 statewide primary.

March 21: [Executive Order N-35-20](#): Facilities Staffing Ratios, Work Hours & Brown Act

This order covers a wide array of issues. Broadly it applies work health facilities' staffing ratios, hours exemptions (laid out in N-25-20) to local governments, suspends local ordinances that interfere with essential activities, further clarifies and expand Brown Act exemptions, and extends deadlines and relaxes requirements for several statues.

March 24: [Executive Order N-36-20](#): Correctional Facilities

This order temporarily halts the intake and/or transfer of inmates and youth into the state's 35 prisons and four youth correctional facilities. These inmates will remain in county custody for the next 30 days, but the timeframe could be extended if needed.

March 27: [Executive Order N-37-20](#): Evictions

This order bans the enforcement of eviction orders for renters affected by COVID-19 through May 31, 2020. The order prohibits landlords from evicting tenants for nonpayment of rent and prohibits enforcement of evictions by law enforcement or courts. It also requires tenants to declare in writing, no more than seven days after the rent comes due, that the tenant cannot pay all or part of their rent due to COVID-19.

March 27: [Executive Order N- 38-20](#): Judicial Council Emergency Authority

This order empowers the Judicial Council and the Chief Justice of the California Supreme Court to take necessary action to be able to conduct business and continue to operate while responding to the COVID-19 pandemic. The order does not affect any existing court order or rule. Specifically, it allows the Judicial Branch to allow for remote depositions in every case (the law had previously required that parties be deposed in person) and electronic service of process. Additionally, the order leaves the Judicial Branch discretion to make any modifications to legal practice and procedure it deems necessary in order to continue conducting business.

March 30: [Executive Order N-39-20](#): Healthcare Workforce Expansion

This order temporarily expands the health care workforce and allow health care facilities to staff at least an additional 50,000 hospital beds the state needs to treat COVID-19 patients. The order allows the Department of Consumer Affairs (DCA) to waive specific health professional licensure requirements and license maintenance requirements until June 30th.

March 30: [Executive Order N-40-20](#): Government Functions & Small Business Relief
This order allows the California Department of Tax and Fee Administration (CDTFA) to offer a 90-day extension for tax returns and tax payments for all businesses filing a return for less than \$1 million in taxes. Additionally, the order extends the statute of limitations to file a claim for refund by 60 days to accommodate tax and fee payers. The EO also includes extensions that impact state government workers, as well as consumers. For instance, the Department of Motor Vehicles will limit in-person transactions for the next 60 days, allowing instead for mail-in renewals. Additionally, DCA will waive continuing education requirements for several professions, also for the next 60 days. Further, the order extends the Office of Administrative Law's (OAL) deadlines to review regular department proposed regulations and extends by 60 days the time period to complete investigation of public safety officers based on allegations of misconduct. Finally, deadlines for trainings, investigations and adverse actions for state workers will also be extended.

Pursuant to this order, the state created a [link](#) to the COVID-19 website that details the assistance available to small businesses and employers impacted by the pandemic.

April 1: [Executive Order N-41-20](#): Disaster Response Expenditures

This order facilitates expenditures from the state's Disaster Response-Emergency Operations Account (DREOA), a subaccount of the Special Fund for Economic Uncertainties in the General Fund (the state's budget reserve), as well as from any other legally available fund to help with the COVID-19 response. On March 25th, the Department of Finance transferred \$1.3 billion from the budget reserve into the DREOA subaccount to pay for costs associated COVID-19 pandemic response. A total of \$1.4 billion is now available in DREOA.

April 2: [Executive Order N-42-20](#): Water Shutoff Restrictions

This order restricts water shutoffs to homes and small businesses during the COVID-19 pandemic and restores water service for occupied residences that may have had their water shut off as of March 4, 2020, the date of the state of emergency proclamation.

April 3: [Executive Order N-43-20](#): Telehealth Services

This order expands protections to medical providers as they amplify the use of video chats and similar applications to provide routine and non-emergency medical appointments to minimize patient exposure to COVID-19. It relaxes certain state privacy and security laws for medical providers, so they can provide telehealth services without the risk penalty. This action is similar to the federal Health and Human Services (HHS) Office for Civil Rights waiver issued on [March 17, 2020](#) regarding federal privacy and security laws.

April 3: [Executive Order N-44-20](#): Price Gouging

This order expands consumer protection against price gouging during COVID-19 pandemic. It generally prohibits sellers of any kind from increasing prices on food,

consumer goods, medical or emergency supplies, and certain other items by more than 10 percent and give gives additional tools to the California Department of Justice and Attorney General’s Office, among others, to take action against price gougers.

April 4: [Executive Order N-45-20](#): Child Care for Essential Workers

This order seeks to facilitate childcare for children of essential critical infrastructure workers by granting the California Department of Education (CDE) and California Department of Social Services (DSS) the flexibility to waive certain programmatic and administrative requirements in response to the COVID-19 pandemic. The waivers will focus on current eligibility and enrollment priorities that prevent childcare and afterschool programs from serving children of essential infrastructure workers. The waiver will allow eligibility for childcare to prioritize essential workers, including health care professionals, emergency response personnel, law enforcement, and grocery workers. Additionally, the order requires CDE & DSS to jointly develop and issue guidance, by April 7th, on how the essential worker prioritization will roll out, as well as guidance on how childcare programs and providers can safely provide care.

April 7: [Executive Order N-46-20](#): Medical Supplies Procurement

This order assists the state in the procurement of necessary medical supplies.

April 7: [Executive Order N-47-20](#): Support for Vulnerable Populations

This order provides additional support for older adults and vulnerable young children by allowing a 60-day waiver for In-Home Supportive Services (IHSS) program caseworkers to continue their work and be able to care for older adults, as well as individuals with disabilities.

April 10: [Executive Order N-48-20](#): Upcoming Special Elections

This order mandates that three upcoming special elections scheduled for May and June will be held as all-mail elections. Under the order, local election officials can also make in-person voting available, to ensure every voter has an opportunity to vote, but only in a manner consistent with public health and safety, including appropriate physical distancing. The upcoming impacted elections are a May 19, 2020 special recall election in the City of Santa Ana; a June 2, 2020 special municipal election scheduled in the City of Commerce; and a special recall election in the El Rancho Unified School District, also scheduled for June 2, 2020.

April 14: [Executive Order N-49-20](#): Juvenile Justice Discharge and Reentry Process

This order addresses the release and reentry process at the Division of Juvenile Justice (DJJ) for the safe and expeditious discharge of eligible youth. It calls for all discharge and reentry hearings to be held via videoconference to minimize the youth’s and other participants’ exposure to COVID-19 and shortens various notification timeframes from 60 to 30 days before holding a discharge consideration hearing. Victim notifications are not impacted by this order.

The order also allows for reentry consideration hearings to take place at the DJJ facility where the youth are housed, instead of transferring youth to a county jail to await these hearings. Victims and victim representatives will be able to participate in the videoconference hearings.

April 15: [Executive Order N-50-20](#): Employment Development Department

This order requires the Employment Development Department (EDD) call centers to operate 7 days a week from 8:00 AM to 8:00 PM. It also directs 1,340 existing state employees to the Unemployment Insurance Branch and directs EDD to expedite access to the Work Share program to avert layoffs. It also requires EDD to create a one-stop shop for individuals applying for unemployment insurance and the new federal Pandemic Unemployment Assistance (PUA) program starting April 28. The PUA will provide federally funded benefits distinct from UI program for certain individuals out of work or partially unemployed due to COVID-19. This includes the self-employed, individuals who may be employees but who lack sufficient work history and independent contractors. Federal guidelines include gig workers and California's gig workers will continue to be protected by existing state laws against misclassification in the administration of PUA. PUA benefits will be issued within 24-48 hours – not the traditional 21 days for regular UI claims.

April 16: [Executive Order N-51-20](#): Food Sector Employee Supports

This order provides California workers in the food sector industry impacted by the COVID-19 pandemic with two weeks of paid sick leave. Food sector workers include farmworkers, agricultural workers, grocery stores and fast food chains employees and as delivery drivers are part of the state's essential infrastructure workforce and have continued to work to serve Californians. The order also includes new health and safety standards to increase worker and customer protection by permitting workers at food facilities to wash their hands every 30 minutes, or as needed, to increase proper sanitation measures.

April 16: [Executive Order N-52-20](#): Various Government Functions

This order allows the California University (CSU) system to adjust its admissions requirements for students applying for acceptance in Fall 2021 and allows the Department of Justice (DOJ) to develop procedures to perform name-based background checks to ensure there is no delay processing employment for critical sectors, such as health care services and care and support for vulnerable populations. It also allows federal stimulus checks to flow directly to custodial parents owed back child support payments rather than to the state and allows commercially licensed food trucks to be able to temporarily operate in roadside rest areas for a period of 60 days, to ensure essential infrastructure workers have access to food. Caltrans will be charged with developing and implementing a process to administer the temporary permits.

April 17: [Executive Order N-53-20](#): Foster Youth

This order allows temporary waivers for certain foster youth programs to ensure continuity of care during the pandemic. It allows county child welfare agencies and probation departments to perform necessary functions using alternative processes other than face-to-face interactions. This includes allowance for a 60-day waiver to allow for flexibility in the emergency placement of foster youth and ensures that foster youth have access to critical programs and technology by verifying foster care status for foster youth and wards of the juvenile court whose cases are pending.

April 23: [Executive Order N-54-20](#): Various Government Functions

This order grants a 60-day extension for customers on several Department of Motor Vehicles (DMV) deadlines, including for recently expired drivers' licenses and identification cards, and suspends late fees from being applied to expired vehicle registrations. Additionally, it allows certain California Environmental Quality Act (CEQA) posting, filing and notice requirements to be satisfied electronically.

The order also allows retailers to provide bags to consumers without charge and to pause redemption of beverage containers in-store to mitigate COVID-19 spread. Additionally, it temporarily suspends the requirement for recycling centers to hold a minimum number of hours of operation and directs the Department of Resources Recycling and Recovery (CalRecycle) to develop and issue operating guidelines.

April 23: [Executive Order N-55-20](#): Department of Health Care Services

This order provides the Department of Health Care Services (DHCS) and Medi-Cal providers flexibility on a variety of deadlines and requirements to ensure continuity of service to beneficiaries not impacted by the COVID-19 pandemic. Specifically, the order allows phone or video conferences for fair hearings for California Children's Services on grievances and appeals. The order also temporarily suspends requirements for in-person signatures for people to obtain certain prescription drugs covered by Medi-Cal and will allow a 90-day extension for providers on cost reporting, change of scope of service and administrative hearings.

April 23: [Executive Order N-56-20](#): School COVID-19 Response and Transparency

This order extends deadlines for local educational agencies (LEAs) to submit Local Control and Accountability Plans (LCAP), which are multi-year planning documents that must be developed in collaboration with parents, students, teachers and community groups. LEAs will be required to publish reports detailing their COVID-19 response including the steps they have taken to deliver high-quality distance learning opportunities, provide school meals in non-congregate settings and arrange for supervision of students during ordinary school hours. They will also be required to explain the steps they have taken to meet the needs low-income students, English learners and foster youth. The order also waives required physical education minutes and annual physical fitness testing that requires on-site instruction. Academic assessments were previously waived under a separate order.

April 23: [Executive Order N-57-20](#): Economic Impact Payment Garnishment

This order exempts garnishment for any individuals receiving federal, state or local government financial assistance in response to the COVID-19 pandemic. This includes recovery rebates under the CARES Act. Funds may still be garnished for child support, family support, spousal support or criminal restitution for victims.

The Governor also announced a deal with private student loan servicers that provides students with commercially owned Federal Family Education Loans or privately held student loans options for expanded relief. These options include providing a minimum of 90 days forbearance, waiving late payment fees, ensuring that no borrower is subject to negative credit reporting and helping eligible borrowers enroll in other assistance programs.

April 30: [Executive Order N-58-20](#): Marriages

This order allows adults to obtain a marriage license, at the discretion of their local county clerk, through videoconferencing if both adults are located within in California, are present and can present identification during the video conference. The license will be issued via email. Additionally, adults who wish to be married can conduct a ceremony to solemnize the marriage via videoconference if both parties are present and have at least one witness who can join the live video conference. This order is valid for 60 days.

May 1: [Executive Order N-59-20](#): CalWorks

This order temporarily broadens counties' capabilities to enroll persons into the California Work Opportunity and Responsibility to Kids (CalWORKs) program using various eligibility verification methods due to social distancing requirements. The provisions allow for temporary self-attestation of pregnancy and conditions of eligibility and waive in-person identification requirements. It also expands the opportunity for individuals to qualify for a limited amount of lump-sum financial assistance instead of receiving CalWORKs, as long as their income is below 200 percent of the Federal Poverty Level, and supports families by suspending the requirement for county welfare departments to consider Federal Pandemic Unemployment Compensation as income when determining CalWORKs grant amounts.

May 4: [Executive Order N-60-20](#): Local Health Order Criteria

This order directs the State Public Health Officer to establish criteria to determine whether and how, considering local conditions, local health officers may implement public health measures less restrictive than the statewide public health directives. To have less restrictive standards, counties must meet criteria that illustrates they have a low prevalence of COVID-19, meet testing and contact tracing criteria, their health care system is prepared for a sudden rise in cases and have plans in place to protect vulnerable populations. The details of the outline will be released in coming days.

May 6: [Executive Order N 61-20](#): Property Tax Penalties

This order waives penalties for property taxes paid after April 10 for taxpayers who demonstrate they have experienced financial hardship due to the COVID-19 pandemic through May 6, 2021. This will apply to residential properties and small businesses. Additionally, the executive order will extend the deadline for certain businesses to file Business Personal Property Statements from tomorrow to May 31, 2020, to avoid penalties.

May 6: [Executive Order N 62-20](#): Worker's Compensation

This order creates a time-limited rebuttable presumption for accessing workers' compensation benefits applicable to Californians who must work outside of their homes during the stay at home order. Those eligible will have the rebuttable presumption if they tested positive for COVID-19 or were diagnosed with COVID-19 and confirmed by a positive test within 14 days of performing a labor or service at a place of work after the stay at home order was issued on March 19, 2020. The presumption will stay in place for 60 days after issuance of the executive order.

May 8: [Executive Order 63-20](#): Critical Deadline Extensions

This order extends various deadlines for public school project inspectors certification requirements, Certified Access Specialists and notaries public and gives the State Fire Marshal 60 days to publish lists of building materials requirements and registration renewals for flame-retardant fabrics and applications. It also allows retired peace officers to temporarily be reemployed for up to a year if they left the agency in good standing and authorizes remote reporting under the Sex Offender Registration Act consistent with state public health guidance. Last, the order extends by 60 days certain procedural deadlines of the Department of Industrial Relations, including the deadline for workers to file wage claims with the Labor Commissioner; the deadline for employers to appeal Cal/OSHA citations and the deadline for Workers' Compensation Administrative Law Judges to issue decisions.

May 8: [Executive Order N 64-20](#): November General Election

This order requires that county elections officials send vote-by-mail ballots for the November 3, 2020 General Election to all registered voters. Californians in of need access to in-person voting opportunities – including individuals with disabilities, non-English speakers, individuals experiencing homelessness and others – will still be able to access in-person voting opportunities. The Administration will work with the Legislature and the Secretary of State to determine how requirements for in-person voting opportunities and other details of the November election will be implemented to preserve public health and provide county elections officials flexibility.

May 19: [Executive Order N 65-20](#): General Government COVID Response Issues

This order addresses the following government issues related to the COVID response. Specifically, it waives the 10 percent cash or in-kind matching requirements for state grants awarded to domestic violence service providers and the deadline to verify grade

point average and certain certification requirements and selective service registration verification for CalGrant applicants. The order also suspends programmatic deadlines for entities that receive funding from the Energy Commission for the development and deployment of new technologies that support the state's clean energy and decarbonization goals. Last, it extends the timeframe for local governments to submit claims for reimbursement to the State Controller's Office.

May 29: [Executive Order N-66-20](#): Eviction Moratorium Extension & Other Government Functions

This order extends local governments' authorization to halt evictions through July 28. It also extends the waiver permitting the DMV to allow mail-in renewals of driver's licenses and identification cards and waives certain programmatic and administrative requirements that restrict childcare and afterschool programs from serving children of essential infrastructure workers.

In addition, the order allows individuals enrolled in teacher preparation programs during the 2019-20 school year to obtain their preliminary credential without a teaching performance assessment, if the individual was unable to complete that requirement due to a COVID-19 school closure.

Finally, the order requires the Department of Housing and Community Development (HCD) to waive certain regulations governing administration of Emergency Services Grant funding received under the CARES Act, develop alternative streamlined procedures and implement reasonable accommodations for HCD-funded projects that have been negatively affected by the pandemic, to help ensure project feasibility. The order also suspends statutory set-asides for economic development and housing for Community Development Block Grant program funding received under the CARES Act.

June 3: [Executive Order N-67-20](#): November General Election

This order ensures in-person voting opportunities are available in sufficient numbers to maintain physical distancing. It requires counties to provide three days of early voting starting the Saturday before election day and requires ballot drop-box locations be available between October 6 and November 3, while also allowing counties to consolidate voting locations, with at least one voting location per 10,000 registered voters.

The Administration will continue to work with the Legislature, the Secretary of State and county elections officials on how other aspects of the November election, such as voter education and outreach, will be implemented while preserving public health and giving county elections officials needed flexibility.

June 5: [Executive Order N-68-20](#): COVID-19 Supplies Protection & General Government

This order seeks to increase the availability of over-the-counter drugs, hand sanitizer, and medical devices, such as respirators, ventilators and masks, which are in demand

due to the COVID-19 pandemic. It allows temporary manufacture of over-the-counter drugs and medical devices by firms not currently licensed by the California Department of Public Health (CDPH). The firms must apply for temporary registration and self-certify they are compliant with guidance by the U.S. Food and Drug Administration (FDA). The order also defers renewal fees to address COVID-19 related economic hardship for manufacturers of drugs, medical devices, food and cosmetics that currently have California Department of Public Health licenses, registrations, and certificates.

The order also addresses a variety of other issues in response to the COVID-19 pandemic by extending a number of waivers to allow for flexibility in the emergency placement of foster youth and ensure that foster youth have access to critical programs and technology by verifying foster care status for foster youth and wards of the juvenile court whose cases are pending; permit In-Home Supportive Services (IHSS) program caseworkers to continue their work caring for older adults and individuals with disabilities; and allow the California Department of Justice to develop procedures to perform name-based background checks to ensure there is no delay processing employment for critical sectors, such as health care services and care and support for vulnerable populations, including developmentally disabled persons.

Last, the order extends statutory deadlines related to the timeframe of when a petition for reconsideration is deemed to have been denied by the Workers' Compensation Appeals Board, and for the Workers' Compensation Appeals Board to act on decisions by Workers' Compensation judges.

June 15: [Executive Order N-69-20](#): General Government

This order extends waivers temporarily broadening the capability of counties to enroll persons into the CalWORKs program, allowing for self-attestation of pregnancy and conditions of eligibility and waiving in-person identification requirements. It also extends permission for commercially-licensed food trucks to operate in roadside rest areas, suspends face-to-face visits for eligibility for extended foster care and extends deadlines related to the payment of real estate license application and renewal fees and continuing education requirements for licensees.

CDPH GUIDANCE ON MANDATED FACE COVERINGS

Yesterday, CDPH released updated guidance requiring Californians to wear a face covering in high-risk settings. The guidance mandates the use of cloth face coverings by the public statewide when outside the home, with limited exceptions.

Californians must wear face coverings when they are in the situations listed below:

- Inside of, or in line to enter, any indoor public space.

- Obtaining services from the healthcare sector in settings including, but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank.
- Waiting for or riding on public transportation or paratransit or while in a taxi, private car service, or ride-sharing vehicle.
- Engaged in work, whether at the workplace or performing work off-site, when:
 - Interacting in-person with any member of the public.
 - Working in any space visited by members of the public, regardless of whether anyone from the public is present at the time.
 - Working in any space where food is prepared or packaged for sale or distribution to others.
 - Working in or walking through common areas, such as hallways, stairways, elevators, and parking facilities.
 - In any room or enclosed area where other people (except for members of the person's own household or residence) are present when unable to physically distance.
- Driving or operating any public transportation or paratransit vehicle, taxi, or private car service or ride-sharing vehicle when passengers are present. When no passengers are present, face coverings are strongly recommended.
- While outdoors in public spaces when maintaining a physical distance of six feet from persons who are not members of the same household or residence is not feasible.

The following individuals are exempt from wearing a face covering:

- Children aged two and under.
- Persons with a medical, mental health, or developmental disability that prevents wearing a face covering.
- Persons who are hearing impaired, or communicating with a person who is hearing impaired, where the ability to see the mouth is essential for communication.
- Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulators or workplace safety guidelines.
- Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service.
- Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided that they are able to maintain a distance of at least six feet away from persons who are not members of the same household or residence.
- Persons who are engaged in outdoor work or recreation such as swimming, walking, hiking, bicycling, or running, when alone or with household members, and when they are able to maintain a distance of at least six feet from others.

- Persons who are incarcerated. Prisons and jails, as part of their mitigation plans, will have specific guidance on the wearing of face coverings of masks for both inmates and staff.

More information about the state's COVID-19 guidance is on the [California Department of Public Health's Guidance web page](#).

UPDATE ON REOPENING THE STATE: BARBER SHOPS & HAIR SALONS

Yesterday, the California Department of Public Health (CDPH) announced counties that meet the criteria for accelerated re-opening may re-open hair salons and barbershops with modifications such as mandatory face coverings for both barbers or stylists and clients. Permitted activities include services that can be provided with both the worker and customer wearing face coverings throughout the service including haircuts, hair coloring, blowouts, weaves and extensions, braiding, lock maintenance, wig maintenance and hair relaxing treatments.

Salon activities that cannot be done with face coverings on both the worker and client – or that require touching the client's face – such as shaving, facial waxing, threading, eyelash services and facials – remain prohibited at this time in all counties. Likewise, nail salons remain closed.

Under the re-opening [new guidance](#), salons and barbers must:

- Implement measures to ensure physical distancing of at least six feet between and among workers and customers, except when providing haircutting and other close contact services.
- Provide temperature and/or symptom screenings for all workers at the beginning of their shift and any vendors, contractors, or other workers entering the establishment.
- Encourage workers and customers who are sick or exhibiting symptoms of COVID-19 to stay home.
- Screen customers upon arrival and be prepared to cancel or reschedule customers who indicate they have any signs of illness.
- Require workers and customers to use face coverings during the entire haircutting and other close contact hair services.

More information about the state's COVID-19 guidance is on the [California Department of Public Health's Guidance web page](#).

UPDATE ON REOPENING THE STATE: PLACES OF WORSHIP, RETAIL STORES & PROTESTS

On Memorial Day, CDPH announced the statewide reopening of places of worship for religious services and in-store retail shopping. Modifications are required to keep Californians safe and limit the spread of COVID-19. Subject to approval by county public health departments, all retail stores can reopen for in-store shopping under previously issued guidelines. Under new guidance, places of worship can hold religious services and funerals that limit attendance to 25% of a building's capacity – or up to 100 attendees, whichever is lower – upon approval by the county department of public health.

While large gatherings remain prohibited under the state's stay-at-home order, CDPH also released [guidelines for in-person protests](#) and events designed for political expression. The guidance limits attendance to 25% of an area's maximum occupancy – or up to 100 attendees.

The new [guidance for religious services and cultural ceremonies](#) encourages organizations to continue online services and activities, including to protect individuals who are most at risk for more severe COVID-19, including older adults and people with specific medical conditions.

To reopen for religious services and funerals, places of worship must:

- Establish and implement a COVID-19 prevention plan for every location, train staff on the plan, and regularly evaluate workplaces for compliance.
- Train employees and volunteers on COVID-19, including how to prevent it from spreading and which underlying health conditions may make individuals more susceptible to contracting the virus.
- Implement cleaning and disinfecting protocols.
- Set physical distancing guidelines.
- Recommend that staff and guests wear cloth face coverings, and screen staff for temperature and symptoms at the beginning of their shifts.
- Set parameters around or consider eliminating singing and group recitations. These activities dramatically increase the risk of COVID-19 transmission. For this reason, congregants engaging in singing, particularly in the choir, and group recitation should always wear face coverings and when possible, these activities should be conducted outside with greater than 6-foot distancing.

The existing [guidance for retailers](#), previously allowed for counties approved to advance in the reopening process, now applies statewide. Retail can now open for in-store shopping statewide. The guidelines help reduce the risk for workers and customers. Retail does not include personal services such as hair salons, nail salons and barbershops.

In 21 days, the Department of Public Health, in consultation with local departments of public health, will review and assess the impact of the religious services guidelines and provide further direction as part of a phased-in restoration of activities. This 21-day interval accounts for seven days for religious communities to prepare and reopen in addition to a 14-day incubation period of COVID-19.

CALIFORNIA CONNECTED, STATE'S CONTRACT TRACING PROGRAM, ANNOUNCED

On May 22nd, Governor Newsom announced the launch of California Connected, the state's comprehensive contact tracing program and public awareness campaign. As part of California Connected, public health workers from communities across the state will connect with individuals who test positive for COVID-19 and work with them, and people they have been in close contact with, to ensure they have access to confidential testing, as well as medical care and other services to help prevent the spread of the virus.

The state's program is led by the Administration in collaboration with the California Department of Public Health, local public health departments and the University of California, San Francisco (UCSF) and Los Angeles (UCLA), which have launched a robust online training academy to develop a culturally competent and skilled contact tracing workforce.

The state plans to launch 10,000 contact tracers statewide as part of its plan to reopen California. More than 500 individuals have been trained under the new contact tracing program, and more than 300 are being trained this week.

For more information, visit CaliforniaConnected.ca.gov.

GOVERNOR'S RECOVERY TASKFORCE REQUESTS FEDERAL ASSISTANCE

On May 19th, members of the Governor's Task Force on Business and Jobs Recovery sent a letter to congressional leaders asking them pass \$1 trillion in direct relief for state and local governments. The [letter](#), signed by 91 California leaders outlines the budgetary challenges facing state, local and tribal governments caused by the COVID-19 pandemic. The task force was convened last month to chart a path forward on COVID recovery.

UPDATE ON REOPENING THE STATE: STAGE 2

As a state, California is now in Stage 2, where retail (curbside and delivery only), related logistics and manufacturing, office workplaces, limited personal services, outdoor

museums, child care, and [essential businesses](#) can open with modifications. The state has [issued guidance](#) to help those places reopen safely.

County variance. Local health jurisdictions that meet criteria established California Department of Public Health and follow the process in the [county guidance](#) may move further ahead in Stage 2 of the [resilience roadmap](#).

If a county decides to pursue a variance to move further into Stage 2, the local public health officer must:

1. Notify the California Department of Public Health (CDPH).
2. Certify through submission of a written attestation to CDPH that the county has met the readiness criteria (outlined below), including guidance to be issued by the county and detailed plans, and that the county is designed to mitigate the spread of COVID-19.

The list counties that meet this criteria and are authorized to reopen more businesses is available [here](#).

At the May 4th press conference, Governor Newsom announced that California will move into Stage 2 of modifying the stay at home order on Friday, May 8th. The guidelines for Stage 2 will be released Thursday, May 7th. The Governor also [released a Report Card](#) showing the state's progress in fighting COVID-19 in a number of categories such as stabilized hospitalization and ICU numbers and acquiring PPE.

CHILDCARE ONLINE PORTAL

At the April 30th press conference Governor Newsom announced a new portal to help parents, including essential workers and vulnerable families, find safe, reliable and accessible childcare options. The new portal is available at covid19.ca.gov/childcare and enables parents to enter their location and the type of care they need, instantly receiving a list of local center-based and family child care programs. The list of open licensed childcare programs will include health and safety information, age of children accepted, capacity, availability, hours and contact information for the program and local Child Care Resource and Referral agency. The Child Care Resource and Referral agencies can answer general questions, including those about childcare subsidies.

CALIFORNIA'S PANDEMIC RESILIENCE ROADMAP

At the April 28th press conference, Governor Newsom and California Department of Public Health Director and State Public Health Officer Dr. Sonia Angell, discussed the state's science and data driven plan to reopen the state. They also gave an updated

presentation of California's Roadmap to Pandemic Resilience, which can be accessed [here](#).

NEW EXPANDED TESTING EXPANSION GUIDANCE ANNOUNCED

On April 22nd, Governor Newsom announced an expansion in testing and contact tracing to identify those with the virus and the expansion of community testing in underserved areas. The state is contracting with Verily, the Community Organized Relief Effort (CORE), the Rockefeller Foundation and an anonymous donor to establish six new community testing sites focused on underserved communities such as farmworkers and communities of color. California also is contracting with OptumServe to establish an additional 80 community testing sites.

The state intends to:

- Accelerate equitable COVID-19 testing by aiming to deploy 25,000 tests per day by April 30; establishing an additional 80-100 testing sites; and identifying five new high-throughput testing hubs.
- Establish a contact tracing workforce by surveying counties on their capacity; developing a statewide training academy; and training 10,000 public health connectors to conduct contact tracing.
- Develop isolation protocols and supports by identifying regional alternate isolation sites and building private-public partnerships to support those who are isolated.
- Deploy data management system and tools by publishing a symptom-check app; deploying a data management platform; and establishing a data dashboard for the public.

Additionally, the CDPH updated their guidance on the prioritization of COVID-19 laboratory testing to reflect the new testing expansion capacity. This new guidance document can be accessed [here](#).

GOVERNOR'S #CALIFORNIANSFORALL SERVICE INITIATIVE ANNOUNCEMENT

On April 21st, Governor Newsom announced an initiative to connect Californians with safe volunteer opportunities. #CaliforniansForAll seeks to unite organizations in need of volunteers with Californians looking to serve, while ensuring stay-at-home and physical distancing protocols are met. The initiative will focus on recruiting younger Californians to help the most vulnerable throughout the state, including the elderly who are at higher risk of infection. Interested individuals are encouraged to join #CaliforniansForAll by signing up at californiansforall.ca.gov. Participants will receive an email from California Volunteers with information on what they can do to help and

those who choose to volunteer will be contacted by local nonprofit partners when opportunities open in their area.

GOVERNOR'S TASKFORCE ON BUSINESS & JOBS RECOVERY

On April 17th, Governor Newsom announced the formation of a state taskforce on Business and Jobs Recovery, which will be co-chaired by Governor Newsom's Chief of Staff Ann O'Leary and philanthropist, environmentalist and businessman Tom Steyer. Mr. Steyer was also appointed Chief Advisor to the Governor on Business and Jobs Recovery. Mr. Steyer is serving in a volunteer capacity.

Members of the Task Force include Senate President pro Tempore Toni Atkins, Assembly Speaker Anthony Rendon, Senate Minority Leader Shannon Grove, Assembly Minority Leader Marie Waldron, former Federal Reserve Chair Janet Yellen, Walt Disney Company Executive Chairman Bob Iger, former head of the Small Business Administration Aida Álvarez and dozens of prominent leaders in business, labor, health care, academia and philanthropy.

Read the full list of [Task Force members here](#).

NEWSOM'S CRITERIA FOR MODIFICATIONS TO STAY AT HOME ORDERS

On April 15th, the Governor released six key indicators that will inform the state's decision-making process for when and how to modify the stay-at-home and other orders during the COVID-19 pandemic. The six indicators are:

- The ability to monitor and protect our communities through testing, contact tracing, isolating, and supporting those who are positive or exposed;
- The ability to prevent infection in people who are at risk for more severe COVID-19;
- The ability of the hospital and health systems to handle surges;
- The ability to develop therapeutics to meet the demand;
- The ability for businesses, schools, and childcare facilities to support physical distancing; and
- The ability to determine when to reinstitute certain measures, such as the stay-at-home orders, if necessary.

The Governor said there is not a precise timeline for modifying the stay-at-home order, but that these six indicators will serve as the framework for making that decision.

He also noted that things will look different as California makes modifications. For example, restaurants will have fewer tables and classrooms will be reconfigured.

LEGISLATION:

On March 17, 2020, Governor Gavin Newsom signed emergency legislation providing up to \$1 billion in funding to help California fight COVID-19.

1. [SB 89](#) by the Committee on Budget and Fiscal Review – Budget Act of 2019.
2. [SB 117](#) by the Committee on Budget and Fiscal Review – Education finance: average daily attendance and timeline waivers: protective equipment and cleaning appropriation: COVID-19.

The emergency legislative package provides \$500 million General Fund to help California fight COVID-19 and authorizes increases up to \$1 billion. The funding is intended to:

- Increase hospital bed capacity and purchase medical equipment to combat the coming surge in COVID-19 patients;
- Protect hospitals, nursing homes, and other facilities most vulnerable to COVID-19 spread;
- Provide lifesaving services to Californians isolating at home;
- Support local government to reduce the spread of COVID-19 in homeless populations and provide safe beds for people experiencing homelessness; and
- Provide funding to clean childcare facilities that remain open.

However, the operative language of the bill says, “\$500,000,000 is hereby appropriated from the General Fund to any item for any purpose...” – there will be pressure for the Governor to spend this money outside of his stated purposes.

The package also provides \$100 million Proposition 98 General Fund for personal protective equipment and cleaning for schools that remain open. It also allows schools to maintain funding despite service disruptions.

FEDERAL GOVERNMENT COLLABORATION:

Presidential Major Disaster Declaration

On March 22nd, Governor Newsom [requested](#) and received approval a Presidential Major Disaster Declaration to assist in California’s COVID-19 preparedness and emergency response efforts. The Major Disaster Declaration includes any and all individual assistance programs to assist those affected by the outbreak and lessen the economic impacts of the crisis. It will provide additional assistance, including but not limited to, mass care and emergency assistance, crisis counseling, disaster case management, disaster unemployment assistance, disaster legal services and Disaster Supplemental Nutrition Assistance.

Congressional Leadership Letter

On March 19th, the Governor sent a [letter](#) on 3/19/2020 to Senate Majority Leader Mitch McConnell, Senate Democratic Leader Chuck Schumer, Speaker of the House Nancy Pelosi and House Republican Leader Kevin McCarthy requesting additional federal assistance to supplement California's efforts to prepare for a COVID-19 surge.

USNS Mercy Deployment

The Governor also announced on March 19th that he sent a [letter](#) to Trump Administration requesting the immediate deployment of the USNS Mercy Hospital Ship to the Port of Los Angeles through September 1, 2020, to help decompress the state's health care delivery system in Los Angeles in response to COVID-19. The Administration approved the request and USNS Mercy arrived in Los Angeles on March 26th.

Medi-Cal Section 1135 Waiver Requests

On March 16th, the Department of Health Care Services (DHCS) submitted a [letter](#) to the federal Centers for Medicare and Medicaid Services (CMS) requesting the easing of certain federal rules governing doctors and other health care providers who treat people covered through Medi-Cal, California's version of Medicaid. It also would loosen rules regarding the use of telehealth and where care can be provided, making it simpler to protect seniors and other populations at high risk for harm if exposed to the virus. , DHCS submitted an [additional letter](#) to CMS requesting additional flexibilities on March 19th. On March 23rd, CMS [responded](#) to the letters by approving portions of the requests related to allowing out-of-state providers to treat California (in-person or via telehealth), allowing changes for efficient use of hospital capacity and shifting patients to appropriate care settings and modifications to prior authorization treatment rules.

CalFRESH EBT Online Purchasing Waiver Request

On March 20th, the Department of Social Services (DSS) submitted a [letter](#) to the US Department of Agriculture (USDA) requesting permission to authorize retail stores to accept CalFresh (California's Supplemental Nutrition Assistance Program) electronic benefits transfer (EBT) cards for online grocery purchases. USDA [approved](#) this waiver request on April 8th and CalFRESH beneficiaries will be able to use their EBT cards for online groceries purchases at Amazon and Walmart starting on April 28th. DSS is working to expand the number of participating retailers but has issued [guidance](#) for county welfare directors.