



Public Health Order Chart | April 2020 | Alan Fenstermacher

On March 19, 2020, Governor Newsom issued [Executive Order N-33-20](#) ordering California residents to stay at home, but this order allows workers within 16 essential critical infrastructure segments (“Essential Businesses”) to remain working. Many counties subsequently adopted local Public Health Orders imposing additional restrictions – some of which further restrict the definition of Essential Business – and setting forth specific regulations that Essential Businesses must implement if they remain open. The following chart summarizes the current requirements applicable to Essential Businesses in selected counties effective as of April 22, 2020:

| Jurisdiction | Face Covering | Signage/Posting Protocol | Social Distancing | Sanitation | Other Items of Note |
|---|--|---|--|---|---|
| San Diego County Order | Required when within 6 feet of another person | <p>“Social Distancing and Sanitation Protocol” form (Appendix A to the Order) must be posted near entrance and easily viewable.</p> <p>Recommend signage at each public entrance instructing the public not to enter if they are experiencing symptoms of respiratory illness, including fever or cough, and maintain six-foot distance</p> | <p>Implement measures to keep employees and public 6 feet apart.</p> <p>Provide Social Distancing and Sanitation Protocol to all employees, as well as to authorities on demand.</p> | Implement increased sanitation standards pursuant to Social Distancing and Sanitation Protocol. | Make every effort to use telecommunicating for workforces |
| Orange County No Formal Local Order in Effect | <p>Recommended for employees and public</p> <p>Required for employees in certain sectors (retail, gas station and food service businesses that interact with public)</p> | Recommend signage at each public entrance instructing the public not to enter if they are experiencing symptoms of respiratory illness, including fever or cough, and maintain six-foot distance | Implement measures to keep employees and public 6 feet apart. | Implement increased sanitation standards | A number of Orange County cities have adopted their own orders, including requiring face coverings for employees of certain businesses |
| Los Angeles County Order | <p>Required for employees (when in close contact with other employees or public), and for all members of the public</p> <p>Employer must provide to employees</p> | <p>“Social Distancing Protocol” form (Appendix A to the Order) must be posted near entrance and easily viewable.</p> <p>Must post sign in conspicuous place at public entries instructing not to enter if experiencing symptoms of respiratory illness, including fever or cough, maintain social distancing, and wear a face covering</p> | <p>Implement measures to keep employees and public 6 feet apart.</p> <p>Provide Social Distancing Protocol to all employees, as well as to authorities on demand.</p> | <p>Provide hand sanitizer/soap and water/effective disinfectant near entrances and other areas for both employees and public.</p> <p>Regularly disinfect high touch surfaces.</p> | <p>Maximize the number of employees working from home</p> <p>City of Los Angeles requires employees in certain sectors (e.g, food service) to wear facing coverings at all times</p> <p>Order</p> |

| Jurisdiction | Face Covering | Signage/Posting Protocol | Social Distancing | Sanitation | Other Items of Note |
|---|--|--|--|--|--|
| Alameda County; Order | Required for all employees when interacting with other employees or public, and all members of the public. ¹ Alameda Face Mask Order San Mateo Face Mask Order Santa Clara Face Mask Order Contra Costa Face Mask Order City and County of San Francisco Face Mask Order Marin County Face Mask Order | "Social Distancing Protocol" form (Appendix A to the Orders) must be posted near entrance and easily viewable. Must post signage at entrance instructing not to enter if experiencing fever or cough, must maintain social distancing, cough into elbow, not shake hands, and wear a face covering. | Implement measures to keep employees and public 6 feet apart. Provide Social Distancing Protocol to all employees, as well as to authorities on demand. | Provide hand sanitizer/soap and water/effective disinfectant near entrances and other areas for both employees and public. Regularly disinfect high touch surfaces. | Maximize the number of employees who work from home. Essential Businesses may only assign those employees who cannot perform their job duties from home to work outside the home. Businesses that include an Essential Business component at their facilities alongside non-essential components must, to the extent feasible, scale down their operations to the Essential Business component only |
| San Mateo County; Order | | | | | |
| Santa Clara County; Order | | | | | |
| Contra Costa County; Order | | | | | |
| City and County of San Francisco; Order | | | | | |
| Marin County; Order | | | | | |

In addition to the foregoing County regulations, a number of cities within these counties have adopted their own orders imposing additional requirements, such as the City of Los Angeles and City of San Diego. However, those orders are generally consistent with the County requirements set forth above.

If you would like assistance determining if your business is an Essential Business in your local city and/or county, complying with the foregoing requirements, or information on a city or county not found on this list, your Rutan & Tucker attorney would be happy to assist you, or please contact **Alan Fenstermacher**, a Partner in the firm's Land Use & Entitlement and Government Law sections at afenstermacher@rutan.com or (714) 641-3452.



Alan Fenstermacher specializes in helping both public agency and private clients navigate the myriad of regulatory issues they face, with an emphasis in land use. Alan regularly assists private parties secure entitlements and other project approvals, as well as comply with ongoing regulatory requirements, for residential, commercial, mixed use and industrial projects in jurisdictions all over California. Alan also has extensive litigation experience, particularly with cases involving real estate, eminent domain, land use, environmental and other regulatory issues.

¹ "For clarity, the face covering order issued by the six Bay Area counties does not apply when a person is in a personal office (a single room) when others outside of that person's household are not present as long as the public does not regularly visit the room. By way of example and without limitation, a construction worker, plumber, bank manager, accountant, or bike repair person is not required to wear a Face Covering if that individual is alone and in a space not regularly visited by the public, but that individual must put on a Face Covering when coworkers are nearby, when being visited by a client/customer, and anywhere members of the public or other coworkers are regularly present."