STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 10A

PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC – EXTENSION OF COVID-19 ORDERS, EXPIRATION OF HEALTHCARE FACILITY IMMUNITY AND OF CERTAIN ORDERS AFFECTING COURT OPERATIONS

WHEREAS, on March 10, 2020, I declared public health and civil preparedness emergencies throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and Connecticut; and

WHEREAS, on September 1, 2020, I renewed the March 10, 2020 declaration of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies, which new and renewed emergencies shall remain in effect until February 9, 2021, unless earlier terminated; and

WHEREAS, on January 26, 2021, I renewed the March 10, 2020 and September 1, 2020 declarations of public health and civil preparedness emergencies and also issued new declarations of public health and civil preparedness emergencies, which new and renewed emergencies shall run concurrently and remain in effect until April 20, 2021, unless earlier terminated; and

WHEREAS, pursuant to such declarations, I have issued eighty-nine (89) executive orders to suspend or modify statutes and to take other actions necessary to protect public health and safety and to mitigate the effects of the COVID-19 pandemic (the "COVID-19 Orders"); and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

WHEREAS, the COVID-19 pandemic remains a grave threat to public health and safety and civil preparedness in the State of Connecticut; and

WHEREAS, public health experts have determined that it is possible to transmit COVID-19 even before a person shows symptoms and through aerosol transmission; and transmission or "shedding" of the coronavirus that causes COVID-19 may be most virulent before a person shows any symptoms; and

WHEREAS, the CDC has recommended that people with mild symptoms consistent with COVID-19 be assumed to be infected with the disease; and

WHEREAS, public health experts have recommended that, to prevent transmission of COVID19, and in light of the risk of asymptomatic transmission and a significant rate of false negative tests, everyone should assume they can be carrying COVID-19 even when they have received a negative test result or do not have symptoms; and

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention (CDC) and the Connecticut Department of Public Health (DPH) recommend implementation of community mitigation strategies to slow transmission of COVID-19, including limitation on the size of gatherings, maintaining a safe distance from others, and wearing masks or face coverings; and

WHEREAS, COVID-19 has caused unanticipated health effects that are not well understood by the medical community, vaccines and effective treatments for COVID-19 are not widely available, and residents, businesses, and government agencies face new and unanticipated economic, fiscal, and operational challenges as a result of the COVID-19 pandemic; and

WHEREAS, infections with highly transmissible variants of the coronavirus that causes COVID-19 and that have spread widely in the United Kingdom and elsewhere have been discovered in Connecticut and other states, increasing the risk of greater transmission of COVID-19 throughout Connecticut; and

WHEREAS, the unexpired COVID-19 Orders remain critical to the protection of public health and safety and the maintenance of civil preparedness and likely will remain critical to ensuring execution of the essential duties of government because they provide for an efficient and effective response to the COVID-19 pandemic; and

WHEREAS, minimizing evictions during the COVID-19 pandemic is critical to controlling and reducing the spread of COVID-19 and preventing a resurgence of the disease by allowing residents to stay home or at their place of residence; and

WHEREAS, in order to keep people safely in their homes and avoid increasing homelessness and the associated risk of COVID-19 transmission, Executive Order Nos. 7X, 7DDD, 7OOO, 9E, and 9T provided temporary relief from statutory eviction proceedings; and

WHEREAS, continued economic disruption could increase homelessness and the associated risk of COVID-19 transmission unless certain relief measures provided in those orders are continued; and

WHEREAS, evictions tend to disproportionately affect minorities, particularly African Americans and Latinos, and research suggests that the population of persons who would be evicted and become homeless would include many who are predisposed to developing severe disease from COVID-19; and

WHEREAS, the CDC has determined that, in a pandemic, eviction moratoria can be an effective public health measures to prevent the spread of communicable disease because they facilitate self-isolation by people who become ill or who are at risk for severe illness from COVID-19, allow state and local authorities to more easily implement stay-at-home and social distancing directives to mitigate the community spread of COVID-19, and decrease the risk of unsheltered homelessness and the likelihood of individuals moving into congregate settings such as shared housing and homeless shelters; and

WHEREAS, the CDC has also determined that these public health risks may increase as a result of colder weather; and

WHEREAS, on January 31, 2021, the CDC extended the federal eviction moratorium issued pursuant to Section 361 of the Public Health Service Act, in recognition of the important role that stable housing plays in protecting public health by reducing risk of further transmission of COVID-19; and

WHEREAS, the United States Government recently appropriated $25 billion for Emergency Rental Assistance programs that will make payments to lessors on behalf of certain households in need of retrospective or prospective rental assistance; and

WHEREAS, in order to respond adequately to the public health emergency posed by the COVID-19 pandemic, it has been necessary to supplement Connecticut's health care workforce and the capacity of health care facilities to deliver life-saving care by requesting the assistance of healthcare professionals who have not previously maintained liability coverage; facilitating the deployment of volunteer and out-of-state healthcare professionals; and calling upon healthcare professionals to perform acts that they would not perform in the ordinary course of business; and

WHEREAS, in order to encourage maximum participation in efforts to expeditiously expand Connecticut's health care workforce capacity, and maintain such capacity there remains a compelling state interest in affording such professionals protection against liability for good faith actions taken in the course of their significant efforts to assist in the state's response to the current public health and civil preparedness emergency; and

WHEREAS, Executive Order No. 7V, Section 6 provided certain protections from liability for healthcare facilities and healthcare professionals for actions or omissions in support of the state's response to the COVID-19 pandemic; and

WHEREAS, Executive Order No. 7G, Section 2 modified or suspended various court operations and associated requirements in order to reduce the risk of transmission of COVID-19 and otherwise support the protective measures required in response to the COVID-19 pandemic; and

WHEREAS, subsequent executive orders have restored or modified various aspects of court operations and their associated requirements; and

WHEREAS, in consultation with the Chief Court Administrator on behalf of the Chief Justice, I have determined that the Judicial Branch may safely resume certain additional court operations

and reinstate certain time requirements and deadlines necessary for such resumption, while there remains a need for flexibility regarding certain venue and location requirements, timelines and deadlines associated with court operations;

NOW, THEREFORE, I, NED LAMONT, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, and pursuant to the public health and civil preparedness emergencies declared on March 10, 2020 and renewed on September 1, 2020 and January 26, 2021 and the new public health and civil preparedness emergencies declared on January 26, 2021, do hereby **ORDER AND DIRECT:**

1. **Extension of COVID-19 Executive Orders.** Except as otherwise provided in this Executive Order No. 10A, all unexpired and currently effective executive orders and individual sections of executive orders issued pursuant to the public health and civil preparedness emergencies declared on March 10, 2020, September 1, 2020 and January 26, 2021 (COVID-19 Orders), whether they are by their terms effective for the duration of such public health and civil preparedness emergencies or any other period of time or are otherwise scheduled to expire on a specific date, are hereby extended through April 19, 2021, unless earlier modified or terminated by me.

2. **Extension of Agency and Municipal Emergency Orders.** Any unexpired order, rule, regulation, directive or guidance issued by any official, agency, department, municipality, or entity pursuant to an unexpired COVID-19 Order, which by its own terms provides that it shall remain in place for the duration of the public health and civil preparedness emergency, shall remain in effect through April 19, 2021, unless earlier modified or terminated by the issuing authority or a subsequent executive order.

3. **Extension of Eviction Moratorium.** The provisions of Executive Order No. 7X, Section 1, as modified by Executive Order Nos. 7NN, Section 4, 7DDD, Section 1, 7OOO, Section 3, 9H, Section 2, and 9T, Section 1, shall remain in effect for the duration of the public health and civil preparedness emergency, with the following modifications:

    a. **No Notice to Quit or Service of Summary Process for Duration of Public Health and Civil Preparedness Emergency.** Section 47a-23 of the Connecticut General Statutes is modified to provide: "(g) No landlord of a dwelling unit, and no such landlord's legal representative, attorney-at-law, or attorney-in-fact, shall, prior to the repeal or expiration of the public health and civil preparedness emergencies described herein, deliver or cause to be delivered a notice to quit or serve or return a summary process action, for any reason set forth in this chapter or in sections 21-80 et seq. of the Connecticut General Statutes, except for nonpayment of rent due on or before February 29, 2020, for serious nonpayment of rent as defined herein, for serious nuisance as defined in section 47a-15 of the Connecticut General Statutes, or,

provided the notice to quit is not delivered during the term of any existing rental agreement, for a bona fide intention by the landlord to use such dwelling unit as such landlord's principal residence. For the purposes of this subsection, 'serious nonpayment of rent' means a rent arrearage equal to or greater than six months' worth of rent due on or after March 1, 2020, which shall exclude all other costs, fees, attorney fees, and other charges arising from the tenancy."

b. All residential notices to quit issued before the expiration or repeal of the public health and civil preparedness emergencies described herein, except those for serious nuisance, shall be delivered with a copy of the CDC Declaration accompanying the CDC Order, "Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19," 85 FR 55292 (September 4, 2020), provided the CDC Order remains in effect. The CDC Declaration, which may be found in translation at https://nlihc.org/coronavirus-and-housing-homelessness/national-eviction-moratorium, shall be delivered in English and Spanish.

c. All residential notices to quit for nonpayment of rent for rent due on or before February 29, 2020 that are issued before the expiration or repeal of the public health and civil preparedness emergencies described herein shall specify and recite the period of nonpayment of rent before February 29, 2020 for which rent has not been paid.

d. All residential notices to quit and all complaints in summary process actions for serious nonpayment of rent that are issued before the expiration or repeal of the public health and civil preparedness emergencies described herein shall specify and recite the amount of the rent arrearage, the months for which rent has not been paid, and in what amounts.

e. All residential notices to quit issued before the expiration or repeal of the public health and civil preparedness emergencies described herein based upon the bona fide intention by the landlord to use such premises for the landlord's principal residence shall state that reason and specify the expiration date of the lease.

f. The provisions of Executive Order No. 7DDD, Section 1 concerning application of security deposits in excess of one month's rent shall additionally apply to rent due from October 1, 2020 through the day that the public health and civil preparedness emergencies described herein expire or are repealed.

4. **Effective Dates for Protection from Civil Liability for Actions or Omissions in Support of the State's COVID-19 Response.** Notwithstanding Section 1 of this Order, the provisions of Executive Order No. 7V, Section 6 applicable to a

healthcare facility, as defined therein, shall expire on March 1, 2021. All other provisions of that Executive Order are extended in accordance with Section 1 of this Order and shall remain in effect for the duration of the current public health and civil preparedness emergencies.

5. **Extension until March 1, 2021 of Certain Provisions Related to Court Operations and Associated Requirements**. Notwithstanding Section 1 of this order, the provisions of Executive Order No. 7G, Section 2, dated March 19, 2020, that suspended various non-critical court operations and associated requirements, and which was extended by Executive Order No. 9L, Section 1, and as modified by Executive Order Nos. 7YY, Section 1; 7LLL, Section 1; 7OOO, Section 4; and 9O, Section 3, as they relate to the following, shall expire on March 1, 2021:

    a. all statutory time requirements, statutes of limitation or other limitations or deadlines relating to service of process, court proceedings or court filings in civil matters; and

    b. all statutory time requirements or deadlines related to the Superior Courts or their judicial officials to issue notices, hold court, hear matters and/or render decisions in civil matters, including, but not limited to:

        i. All time limitations for rendering judgments in civil actions provided in Section 51-183b of the Connecticut General Statutes.
        ii. All time limitations concerning civil process, service and return provided in Chapter 896 of the Connecticut General Statutes.
        iii. All statutes of limitations provided in Chapter 926 of the Connecticut General Statutes;
        iv. All time constraints for the filing of administrative appeals provided in Section 4-183 of the Connecticut General Statutes;
        v. All time limitations concerning hearings and rulings pertaining to primary and election disputes provided in Chapter 149 of the Connecticut General Statutes;
        vi. All time limitations in Title 46b of the Connecticut General Statutes including, but not limited to, family, juvenile and child support matters.

    As provided in Section 1 of this order, the remainder of Executive Order No. 7G, Section 2, as extended and modified, including without limitation the suspension of all statutory (1) location or venue requirements; (2) all time requirements, or deadlines related to criminal court proceedings or filings; and (3) all time requirements or deadlines related to the Superior Court or its judicial officials to issue notices, hold court, hear matters and/or render decisions in criminal matters, are extended and shall remain in effect

for the duration of the public health and civil preparedness emergencies described herein.

Unless otherwise provided herein, this order shall take effect immediately and remain in effect for the duration of the public health and civil preparedness emergencies declared on March 10, 2020, September 1, 2020, and January 26, 2021.

Dated at Hartford, Connecticut, this 8th day of February, 2021.

Ned Lamont
Governor

By His Excellency's Command

Denise W. Merrill
Secretary of the State