State of Delaware

Executive Department
Dover

FOURTEENTH MODIFICATION OF THE DECLARATION OF A STATE OF EMERGENCY FOR THE STATE OF DELAWARE DUE TO A PUBLIC HEALTH THREAT

WHEREAS, the Centers for Disease Control and Prevention ("CDC") has determined that a novel coronavirus ("COVID-19") presents a serious public health threat, and has advised the public that asymptomatic individuals may be carriers of the COVID-19 virus and may unknowingly spread the virus to other individuals in close proximity, and therefore, social distancing is required to help mitigate the individual exposure to (and community spread of) the COVID-19 virus; and

WHEREAS, it is in the best interests of the State to protect its citizens from a public health emergency that could threaten the lives of those who live and work here; and

WHEREAS, on March 12, 2020 at 3:00 p.m. E.D.T., I issued a State of Emergency due to the public health threat of COVID-19, which became effective as of 8:00 a.m. E.D.T. on March 13, 2020 (the "COVID-19 State of Emergency"); and

WHEREAS, on March 16, 2020 at 2:00 p.m. E.D.T., I issued the First Modification to the COVID-19 State of Emergency declaration to advise that the CDC issued new guidance for large

events and mass gatherings, recommending that organizers halt gatherings of 50 people or more for the next eight weeks due to the public health threat of COVID-19, including conferences, social events, concerts and other types of assemblies; and

WHEREAS, on March 18, 2020 at 2:00 p.m. E.D.T., I issued the Second Modification to the COVID-19 State of Emergency declaration that modified the limitations on public gatherings of 50 or more people and, among other things, placed certain restrictions on the operation of certain businesses and facilities in the State of Delaware; and

WHEREAS, on March 21, 2020 at 12:00 p.m. E.D.T., I issued the Third Modification to the COVID-19 State of Emergency declaration to close all Delaware beaches, except to persons using the beaches for exercise or to walk their dogs, subject to certain precautions recommended by the CDC on COVID-19, which became effective as of 5:00 p.m. E.D.T.; and

WHEREAS, on March 23, 2020 at 4:00 p.m. E.D.T. and 4:02 p.m. E.D.T., respectively, I issued the Fourth and Fifth Modifications to the COVID-19 State of Emergency declaration to close all non-essential businesses in Delaware, except those that can offer goods and services on the Internet, and to order a Shelter in Place for Delaware residents; and

WHEREAS, on March 24, 2020 at 4:00 p.m. E.D.T. I issued the Sixth Modification to the COVID-19 State of Emergency declaration to provide a moratorium on evictions and foreclosure proceedings to enable Delawareans to shelter in place safely, extended the presidential primary, provided for absentee balloting during the COVID-19 crisis, provided for a modified state procurement process, and placed a moratorium on cancellation of insurance policies for delay in premium payments caused by the economic uncertainty; and

WHEREAS, on March 29, 2020 at 4:30 p.m. E.D.T., I issued the Seventh Modification to the COVID-19 State of Emergency declaration to provide for the self-quarantine of travelers from areas severely impacted by COVID-19 outside the State of Delaware into the State; and

WHEREAS, on March 30, 2020 at 5:00 p.m. E.D.T., I issued the Eighth Modification to the State of Emergency declaration to permit a comprehensive approach to the provision of childcare in the State of Delaware during the State of Emergency to support essential workers; and

WHEREAS, on April 1, 2020 at 3:00 p.m. E.D.T., I issued the Ninth Modification to the COVID-19 State of Emergency declaration to permit a comprehensive approach to the provision of childcare in the State of Delaware during the State of Emergency to support essential workers; and

WHEREAS, on April 6, 2020 at 6:00 p.m. E.D.T., I issued the Tenth Modification to the COVID-19 State of Emergency declaration to further restrict the operation of non-essential businesses to limit the spread of COVID-19; and

WHEREAS, on April 10, 2020 at 3:30 p.m. E.D.T., I extended the COVID-19 State of Emergency declaration, as modified; and

WHEREAS, on April 15, 2020 at 9:00 a.m. E.D.T., I issued the Eleventh Modification to the COVID-19 State of Emergency declaration to provide increased guidance and support to long-term care facilities to protect our most vulnerable populations and permit remote notarization under limited circumstances; and

WHEREAS, on April 23, 2020 at 4:15 p.m. E.D.T., I issued the Twelfth Modification to the COVID-19 State of Emergency declaration to allow the Public Health Authority to activate more out-of-state health care workers to assist in Delaware's fight against COVID-19; and

WHEREAS, on April 25, 2020 at 4:00 p.m. E.D.T., I issued the Thirteenth Modification to the COVID-19 State of Emergency declaration to require the use of cloth face coverings in public settings where other social distancing measures are difficult to maintain, including in grocery stores and pharmacies, especially in areas of significant community-based transmission; and

WHEREAS, COVID-19 has created significant obstacles for tenants who are attempting to obtain new housing and these obstacles can prevent tenants from being able to move out of their existing rental units at the end of their leases through no fault of their own; and

WHEREAS, the provision in Section 5515, Title 25 of the Delaware Code allowing a landlord to assess double rent from holdover tenants penalizes tenants who fail to vacate their rental units at the end of their leases, thereby incentivizing tenants to vacate their units even if they have not secured adequate alternative housing; and

WHEREAS, the intent to the Sixth Modification to the COVID-19 State of Emergency declaration was to suspend and prevent all such penalties during the State of Emergency; and

WHEREAS, the assessment of such a penalty at this time is contrary to the interest of preserving public health and ensuring that individuals remain in their homes during the public health emergency; and

WHEREAS, certain persons age 65 and over who may qualify for the Senior School Property Tax Credit Program must file new applications in each County by April 30th of each year; and

WHEREAS, it is in the public interest to extend the 2020 application deadline to ensure the health and safety of potential applicants that may require additional time to meet the application

documentation requirements while following current shelter-at-home and social distancing requirements under the State of Emergency; and

WHEREAS, for public health reasons during the COVID-19 pandemic, it is important that those who certify a person's death do so electronically.

NOW THEREFORE, I, JOHN C. CARNEY, pursuant to Title 20, Chapter 31 of the Delaware Code, in an effort to control and prevent the spread of COVID-19 within the State of Delaware, do hereby order that the COVID-19 State of Emergency declaration, as modified by the First through Thirteenth Modifications and extended on April 10, 2020, shall remain in effect until further notice, with the following modifications and additions:

1. Effective immediately, the Sixth Modification of the Declaration of the State of Emergency, dated March 24, 2020, is hereby clarified as follows:
    a. Paragraph B is modified by changing its title to "B. EVICTIONS AND HOLDOVER TENANTS:"
    b. The first sentence of subparagraph B.1. is modified by adding the following underlined text: "Until the state of emergency is terminated, and the public health emergency is rescinded, the provisions <u>of Chapter 55, Title 25 and</u> Chapter 57, Title 25 of the Delaware Code are hereby modified as follows:"
    c. A new subparagraph B.1.e. is added as follows:

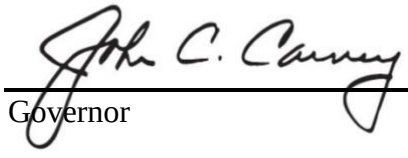
        e.1. No tenant subject to the holdover provisions of Section 5515(b), Title 25 of the Delaware Code shall be required to pay a sum that exceeds the monthly rental under the previous rental agreement, computed and pro-rated on a daily basis, for each day the tenant remains in possession for any period.

        2. No tenant subject to the holdover provisions of Section 5515(b) of Title

25 of the Delaware Code shall be liable for further losses incurred by the landlord except to the extent that the tenant would have been liable for those types of losses if they had been incurred under the previous rental agreement.

2. Effective immediately, notwithstanding the provisions of Title 14, § 1917 (c)(2) of the Delaware Code, the April 30, 2020 application deadline for the Senior School Property Tax Credit Program is hereby extended to June 1, 2020.
3. Effective May 1, 2020 at 8:00 a.m. E.D.T., all medical certifications of death in this state, pursuant to Title 16, § 3123 of the Delaware Code, shall be completed, signed, certified and filed electronically through the Delaware Vital Events Registration System (DelVERS).
4. This Order has the force and effect of law. Any failure to comply with the provisions contained in a Declaration of a State of Emergency or any modification to a Declaration of the State of Emergency constitutes a criminal offense. 20 Del. C. §§ 3115 (b); 3116 (9); 3122; and 3125. State and local law enforcement agencies are authorized to enforce the provisions of any Declaration of a State of Emergency.

APPROVED this 30th day of April 2020 at 3:00 p.m.



Governor