OFFICE OF THE GOVERNOR

STATE OF HAWAIʻI

FIFTH SUPPLEMENTARY PROCLAMATION

By the authority vested in me by the Constitution and laws of the State of Hawaiʻi, in order to provide relief for disaster damages, losses, and suffering, and to protect the health, safety, and welfare of the people, I, DAVID Y. IGE, Governor of the State of Hawaiʻi, hereby determine, designate and proclaim as follows:

WHEREAS, on March 4, 2020, I issued a Proclamation declaring a state of emergency to support ongoing State and county responses to COVID-19;

WHEREAS, on March 16, 2020, I issued a Supplementary Proclamation suspending certain laws hindering State and county responses to COVID-19;

WHEREAS, on March 21, 2020, I issued a Second Supplementary Proclamation and Emergency Rules Relating to COVID-19 implementing a mandatory self-quarantine for all persons entering the State, effective at 12:01 a.m. on Thursday, March 26, 2020;

WHEREAS, on March 23, 2020, I issued a Third Supplementary Proclamation to mandate and effectuate social distancing measures throughout the State;

WHEREAS, on March 31, 2020, I issued a Fourth Supplementary Proclamation implementing a mandatory self-quarantine for all persons traveling between any of the islands in the State, effective at 12:01 am on Wednesday, April 1, 2020;

WHEREAS, as of April 16, 2020, there have been more than 540 documented cases of COVID-19 in the State and nine deaths attributed to this disease;

WHEREAS, the World Health Organization has indicated that COVID-19 is spread primarily by respiratory droplets produced when an infected person coughs or sneezes and that droplets also can be generated by talking, laughing, or exhaling;

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) has

recognized that a significant portion of persons with the coronavirus lack symptoms (identified as “asymptomatic”) and that even those who eventually develop symptoms (identified as “pre-symptomatic”) can transmit the virus to other persons before exhibiting symptoms;

WHEREAS, the CDC further has recognized the coronavirus can spread between persons interacting in close proximity, even if those persons are not exhibiting symptoms;

WHEREAS, the CDC has recommended wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain—for example, in grocery stores, commercial kitchens and pharmacies—and especially in areas of significant community-based transmission;

WHEREAS, Dr. Anthony Fauci, Director of the National Institute of Allergy and Infectious Diseases, also has recommended that persons wear facial coverings to prevent them from infecting others;

WHEREAS, the dangers of COVID-19 continue to require the serious attention, effort, and sacrifice of all people in the State to avert unmanageable strains on our healthcare system and other catastrophic impacts to the State;

WHEREAS, it has become necessary to supplement the Proclamation of March 4, 2020, the Supplementary Proclamation of March 16, 2020, the Second Supplementary Proclamation of March 21, 2020, the Third Supplementary Proclamation of March 23, 2020, and the Fourth Supplementary Proclamation of March 31, 2020, relating to the COVID-19 emergency, which continues to endanger the health, safety, and welfare of the people of Hawai‘i;

NOW, THEREFORE, I, DAVID Y. IGE, Governor of the State of Hawai‘i, hereby further supplement the Proclamation of March 4, 2020, and the Supplementary Proclamations set forth above, all of which shall remain in full force and effect and authorize and invoke the following:

I. Enhanced Social Distancing Requirements

Pursuant to sections 127A-12(a)(5), 127A-12(b)(14), 127A-13(a)(1), and 127A-13(a)(7), HRS, all persons must comply with the following enhanced social distancing requirements:

A. Face Coverings. All persons are encouraged to wear a cloth face covering as described and recommended by the CDC, which guidance can be found at: https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html and is attached hereto. This section shall not apply to persons who are engaged in permissible outdoor exercise activities so long as social distancing requirements are maintained.

B. Limitation on Activities Outside of the Home or Place of Residence.

1. Beach Closures. All state beaches in Hawai‘i are hereby closed. No person shall sit, stand, lie down, lounge, sunbathe, or loiter on any state beach or sand bar in Hawai‘i, except when transiting across or through beaches to access the ocean waters for outdoor exercise purposes, such as surfing, solo paddling, and swimming, so long as physical distancing requirements are maintained.

2. Boating Restrictions. No more than two persons are allowed in any boat on Hawai‘i’s waters for recreational purposes unless they are part of a single residential or family unit sharing the same address. Both persons in the boat shall comply as reasonably possible with the social distancing requirements unless they are part of a single residential or family unit sharing the same address. All boats shall maintain a distance of 20 feet from other boats.

3. Hiking Restrictions. No group of more than two persons is allowed to hike on state trails, unless all hikers in the group

are part of a single residential or family unit sharing the same address. All persons hiking, who are not part of a single residential or family unit sharing the same address, shall maintain a distance of at least 20 feet from any other hiker.

4. Fishing and Gathering Limitations. No group of two or more persons may engage in fishing and gathering in state waters or on state land, unless all in the group are part of a single residential or family unit sharing the same address.

C. Essential Business and Operations Requirements. In addition to the social distancing requirements set forth in the Third Proclamation, all customers and employees of essential businesses and operations identified in the Third Proclamation shall exercise the additional social distancing and protective requirements identified herein to the fullest extent possible:

1. Six-foot distances. Personnel shall monitor and enforce the six-foot distancing requirement set forth in the Third Supplementary Proclamation, whether in outside waiting lines or as customers move about inside a facility. Checkout operations shall be modified, to the extent reasonably feasible, to provide this separation or to provide a transparent shield or barrier between customers and checkout clerks.

2. Limited Customer Occupancy. Each essential business facility or operation shall determine the maximum number of customers that may be accommodated while maintaining the specified separation distance and limiting the number of customers in the facility or at the operation to that maximum number at any time.

3. Hand sanitizer and sanitizing products. Employees handling items from customers, such as cash or credit cards, shall frequently utilize hand sanitizers.

4. Disinfection. Essential businesses and operations shall regularly disinfect all high-touch surfaces.

5. Face covering. All customers shall wear a face covering as described and recommended in Section I.A., or as required by any applicable county order, while waiting to enter and while at an essential business or operation. All employees of essential businesses or operations who have any contact with customers or goods to be purchased shall wear the cloth face covering recommended by the CDC while at their place of employment.

6. High risk populations. Elderly customers, employees and others at high risk for COVID-19, including those who are sick, are urged to stay in their residences to the extent possible, except as necessary to seek medical care.

7. Online and remote access. Essential businesses and operations shall encourage their customers to do their business remotely by phone or online if at all possible.

8. Pickup at store or delivery. Essential businesses and operations shall provide for, if feasible, online ordering and purchase of goods and customer pickup of orders at a location outside the facility, or shall provide for delivery to customer locations.

9. Signage. Essential businesses and operations shall post a sign at the entrance of the facility informing all employees and customers that they should: avoid entering the business or operation if they have a cough or fever or otherwise do

not feel well; maintain a six-foot distance from one another; sneeze and cough into their elbow; not shake hands or engage in unnecessary physical contact.

II. <u>Eviction Moratorium</u>

Pursuant to section 127A-13(a)(3), HRS, in order for county and state agencies to engage in emergency management functions as defined in section 127A-2, HRS, and to forestall any eviction from a residential dwelling for failure to pay rent or lease or other related charge, the following shall be suspended, as allowed by federal law:

A. Chapter 127A-30(a)(2), HRS, **rental or sale of essential commodities during a state of emergency; prohibition against price increases**, to the extent that it permits the termination of any tenancy for a residential dwelling unit in the area that is the subject of the proclamation for a breach of a material term of a rental agreement or lease resulting from a failure to pay all or any portion of the rent or lease, maintenance fees, utility charges, taxes or other fees required by the rental agreement or lease.

B. Section 521-68, HRS, **landlord's remedies for failure by tenant to pay rent**.

C. 521-71, HRS, **termination of tenancy; landlord's remedies for holdover tenants**.

D. Chapter 666, **landlord and tenant**, to the extent necessary to prohibit the commencement, continuation, or prosecution of an action, to terminate any tenancy for a residential dwelling unit, for failure to pay all or any portion of the rent, maintenance fees, utility charges, taxes or other fees required for the residential dwelling unit.

III. <u>Criminal Penalties</u>.

Pursuant to section 127A-29, HRS, any person violating any rule set forth in this Proclamation shall be guilty of a misdemeanor, and upon conviction, the

person shall be fined not more than $5,000, or imprisoned not more than one year, or both.

IV. <u>Force and Effect of Law</u>.

Pursuant to section 127A-25, HRS, I hereby adopt sections I, II, III and IV of this Fifth Supplementary Proclamation as rules having the force and effect of law.

In the event of any inconsistency, conflict or ambiguity between this Fifth Supplementary Proclamation and any county emergency order, rule, directive or proclamation, the relevant documents shall be read to allow a county maximum flexibility to exercise its respective emergency authority.

I FURTHER DECLARE that the disaster emergency relief period shall continue through April 30, 2020, unless terminated by a separate proclamation. This order shall take effect on April 17, 2020, at 12:01 am and remain in place through the disaster emergency relief period.

Done at the State Capitol, this 16th day of April, 2020.

DAVID Y. IGE,
Governor of Hawai'i

APPROVED:

Clare E. Connors
Attorney General
State of Hawai'i

Use of Cloth Face Coverings to Help Slow the Spread of COVID-19

How to Wear Cloth Face Coverings

Cloth face coverings should—

- fit snugly but comfortably against the side of the face
- be secured with ties or ear loops
- include multiple layers of fabric
- allow for breathing without restriction
- be able to be laundered and machine dried without damage or change to shape

CDC on Homemade Cloth Face Coverings

CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain (e.g., grocery stores and pharmacies), **especially** in areas of significant community-based transmission.

CDC also advises the use of simple cloth face coverings to slow the spread of the virus and help people who may have the virus and do not know it from transmitting it to others. Cloth face coverings fashioned from household items or made at home from common materials at low cost can be used as an additional, voluntary public health measure.

Cloth face coverings should not be placed on young children under age 2, anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the cloth face covering without assistance.

The cloth face coverings recommended are not surgical masks or N-95 respirators. Those are critical supplies that must continue to be reserved for healthcare workers and other medical first responders, as recommended by current CDC guidance.

Should cloth face coverings be washed or otherwise cleaned regularly? How regularly?

Yes. They should be routinely washed depending on the frequency of use.

How does one safely sterilize/clean a cloth face covering?

A washing machine should suffice in properly washing a cloth face covering.

How does one safely remove a used cloth face covering?

Individuals should be careful not to touch their eyes, nose, and mouth when removing their cloth face covering and wash hands immediately after removing.

cdc.gov/coronavirus

CS316353B 04/10/2020, 8:07 PM