DELAWARE – COVID-19 – Fifth Modification to Declaration of State of Emergency Due to a Public Health Threat – Issued 3/22/20

SHELTER IN PLACE OF RESIDENCE (STAY AT HOME)
*Prior Modifications to Declaration remain in full force and effect*


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<tr>
<th>GENERAL TOPIC</th>
<th>SUMMARY</th>
<th>SECTION #</th>
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<tbody>
<tr>
<td>Effective Period</td>
<td>3/24/20 as of 8:00 AM EST, until 5/15/20 or until the public health threat is eliminated</td>
<td>§1</td>
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<td>Intent</td>
<td>To ensure that maximum number of people self-isolate in their residences while enabling essential services to continue.</td>
<td>§11</td>
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<td>Failure to Comply</td>
<td>Any failure to comply constitutes a criminal offense under 20 Del C. 3115(b), 3116(9), 3122, 3125.</td>
<td>§13</td>
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| Shelter in Place of Residence (Stay at Home) | All individuals in State of DE are ordered to shelter in place in their place of residence, except as excepted in the Fifth Modification. Individuals using shared or outdoor space must maintain as reasonably practicable social distances of at least 6 feet per the “Social Distancing Requirements”. Persons may only leave home only for “Essential Activities”, “Essential Travel” and “Minimum Basic Operations” (see below)

**Exceptions**: Homeless individuals are not subject to shelter-in-place order, and those subject to unsafe residences (e.g. domestic violence) are permitted to find alternative residences. | §1 |
| Travel | All travel (including on foot, bicycle, scooter, motorcycle, automobile and public transit) is prohibited except for Essential Travel or travel for Essential Activities. Public transit passengers must comply with Social Distancing Requirements. | §4 |

**DEFINITIONS (SUMMARY)**

| Homes and Residences | Includes homes, residences, hotels, motels, shared rental units, shelters and similar facilities. | §5 |
| Essential Activities | Completing tasks essential to health and safety of individual or family or household members (including pets), such as obtaining medical supplies, medication, visiting healthcare professionals or obtaining work-from-home supplies.
- Obtaining services or supplies (or deliver services and supplies to others), such as food, dry goods, pet supplies, any household consumer products and other products to maintain safety, sanitation and essential operations of residences. | §7 |
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| Engaging in outdoor activities | • Engaging in outdoor activities, so long as individuals are in compliance with Social Distancing Requirements, including walking, biking, running or fishing, as well as public parks, open outdoor reception areas (except beaches).  
• To care for a family member, friend or pet in another household, and to transport family members, friends, pets or livestock as allowed in the Declaration.  
• To perform work of Essential Businesses.                                                                                                            | §8        |
| Essential Travel          | So long as in compliance with Social Distancing Requirements, the following travel is permitted:  
• Any travel to access Essential Activities or Minimum Basic Operations (see above and below).  
• Any travel for care of elderly, minors, dependents, disabled or other vulnerable persons, pets or livestock  
• Any travel to and from educational institutions for purposes of receiving materials for distance learning, meals and other related services  
• Any travel to return to place of residence in DE from outside of DE.  
• Any travel required or authorized by court order  
• Any travel required for non-residents to return to their non-DE residence.                                                                       | §10       |
| Minimum Basic Operations  | • Minimum necessary activities to maintain value of business’s inventory, preserve physical condition of physical plant and equipment, ensure security, process payroll and employee benefits, or related functions.  
• Minimum necessary activities to facilitate employees to work remotely or continue to work remotely from residences.                        | §9        |
| Social Distancing Requirements | • Maintaining 6-foot social distancing  
• Washing hands for at least 20 seconds as frequently as possible  
• Using hand sanitizer, covering coughs or sneezes (not with hands), regularly cleaning high-touch surfaces and not shaking hands.                   | §11       |

**DISCLAIMER:** This information is provided for convenience only, and should not be relied upon in making decisions for your business. As this is a rapidly changing area, reference should always be made to the official order and related interpretative guidance. If you have specific questions about how any particular jurisdiction’s Order affects your business, or other COVID-19 topics, please contact a member of the Holland & Knight’s COVID-19 Response Team – State and Local Orders and Regulations.

Disclaimer: The information provided in this handout is general information and not designed to be and should not be relied on as your sole source of information when analyzing and resolving a specific legal issue. Each fact situation is different; the laws are constantly changing. If you have specific questions regarding a particular fact situation, we urge you to consult with legal counsel.

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