

March, 2020

Dear WMA Member:

The Governor’s order which was issued yesterday, March 19, 2020,  Executive Order N-33-20,  is a “stay at home” order. What does it mean for property owners and managers? While it’s not yet completely clear, the  order, and materials referenced in it, and the Governor’s press release seem to indicate that California property owners and managers can continue to do business to keep office and apartment buildings, condominiums, mixed use facilities, self-storage facilities, retail centers and shopping malls (I would assume mobilehome parks would be included in this group,) functioning but only:

“As necessary to maintain operations (in a minimal sense, not in a growth or “business as usual” sense), while trying to keep people safe by working remotely when possible.

If working remotely is not possible, while attempting to maintain social distancing when possible. Operations may be restricted by other orders and laws.”

For example, dine-in restaurants, bars and nightclubs, entertainment venues, gyms and fitness studios, public events and gatherings, gyms, bars, have been ordered to close.

Additionally, many cities and counties have issued their own ordinances and public health orders. The Governor’s Executive Order N-33-20 does not have an expiration date; it will remain in effect until lifted by the Governor.

Stay alert to further orders by the Governor and local health officers, and further guidance issued by the Governor’s office and other governmental authorities.

People are to stay home, except as otherwise specified. One exception is “as needed to maintain continuity of operation of the federal critical infrastructure sectors”. See [https://covid19.ca.gov/stay-home-except-for-essential-needs/](https://nam01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fcovid19.ca.gov%2Fstay-home-except-for-essential-needs%2F&data=02%7C01%7C%7Ce9f90388c73e4445cdf408d7ccf8fcd1%7C1bec19d1dcb940699765bf9be65126c7%7C0%7C0%7C637203243360321304&sdata=sE5g%2BxGgDU69r%2F0W74415f0%2B1zwZebdeHJllvKHdhSk%3D&reserved=0). What is a “federal critical infrastructure sector”? The order references the CISA Guidance on Essential Critical Infrastructure Workers.

The “Commercial Facilities Sector” is an “essential critical infrastructure”. [http://www.cisa.gov/commercial-facilities-sectorstates](https://nam01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.cisa.gov%2Fcommercial-facilities-sectorstates&data=02%7C01%7C%7Ce9f90388c73e4445cdf408d7ccf8fcd1%7C1bec19d1dcb940699765bf9be65126c7%7C0%7C0%7C637203243360331296&sdata=Fp3zXc4p86omu8%2FkvxbaM1lIVkUwKBllRkrnuCWrJvk%3D&reserved=0): The Commercial Facilities Sector includes a diverse range of sites that draw large crowds of people for shopping, business, entertainment, or lodging.

Facilities within the sector operate on the principle of open public access, meaning that the general public can move freely without the deterrent of highly visible security barriers. The majority of these facilities are privately owned and operated, with minimal interaction with the federal government and other regulatory entities.

The order that was issued by Sacramento County states that if you are not an essential business, the owner and your employees are allowed to perform “Minimum Basic Operations" on site at your work place, so long as employees maintain a distance of six feet from one another to the greatest extent feasible. Minimum Basic Operations include: The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions. The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences. Your employees can also work from home if their jobs are ones that can be performed remotely.

So, I think you should be able to operate the park and have your security people there and the janitors, etc. As to closing clubhouses, there is conflicting legal advice about that. So I would consult your park attorney. Some attorneys say you have to leave the clubhouse open others say you can close it for health and safety reasons and safe distance reasons and group gathering reasons.

Hope this helps, please do not consider this legal advice.

Best,

Sheila Dey

Executive Director