

CITY OF INDIO

DIRECTOR OF EMERGENCY SERVICES EMERGENCY ORDER NO. 3

ORDER GOVERNING HOME RENTALS FOR 30 DAYS OR LESS IN THE CITY OF INDIO

EFFECTIVE JUNE 2, 2020

Date of Order No. 3: June 2 2020

<u>Section 1.</u> Findings, Purpose and Authority. This Order No. 3 ("Order No. 3" or "Order") is issued because a Local Emergency, as defined in Section 35.02 of the Indio Municipal Code, has been proclaimed by the City Council of the City of Indio to exist due to the existence and spread of novel coronavirus disease 2019 (COVID-19) in and throughout the city. All of the findings set forth in the recitals to Resolution No. 10136 adopted by the City Council are hereby incorporated by reference into this Order.

In the interest of the public health and safety and for the protection of life as affected by the emergency caused by the existence and spread of COVID-19, and pursuant to Chapter 35 of the Indio Municipal Code including Section 35.06(F), under which the City Manager as Director of Emergency Services has authority and power to issue orders for any matter related to the local emergency, and pursuant to City of Indio Resolution No. 10136, the California Emergency Services Act, Chapter 7 (commencing with Section 8550) of Title 2 of the Government Code, and Government Code Section 8634, the City Manager as the Director of Emergency Services, hereby finds that it is necessary to adopt this Order No. 3 as further described herein. This Order No. 3 shall apply to all Home Rentals as that term is defined in Section 2 herein.

Section 2. Definitions.

"Short-Term Home Rental" or "Home Rental" is defined as a dwelling unit that is designed for occupancy for living and sleeping purposes located in a residential zone that is used, rented or hired out to persons other than the owner for temporary overnight lodging for a time period of 30 days or less in exchange for any form of monetary or non-monetary consideration (such as but not limited to trade, fee, swap, labor or any other in lieu of cash payment), whether or not received.



"Owner" is defined as the person or entity that holds legal or equitable title to the subject Home Rental and includes the Owner's authorized representative or agent such as a property manager, or any other person or entity that has the right to rent the Home Rental on behalf of the Owner.

Section 3. Short-Term Home Rentals. On April 17, 2020, the Director of Emergency Services adopted Emergency Order No. 1 "Order Governing Home Rentals for 60 Days or Less in the City of Indio" in furtherance of the then County of Riverside's "Clarification of Governor's "Stay-at-Home" Order as Related to Short Term Lodging Facilities" dated April 2, 2020" which required all "short-term lodging facilities" as defined to cease operation as of March 27, 2020 except for those short-term lodging facilities rented for specific COVID-10 mitigation and containment measures as described in the County's order and consistent with the State Public Health Officer Order and their listing of the essential workforce and open critical sectors. The County rescinded their order but the City's Emergency Order No. 1 remained in effect.

With the issuance of California Governor Executive Order N-60-20, the state authorized the re-opening of industries and delegated to the California Department of Public Health (DPH) the responsibility for reopening and allowing operations of industries in four (4) stages as part of California Roadmap to Modify the Stay-at-Home Order ("California Roadmap"). In furtherance of Executive Order N-60-20, the State Public Health Officer issued a local variance process to address the differences among the counties in the State with regard to their readiness for re-opening. The variance allows counties to determine how the county advances through the California Roadmap stages, either to move more quickly or in a different order as determined by the County Local Health Officer. The County of Riverside has filed an Attestation that they have met the readiness criteria and therefore the County of Riverside may move more quickly through Stage 2 opening sectors once state guidance is posted for that sector.

As of the Effective Date of this Order No. 3, the County of Riverside is in the "Accelerated Stage 2" of re-opening and is allowing operation of certain businesses and has made the determination that short-term rentals fall within Accelerated Stage 2.

Accordingly, this Order No. 3 is to align the use and occupation of Short-Term Home Rentals in the City of Indio as may be authorized by, and consistent with, requirements by the DPH and the County of Riverside pursuant to the DPH's grant to the County of Riverside of a variance for reopening industries within the County.



THEREFORE, Director of Emergency Services Emergency Order No. 1 IS HEREBY RESCINDED.

IT IS FURTHER ORDERED that beginning on June 2, 2020, all Short Term Home Rentals as that term is defined in this Order No. 3, that meet the criteria for "Short Term Vacation Rental" as set forth in Pages 9-11 of the Riverside County Safe Reopening Guidelines dated May 28, 2020, attached hereto as Exhibit "A" and incorporated by reference ("County Guidelines"), including a short-term rental used for hospitality and guests, may operate pursuant to this Order No. 3 as long as: (i) within 14 days of the date of this Order No. 3, the Owner and the Owner's Authorized Representative have submitted to the City an executed acknowledgement that each of them has read this Order, the County Guidelines and agree to implement and comply with the County Guidelines applicable to short term rentals. The acknowledgement shall be in the form provided by the City and signed under penalty of perjury; and (ii) the Owner complies with the requirements set forth in Section 4 of this Order. As set forth in the County Guidelines, hotels, motels, or inns that are situated on a single property with multiple guest rooms may not be used as short-term rentals pursuant to the County Guidelines as the State has yet to determine when those specific facilities will be allowed for non COVID-19 related use.

Any Short-Term Home Rental that does not meet the criteria in the County Guidelines may not operate unless the Home Rental is used and occupied for COVID-19 mitigation and containment purposes and meets the requirements of DPH set forth and available at the following (and any other applicable) Web sites, as may be updated from time to time:

https://covid19.ca.gov/industry-guidance/;

https://covid19.ca.gov/roadmap/;

https://covid19.ca.gov/stay-home-except-for-essential-needs/#top;

https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID19/County Variance Attestation Form.aspx.

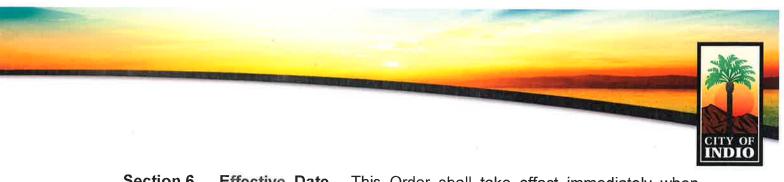
IT IS FURTHER ORDERED, that no Owner or agent of the Owner including but not limited to a property manager, marketing agent, listing agent, real estate agent, managing agent, booking agent, a room seller or room reseller or any other agent or contractee, including but not limited to a "hosting platform" such as Airbnb, VRBO, Home Away, VacayStay, etc., shall engage in efforts to rent or lease any Short-Term Rental Home within the City of Indio that is not in compliance with this Order. The Owner shall notify its agents regarding the existence and applicability of this City Order to its Home Rental.



IT IS FURTHER ORDERED, that this City Order shall be effective immediately and will remain in effect until further order by the City.

Section 4. Additional Requirements for Short-Term Home Rentals.

- A. The Short-Term Home Rental shall be operated in compliance with the County Guidelines applicable to Short-Term Vacation Rentals as set forth in Exhibit A to this Order. As required by the County Guidelines, any Short-Term Home Rental authorized to be used and occupied under this Order shall have a minimum 24-hour gap between the time a person departs and the time of check-in and occupancy by any different person(s). In addition, the Owner shall comply with all other provisions of Chapter 37 of the Indio Municipal Code except if such provision is inconsistent with the County Guidelines. In such case, the stricter provision shall prevail.
- B. Any and all advertising for a Short-Term Home Rental shall not be inconsistent with this Order for as long as this Order No. 3 remains in effect. This requirement shall be in addition to any other requirements for advertising as set forth in Chapter 37 of the Indio Municipal Code
- Section 5. Penalties Any violation of this Order No. 3 shall be a misdemeanor and punishable by a fine or imprisonment, or both, pursuant to Government Code Section 8665, Section 35.10 of the Indio Municipal Code, Section 106.02(A) of the Indio Municipal Code, Health and Safety Code Sections 120275, 120295 or as provided for in any other state or city law as may be applicable. In addition, the City may issue an administrative citation pursuant to Indio Municipal Code Section 106.02(B) and Chapter 11 of the Indio Municipal Code for any violation of this Order. Furthermore, any violation of this Order constitutes a public nuisance and may be abated by the City through civil process by means of restraining order, preliminary or permanent injunction or in any other manner provided by law for the abatement of such nuisances as further provided by the City's Municipal Code and State Law.



<u>Section 6.</u> <u>Effective Date.</u> This Order shall take effect immediately when executed on June 2, 2020 and shall be subject to confirmation as soon as practicable by the City Council.

Executed on this 2nd day of June, 2020, at Indio, California.

Mark Scott, Director of Emergency Services



EXHIBIT A COUNTY OF RIVERSIDE SAFE REOPENING GUIDELINES

https://rivcoccsd.org/reopening-guidelines

RIVERSIDE COUNTY BUSINESS & COMMUNITY SERVICES

COVID-19 / COMMUNITY FACILITIES DISTRICTS / PARKS & RECREATION / PERRIS VALLEY CEMETERY / RIVERSIDE COUNTY LIBRARY SYSTEM / COUNTY SERVICE AREAS / EDWARD-DEAN MUSEUM / CONTACT US



Businesses anticipating a reopening are expected to complete and implement a **Safe Reopening Plan** that addresses employee and customer health measures. The safe reopening plan does not require county approval, but businesses are encouraged to make the plan available so that the public and staff are aware of the precautions it addresses. Not all components of the plan are intended or expected of all businesses and a business may provide justification that a particular operational component does not apply.





Riverside County Guidance The County of Riverside has developed additional guidance to supplement the State guidance for certain industry sectors. The guidelines in this document are best practice recommendations reviewed by industry peers and the Riverside County Department of Public Health and the County Executive Office. These recommendations are not intended to replace the guidelines of the State of California, the California Department of Public Health, the CDC or OSHA guides. These guidelines are intended to be practical in nature, and complimentary to over-arching guidelines. In the interest of the health of your workplace, your employees, and your customers, we recommend implementing those Public Health Measures that are feasible in your workplace.

Riverside County Safe Reopening Guidelines

Businesses anticipating a reopening are expected to complete and implement a Safe Reopening Plan that addresses employee and customer health measures. The safe reopening plan does not require county approval, but businesses are encouraged to make the plan available so that the public and staff are aware of the precautions it addresses. Not all components of the plan are intended or expected of all businesses and a business may provide justification that a particular operational component does not apply.

Reopening Plan Components

SIGNAGE

The facility should indicate they have posted signage at each public entrance of the facility regarding the safety measures required for entrance, This component is expected of all businesses. The board of supervisors has adopted language strongly recommending the use of face coverings and six-foot social distancing, which businesses may require of those entering the facility. Businesses may also consider signage advising individuals not to enter with a cough, fever or other illness, If the business plans to publicly display the safe reopening plan, it should be posted or offered at the entrance(s) of that particular facility.

EMPLOYEE HEALTH

This component is expected of all businesses. The facility should indicate that:

- Copies of the employee health protocol(s) have been distributed to all employees,
- · Employees have been told not to come to work if sick,
- · Breakrooms, bathrooms, common areas and high-touch surfaces are regularly cleaned and sanitized.
- The business should post the anticipated cleaning schedule:
- Handwashing stations are available to employees. The business should post the facility handwashing locations. These may
 include functioning sinks in existing bathrooms or breakrooms.
- Teleworking opportunities have been maximized, as appropriate to the business and job function.
- · Employees strongly recommended or required to wear a face covering.
- Employee workstations have been separated by panels, partitions or at least six feet of physical distance, as appropriate to the business class.
- · Adequate and suitable protective gear is available to employees, as appropriate,

The business should provide the items and level of protective gear, including job-appropriate personal protective equipment (PPE) and training for its use if necessary. If the facility indicates that a particular measure is not feasible or appropriate for the given business class, a brief justification is expected.

CLIENT AND CUSTOMER HEALTH

This component is expected of all business classes, but facilities may choose which to implement as appropriate to the business class. These may include any or all of the following:

- The facility has established a maximum number of clients and customers within the facility to reasonably maintain a six-foot social distance to the greatest extent practical. This occupancy limit must not exceed any pre-existing statutory limits, such as those set by the fire marshal or other regulatory agency.
- The facility determines to require that customers must wear facial coverings.
- The facility determines to offer curbside or outdoor service.

- The facility determines to place tape or other floor markings at and/or within customer queues to assist customers in maintaining a six-foot social distance.
- The facility has implemented separations between employees and customers, such as six feet of airspace or acrylic panels, such that contact is minimized except when required for business operations.
- The facility is offering services by appointment.
- *The facility may indicate other measures implemented in their individual plan.

Guidance by Business Sector

STATE GUIDANCE

The State of California has developed statewide industry guidance to reduce risk for various sectors. The link to the State guidance can be found by clicking here.

Those individuals that are over the age of 65 and/or have underlying medical conditions that are at increased risk of serious complications from COVID-19 are encouraged to continue to shelter at home or tele-work until such time that the State of California health experts deem otherwise.

RIVERSIDE COUNTY GUIDANCE

The County of Riverside has developed additional guidance to supplement the State guidance for certain industry sectors. The guidelines in this document are best practice recommendations reviewed by industry peers and the Riverside County Department of Public Health and the County Executive Office. These recommendations are not intended to replace the guidelines of the State of California, the California Department of Public Health, the CDC or OSHA guides. These guidelines are intended to be practical in nature, and complimentary to over-arching guidelines. In the interest of the health of your workplace, your employees, and your customers, we recommend implementing those Public Health Measures that are feasible in your workplace.

OFFICE SETTING / PROFESSIONAL SERVICES

- · https://covid19.ca.gov/pdf/guidance-office-workspaces.pdf
- Employees strongly recommended or required to wear a face covering.
- Where touch free entry is not available, have a system in place to frequently sanitize door handles and to offer hand sanitizer upon entry.
- Post signage outside of the office entry with communications about what to expect inside the office area (e.g. wait in reception, complimentary hand sanitizer, physical distance please).
- Post signage outside the office that outlines what precautions the business place has taken to sanitize the work environment
 and allows visitors to choose entrance at their own discretion. Offer alternatives to physical entry by posting a phone number
 for assistance.
- · Post signage regularly throughout the facility promoting healthy hygiene and best practices for customers and employees.
- · Post signage inside the office area with communications on where to wait.
- · Remove paper displays that would encourage browsing/touching.
- Use floor markers "x" to indicate where guests should wait.
- · Install plexiglass barriers between front desk staff and visiting clients, and throughout the office environment, as reasonable.

- Provide disinfectant wipes and aerosol disinfectants anywhere there is a seat for visiting guests/clients. This can be used, before and after a client's office visit.
- Place hand sanitizer prominently at each desk station.
- Increase cleaning protocols and institute a regular and frequent cleaning schedule as appropriate for the workspace (particularly for restroom areas).
- Highly encourage the use of PPE or other protective gear for employees and customers, as appropriate for their functional duties and interactions. Refer to state guidelines, OSHA, and CDC guidelines for best practices and recommendations.
- Create policies and workflows which discourage and highly limit all employees and guests from entering others' workspaces unless necessary.
- Offer contactless options for all points of a transaction. Create web-based service options for administrative paperwork, contract execution, payment exchange, and so forth. Where contactless options are not possible, such as for keypads, cover them with clear plastic or other barriers and regularly clean and/or change the covers as for other high-touch surfaces.
- · Have a plan for instituting "line management" set up outside to manage crowding.
- Have the ability to queue walk in clients in a "virtual line". Encourage visitors to stay in their vehicles or outside until they receive a text alert advising them to enter.
- Post more signage throughout common areas to discourage dwelling and to promote hygiene best practices, and protocols adopted by the worksite to manage germ spread.
- In kitchen or common areas, encourage disposables, as opposed to dishes when available.
- Require that employee breaks be taken off-site, or in an area that promotes physical distancing. Encourage employees to enjoy the outdoors or rest in their cars.
- Increase and adopt more regular, deep cleaning of the office throughout the day, as appropriate for the workspace.
- Post signage at office front to advise clients of our office's efforts to maintain a healthy workplace.
- Maintain some signage about hygiene practices in lobby and highly trafficked areas.
- *Continue to offer hand sanitizer stations and access to disinfectants, where practical.
- Promote a contact-less environment (e.g. hands-free door opening).
- Maintain an ample supply of hand sanitizer and cleaning agents. Participants:
- Employers / Employees / Customers

RETAIL

- https://covid19.ca.gov/pdf/guidance-retail.pdf
- Employees strongly recommended or required to wear a face covering.
- Re-configure floorplans, enabling queue management, and determining capacity/occupancy protocols based on physical distancing standards.
- · Enhanced cleaning protocols are implemented.
- Seating tables and desks will be disinfected before and after each use and disinfectant wipes or aerosols will be readily available for additional use as needed.

- · Hand sanitizer placed prominently at each desk, reception area and pick-up station
- Increase cleaning protocols and institute a regular and frequent cleaning schedule as appropriate for the workspace (particularly for restroom areas).
- Highly encourage the use of PPE or other protective gear for employees and customers, as appropriate for their functional duties and interactions. Refer to state guidelines, OSHA, and CDC guidelines for best practices and recommendations.
- Post signage outside the office that outlines what precautions the business place has taken to sanitize the work environment and allows visitors to choose entrance at their own discretion, Offer alternatives to physical entry by posting a phone number for assistance.
- · Post signage regularly throughout the facility promoting healthy hygiene and best practices for customers and employees.
- Floor markers are placed to queue customer physical distancing standards.
- · One-way directional floor plans could be considered, directing employees through the store without "close crossing" in aisles.
- · Plexiglass barriers exist at checkout areas.
- · Checkout stands are equipped with portable scanners to minimize contact with goods.
- Touch free payment options are promoted. Where contactless options are not possible, such as for keypads, cover them with clear plastic or other barriers and regularly clean and/or change the covers as for other high-touch surfaces.
- Disinfectant wipes available to consumers at high touch points.
- Disinfectants available to employees in high touch / high traffic areas.
- Daily cleaning protocols for staff to disinfect high traffic touch points & respective work areas, Participants:
- · Employers / Employees / Customers

MANUFACTURING

- https://covid19.ca.gov/pdf/guidance-manufacturing.pdf
- · Employees strongly recommended or required to wear a face covering.
- Adoption of telecommute arrangements, flex scheduling and expanded hours of operation are in place to allow staff to work at the plant, across different hours
- · Post signage regularly throughout the facility promoting healthy hygiene and best practices for visitors and employees.
- Physical distancing between workstations and/or the use of plexiglass-type barriers is highly recommended.
- Policy in place for employee health and wellness checks. This includes both self-assessment and certification with managers.
 And/or the use of temperature checks.
- New policies are in place relative to health screenings and to address employee absences due to symptomatic screenings.
 Ensure policies are designed to encourage employees to report to their manager or HR when symptoms or exposure to COVID -19 are known.
- New training and orientations are offered to all employees relative to OSHA standards and hygiene, sanitation, protocols
- Consider changes to operational or production line SOP's to accommodate fewer employees working in any one station, at the same time.
- PPE or other protective gear is in place as appropriate for all employees, according to their position.

- Common areas and kitchens may be closed, Disinfection of equipment occurs regularly throughout the day,
- Eliminate the need for employees to share tools. When tool sharing is required, ensure tools are disinfected between each person's use; and more frequently, as appropriate.
- The manufacturing floor has multiple hygiene and PPE or gear don/doff stations accessible to employees. Physical distancing is marked throughout the plant floor with floor markers.
- · Administrative floors and offices are equipped with hand sanitizer in all work areas
- Shipping and deliveries are handled with a very limited interaction, Delivery people should have the proper PPE or protective gear on to enter the building or they can call the business number for someone to come out to them to pick up the packages.
- Employees may take breaks inside if space allows for physical distancing but are encouraged to take breaks outdoors or in their cars.
- · Hygiene stations remain in place on administrative floor.
- Enhanced protocols for cleaning, sanitation, and hygiene are implemented.

Participants: • Employer / Employees / Vendors / Visitors

RESTAURANTS

- https://covid19.ca.gov/pdf/quidance-dine-in-restaurants.pdf
- · Employees strongly recommended or required to wear a face covering.
- Encourage dining by reservation to manage capacity. Use a line queue system with an ability to text or call guests when their table is ready, to avoid "waiting" in groups, Restaurant greeter to manage the entry/exit door to ensure the safety, health and welfare of guests and employees.
- *Touchless and germ-free entry encouraged.
- Increase cleaning protocols and institute a regular and frequent cleaning schedule as appropriate for the workspace (particularly for restroom areas).
- Highly encourage the use of PPE or other protective gear for employees and customers, as appropriate for their functional duties and interactions. Refer to state guidelines, OSHA, and CDC guidelines for best practices and recommendations.
- Post signage outside that outlines what precautions the business place has taken to sanitize the work environment and allows visitors to choose entrance at their own discretion.
- * Post signage regularly throughout the facility promoting healthy hygiene and best practices for customers and employees,
- Use touchless pay options. Where contactless options are not possible, such as for keypads, cover them with clear plastic or other barriers and regularly clean and/or change the covers as for other high-touch surfaces.
- · Designated location for pick up and take out orders with hand sanitizer readily available.
- Plexiglass partitions separate customers from employees at the ordering counters.
- · Enhanced cleaning protocols are implemented.
- Designate specific employees to work exclusively on cleaning and sanitizing high trafficked areas, and frequently touched surfaces, in staff and customer areas.
- When feasible, provide each employee with their own set of tools or functional equipment to minimize "sharing" touched surfaces. When that is not feasible, have a cleaning protocol in place to ensure the cleaning and disinfection of shared items between each use.

- Hand sanitizer placed prominently at counters.
- · Use floor markers "x" to indicate where quests should wait.
- · Dining tables are spaced to accommodate physical distancing.
- · Disposable tableware and menus substitute for reusable dishes and menus.
- Condiments and table accourtements are removed to minimize high touch contact and germ spread. Condiments available upon request, and in disposable form, when possible. Participants:
- Employer / Employees / Vendors / Visitors

Short Term Vacation Rental

Note: This guidance does not apply to Hotels, Motels, or Inns that are situated on a single property with multiple guest rooms. The State has yet to determine when those specific facilities will be allowed for non COVID-19 related use.

- Industry Guidance and Checklists from the State of California are available at https://covid19.ca.gov/industry-guidance/
- No events or group gatherings are permitted until approved by the State of California, Only guests registered for the home should be on premise.
- · Employees strongly recommended or required to wear a face covering.
- Short-term rentals are allowed only in private homes or condos where the guest rents the "entire home" and is not sharing interior common areas (kitchen, bathrooms, living room, etc.) with the host, "Home-sharing" is not permitted at this time.
- Owners and housekeepers should follow the guidelines for safely disinfecting a short-term rental property provided by the Vacation Rental Housekeeping Professionals (VRHP) which is a part of the Vacation Rental Management Association (VRMA) https://www.vrma.org/page/vrhp/vrma-cleaning-guidelines-for-covid-19
- Complete a deep cleaning after each rental. Owners and/or agencies will use cleaning products and protocols that meet with CDC guidelines and are approved for use and effective against viruses and bacteria.
- * A 24-hour gap between rental reservations, guest departure and new guest arrival, is required.
- No same-day guest departure and arrival allowed. Property will remain empty for the first 3 hours after guest departure before housekeeping's arrival.
- Contactless check-in, either over the phone, Zoom, or other method and keyless entry to limit contact with guests is encouraged.
- Prior to arrival, owner/agent is required to send guests notices informing them of local City and County health orders, in addition to Good Neighbor Brochures and any other documents required by local ordinances.
- Clearly posted signage inside the property should notify guests of local City and County health orders and recommendations, including that they practice frequent hand-washing and physical distancing when leaving the property.
- Short-term rentals in gated communities, HOAs or other physical layouts with common areas required to clearly post signage inside the property with HOA or community rules along with all applicable orders or ordinances governing the use of common areas and swimming pools.
- · Liquid hand soap will be supplied for guest use at every sink.
- Vacation Rental owners, vendors and service team members will avoid entering the property, or guest rooms, while it is occupied.
- Any vendor, owner or service team member entering a property for a repair that is required to maintain the health and safety of the guests on the property will wear a face mask and gloves and will carry disinfectants to sanitize as necessary.

- All bed linen and laundry will be washed at a high temperature and in accordance with VRHP and CDC guidelines. Dirty linens will be washed and dried on-site, or if sent off-site will be bagged inside the property to eliminate excessive contact while being transported to the laundry facility. Off-site laundry will be returned to the home packaged in plastic wrap or other material.
- For short-term rentals booked through Expedia (VRBO/Homeaway) additional guidance can be found at https://help.vrbo.com/articles/How-does-the-novel-coronavirus-COVID-19-affect-my-property
- For short-term rentals booked through Airbnb, additional guidance can be found at https://www.airbnb.com/resources/hosting-homes/t/coronavirus-updates-34. These guidelines do not replace or revoke any local City ordinances with regard to short-term rental lodging. Owners/Agents should review all current City ordinances as they apply to short-term rental lodging.

Participants: • Employer / Employees / Vendors / Visitors

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