

## Executive Order 2021-014 Modifies Curfew; Additional Modifications Announced

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### PRACTICE AREAS

- Government Affairs

### An McV Government Affairs Alert

February 9, 2021

On February 4, 2021, Governor Pedro R. Pierluisi signed Executive Order 2021-014 (“EO 2021-014” or the “Executive Order”) to, among other matters, modify the curfew established in the previous administrative bulletin and ease certain restrictions in connection with Government efforts to curb the spread of COVID-19 in Puerto Rico.

In addition, EO 2021-014, which is effective from February 8th until March 14th, 2021, unless otherwise extended or modified, eases certain restrictions by considering the recommendations of the Puerto Rico Economic and Medical Task Forces and the guidelines set forth in the United States Department of National Security’s Guidance on the Essential Critical Infrastructure Workforce: Ensuring Community and National Resilience in COVID-19 Response.

For your convenience, in this Alert we will highlight the major modifications and amendments in this new Executive Order. We will refer to our previous Alerts as needed.

#### Change in Curfew (Section 1 of the Executive Order)

EO 2021-014 imposes a curfew **from 12:00am until 5:00am**, which will continue in effect until March 14, 2021. EO 2021-014 also lifts the previously mandated lockdown order that required all persons to remain in their residence or place of lodging during Sundays.

The Executive Order urges citizens to limit social activities and family gatherings in light of the ongoing emergency, and provides that all activities comply with precautionary and safety measures (including social distancing, use of face masks, frequent hand washing, etc.).

#### Individual Precautionary Measures (Section 4 of the Executive Order)

The Executive Order provides that people who are in contact with individuals outside of their family unit must comply with the following precautionary measures:

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- Cover their nose and mouth area with a facemask, cloth scarf or other material;
- Maintain a minimum distance of 6 feet between each other;
- Regularly wash hands;
- Not visiting authorized businesses in groups;
- Stay as little as possible in authorized businesses; and
- Adopt any other safety and hygiene measures to prevent the spread of the virus.

### **Private Operations (Section 6 of the Executive Order)**

- Authorized Businesses

The following businesses may continue operating Monday through Sunday until from 5:00am until 11:00pm at or below 50% of their maximum capacity, where applicable, as defined in PR Building Code 2018.

- Advertising Agencies
- Armory Services
- Automobile Dealerships
- Barbershops and Beauty Salons
- Car Wash Establishments
- Casinos
- Film Industry
- Drive-in Cinemas
- Funeral Homes
- Gyms
- Hardware Stores
- Laundries/Dry Cleaners
- Laundromats
- Museums
- National Security
- Official Vehicle Inspection Centers

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- Open Layout Shopping Malls
- Ornamental Gardening Businesses
- Retail Stores
- Security
- Spas and Esthetics
- Travel Agencies
- Wholesale Businesses

The Executive Order requires that authorized businesses visibly display a sign with the contact information of the confidential COVID-19 hotline created by the PR Department of Health to allow citizens to contribute with the enforcement and compliance of EO 2021-014.

The sign also may include the maximum number of people allowed inside the establishment in light of the 50% maximum occupancy set forth in the Executive Order.

- Food Businesses

Pursuant to Section 6 of EO 2021-014, restaurants may keep their dining rooms open Monday through Sunday until 11:00pm, at or below 30% of their maximum capacity, as defined in PR Building Code 2018. Outdoor areas of restaurants may continue to operate at full capacity. Restaurants must serve alcoholic beverages only at dining tables, and may only seat members of the same family unit.

Drive-thru, carry-out, or delivery operations of retail food services are permitted Monday through Sunday until 12:00am.

Grocery stores also may continue operating Monday through Sunday from 5:00am until 11:00pm. Grocery store delivery services may operate Monday through Sunday until 12:00pm.

- Movie Theaters

Movie theaters may remain open to the public Monday through Sunday from 5:00am until 11:00pm at or below 30% of their maximum capacity, as defined in the PR Building Code 2018.

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### ■ HOA Meetings

The Executive Order authorizes the physical meeting of homeowner's associations, condominium council of owners or similar associations. The same will be subject to the guidelines issued by the Department of Consumer Affairs (DACO, per its Spanish acronym).

### **Recreational Activities and Outdoor Sports**

Section 7 of EO 2021-014 provides that, within the permissible curfew hours set forth for private businesses (5:00am until 11:00pm), sporting, recreational, entertainment and competitive activities are permitted so long as they do not entail physical contact and are carried out in compliance with the precautionary measures set forth in the Executive Order. Subject to the guidelines set forth by the Department of Sports and Recreation ("DRD," per its Spanish acronym), sporting activities that entail physical contact are allowed provided they are carried out within the parameters set forth by the DRD.

Beaches, golf courses, reserves, parks, sport courts, gymnasiums and cockpits may continue to operate on a limited basis subject to the directives and limitations set forth by the Government of Puerto Rico, the DRD, or the Municipality where such facilities are located.

Community pools, parks, and gyms located within residential complexes may open at 50% capacity, subject to social distancing and other precautionary measures. Consumption of alcoholic beverages is prohibited. Other residential common areas, such as club houses, must remain closed during the effectiveness of the Executive Order.

### **Beaches, Marinas and Bodies of Water**

Section 8 of EO 2021-014 provides that beaches may continue open, provided that a 10-foot distance is kept between individuals at all times and that social gatherings with persons outside of a same family unit are prohibited. The use of beach chairs and umbrellas is allowed within members of the same family unit. However, the consumption of alcoholic beverages at the beach is prohibited.

The Executive Order also provides that pools located in residential complexes, including those subject to a horizontal property regime, are authorized to operate at a maximum capacity of 50%, subject to social distancing and other precautionary measures. The consumption of alcoholic beverages in pools,

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however, is prohibited.

Section 8 of EO 2021-014 also reopens marinas for all types of vessels, including those for recreational use. The Executive Order, however, prohibits the use of recreational vessels among people outside of a same family unit and tying together various vessels.

The Puerto Rico Police Bureau and Municipal Police will establish a coastal vigilance plan and work with Mayors that supervise coastal municipalities to refuse the entry of maritime transportation in their shores.

Maritime transportation services provided by the Maritime Transportation Authority to the Municipality of Culebra will reopen to tourists during the effectiveness of the Executive Order. Transportation to the Municipality of Vieques, however, will be limited exclusively to individuals performing work in and residents of either Island Municipality.

### **Tourism and Recreation**

Section 9 of EO 2021-014 provides that all tourism businesses must certify their compliance with the Health and Safety Destination Program by electronically completing a “Declaration of Conformity.” The PR Tourism Company may validate an establishment’s compliance by performing unannounced visits.

The use of bars in hotels and inns is not allowed during the effectiveness of this Executive Order. Hotels and inns with pools and beach access must ensure compliance with the measures set forth in the Executive Order. The use of pools in hotel and inns be limited to 50% occupancy.

Restaurants located within hotels may remain open from Monday through Sunday from 5:00am until 11:00pm, so long as occupancy does not exceed 30% of the official dining room capacity, as set forth in the PR Building Code 2018.

Outdoor areas of restaurants may continue to operate at full capacity. Restaurants must serve alcoholic beverages at dining room tables.

### **Schools**

Section 10 of the Executive Order provides that, before the expiration of the Executive Order and upon instruction of the Department of Education and the Department of Health, private and public schools may partially and gradually

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reopen.

### **Prohibited Activities**

Bars (with a bar-only license, sports bars, cocktail lounges, and other analogous businesses) must remain closed during the effectiveness of EO 2021-014. These restrictions also apply to bars located inside restaurants or other businesses that are authorized to operate under the Executive Order.

EO 2021-014 provides for a total 24-hour closure of nightclubs, gaming halls, theaters, activity rooms or any analogous place conducive to the gathering of individuals within the same place.

During the effectiveness of the Executive Order, family and friend visits to elderly care centers and correctional facilities are prohibited.

### **Other EO 2021-014 Provisions**

The following Sections of EO 2021-014 **remain unaltered** from previous administrative bulletins. For additional details, you may access all previous COVID-19 related Executive Orders on our McV COVID-19 Information Center, which you can access **here**.

- Section 2 – Quarantine Order
- Section 3 – Isolation Order
- Section 5 – Government Operations
- Section 11 – Safety Measures to be followed by the Public and Exempted Businesses
- Section 13 – Waivers
- Section 14 – Preferential Services
- Section 15 – Road Tolls
- Section 16 – Excluded Persons
- Section 17 – Modifications
- Section 18 – Penalties
- Section 19 – Inter-agency Oversight Group
- Section 20 - Guidelines Established by Agencies

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- Section 19 – Road Tolls
- Section 20 – Celebration of Religious Events
- Section 21 – Closure of Businesses and Private Entities
- Section 22 – Construction Services
- Section 23 – Manufacturing
- Section 25 – Workplace Risk Management Plans
- Section 26 – Modifications
- Section 27 – Penalties

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