



Health, Housing & Community Services Department
Public Health Officer

ORDER OF THE HEALTH OFFICER OF THE CITY OF BERKELEY FOR THE CONTROL OF COVID-19

Public Health Emergency Isolation Order

Date Order Issued: January 7, 2022

This Order is in effect until rescinded in writing by the Health Officer.

SUMMARY OF THE ORDER

California is in a State of Emergency because of the COVID-19 pandemic. The spread of Novel Coronavirus (COVID-19) is a substantial danger to the health of the public within the City of Berkeley. COVID-19 can easily spread between people who are in close contact with one another. This Order is issued based on scientific evidence and best practices as currently known and available to protect vulnerable members of the public from avoidable risk of serious illness or death resulting from exposure to COVID-19. The age, condition, and health of a significant portion of the population of the City of Berkeley places it at risk for serious health complications, including death, from COVID-19. Although some individuals who contract COVID-19 do not have severe symptoms, persons with COVID-19 with mild symptoms or who are asymptomatic may place other vulnerable members of the public at significant risk.

The statewide, seven-day average case rate from December 5th to January 5th has increased by more than 7 times (15.2 to 107.1) and hospitalizations have increased by over 2.5 times. In addition, on December 2, 2021, the SARS-CoV-2 B.1.1.529 (“Omicron”) variant was been detected in the City of Berkeley and continues to circulate throughout the community. The Omicron variant (now comprises approximately 95% of cases sequenced, nationally, and rapid increases are occurring globally) further emphasizes the importance of vaccination and boosters. This variant is highly transmissible especially in indoor settings and requires multi-component prevention strategies to reduce spread. Despite high vaccination rates, the City of Berkeley is experiencing high levels of community transmission due to the Omicron variant. While the risk for COVID-19 infection is highest among unvaccinated residents and those who have not received a booster, the proportion of post-vaccination infections is increasing. Hospitalizations have also increased among unvaccinated persons.

To help slow COVID-19’s spread, protect vulnerable individuals, and prevent the healthcare system in the City of Berkeley from being overwhelmed, it is necessary for the City of Berkeley Public Health (“Public Health”) to require the isolation of persons with COVID-19.



**Health, Housing & Community Services Department
Public Health Officer**

This Order supersedes the Public Health Emergency Isolation Order issued on July 31, 2020.

**UNDER THE AUTHORITY OF THE CALIFORNIA HEALTH AND
SAFETY CODE SECTIONS 101475 AND 120175, THE CITY OF BERKELEY
HEALTH OFFICER ORDERS:**

Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety Code §§ 120220, 120295; City of Berkeley Municipal Code §2.50.040.)

**ISOLATION REQUIREMENTS FOR INDIVIDUALS DIAGNOSED WITH OR
LIKELY TO HAVE COVID-19**

1. Except as detailed in the Specific Isolation Procedure for K-12 Schools and High Risk Settings below, all individuals who have been diagnosed with or are likely to have COVID-19 must follow isolation recommendations detailed in the CDPH Guidance for Isolation and Quarantine of the General Public. ([Exhibit 1](#))
2. **Specific Isolation Procedures for K-12 Schools and High Risk Settings.**
 - a. Teachers and students in K-12 Schools in are required to follow isolation guidance as detailed in CDPH K-12 Schools Guidance. ([Exhibit 1](#))
 - b. Individuals who have been diagnosed with or are likely to have COVID-19 in high risk settings, including shelters and congregate housing, must isolate for 10 days. For this Order, congregate housing includes housing where people are not able to isolate away from others such as student or faculty housing, staff housing, transitional housing, shelters, domestic violence and abuse shelters, and other shared housing.
3. Persons experiencing homelessness are required to comply with this Order where a location is available for them to safely isolate themselves from other individuals, but are exempt from this Order if no such location is available.
4. Nothing in this Order limits the obligation of employers to comply with the isolation requirements in the [Cal/OSHA COVID-19 Prevention Emergency Temporary Standards](#). Nothing in this Order shall be construed to limit the ability



**Health, Housing & Community Services Department
Public Health Officer**

of an employer to impose isolation policies which are stricter than those imposed by this Order.

5. This Order is effective immediately and applies to all persons in the City of Berkeley, including those already isolating due COVID-19 diagnosis or likely infection. For persons isolating on the date this Order becomes effective, any time already spent in isolation as of the effective date of this order may be counted toward the cumulative total time required for isolation by this Order.
6. The Health Officer may require longer isolation or additional measures in high risk settings or in response to an outbreak. The Health Officer may take additional action(s), which may include, but are not limited to, civil detention or requiring one to stay at a health facility or other location, to protect the public's health if an individual who is subject to this Order violates or fails to comply with this Order. Violation of this Order constitutes an imminent threat and immediate menace to public health, constitutes a public nuisance, and is a misdemeanor punishable by imprisonment, fine or both.
7. The Health Officer will continue to monitor several key indicators to inform the decision whether to modify the restrictions in this Order. The Health Officer will continually review whether modifications to the Order are warranted based on (1) progress in countering the spread of COVID-19 in the City; (2) developments in methods and strategies for preventing and treating COVID-19; and (3) scientific understanding of the transmission dynamics and clinical impact of COVID-19.
8. This Order is issued in accordance with, and incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom, the March 3, 2020 Proclamation by the Director of Emergency Services Declaring the Existence of a Local Emergency in the City, the March 10, 2020 Resolution of the City Council Ratifying the Proclamation of Local Emergency, and guidance issued by the CDPH and CDC, as each of them have been and may be supplemented.
9. This Order is also issued in light of the March 19, 2020 Order of the State Public Health Officer and subsequent orders and guidance issued by the Governor, the State Health Officer, and the California Department of Public Health and Department of Industrial Relations. The Health Officer may adopt more stringent restrictions and requirements addressing the particular facts and circumstances in the City, necessary to control the public health emergency as it is evolving within the City and the region. Where a City Health Officer Order and any state public



**Health, Housing & Community Services Department
Public Health Officer**

health order related to the COVID-19 pandemic conflict, the most restrictive provision controls.

10. The City must promptly provide copies of this Order as follows: (1) by posting on the City's website (cityofberkeley.info); (2) by posting at Old City Hall, located at 2134 Martin Luther King Jr. Way, Berkeley, CA 94704; and (3) by providing to any member of the public requesting a copy.
11. If any provision of this Order or its application to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

IT IS SO ORDERED:

A handwritten signature in blue ink, appearing to read "Lisa B. Hernandez", written over a horizontal line.

Lisa B. Hernandez, MD, MPH
Health Officer, City of Berkeley

Date: 01/07/2022