



**ORDER OF THE HEALTH OFFICER OF THE COUNTY OF CONTRA COSTA
MANDATING STRICTER COVID-19 MITIGATION MEASURES AT HOMELESS
SHELTERS IN CONTRA COSTA COUNTY**

ORDER NO. HO-COVID19-61

DATE OF ORDER: DECEMBER 27, 2021

Summary of the Order

This Order of the Health Officer requires the operators of homeless shelters in Contra Costa County (“County”) to require specified workers to undergo weekly testing for Coronavirus Disease 2019 (“COVID-19”) beginning January 10, 2022, with exceptions, or demonstrate that they are both fully vaccinated with a COVID-19 vaccine and have received a booster shot.

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040 and 120175, THE HEALTH OFFICER OF THE COUNTY OF CONTRA COSTA (“HEALTH OFFICER”) ORDERS:

- 1. Basis of Order.** On July 26, 2021, the State Public Health Officer issued an order (“State Order”) that requires workers in specified health care or congregate settings who “have the potential for direct or indirect exposure to patients/clients/residents or SARS-CoV-2 airborne aerosols” to undergo routine diagnostic screening testing for SARS-CoV-2 (the virus that causes COVID-19) if not fully vaccinated with a COVID-19 vaccine. The settings described in the State Order included congregate living facilities such as homeless shelters.

Under the State Order, workers at homeless shelters who are not fully vaccinated with a COVID-19 vaccine must undergo weekly testing for the virus that causes COVID-19. Since the issuance of the State Order, the protection offered by all three of the COVID-19 vaccines authorized for use in the United States has been found to wane after a period of time, and the U.S. Centers for Disease Control & Prevention now recommends boosters at six months after a person’s second dose of an mRNA vaccine (Pfizer or Moderna) or two months after the Johnson & Johnson single dose vaccine. These developments necessitate a new requirement that vaccinated individuals who work in homeless shelters receive boosters when indicated if those individuals do not undergo routine COVID-19 testing.



The emergence of the Omicron variant of the SARS-CoV-2 virus is an additional factor giving rise to the need for stricter measures. Approximately 73 percent of COVID-19 cases in the United States now involve the Omicron variant, and it is anticipated that this new variant will become the dominant variant in the County with two weeks. Early reports indicated that the Omicron variant caused mild symptoms, but London and New York are now seeing a surge in hospitalizations due to the new variant. The CDC advises that scientists are currently investigating Omicron, including how protected fully vaccinated people will be against infection, hospitalization, and death. Pending the results of these investigations, the expectation of the CDC is that the current vaccines will protect against severe illness, hospitalizations, and deaths due to infection with the Omicron variant.

On December 22, 2021, in response to the arrival in California of the Omicron variant, the State Public Health Officer issued a new order (the “Updated State Order”), effective immediately, requiring fully vaccinated personnel at many of the facilities identified in the State Order to receive booster shots, and personnel not required to be vaccinated – including fully vaccinated personnel not yet eligible to receive booster shots – to undergo testing. Homeless shelters are not identified among the facilities subject to the Updated State Order, however. For this reason, to protect the vulnerable residents of homeless shelters in the County, I have determined that it is necessary to issue this Order to align the COVID-19 mitigation measures at homeless shelters with requirements in the Updated State Order.

2. Definitions. For purposes of this Order, the following terms have the meanings given below.

- a. Booster. “Booster” means an additional dose of a COVID-19 Vaccine in accordance with CDC recommendations.
- b. COVID-19 Test. “COVID-19 Test” means a nucleic acid or antigen test to detect infection of a person with SARS-CoV-2, the virus that causes COVID-19.
- c. COVID-19 Vaccine. “COVID-19 Vaccine” means a vaccine to prevent COVID-19 that is (1) administered under an emergency use authorization from the FDA; (2) approved by the FDA; or (3) listed for emergency use by the World Health Organization.
- d. DHHS. “DHHS” means the U.S. Department of Health and Human Services.
- e. FDA. “FDA” means the U.S. Food and Drug Administration.
- f. Fully Vaccinated. “Fully Vaccinated” means a person’s status two weeks following the person’s receipt of a single-dose COVID-19 Vaccine or the second dose of a two-dose COVID-19 Vaccine.
- g. High-Risk Setting. “High-Risk Setting” mean an area that is (1) located inside a homeless shelter in the County and (2) accessible to residents of the homeless shelter.



- h. Operator. “Operator” means an entity that operates a homeless shelter in the County.
- i. Workers. “Workers” means employees, contractors, vendors, volunteers, and other agents of an Operator who enter a High-Risk Setting an average of at least once a week for the purpose of providing goods or services.
- j. WHO. “WHO” means the World Health Organization.

3. Testing Requirement.

- a. Except as set forth in Section 3.c. or Section 4 of this Order, an Operator shall require each of its Workers to do the following:
 - (1) Receive a COVID-19 Test each week that the Worker reports for duty; and
 - (2) Promptly provide the results of each COVID-19 Test to the Operator unless test results are sent directly to the Operator.
- b. The testing requirement in subsection 3.a.(1) may be met by a Worker’s self-administration of a COVID-19 test only if an authorized representative of Operator:
 - (1) Observes the Worker collect the sample and perform the remaining steps needed to complete the test;
 - (2) Confirms that these steps were performed in accordance with the manufacturer’s instructions; and
 - (3) Confirms the result by direct observation.
- c. Exception. If a Worker tests or has tested positive for SARS-CoV-2, the Worker is not required to and should not undergo another COVID-19 Test until 90 days have passed since the date of the positive test. An Operator shall communicate this exception to its Workers, and shall exempt a Worker from the testing requirement for the applicable period of time upon request of the Worker if the Worker proves that he or she is qualified for the exception. A Worker may prove that he or she is qualified for the exception if:
 - (1) The Worker attests in writing that he or she has no symptoms of COVID-19, and provides the written attestation to the Operator; and
 - (2) The Worker shows the Operator a copy of the report of the positive COVID-19 Test that shows the date of the test, and the date falls within the 90-day timeframe describe above.



Martinez, CA 94553; (2) posted on the Contra Costa Health Services website (<https://www.cchealth.org>); and (3) provided to any member of the public requesting a copy of this Order. Questions or comments regarding this Order may be directed to Contra Costa Health Services at (844) 729-8410.

IT IS SO ORDERED:



Dated: December 27, 2021

Chris Farnitano, M.D.
Health Officer of the County of Contra Costa

