

**STATE OF NEW YORK
COUNTY OF RENSSELAER: DEPARTMENT OF HEALTH**

In the Matter of the COVID-19 Pandemic

**Pursuant to Public Health Law, New York State Sanitary Code,
Rensselaer County Charter, and Rensselaer County Sanitary
Code**

**PUBLIC HEALTH
DIRECTOR'S
ISOLATION AND
QUARANTINE ORDER**

COVID-19 AND CONFIRMED CASES

WHEREAS, the Coronavirus Disease 2019 (COVID-19), formerly known as the 2019-Novel Coronavirus (2019-nCoV), is a communicable disease associated with fever and signs and symptoms of pneumonia or other respiratory illness, which appears to be transmitted from person to person predominantly through droplet transmission and, if wide-spread in the population of Rensselaer County, would have significant public health consequences within the County; and

WHEREAS, COVID-19 is believed to have emerged as a human pathogen in China in December 2019 and, as of March 26, 2020, there were 462,684 confirmed COVID-19 cases, and additional suspected and/or probable cases, reported to the World Health Organization from 200 countries, including the United States, with 20,834 deaths reported; and

WHEREAS, as of March 26, 2020, there were a total of 37,258 confirmed COVID-19 cases in New York State; and

WHEREAS, as of March 26, 2020, of the total New York State COVID-19 cases, there were a total of 31,269 confirmed COVID-19 cases in Nassau County, New York City, Rockland County, Suffolk County, and Westchester County (or, in other words, as of March 26, 2020, of the total New York State

COVID-19 cases, 83.92% of total cases were in Nassau County, New York City, Rockland County, Suffolk County, and Westchester County); and

WHEREAS, as of March 26, 2020, of the total New York State COVID-19 cases, there are a total of 32 confirmed COVID-19 cases in Rensselaer County (or, in other words, as of March 26, 2020, of the total New York State COVID-19 cases, less than 1% (i.e., .00086) of total cases were in Rensselaer County); and

WORLD AND FEDERAL COVID-19 RESPONSE: A PANDEMIC AND NATIONAL EMERGENCY

WHEREAS, on January 30, 2020 the World Health Organization designated the COVID-19 outbreak as a Public Health Emergency of International Concern; and

WHEREAS, on January 31, 2020, as a result of the confirmed COVID-19 cases, U.S. Health and Human Services Secretary Alex M. Azar II declared a public health emergency for the United States; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 13, 2020, the President of the United States proclaimed the COVID-19 outbreak in the United States to be a national emergency; and

WHEREAS, the Federal Centers for Disease Control and Prevention (CDC) issued guidance (“CDC Guidance”) titled “Interim US Guidance for Risk Assessment and Public Health Management of Persons with Potential 2019 Novel Coronavirus (COVID-19) Exposures: Geographic Risk and Contact of Laboratory – confirmed Cases,” with such guidance being applicable to jurisdictions, such as Rensselaer County, not experiencing sustained community transmission of COVID-19; and

WHEREAS, the CDC Guidance indicates that persons not exercising recommended precautions and living in the same household, being an intimate partner of, or providing care in a

non-healthcare setting (such as a home) for a person with a symptomatic laboratory-confirmed COVID-19 infection are high risk and that such high risk persons, if asymptomatic, should be quarantined with controlled travel or, if symptomatic, isolated with controlled (medical only) travel; and

WHEREAS, CDC Guidance further indicates that persons traveling from an area with widespread sustained transmission are medium risk and that such persons, if asymptomatic, should remain at home, social distance, self-monitor, and postpone additional travel or, if symptomatic, isolate with public health assessment, medical evaluation (if needed) and controlled (medical only) travel; and

WHEREAS, CDC Guidance further indicates that persons traveling from an area with sustained community transmission are medium risk and that such persons, if asymptomatic, should social distance and self-observe or, if symptomatic, isolate with public health assessment, medical evaluation (if needed) and controlled (medical only) travel; and

WHEREAS, CDC Guidance further indicates that persons having close contact with a person having a symptomatic laboratory-confirmed COVID-19 infection are medium risk and that such medium risk persons, if asymptomatic, should remain at home, social distance, be actively monitored, and postpone travel or, if symptomatic, isolate with public health assessment, medical evaluation (if needed) and controlled (medical only) travel; and

WHEREAS, CDC Guidance further indicates persons exercising recommended precautions and living in the same household, being an intimate partner of, or providing care in a non-healthcare setting (such as a home) for a person with a symptomatic laboratory-confirmed COVID-19 infection are medium risk and that such medium risk persons, if asymptomatic, should remain at home, social

distance, be actively monitored, and postpone travel or, if symptomatic, isolate with public health assessment, medical evaluation (if needed) and controlled (medical only) travel; and

STATE AND COUNTY COVID-19 RESPONSE: PROCLAMATIONS OF EMERGENCY

WHEREAS, on February 1, 2020, pursuant to 10 NYCRR Section 2.1(a), Dr. Howard A. Zucker, as Commissioner of Health of the State of New York, designated 2019-Novel Coronavirus (2019-nCoV), now known as COVID-19, as a communicable disease under the State Sanitary Code; and

WHEREAS, on February 6, 2020, the New York State Public Health and Health Planning Council ratified the designation of 2019-Novel Coronavirus (2019-nCoV) as a communicable disease under the York State Sanitary Code through the adoption of emergency regulations amending 10 NYCRR Section 2.1; and

WHEREAS, on March 7, 2020, by Executive Order 202, in order to address “the threat that COVID-19 poses to the health and welfare of its residents and visitors;” the New York State Governor declared a state disaster emergency for the State of New York; and

WHEREAS, on or about March 11, 2020, the New York State Department of Health issued guidance (“NYS Guidance”) titled “2019 Novel Coronavirus (COVID-19) Interim Containment Guidance: Precautionary Quarantine, Mandatory Quarantine and Mandatory Isolation Applicable to all Local Health Departments (LHD),” with the purpose of such guidance being that “[d]irectives for the use of isolation and quarantine are an important component of a multilayered strategy to prevent sustained spread of COVID-19 in New York State;” and

WHEREAS, the NYS Guidance provides for mandatory quarantine if a “[p]erson has been in close contact (6ft.) of someone who is positive, but not displaying symptoms of COVID-19;” and

WHEREAS, the NYS Guidance provides for mandatory isolation if a “[p]erson has tested positive for COVID-19, whether or not displaying symptoms for COVID-19;” and

WHEREAS, the NYS Guidance provides for precautionary quarantine if a person “is known to have had a proximate exposure to a positive person but has not had direct contact with a positive person and is not displaying symptoms;” and

WHEREAS, on March 14, 2020, because COVID-19 imperils the public safety within Rensselaer County, the County Executive for Rensselaer County proclaimed a state of emergency within the territorial limits of Rensselaer County until April 13, 2020 or such later date as may be proclaimed by the County Executive; and

WHEREAS, on March 20, 2020, by Executive Order 202.8, “because both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to continue,” the New York State Governor directed that non-essential businesses and not-for-profit entities in the State shall reduce in-person work-force by 100%; and

WHEREAS, on March 23, 2020, by Executive Order 202.10, because “both travel-related cases and community contact transmission of COVID-19 have been documented in New York State and are expected to continue,” the New York State Governor directed that “[n]on-essential gatherings of individuals of any size for any reason (e.g. parties, celebrations or other social events) are canceled or postponed at this time” through April 22, 2020; and

DUTIES AND AUTHORITY OF THE RENSSELAER COUNTY PUBLIC HEALTH DIRECTOR

WHEREAS, New York Public Health Law § 2100 directs all local health officers, including the Rensselaer County Public Health Director, to guard against the introduction of communicable diseases designated in the State Sanitary Code, by the exercise of proper and vigilant medical inspection and control of all persons and things infected with or exposed to such diseases; and

WHEREAS, New York Public Health Law § 2100 grants every health officer, including the Rensselaer County Public Health Director “to provide for care and isolation of cases of

communicable disease in a hospital or elsewhere when necessary for protection of the public health;”
and

WHEREAS, New York Public Health Law § 1304 grants each county health commissioner, including the Rensselaer County Public Health Director, the authority to investigate and abate public nuisances which may affect health; and

WHEREAS, under 10 NYCRR 8.1 of the State Sanitary Code, all local health officers, including the Rensselaer County Department of Health, must make or cause to be made an immediate and thorough investigation of the existence within his or her jurisdiction of a nuisance which may affect health or the existence of any such nuisance which comes to his or her attention, and, if, in his or her opinion, such nuisance exists, he or she must take steps to secure abatement of the nuisance; and

WHEREAS, the Rensselaer County Charter grants to the Rensselaer County Public Health Director all of the powers conferred by law upon the Rensselaer County Public Health Director and directs the Rensselaer County Public Health Director to perform all duties imposed by law upon the Rensselaer County Public Health Director; and

WHEREAS, under the Rensselaer County Sanitary Code the Rensselaer County Public Health Director must investigate and order the suppression, removal and abatement of all nuisances and conditions detrimental to life and health found to exist in Rensselaer County; and

IMMEDIATE THREAT OF HARM TO COUNTY PUBLIC HEALTH AND SAFETY:

WHEREAS, as of March 26, 2020, a substantial amount (83.92%) of the total persons in New York State that are infected with COVID-19 tested positive in Nassau County, New York City, Rockland County, Suffolk County, and Westchester County; and

WHEREAS, as of March 26, 2020, Rensselaer County has not experienced sustained community transmission of COVID-19 within its territorial limits (i.e., less than 1% of total State confirmed COVID-

19 cases), but, now, the County faces an increased risk of non-essential movement into the County from Nassau County, New York City, Rockland County, Suffolk County, and Westchester County, as evidenced by the 5 persons who recently relocated into the County and who were found on March 25, 2020 to be COVID-19 positive; and

WHEREAS, there presently is no approved vaccine for COVID-19; and

WHEREAS, in accordance with Federal and State health authority guidance, social distancing, quarantine, and isolation are the recommended and mandated methods for combatting the spread of COVID-19; and

WHEREAS, the Public Health Director has determined that persons entering into Rensselaer County infected with or exposed to persons with COVID-19 pose an imminent and significant threat to public health and safety in Rensselaer County and are a public nuisance; and

WHEREAS, at least one jurisdiction in the United States has ordered all person entering into its jurisdiction from an areas with substantial community spread of COVID-19, including the New York Tri-State Area, to isolate or quarantine for 14 days; and

NOW, THEREFORE, by virtue of the authority vested in me as the Rensselaer County Public Health Director, I do hereby:

ORDER that, from the time of the signing of this Order until April 13, 2020, all persons who either intend to enter or do enter into the territorial limits of the County of Rensselaer during the time period that this Order is in effect for non-essential purposes from Nassau County, New York City, Rockland County, Suffolk County, and Westchester County must, prior to having physical contact with or being within 6 feet of any person within Rensselaer County, (1) contact the Rensselaer County Department of Health by calling the Department at (518) 270-2655 to notify the Department of such intended entry or entry and for screening, evaluation, and placement in 14 day quarantine or isolation, or such other and/or further appropriate and necessary containment and/or treatment measures, as determined by the Rensselaer County Public Health Director, taking into consideration Federal Centers

for Disease Control and Prevention guidelines and New York State Department of Health guidelines, and (2) cooperate with the Rensselaer County Health Department by providing information regarding any and all information relative to COVID-19 related illnesses, exposures, and contacts; and

FURTHER ORDER that all persons present in Rensselaer County who have entered into the territorial limits of the County of Rensselaer for non-essential purposes within the 14 days prior to the time of the signing of this Order from Nassau County, New York City, Rockland County, Suffolk County, and Westchester County must, prior to having any or further physical contact with or being within 6 feet of any person, (1) contact the Rensselaer County Department of Health by calling the Department at (518) 270-2655 to notify the Department of such entry and for screening, evaluation, and placement in 14 day quarantine or isolation, or such other and/or further appropriate and necessary containment and/or treatment measures, as determined by the Rensselaer County Public Health Director, taking into consideration Federal Centers for Disease Control and Prevention guidelines and New York State Department of Health guidelines, and (2) cooperate with the Rensselaer County Health Department by providing information regarding any and all information relative to COVID-19 related illnesses, exposures, and contacts; and

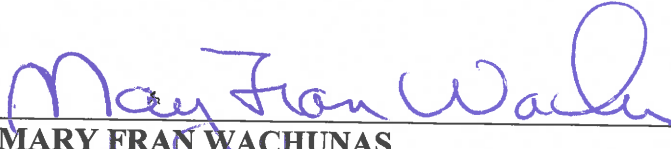
FURTHER ORDER that, to the extent not inconsistent with federal and state law, including federal and state discrimination laws, all landlords and any person or entity allowing use of property for a material benefit within the territorial limits of Rensselaer County by a person or persons from Nassau County, New York City, Rockland County, Suffolk County, or Westchester County must, prior to allowing such use, (1) contact the Rensselaer County Department of Health by calling the Department at (518) 270-2655 to notify the Department of such intended use by such person or persons and (2) cooperate with the Rensselaer County Health Department by providing contact information for such person or persons as appropriate and necessary for the Department of Health to contact such person or persons relative to COVID-19 related illnesses, exposures, and contacts; and

FURTHER ORDER that a copy of this Order shall be delivered immediately, electronically or otherwise, to all law enforcement agencies within Rensselaer County and to the Capital District Transportation Authority; and

FURTHER ORDER AND GIVE NOTICE that, in addition to any and all other criminal and civil penalties imposed by law, regulation or code, each date upon which a person violates any term of this Order constitutes a separate and distinct violation subject to a civil penalty not to exceed the sum of two thousand dollars (\$2,000.00) per violation per day, with a parent or guardian being subject to and responsible under this Order on behalf of his or her minor child; and

GIVE NOTICE that this Order may be modified, extended or terminated at any time in writing by the Rensselaer County Public Health Director.

**DATED: TROY, NEW YORK
MARCH 27, 2020**



**MARY FRAN WACHUNAS
PUBLIC HEALTH DIRECTOR
COUNTY OF RENSSELAER**