

Executive Order 2020-062 Extends Curfew; New Restrictions Announced

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PRACTICE AREAS

- Government Affairs & Public Policy

An McV Government Affairs Alert

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On August 20, 2020, Governor Wanda Vázquez-Garced signed Executive Order 2020-062 (“EO 2020-062” or the “Executive Order”) to, among other matters, order a shelter-in-place for Sundays and extend for three more weeks the effectiveness of the curfew set forth in EO 2020-044.

In addition, EO 2020-062, which is effective from August 22 until September 11, unless otherwise extended or modified, reintroduces additional restrictions to curb the spread of COVID-19 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 contained in this new Executive Order. We will refer to our previous Alerts as needed.

Extension of Curfew and Shelter-in-Place Ordered for Sundays

The curfew set forth in EO 2020-044, from 10:00pm until 5:00am, continues in effect until September 11, 2020.

EO 2020-062 also orders a mandatory “Shelter-In-Place” requiring all Puerto Rico residents to remain in their residence or place of lodging during Sundays. The authorized transit of vehicles and people walking in public roads is allowed under the specific circumstances set forth in our EO 2020-054 Alert.

Private Businesses and Exceptions (Section 6 of the Executive Order)

Pursuant to Section 6 of EO 2020-062, the following businesses are **exempted** from the shutdown order:

- **Food**

Executive Order 2020-062 Extends Curfew; New Restrictions Announced

- Outdoor dining restaurants, cafés and cafeterias: As of August 22, outdoor dining restaurants, cafés and cafeterias may continue to operate Monday through Saturday so long as dining room occupancy is at or below 25% of their maximum capacity, as defined in PR Building Code 2018. Bars located within restaurants must remain closed during the effectiveness of the Executive Order. Pursuant to Section 3 of the Executive Order, restaurants may not sell alcoholic beverages after 7:00pm.
- Bars, sport bars, cocktail lounges and other analogous establishments issued licenses to operate under an alcoholic beverage use permit, and other businesses principally dedicated to the sale of alcohol, **must remain closed during the effectiveness of EO 2020-062.**
- Provisions on other authorized food businesses, as identified in our EO 2020-044 Alert, may continue operating Monday through Saturday until curfew.
- **Financial Institutions**
 - Banks and savings coops that provide deposit, withdrawing or payment services may continue to operate Monday through Saturday so long as occupancy does not exceed 25% of their maximum capacity, as defined in the PR Building Code 2018.
 - Provisions on other authorized financial services, as identified in our EO 2020-044 Alert, may continue operating Monday through Saturday until curfew.
- **Closed Layout Shopping Malls**
 - As of August 22, closed layout shopping malls (with the exception of movie theaters, play areas and valet parking services) may continue open to the public and operate Monday through Saturday until curfew. **Occupancy must be limited to one person per 100 sq. ft., which occupancy restriction must be implemented by the management of the shopping mall.**

The following businesses may continue operating Monday through Saturday until curfew **at or below 25% of their maximum capacity**, as defined in PR Building Code 2018:

- Laundry and Laundromat Services

Executive Order 2020-062 Extends Curfew; New Restrictions Announced

- Ornamental Gardening Businesses
- Retail Stores (Including Auto Repair/Parts Shops and Hardware Stores)
- Open Layout Shopping Malls
- Wholesale Businesses
- Automobile Dealerships
- Advertising Agencies
- Museums

For additional details on any of these, please refer to our EO 2020-044 Alert.

Provisions regarding the following businesses and industries remain unaltered from previous administrative bulletins, and may continue operating until curfew from Monday through Saturday:

- Gas Stations and their Distribution Chain
- Organizations or Groups that Provide Services that Address the Basic Needs of Vulnerable Persons
- Textile
- Safety
- Vehicle Inspection Centers
- National Security
- Supply Chain
- Beauty Salons and Barbershops
- Spas and Esthetics
- Car Wash Establishments
- IT Sector Establishments
- Drive-in Movie Theaters
- Daycare Centers
- Film Industry

Exempted Services (Section 7 of the Executive Order)

The services listed below, which were authorized under previous Executive Orders, are modified as follows:

Executive Order 2020-062 Extends Curfew; New Restrictions Announced

- Armory services for the security sector and the occupation of shooting ranges so long as occupancy is at or below 25% of their maximum capacity, as defined in PR Building Code 2018.
- Funeral services – Wakes are limited in capacity to 25% of the establishment's capacity, as set forth in the PR Building Code 2018.

Outdoor Sports and Recreational Activities

Section 10 of EO 2020-062 provides that, until curfew, people are allowed to exercise outdoors, provided individuals wear facemasks and adhere to social distancing practices. Outdoor group exercise classes are not permitted during the effectiveness of EO 2020-062.

Community or common areas in condominiums (i.e. gyms, pools, basketball and/or tennis courts, etc.) will continue to remain closed to the public.

Horse Racing Industry and Sport

Section 12 of EO 2020-062 provides that the Camarero Racetrack may continue operating Monday through Saturday until curfew so long as occupancy does not exceed 25% of its maximum capacity, as set forth in the PR Building Code 2018.

The operation and use of Electronic Video Game Systems (SVJE, per its Spanish acronym) is prohibited.

Tourism

Section 13 of EO 2020-062 provides that the use of hotel and inn common areas, such as pools and bars, is not allowed during the effectiveness of the Executive Order. Hotels and inns with pools and beach access must ensure compliance with the measures set forth in the Executive Order.

Restaurants located within hotels may remain open, so long as occupancy does not exceed 25% of the official capacity, as set forth in the PR Building Code 2018.

Other provisions regarding short-term rentals remain unaltered and are summarized in our EO 2020-060 Alert.

Executive Order 2020-062 Extends Curfew; New Restrictions Announced

Celebration of Religious Events

Section 19 of the Executive Order provides that religious services may be held seven days a week, within permissible curfew hours, so long as they comply with the “Guidelines for the Reopening of Religious Services” published by La Fortaleza and occupancy is at or below 25% of their maximum capacity, as defined in PR Building Code 2018.

Other Provisions

The following Sections of EO 2020-062 **remain unaltered**. 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 – Prohibition of Consumption and Retail Sale of Alcohol
- Section 4 – Government Operations
- Section 5 – Guidance Established by Agencies
- Section 9 – Corporations
- Section 11 – Beaches
- Section 14 – Events
- Section 15 – Safety Measures to be followed by the Public and Exempted Businesses
- Section 16 – Preferential Services
- Section 17 – Excluded Persons
- Section 18 – Road Tolls
- Section 20 – Closure of Businesses and Private Entities
- Section 21 – Construction Services
- Section 22 – Manufacturing
- Section 23 – Recreational Maritime Traffic
- Section 24 – Workplace Risk Management Plans
- Section 25 – Modifications
- Section 26 – Penalties
- Section 27 – Interagency Oversight Group

Executive Order 2020-062 Extends Curfew; New Restrictions Announced

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