

MOTION BY SUPERVISORS SHEILA KUEHL AND
JANICE HAHN

July 7, 2020

Protecting Public Health Through Health Officer Order Enforcement

As Los Angeles County moves to re-open our local economy and return people to work, ensuring that every business that re-opens is complying with state and local health orders and public health requirements is critical to containing and controlling the spread of COVID-19. Yet Los Angeles County’s Department of Public Health (DPH) Environmental Health inspectors have consistently found a very large percentage of businesses to be significantly out of compliance with public health requirements.

For instance, on the weekend of June 27-28, inspectors found that 49% of bars and 33% of restaurants were not adhering to physical distancing protocols indoors, and that 54% of bars and 44% of restaurants were not enforcing the requirement that workers wear face masks and face shields. Moreover, 65% of retail stores and 83% of restaurants failed to post DPH’s protocols, as required by local law.

At the same time as DPH’s inspectors are seeing widespread non-compliance by businesses with public health directives, we are also seeing significant increases in the

MOTION

SOLIS _____

RIDLEY-THOMAS _____

KUEHL _____

HAHN _____

BARGER _____

number of people leaving their homes and interacting with each other at these businesses. For instance, over 500,000 people visited nightlife spots in Los Angeles County on June 20th, the first weekend of reopening. There has been a 36% increase in the number of people who have had close contact with a person they don't live with, and a 14% decrease in the number of people staying at home except for essential activities. In short, people are going out at much higher rates, and businesses are not complying with the Public Health Officer orders and guidelines intended to keep people safe.

If we hope to slow the rapid increase in new cases while still allowing businesses to reopen, we must ensure that businesses are following the Health Officer Orders and guidelines. Under DPH's current practice, an Environmental Health Inspector might visit a business that is in violation of public health regulations between three and five times before shutting down the business. Often, a Health Inspector advises a business on the first visit of areas of non-compliance and might issue a violation order on the second or third visit, depending upon the severity of the violations. Perhaps on the third, fourth, or fifth visit, the business will be temporarily shut down. At no point in the process is a fine currently issued in connection with a violation order or at any other time, even though DPH has code enforcement authority to issue fines for non-compliance.

The entire process from the first visit to the decision to temporarily shut down a business can take several weeks, saps significant DPH resources, and potentially exposes hundreds or thousands of people to COVID-19. We have neither the time nor the government resources to continue to spend weeks counseling businesses that should be prepared to adhere to public health rules before ever reopening.

There are tens of thousands of restaurants, bars, retail stores, gyms, and other

businesses in Los Angeles County that are required to follow State and local health orders relating to COVID-19. Even with additional resources, DPH's Environmental Health Inspectors cannot visit all these businesses several times to ensure compliance. Businesses must understand that closely following health orders is a precondition for conducting their operations.

WE, THEREFORE, MOVE that the Board of Supervisors direct the Department of Public Health, in coordination with County Counsel, to report back to the Board in fourteen days with a plan for how they will incorporate fines into their Environmental Health Inspector enforcement work to ensure greater levels of compliance. The plan should:

1. Consider a variable fine amount, based on the maximum occupancy of the facility, the level of non-compliance, and any other appropriate factors to ensure that the fine amount correlates to the public health risk the business' non-compliance poses;
2. Impose a fine upon the first finding of non-compliance by an Environmental Health Inspector;
3. Impose fines for non-compliance on all businesses over which DPH has authority to impose such fines; and
4. Establish a protocol such that after a business is found out of compliance and is fined, its permit may be revoked as soon as the second visit to the business.

WE, FURTHER, MOVE that the Board of Supervisors direct the Department of Public Health, in coordination with County Counsel and all other relevant departments,

to explore and report back within thirty days whether and how other departments might assist DPH with enforcement through an authorization of authority that would allow other County employees to issue fines for non-compliance with public health officer orders and directives in connection with carrying out their work.

#

SUP:KY:ProtectingPublicHealthThroughHealthOfficerOrderEnforcement