



COUNTIES AND COVID-19: SAFER AT HOME ORDERS

POLICY BRIEF | MARCH 2020

NACo's MISSION

Strengthen America's counties.

NACo's VISION

Healthy, safe and vibrant counties across America.

ABOUT NACo

The National Association of Counties (NACo) strengthens America's counties, serving nearly 40,000 county elected officials and 3.6 million county employees. Founded in 1935, NACo unites county officials to:

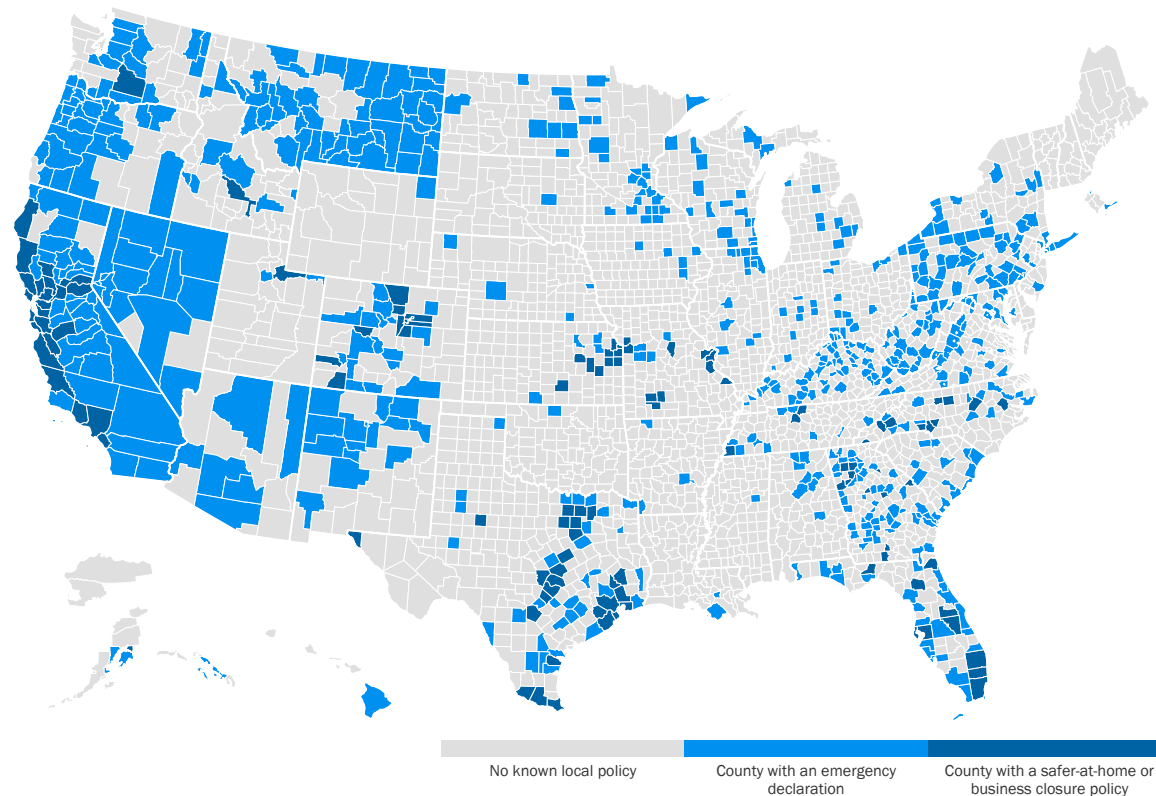
- **Advocate county priorities** in federal policymaking
- **Promote exemplary county policies** and practices
- **Nurture leadership skills** and expand knowledge networks
- **Optimize county and taxpayer resources** and cost savings, and
- **Enrich the public's understanding** of county government.

WHAT IS A “SAFER AT HOME” POLICY?

Safer at home policies - also known as “shelter in place” or “stay at home” orders - direct residents to remain in their homes unless they are engaging in “essential” activities. The county or state designates essential activities for which residents may leave their homes. These activities typically include food shopping, doctor’s visits, buying medical supplies, buying supplies to work from home, working in an “essential” business or exercising at least six feet away from others. Residents who are especially vulnerable to COVID-19 are encouraged and sometimes mandated not to leave their homes at all.

COUNTY POLICIES IN RESPONSE TO COVID-19 PANDEMIC

Check out the interactive map at [Explorer.NACo.org](https://explorer.naco.org). Click on each jurisdiction to view its official order.



Source: NACo-collected data, as of March 27, 2020. In the event of a discrepancy between NACo data and data reported by state and local public health officials, data reported by state and local public health officials should be considered the most up to date.

The purpose of these policies is to reduce the spread of COVID-19, preserve critical and limited healthcare capacities in counties and prevent the healthcare system from being overwhelmed by patients. Safer at home policies aim to prevent new clusters of the disease from forming by closing businesses and areas where people tend to congregate and where the virus could easily spread.

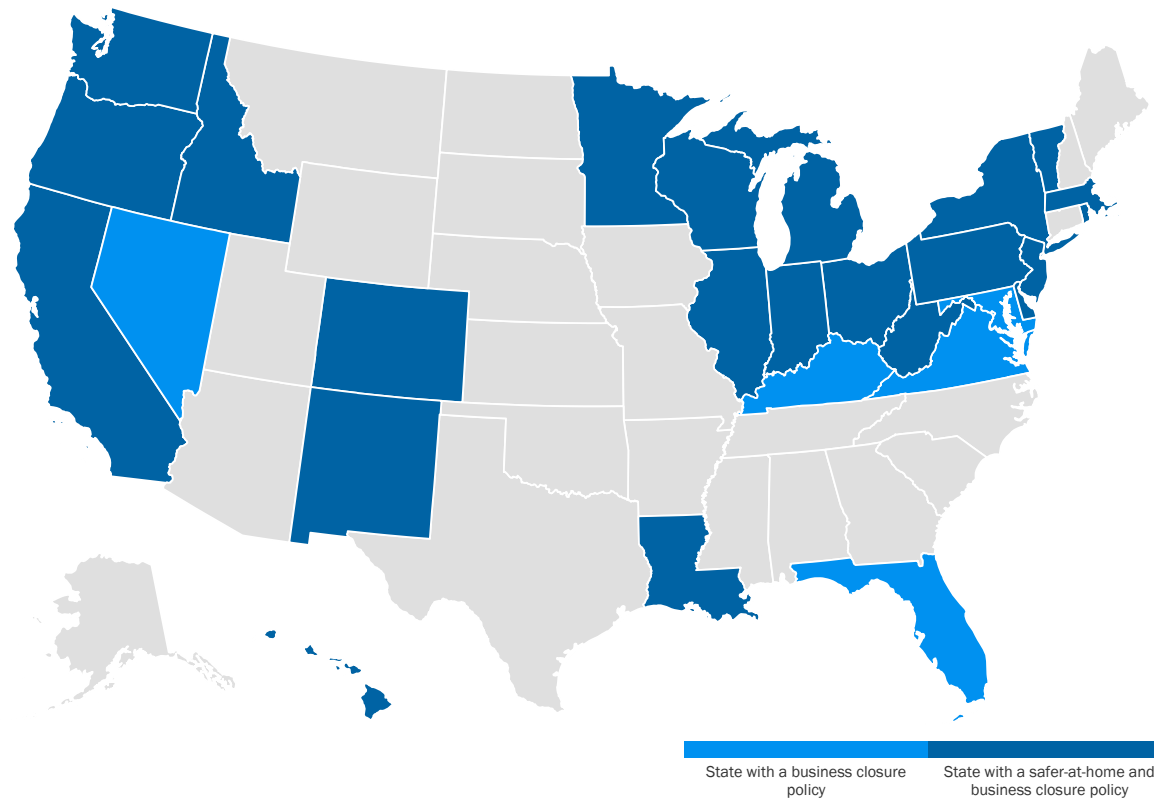
There are two primary prohibitions in “safer at home” policies. First, residents are prohibited from gathering outside of their homes (especially in groups of more than 10 people). Any places where people could potentially gather, therefore, are closed, such as restaurants, bars, gyms and recreation facilities. Second, residents are prohibited from traveling, unless for an essential activity. This ban includes travel by foot, bicycle, car, scooter, motorcycle or public transit, and it includes travel within the county, as well as across county lines. Residents who ignore the policy may face a misdemeanor punishable by fine, imprisonment or both.

WHERE ARE THESE POLICIES BEING ISSUED TO COMBAT COVID-19?

As of March 27, 217 million residents in 1,167 counties are under safer at home policies, and another 46 million residents in 331 counties are under business closure policies. Twenty-two (22) states have issued safer at home policies, and another six, plus the District of Columbia, have issued policies to close nonessential businesses. 113 counties have issued their own safer at home policies, including 24 counties in California, most of which passed this type of policy before their state on March 19. Thus far, only a few counties have passed their own safer at home or business closure policy after the state had already enacted one. Nevertheless, when New Jersey passed its safer at home policy, the state expressly forbid counties and localities from enacting their own versions of safer at home policies (specifically, stricter policies).

STATE POLICIES IN RESPONSE TO COVID-19 PANDEMIC

Check out the interactive map at [Explorer.NACo.org](https://explorer.naco.org). Click on each jurisdiction to view its official order.



There is a thin line between a safer at home and a nonessential business closure policy. Safer at home policies always include a provision that closes all nonessential businesses, and business closure policies limit residents outside of their homes, so both types of policies have significant overlap. The primary difference between the two, however, is that safer at home policies explicitly restrict the movement and activities of individual residents, while business closure policies only restrict the activities of businesses.

Safer at home policies restrict the movement of individual residents, while business closure policies only restrict the activities of businesses.

Source: NACo-collected data, as of March 27, 2020. In the event of a discrepancy between NACo data and data reported by state and local public health officials, data reported by state and local public health officials should be considered the most up to date.

WHAT IS AN “ESSENTIAL BUSINESS”?

Safer at home orders nearly always include a nonessential business closure order, and some counties and states have ordered the closure of nonessential businesses without instructing residents to stay at home, too. There are different ways that counties and states are deciding what types of businesses are essential versus nonessential. **State and local leaders know our communities best and should be empowered to decide what types of industries local economies need to continue functioning, should the need for a nonessential business shutdown arise.**

Most counties and states are following the [U.S. Cybersecurity and Infrastructure Security Agency’s \(CISA\) guidance](#) to decide which types of businesses count as essential or nonessential, though many with modifications. CISA guidelines identify 16 critical infrastructure sectors which the federal government has deemed necessary for national security, economic wellbeing and public health and safety. The list is not exhaustive, nor is the guidance mandatory; rather, CISA provides broad guidelines to help local governments identify key operations that ought to continue in this time of crisis.

CISA GUIDELINES: 16 CRITICAL INFRASTRUCTURE SECTORS

- | | |
|-----------------------------------|---|
| 1. Chemical Sector | 9. Financial Services Sector |
| 2. Commercial Facilities Sector | 10. Food and Agriculture Sector |
| 3. Communications Sector | 11. Government Facilities Sector |
| 4. Critical Manufacturing Sector | 12. Healthcare and Public Health Sector |
| 5. Dams Sector | 13. Information Technology Sector |
| 6. Defense Industrial Base Sector | 14. Nuclear Reactors, Materials, and Waste Sector |
| 7. Emergency Services Sector | 15. Transportation Systems Sector |
| 8. Energy Sector | 16. Water and Wastewater Systems Sector |

As of March 26, 2020, 15 states were following CISA guidelines (though nine with modifications), while eight states implemented their own guidelines. The nine states that made modifications to CISA guidelines typically added more industries to the list of essential businesses, making their guidelines more lenient. The eight states which developed their own guidelines often had more restrictive lists, especially those that focused on only allowing “life-sustaining” sectors to remain open, such as [Kentucky](#) and [Pennsylvania](#). At the county-level, some counties developed their own lists of essential sectors, like [Jackson County](#) (Mo.), while others added to CISA’s list, like [Chatham County](#) (Ga.).

WHAT IS TYPICALLY INCLUDED IN A SAFER AT HOME POLICY?

- **Intent** of policy (e.g., to reduce the spread of COVID-19)
- **Restrictions** to the movement and activities of individual residents
- List of **permitted activities**, which typically include: buying food, buying medical supplies, buying supplies to work from home, doctor's visits, working in an essential business, exercising or taking care of relatives.
- **Closures of nonessential businesses**, plus a list of essential businesses that may continue operation (sometimes in a separate document)
- **Prohibition on travel** (by foot, bicycle, car, scooter or transit) for nonessential activities
- **Prohibition of gatherings**, often for any number of people or a designation of a certain number of people (often 10 or 50 people).
- **Social distancing** requirement, to stay at least six feet away from others in public
- Additional requirements for **specific segments of the population** (specifically, those at higher risk should they contract the disease)
- **Penalties** for violations (typically, a misdemeanor punishable by fine and/or imprisonment)

Note: This list is not exhaustive. If your state or county is under a safer at home policy, please check your jurisdiction's policy for specific details.

County officials are working around the clock to ensure the safety and wellbeing of all residents during the COVID-19 pandemic. Though reluctant to impose measures that may impact their local economies, counties recognize that safer at home policies and closures of nonessential businesses can help to curb the spread of COVID-19. **Ultimately, local leaders, in consultation with their state partners and in line with federal guidance, should decide which measures are needed to protect their communities.** NACo's analysis of safer at home orders is informational and is not intended to serve as policy recommendation.

ABOUT NACo's COVID-19 RESOURCES

NACo is continuing to track the programmatic and policy work of counties across the nation as we work to stop the spread of COVID-19, save lives and position our communities for recovery. Check out all the resources NACo has to offer county leaders here: <http://www.naco.org/Coronavirus>

