



## **PUBLIC HEALTH ORDER 2020-09 FOR COLLEGIATE GROUP HOMES IN THE CITY OF BOULDER**

Pursuant to Colorado Revised Statutes (“C.R.S.”) §§ 25-1-506, 508, 509, and 516, Boulder County Public Health (“BCPH”) hereby issues this Public Health Order setting forth guidance and requirements for all residents of collegiate group homes in the city of Boulder as set forth in this Order, so as to control and slow the spread of the SARS-CoV-2 virus (“coronavirus”) and to mitigate the effects of the disease resulting therefrom (the coronavirus and the disease resulting therefrom shall be referred to herein as “COVID-19”). The ultimate goal of this Order shall be to control and slow the spread of COVID-19, so as to maintain consistent healthcare capacity in Boulder County to adequately treat patients suffering from the disease. In addition, the goal of this Order is to enhance and increase alignment of COVID-19 prevention and mitigation standards for congregate housing settings that BCPH has determined are at heightened risk for COVID-19 transmission.

### **I. FINDINGS**

Whereas, Boulder County Public Health (“BCPH”) has public health jurisdiction over Boulder County, Colorado (“Boulder County”), including all cities and towns therein. In furtherance of its jurisdiction, BCPH has the power and duty to investigate and control the causes of epidemic or communicable diseases and conditions affecting the public health within Boulder County, as well as the power and duty to close schools and public places; to prohibit gatherings of people when necessary to protect public health; to establish, maintain, and enforce isolation and quarantine; and in pursuance, thereof, to exercise physical control over property and over persons within Boulder County as BCPH may find necessary for the protection of public health; and

Whereas, COVID-19 is an illness transmitted primarily through person-to-person contact. Persons infected with COVID-19 may become symptomatic anywhere from two (2) to fourteen (14) days after exposure. Symptoms may include, but are not limited to, fever, cough, shortness of breath, or difficulty breathing. Individuals with serious chronic health conditions and older adults are most at risk for becoming critically ill with this disease; and

Whereas, on March 10, 2020, the Governor of Colorado, Jared Polis, declared a State of Emergency related to the presence of COVID-19 in the State of Colorado; and

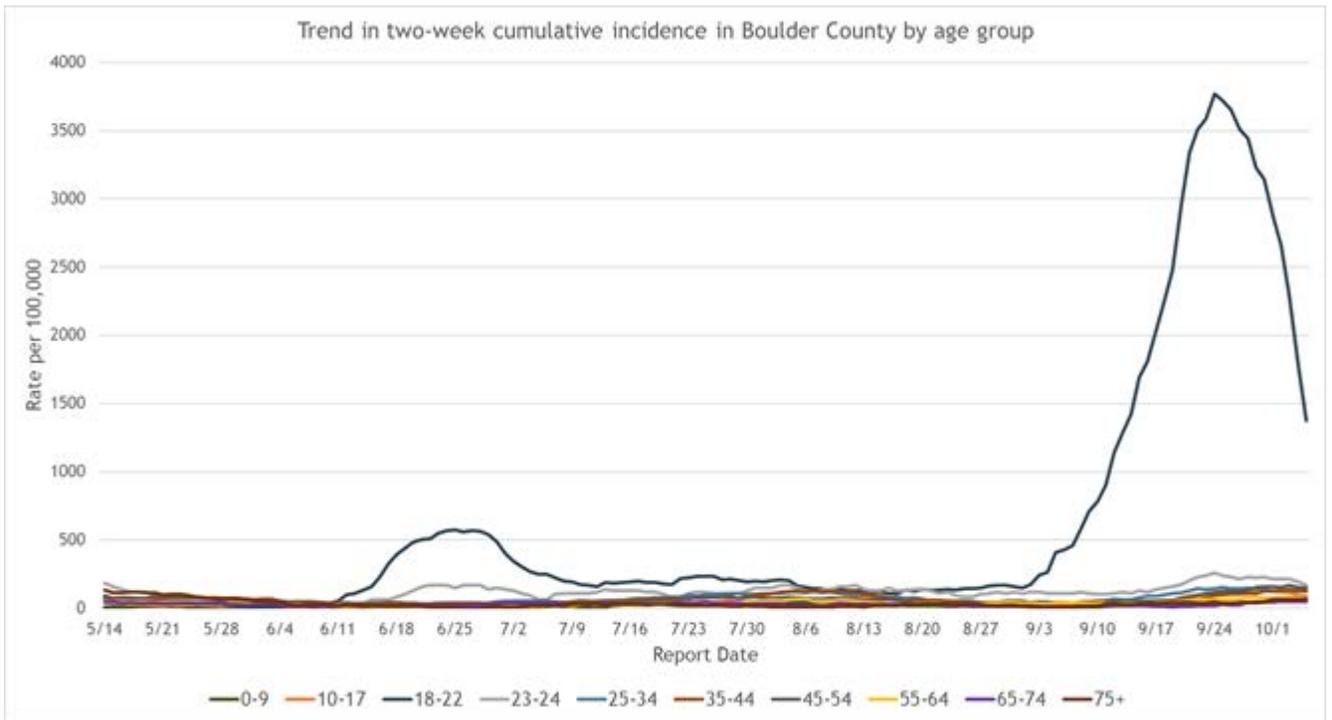
Whereas, on March 14, 2020, the Chair of the Board of County Commissioners for Boulder County declared a local disaster emergency, which, on March 19, 2020, was extended by the Board of County Commissioners for Boulder County; and

As of October 6, 2020, there have been 74,191 confirmed or probable positive cases of COVID-19 statewide in Colorado and 4,675 confirmed or probable positive cases in Boulder County, as well as 2,081 deaths among COVID-19 cases statewide and 80 deaths among cases in Boulder County; and

Whereas, there have been 1,689 confirmed or probable positive cases of COVID-19 among persons between 18 and 22 years of age within the city of Boulder since August 24, 2020; and

Whereas, the two-week cumulative COVID-19 incidence among persons between 18 and 22 years of age peaked at over 3,500 per 100,000 population, as shown in the graph below; and

Whereas, the two-week cumulative COVID-19 incidence among persons between 18 and 22 years of age is 1,374.8 per 100,000 population, as shown in the graph below; and



Whereas, the Centers for Disease Control and Prevention (CDC) has issued guidance that every shared housing facility should have a plan in place to protect residents, workers, volunteers, and visitors from the spread of COVID-19, and has issued extensive guidance to help prevent spread of COVID-19 in shared or congregate housing settings; and

Whereas, the CDC has found that people living and working in shared housing facilities may have challenges with social distancing to prevent the spread of COVID-19, and shared housing residents often gather together closely for social, leisure, and recreational activities, shared dining, and use shared equipment, such as kitchen appliances, laundry facilities, stairwells, and elevators; and

Whereas, BCPH has determined that the majority of COVID-19 transmission in Boulder County is largely among the population of individuals in the city of Boulder between the ages of 18 and 22 years; and

Whereas, residents of collegiate group homes are primarily between the ages of 18 and 22 years who reside in group living arrangements with shared equipment; and

Whereas, certain congregate housing settings, such as long-term care and assisted living facilities, are subject to regulatory oversight and control by state or federal agencies, and are subject to stringent COVID-19 prevention and mitigation standards; and

Whereas, other congregate housing settings, such as shelters, have been operating under a public health framework with direct, ongoing support from BCPH for the duration of the COVID-19 pandemic; and

Whereas, CU residence halls are subject to the regulatory oversight and control of the University of Colorado, which has undertaken COVID-19 transmission assessments and implemented mitigation plans for each facility; and

Whereas, off-campus collegiate group homes are not subject to regulatory oversight or control of any agency or governmental body; and

Whereas, BCPH has determined that off-campus collegiate group homes represent a significant source of COVID-19 transmission in Boulder County, both among residents and visitors; and

Whereas, since September 3, 2020 and prior to CDPHE designating the greater University of Colorado, Boulder Community Outbreak to include all CU affiliates, there were eight (8) confirmed outbreaks of COVID-19 at off-campus collegiate group homes; and

Whereas, absent regulatory oversight, BCPH has determined that off-campus collegiate group homes must operate under an alternative public health framework in order to mitigate the threat to public health and safety posed by increased risk of COVID-19 transmission within off-campus collegiate group homes; and

Whereas, implementation of a public health framework for off-campus collegiate group homes will result in enhanced and greater aligned COVID-19 prevention and mitigation standards for congregate housing settings; and

Whereas, C.R.S. § 25-1-506(3)(b) authorizes BCPH to take action and issue notices and orders to control the spread of communicable diseases, such as COVID-19. This authority includes the establishment, maintenance, and enforcement of isolation and quarantine, as BCPH finds necessary to protect public health and to prevent further spread of diseases. This authority also includes the ability to investigate and abate nuisances, when necessary, in order to eliminate sources of epidemic or communicable diseases and conditions affecting public health, and to investigate and control the causes of epidemic or communicable diseases and conditions affecting public health; and

Whereas, C.R.S. § 25-1-506(3)(b) imposes a duty upon BCPH to investigate and control the causes of epidemic and communicable diseases and conditions affecting public health; and

Whereas, in the event of a public health emergency, C.R.S. § 25-1-509(1)(c) directs BCPH to issue orders and adopt rules consistent with the laws and rules of the state as the public health director may deem necessary for the proper exercise of powers and duties vested in or imposed upon the Boulder County Board of Health.

## **II. NECESSITY OF THIS ORDER**

This Order is issued based on evidence of the occurrence and transmission of COVID-19 within Boulder County, specifically among persons between 18 and 22 years of age, including but not limited to off-campus collegiate group home occupants and visitors. Collegiate group homes are at an increased risk of contributing to COVID-19 spread due to social distancing difficulties and shared facilities, particularly where such facilities are not otherwise operating under regulatory oversight or an alternative public health framework. The dangers of COVID-19 are exacerbated because some individuals who contract the virus, especially those in the 18 to 22 year-old range, may be pre-symptomatic, asymptomatic, or have mild symptoms and may not be aware that they are carrying the coronavirus.

This Order is further based on scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population within Boulder County places said population at risk for serious health complications, including death, from COVID-19.

COVID-19 positive case data for Boulder County shows that at this stage of the pandemic emergency, it is essential to slow the virus among persons between 18 and 22 years of age, especially those who reside in the city of Boulder in off-campus collegiate group homes. By reducing the rate of potential transmission of COVID-19, this Order helps to prevent increased disease transmission across the greater Boulder County community and preserve critical and limited healthcare capacity in Boulder County.

This Order is necessary to slow the rate of potential transmission of COVID-19, and the Executive Director of BCPH, in collaboration with the Boulder County Board of Health, will re-evaluate this Order, as appropriate.

Individuals infected with COVID-19 may be contagious before their symptoms start until their symptoms end. To help stop the spread of disease, anyone who may have been in close contact with someone with COVID-19 must be kept separate from people who are healthy; this is called “quarantine.” At this time, it is believed that symptoms of COVID-19 may appear in as few as 2 days or as long as 14 days after exposure.

## **III. INTENT**

This Order is intended to establish a public health framework for off-campus collegiate group homes to enhance and greater align COVID-19 prevention and mitigation standards for congregate housing settings that BCPH has determined are at an increased risk of COVID-19 spread.

It is also the intent of this Order for occupants of certain collegiate group homes, identified through Public Health Order 2020-07-3 and this Order as high-risk transmitters of COVID-19, if not already under quarantine or isolation orders, to stay at home in their place of residence to the maximum extent feasible until an approved public health framework has been implemented at their collegiate group home in order to reduce potential transmission of COVID-19 to the greatest extent possible, except for exemptions such as essential activities or travel, as authorized by this Order.

All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order shall constitute an imminent threat to the public health, safety, and welfare of the population residing, working, or traveling in Boulder County.

#### IV. ORDER

Hereby finding it is essential that the spread of the novel coronavirus SARS-CoV-2, responsible for the COVID-19 disease, be slowed to protect the ability of public and private health care providers to handle the influx of new patients and safeguard public health, and because the risk of the rapid spread necessitates immediate action to protect all members of the community, especially community members who are most vulnerable to COVID-19 and also health care providers and first responders, and pursuant to the statutory authority granted the Executive Director of BCPH, the following is ordered:

##### 1. Collegiate Group Homes:

- a. For any **Collegiate Group Home** listed as a Subject Property in Amended Public Health Order 2020-07-3, Exhibit A: **Collegiate Group Home Residents** are subject to **Stay-at-Home Requirements** until the **Collegiate Group Home Assessment** is completed and approved by BCPH.
- b. For any **Collegiate Group Home** that was not listed as a Subject Property in Amended Public Health Order 2020-07-3, Exhibit A: The **Collegiate Group Home Assessment** must be completed and approved by BCPH no later than October 26, 2020.

##### 2. Collegiate Group Home Assessment: Each **Collegiate Group Home** shall submit a **Collegiate Group Home Assessment** to BCPH.

- a. Instructions to prepare and submit a **Collegiate Group Home Assessment** for BCPH approval are available on BCPH's website at:  
<https://www.bouldercounty.org/families/disease/covid-19/public-health-order/>
- b. An approved **Collegiate Group Home Assessment** will certify compliance with the following requirements to control and prevent the spread of COVID-19:

- i. Implementation of, and ongoing compliance with, the prevention and rapid response measures set forth in the COVID-19 Prevention and Rapid Response Checklist for Collegiate Group Homes.
  - ii. Identification of a facility point of contact.
  - iii. Inform residents as to the availability of COVID-19 surveillance testing at CU and BCPH's strong recommendation that all residents that are **CU Students** who have not tested positive for COVID-19 in the preceding three (3) months participate in surveillance testing on a weekly basis.
  - iv. Compliance by all residents with BCPH and CU (if applicable) contact tracing and containment efforts.
  - v. Compliance with all applicable public health orders, including but not limited to limitations on visitors to the **Collegiate Group Home** and gatherings.
  - vi. Participation in weekly check-ins with the City of Boulder, BCPH, or CU to assure compliance with the **Collegiate Group Home Assessment** and public health order requirements.
  - vii. Submission of an isolation and quarantine plan for ill and exposed residents, subject to BCPH approval.
- c. Upon approval by BCPH, **Collegiate Group Home Residents** are required to comply with all aspects of their **Collegiate Group Home Assessment** for the duration of this Order.

### 3. Stay-at-Home Requirements:

- a. **Collegiate Group Home Residents** are prohibited from leaving their **Collegiate Group Home** except for **Essential Activities** and **Essential Travel** or as required by law.
- b. If a **Collegiate Group Home Resident** must leave their **Collegiate Group Home** for an **Essential Activity** or **Essential Travel**, such **Collegiate Group Home Residents** are prohibited from using any mode of public transportation or rideshare (e.g. bus, plane, taxi, train, Uber, Lyft, etc.).
- c. All persons who are not a resident of a **Collegiate Group Home** are prohibited from entering on or into any **Collegiate Group Home** unless they are an **Essential Visitor**.

- d. **Collegiate Group Home Residents** must stay at their residence at the **Collegiate Group Home** unless relocating to an **Alternative Location** as outlined in Paragraph 7.e.ii.
- e. **Collegiate Group Home Residents** should not congregate in common areas of the **Collegiate Group Home**, should wear a **Face Covering** when in all common areas, and should maintain social distancing of at least six (6) feet from all other persons.
- f. Any limited exemption issued by BCPH to any individual pursuant to Public Health Order 2020-07, as amended, shall remain in effect through the duration of this Order.

#### 4. Definitions:

- a. **Collegiate Group Home** means any off-campus property where more than four (4) students of higher education live or stay in a group living arrangement, which are owned or managed by a third-party that provides residents with housing and/or services, including but not limited to fraternity houses, sorority houses, and other off-campus student housing.
- b. **Collegiate Group Home Resident(s)** means a person who resides at a **Collegiate Group Home**. **Collegiate Group Home Residents** do not include minor dependents who reside with the adult or adults legally responsible for them.
- c. **CU Student(s)** means any person who is enrolled as a student at CU Boulder in any capacity, irrespective of level of enrollment (i.e. amount of course hours, part-time, full-time), as of the date of issuance of this Order.
- d. **Essential Activities.** For purposes of this Order, **Collegiate Group Home Residents** may leave their **Collegiate Group Home** only to perform any of the following **Essential Activities**:
  - i. Seek medical care, including COVID-19 testing.
  - ii. Obtain necessary supplies by way of curbside pickup or contactless delivery. Necessary supplies include food; pet supplies; medical supplies; other household consumer products; and products or equipment necessary to maintain the safety, sanitation, and essential operation of the residence. Dining outside of the **Collegiate Group Home**, whether at a business or another residence, is strictly prohibited.
  - iii. Engage in outdoor exercise alone or with one (1) other person and while maintaining at least six (6) feet social distancing from all persons at all times. **Collegiate Group Home Residents** must remain within walking distance of their **Collegiate Group Home** and must make every effort to avoid all other people. **Collegiate Group Home Residents** must wear a **Face Covering** as

required by public health orders. Outdoor exercise includes, by way of example, walking, hiking, biking, and running.

- iv. Activities necessary to cast a ballot in the fall 2020 General Election. BCPH strongly encourages **Collegiate Group Home Residents** to vote by mail. For questions on voting by mail, contact the Boulder County Clerk & Recorder's Office at 303-413-7740 or [vote@bouldercountyvotes.org](mailto:vote@bouldercountyvotes.org).
- e. **Essential Travel.** For purposes of this Order, **Essential Travel** will include travel for any of the following purposes. Individuals engaged in any **Essential Travel** must comply with all **Social Distancing Requirements**, as defined in this Section.
  - i. Any travel necessary to perform **Essential Activities**, except that **Collegiate Group Home Residents** may not travel for outdoor exercise by motorized means.
  - ii. **Alternative Location:** Any travel to an alternative stay-at-home location ("**Alternative Location**") within a five-hour drive without stopping, so long as the **Collegiate Group Home Resident** continues to comply with the **Stay-at-Home Requirements** of this Order.
    1. **Notification of Relocation:** A **Collegiate Group Home Resident** who is a **CU Student** intending to stay at home at an **Alternative Location** must, prior to relocating, notify CU at 303-735-0017 or [contacttracing@colorado.edu](mailto:contacttracing@colorado.edu) and provide the following information:
      - a. **Collegiate Group Home Resident's** name;
      - b. Address of the **Collegiate Group Home**;
      - c. Address of the **Alternative Location** where the **Collegiate Group Home Resident** intends to stay at home; and
      - d. Mode of transportation the **Collegiate Group Home Resident** intends to use to travel to the **Alternative Location**.
    2. Individuals who are in isolation (i.e. tested positive for COVID-19 or are exhibiting COVID-19 symptoms) may not move to an **Alternative Location**.
    3. **Collegiate Group Home Residents** must notify all other occupants of the **Alternative Location** of this Order prior to commencing travel to such **Alternative Location**.

4. BCPH may prohibit a **Collegiate Group Home Resident** from relocating to an **Alternative Location** consistent with the intent of this Order.
- f. **Essential Visitor** means any visitors providing licensed medical care. House directors, housekeeping, and cooking service providers are also considered **Essential Visitors** for **Collegiate Group Home Properties** that have already contracted for these arrangements.
  - g. **Face Covering** means a facial covering or mask made of cloth, fabric, or other soft or permeable material, without holes, that covers only the nose and mouth and surrounding areas of the lower face. Mesh, netting, or similarly porous material does not meet the requirements or definition of a **Face Covering**. A **Face Covering** may be factory-made or may be handmade and improvised by using ordinary household materials.
    - i. The **Face Covering** must fit snugly but comfortably against the side of the face; allow for breathing without restriction; and must either be constructed of disposable mask materials or include multiple layers of fabric that can be laundered and machine-dried without damage or change to shape.
    - ii. **Face Coverings** must cover the nose and mouth at all times and must remain in place until taken off safely. If a worker's **Face Covering** moves during work, it must be replaced with one that does not need to be frequently adjusted in order to reduce touching of the face. A **Face Covering** must be replaced when it becomes dirty, wet, and/or difficult to breathe through.
    - iii. Any mask that incorporates a one-way valve (typically a raised plastic cylinder about the size of a quarter on the front or side of the mask) that is designed to facilitate easy exhaling is not a **Face Covering** under this Order and is not to be used to comply with this Order's requirements. Valves of that type can permit droplet release from the mask and put others nearby at risk.
    - iv. A video showing how to make a **Face Covering** and additional information about how to wear and clean **Face Coverings** may be found on the CDC's website at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-facecoverings.html>. A video showing how to make a face covering and additional information about how to wear and clean **Face Coverings** may be found on the CDC's website at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-facecoverings.html>.
  - h. **Social Distancing Requirements**, for purposes of this Order, include all of the following: 1) Maintaining at least six (6) feet social distancing from other individuals; 2) washing hands with soap and water for at least twenty (20) seconds as frequently as

possible or using hand sanitizer when hand-sinks are not available; 3) covering coughs or sneezes (i.e. into the sleeve or elbow, not the hands); 4) regularly cleaning high-touch surfaces; and 5) not shaking hands.

5. **Relationship to Other Orders** (including isolation or quarantine orders or instructions): In the event of a conflict between this Order and any other Public Health Order or Executive Order, the most protective applicable order shall control.
- a. Nothing in this Order shall be construed to relieve an individual of the requirements of an isolation or quarantine instruction or Order issued by BCPH.
  - b. Nothing in this Order should be construed to preempt any local Public Health Orders.
  - c. Nothing in this Order shall be construed to prevent a municipality from adopting more protective standards than those contained in this Order.

This Order is necessary to control the transmission of COVID-19 to others. Immediate issuance of this Order is necessary for the preservation of public health, safety, or welfare. Individuals have a right to request judicial review of this Order by filing an action with Boulder County District Court pursuant to C.R.S. § 25-1-515. However, any such individual must continue to obey the terms of this Order while their request for judicial review is pending.

BCPH is available to answer questions regarding this Order and offer resources for support. The BCPH Call Center can be reached at 720-776-0822.

**FAILURE TO COMPLY WITH THIS ORDER IS SUBJECT TO PENALTIES CONTAINED IN C.R.S. §§ 25-1-114 and 25-1-516, INCLUDING A FINE OF UP TO FIVE THOUSAND DOLLARS (\$5,000.00) AND IMPRISONMENT IN THE COUNTY JAIL FOR UP TO EIGHTEEN (18) MONTHS.**

**This Order shall go into effect at 12:00 p.m. MST on October 8, 2020, and shall continue until further modified or repealed by BCPH.**

**DONE AND SIGNED**, as the official Order of the Executive Director of the Boulder County Public Health Department on this 8th day of October 2020, at the authorization and direction of the Boulder County Board of Health.



**Jeffrey J. Zayach, MS**  
Executive Director  
Boulder County Public Health

October 8, 2020  
Date