

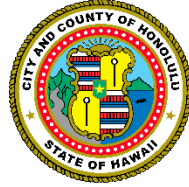
**OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU**

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RICK BLANGIARDI
MAYOR

MICHAEL D. FORMBY
MANAGING DIRECTOR

DANETTE MARUYAMA
DEPUTY MANAGING DIRECTOR



September 2, 2021

**OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU
EMERGENCY ORDER NO. 2021-12
(COVID-19 [Novel Coronavirus])**

**THIRD AMENDMENT TO THE ORDER IMPLEMENTING TIER 5 OF HONOLULU'S
POST COVID-19 VACCINE FRAMEWORK**

By the authority vested in me as Mayor of the City and County of Honolulu (the “**City**”) pursuant to Revised Charter of the City and County of Honolulu 1973 (2017 Edition), as amended; the Revised Ordinances of the City and County of Honolulu 1990, as amended; the Hawai‘i Revised Statutes, as amended (“**Haw. Rev. Stat.**”), the Constitution and laws of the State of Hawai‘i, I, RICK BLANGIARDI, hereby issue this Third Amendment to the Order Implementing Tier 5 of Honolulu’s Post COVID-19 Vaccine Framework (“**Third Amendment**”) to further address the emergency initially declared via proclamation on March 4, 2020, the subsequent Fifteenth Proclamation of Emergency or Disaster (COVID-19 [Novel Coronavirus]), and Emergency Order No. 2021-09 (COVID-19 [Novel Coronavirus]) Order Implementing Tier 5 of Honolulu’s Post Covid-19 Vaccine Framework (the “**Order**”) .

I. FURTHER AMENDMENTS TO THE ORDER

Effective immediately, the Order is amended as set forth below.

A. Addition of section VI. Mayor’s Rules

The Order is further amended by adding section “VI. Mayor’s Rules” as set forth below:

VI. MAYOR’S RULES

Pursuant to Haw. Rev. Stat. sections 127A-29 and 127A-25 and chapter 291D, violation of any of the orders is an emergency period infraction, as defined in Haw. Rev. Stat. section 291D-2, and subject to a \$250 fine,

unless the order, or part thereof, designates a different penalty for a particular violation.

Nothing contained in this section shall modify the criminal penalties for violating transpacific travel or quarantine rules set forth in the Governor's Proclamations, as amended. Should the penalty provisions relating to quarantine violations be adjudged inconsistent with the Governor's Proclamation, the Governor's Proclamation shall govern.

This section supersedes and replaces any other Mayor's Rules related to the COVID-19 emergency that have been promulgated.

B. Deletion

The following strikethrough language is deleted from the Order (2021-09):

1. ~~“Overview” section, bottom of page 2, “Violation of any of the Orders is punishable as a misdemeanor, with fines of up to \$5,000, up to a year in jail, or both. Haw. Rev. Stat. § 127A-29; Mayor’s Rules.”~~

II. BASIS FOR THIS ORDER

On March 4, 2020, a City and County of Honolulu Proclamation COVID-19 [Novel Coronavirus] was issued in response to the COVID-19 pandemic. Subsequently, other City proclamations were issued to address the ongoing COVID-19 pandemic, including the most recent Fifteenth Proclamation of Emergency or Disaster (COVID-19 [Novel Coronavirus]).

A significant level of COVID-19, in particular Delta, the highly contagious SARS-CoV-2 virus strain, continues to spread throughout the City. As of August 26, 2021, the City has 6,682 “active” COVID-19 positive cases and has averaged 456 new COVID-19 cases per day over the last seven (7) days with a 9.8 percent positivity rate of COVID-19 tests performed over the same time period.

The U.S. Centers for Disease Control and Prevention (“CDC”) reports that new variants of COVID-19, classified as “variants of concern,” such as the Delta variant, are present in the United States. Some of these new variants currently account for the majority of COVID-19 cases sequenced in the City and are much more transmissible than earlier variants.

The recent appearance in the City of the highly transmissible Delta variant of COVID-19 has substantially increased the risk of infection. The risk of infection is higher in certain environments and the City must continue to take steps to mitigate the person-to-person spread of COVID-19 in those areas.

Further, it is the opinion of the State Director of Health that COVID-19 and its variant(s) do and continue to pose a danger of an epidemic in the City and County of Honolulu as evidenced in the increases community spread of infection.

The Legislature enacted Act 185 (Session Laws of Hawaii 2021) and authorized the Mayor to adopt a range of penalties for violations of the emergency rules. It is the opinion of the Honolulu Police Department that enforcement of the Mayor's Orders will be enhanced by making any violation of the orders an emergency period infraction, as defined in Haw. Rev. Stat. section 291D-2, subject to a \$250 fine.

III. EFFECT OF THE ORDER

This Third Amendment supplements Emergency Order No. 2021-09 (Order Implementing Tier 5 of Honolulu's Post COVID-19 Vaccine Framework), Emergency Order No. 2021-10 First Amendment to the Order Implementing Tier 5 of Honolulu's Post COVID-19 Vaccine Framework, and Emergency Order No. 2021-11 Second Amendment to the Order Implementing Tier 5 of Honolulu's Post COVID-19 Vaccine Framework. Except as expressly modified by this Third Amendment, the Order (Emergency Order No. 2021-09) as amended by Emergency Orders Nos. 2021-10 and 2021-11, remains in full force and effect.

IV. PROMULGATION/POSTING

The Order and amendments shall be posted on the City website as soon as practicable in one or more appropriate places, and shall remain posted while in effect.

 Digitally signed by Blangiardi, Rick
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RICK BLANGIARDI
Mayor
City and County of Honolulu

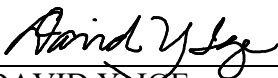
APPROVED:



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Dana M O
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DANA M.O. VIOLA
Corporation Counsel
City and County of Honolulu

APPROVED:



DAVID Y. IGE
Governor
State of Hawai'i