



THE MARYLAND GENERAL ASSEMBLY  
LEGISLATIVE DISTRICT 5  
CARROLL COUNTY

May 26, 2020

Governor Larry Hogan  
100 State Circle  
Annapolis, MD 21401

Dear Governor Hogan,

We are writing with a number of concerns brought to us by constituents, businesses and community organizations. While the four of us have supported a faster reopening, we recognize that you are receiving a lot of opposition to the steps you took to move into Phase 1 from the other end of the spectrum. We want to be sure the voice of the people we represent - who bought in fully to the actions to successfully flatten the curve – is heard loud and clear. They have paid a tremendous price for this sacrifice and need to be able to recover.

The state must, of course, continue to take the steps needed to protect our most vulnerable in nursing homes and densely populated communities. However, the numbers in Carroll County and many other areas of our state tell us that expediting the reopening of our economy is not just safe but critical to avoid long-term negative health and economic outcomes.

We are writing to request that Carroll County specifically and all counties in general be able to make re-opening decisions, working in conjunction with our health department and hospitals in an advisory capacity. Under Phase 1, local governments are permitted to establish policies that are more restrictive. The local leadership of jurisdictions like Carroll County with low or declining numbers of hospitalization and death rates should be given the opportunity to establish less restrictive criteria and even move into the next phase if they are ready.

Phase 1 was a good start but by the very nature of restricting some types of businesses from opening, the state is still unintentionally picking winners and losers. It's created an imbalance as illustrated below and in the addendum attached.

A great example of this tension is hair salons and barber shops being open while nail salons and estheticians are unable to provide services, even if they can follow the same safety guidelines. All of these services can be handled in similar fashion by appointments. A non-business example of this paradox is allowing open air, socially distanced religious services – which we strongly support - but modified, socially distanced open air graduations are apparently not the same, according to our local health officer's interpretation of the current executive order.

We know you share our view that it is imperative to give hard-pressed job creators the opportunity to recover their businesses and get more people back to work. We understand that there is no way that executive orders can address every possible nuance and situation. That's why we are requesting localized authority to adjust and move beyond current restrictions. Removing nonessential restrictions while keeping protections on the health and safety of the public in place, as enforced by local, elected government, is a realistic strategy for moving forward into June.

To that end, our Carroll County Commissioners have proactively begun compiling creative plans from currently closed businesses on how they would safely reopen. The press release detailing their initiative is attached. The four of us have been working with specific businesses in our district to help them navigate current requirements. Delegate Rose specifically has reached out via social media to the entire business community and collected detailed information. Our innovative and talented business owners have taken safety very seriously and have impressive plans to open and serve the community. We've attached an example with this letter.

Another reason we are arguing for a more localized approach involving elected county officials is the nature of the way state guidelines are interpreted by health departments who, while well-meaning, take a "letter of the law" rather than "spirit of the law" approach. Just this week in our district, we had an incident where a local outdoor business – allowed to operate under Phase 1, also allowed patrons to purchase items from a food truck outside their location, something they had done previously. First, the health department said that people could not eat food on premises except inside their vehicles, even if they brought it themselves. A few hours later the health department revised their rule and said that if someone purchased food from the food truck they must leave the premises and not consume it in their personal vehicles in the parking lot.

The above is one of several examples we could cite documenting the seeming lack of common sense or flexibility. Understandably, there is no way that executive orders can cover or foresee all of the conflicts that arise and often county health officers who are state employees are caught in the middle. That is precisely why we are making the request for our county government to be able to address these kinds of issues.

For all business types, using a 50% capacity as a guideline for all establishments that wish to open mirrors what is being done in a number of places. Local governments can, in cooperation with the state, use the metric of 14 days of continued decline in hospitalizations to determine how the changes are working. This capacity limit could grow carefully to the point where an establishment can be fully open with social distancing as is workable for each place of business.

Multiple states that reopened at the end of April or beginning of May have not seen spikes and surges. Texas, South Carolina, Oklahoma, Tennessee, Colorado, Alabama and Georgia have seen hospitalizations stabilize and decrease. The goal of the shutdown was primarily slowing the spread until we were prepared. Thanks to your leadership and the sacrifice of medical professionals, first responders, the National Guard and our citizens we are fully prepared.

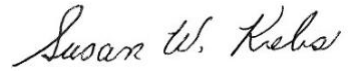
While we know there are a multitude of factors to consider moving forward and the pressure from all sides is very real, we stand ready to work with our county officials and your

administration to continue reopening our economy fully. We are available for any questions or further discussion.

Sincerely,

A handwritten signature in black ink that reads "Justin Ready". The signature is written in a cursive style with a large, stylized "J" and "R".

Sen. Justin Ready

A handwritten signature in black ink that reads "Susan W. Krebs". The signature is written in a cursive style with a large, stylized "S" and "K".

Delegate Susan Krebs

A handwritten signature in blue ink that reads "April Rose". The signature is written in a cursive style with a large, stylized "A" and "R".

Delegate April Rose

A handwritten signature in blue ink that reads "Haven Shoemaker". The signature is written in a cursive style with a large, stylized "H" and "S".

Delegate Haven Shoemaker

## **Examples of Challenges in Phase 1:**

-Funeral homes have always been considered essential. However they were limited to 10 or fewer people on site at a time before May 15<sup>th</sup>. Since entering Phase 1, funeral homes with chapels are subject to the same parameters as houses of worship but if they only have smaller meeting rooms, they are still stuck with the ten-person limit which obviously makes funerals difficult for families.

-Retail stores in shopping malls that do not have outside entrances are not able to be open, including many small businesses that are not chains backed by extensive online sales and advertising. Using

-Restaurants and bars are very much on the edge. Takeout and delivery is, in most cases, a small part of their business and, while it helped, it is not a long-term solution. The Maryland Restaurant Association predicts at least 25% of restaurants will close permanently as it stands now. We have entered a period of milder weather where this could very easily be accomplished and allow these businesses the opportunity to stay afloat. If they can, upon submitting a plan for safe reopening, be allowed some indoor patronage, perhaps following the 50% guideline, and outdoor-spaced seating, it would make a huge difference.

-Churches should be permitted to reopen forthwith while maintaining social distancing. This should include weddings and use of the common spaces for reasonable use for family gatherings. It does not make any sense that folks can congregate at Home Depot, or a grocery store, but are precluding from worshipping as they see fit.

-Gyms, Karate, Jiu Jitsu and similar fitness training should be permitted to be open by appointment provided they stick to the 50% occupancy suggested guideline as well. They could be asked to have a documented sanitizing policy and procedure in place, such as hand sanitizing stations throughout the facility, along with cleaning processes for each piece of equipment.

-Youth sports should also be allowed to move forward in a safe manner. We have an outline of a plan put forward from the Winfield Recreation Council from southern Carroll County, attached to this letter. There is still time to allow for safe practices and hopefully future play of tournaments as we continue to move forward in a positive way with the metrics we are monitoring from a health standpoint. Families and coaches will have final say based on their own comfort level.

-At this time many families are focused on major milestones in their children's lives. Our letter to the Carroll County Health Officer supporting modified outdoor graduation exercises, seconded by the Carroll County Board of Education, was met with resistance because it supposedly violates the most recent executive order. We disagree that the spirit of the order would be violated by modified outdoor graduations at our high school stadiums utilizing social distancing and limited participants on the fields and in the stands. We have requested clarification and approval so our local school system can take this step for the families who just want to have their student's accomplishments recognized in a public way.