

COVID-19 Legal Update

DELAWARE: Governor John Carney's Ninth Modification of Declaration of a State of Emergency for the State of Delaware due to a Public Health Threat

Effective: April 2, 2020 at 8:00 PM
Expires: May 15, 2020 (or until the public health threat is eliminated)

On April 1, 2020 at 3:00 PM, Governor Carney issued the Ninth Modification of Declaration of a State of Emergency for the State of Delaware due to a Public Health Threat he issued on March 12, 2020 prohibiting the gathering of 10 or more people and placing additional restrictions on businesses that are allowed to remain open to the public pursuant to the Fourth Modification.

The Ninth Modification can be found [here](#).

The Fourth Modification can be found [here](#).

DURATION

The Ninth Modification went into effect April 2, 2020 at 8:00 PM and will remain in effect through May 15, 2020 or until "the public health threat of COVID-10 has been eliminated."

GENERAL REQUIREMENTS

Limit on Gatherings

The Ninth Modification requires organizers and sponsors of gatherings of 10 people or more to immediately cancel those gatherings and not reschedule the gatherings until after May 15, 2020. In addition, people are prohibited from gathering in groups of ten people or more until after May 15, 2020. Pursuant to the Ninth Modification, "gatherings" include funerals, weddings, and related activities, but do not include interactions with immediate family members, members of the same household, caregivers, or Emergency Childcare Sites.

Additional Restrictions on Businesses

The Ninth Modification places additional restrictions on businesses that are allowed to remain open pursuant to the Fourth Modification to ensure adequate social distancing and maintain appropriate levels of sanitation and employee hygiene.

These restrictions include:

1. During exclusive hours for high-risk populations, open businesses must allow no more than 10% of the stated fire occupancy requirements into the store and no more than 20% during all other hours;
2. All businesses must clearly mark 6 foot spacing in checkout lines, use signage or ropes in any other high-traffic parts of the store, and invoke similar methods to ensure adequate spacing if lines form outside of the store;
3. All open businesses must discontinue self-serve foods and product sampling;
4. All open businesses must designate staff to:
 - a. count the number of customers exiting and entering the stores;
 - b. enforce limits, monitor social distancing, and assist customers in maintaining adequate social distancing;
 - c. ensure cleaning guidelines set by the CDC are followed.

Information on CDC guidelines can be found [here](#).

ENFORCEMENT

Penalties for violating the Ninth Modification include imprisonment for up to six months and a fine of \$50 to \$500.

DELAWARE BUSINESS/NONPROFIT COVID-19 ASSISTANCE PROGRAMS

In addition to the HELP loan discussed in the March 31, 2020 COVID-19 Legal Update, the Delaware Division of Small Business has since provided information on more assistance programs for small businesses.

These additional assistance programs include:

1. SBA Economic Injury Disaster Loan (“EIDL”) Program;
2. SBA Express Bridge Loan Pilot Program;
3. SBA 7(a) Conventional Loan Program; and
4. SBA Paycheck Protection Program.

Information about the loans can be found [here](#).

A chart comparing all current loan options can be found [here](#).