



MECKLENBURG COUNTY
Public Health

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OCTOBER 24, 2020

ORDER OF ABATEMENT OF IMMINENT HAZARD

The COVID-19 Public Health Emergency

WHEREAS, on March 10, 2020, the Governor issued Executive Order No. 116, which declared a State of Emergency to coordinate the State's response and protective actions to address the Coronavirus Disease 2019 ("COVID-19") public health emergency and provide for the health, safety, and welfare of residents and visitors located in North Carolina;

WHEREAS, on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic;

WHEREAS, on March 13, 2020, the President of the United States issued an emergency declaration for all states, tribes, territories, and the District of Columbia, retroactive to March 1, 2020, and the President declared that the COVID-19 pandemic in the United States constitutes a national emergency; and

WHEREAS, Mecklenburg County, in conjunction with the City of Charlotte and six towns within the County, signed a Joint Proclamation of State of Emergency on March 13, 2020; and

WHEREAS, on March 25, 2020, the President approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina; and

WHEREAS, more than two hundred fifty thousand (250,000) people in North Carolina have contracted COVID-19, and over four thousand one hundred ten (4,110) people in North Carolina have died from the disease; and

WHEREAS, more than thirty-two thousand (32,000) people in Mecklenburg County have contracted COVID-19, and over three hundred eighty-one (381) have died from the disease.

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WHEREAS, slowing and controlling community spread of COVID-19 is critical to ensuring that healthcare facilities remain able to accommodate those who require medical assistance and remain able to reduce morbidity and mortality from COVID-19; and

WHEREAS, on September 30, 2020, the Governor issued Executive Order 169, which implemented “Phase 3” of the state’s COVID-19 response, which continued restrictions on certain businesses designed to limit the number of contacts between people by, among other things, encouraging high-risk individuals to stay at home, imposing capacity restrictions on businesses and other establishments, requiring face coverings, recommending that people avoid large gatherings, and recommending that individuals stay at home if sick; and

WHEREAS, on October 21, 2020, in response to increasing cases and related metrics, as well as the need for continued vigilance and protective measures, the Governor issued Executive Order 170, extending the measures implemented by Executive Order 169 through at least November 13, 2020; and

WHEREAS, Executive Orders 169 and 170 exempt worship, religious, spiritual ceremonies from their requirements but still strongly urge entities and individuals engaging in such ceremonies to follow the Orders’ Recommendations to Promote Social Distancing and Reduce Transmission, wear face coverings, and avoid exceeding limited maximum capacity in the places where they meet; and

WHEREAS, COVID-19 cases and related metrics are increasing across the nation and in many locations worldwide, prompting localities, states and nations to re-impose previously-lifted restrictions in order to control the further spread of the virus across the globe; and

WHEREAS, in recent weeks, there have been increases in the percentage of emergency department visits that are for COVID-19-like illnesses, daily new case counts, the percentage of COVID-19 tests that are positive, and COVID-19-associated hospitalizations; and

WHEREAS, COVID-19 continues to pose a significant threat to the health and well-being of Mecklenburg County residents; and

Risk of Contracting and Transmitting COVID-19

WHEREAS, some people without symptoms may be able to spread the virus and may not know they are infected; and

WHEREAS, the risk of contracting and further transmitting COVID-19 is higher in settings in which people are in close physical contact for an extended period of time (for example, where people are sitting or standing next to others for more than 10-20 minutes); and

WHEREAS, limiting the duration of contact with others is critical to lowering the likelihood of contraction and transmission of the virus; and

WHEREAS, the risk of contracting and transmitting COVID-19 is higher in settings where people congregate, share facilities, or have increased respiratory effort (for example with vigorous exercise, singing, cheering, or yelling); and

WHEREAS, the risk of contracting and further transmitting COVID-19 is higher in gatherings where larger groups of people meet in close contact, because larger gathering are more likely to be attended by at least one person

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infected with COVID-19 and because a person infected with COVID-19 who attends a larger gathering has the potential to infect more people; and

WHEREAS, risk is also higher if the setting involves extended, close-range, face-to-face conversation, as demonstrated by (1) a recent review of COVID-19 outbreaks in indoor, outdoor, and mixed indoor-outdoor crowded, socially animated spaces and (2) a recent study showing that attendees at large, festive gathering were more likely to contract COVID-19 relative to other settings, and that such attendees experienced more symptoms of COVID-19 than individuals who contracted the virus in other settings; and

WHEREAS, because people may contract and spread the virus without knowing they are infected, gatherings do not just pose a risk to those who attend, but also pose a significant risk of secondary transmission to family members, friends, neighbors, and others who come into contact with those who attend such events; and

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) report that the incubation period for COVID-19 is thought to extend to fourteen (14) days; and

Outbreak and Transmission at United House of Prayer for All People

WHEREAS, the United House of Prayer for All People (the “United House of Prayer”) maintains a number of locations in Mecklenburg County, including church and food service facilities located at 2321 Beatties Ford Road in Charlotte, North Carolina (the “Church Site”); and

WHEREAS, despite warnings strongly urging businesses and other establishments, including places of worship, to avoid large gatherings and implement the State’s Recommendations to Promote Social Distancing and Reduce Transmission, the United House of Prayer has continued to hold large gatherings and has failed or refused to implement social distancing and measures to reduce the spread and further transmission of COVID-19; and

WHEREAS, there have been at least 102 cases of COVID-19 among attendees of Convocation events held at the Church Site during October 4 through October 11, 2020, some of which were attended by as many as 1,000 people, which have resulted in five hospitalizations, four deaths, a cluster of infections in a senior living community, and additional possible cases among residents of at least five other states;

WHEREAS, the outbreak resulting from the gatherings held at the Church Site represent the largest community-based outbreak of COVID-19 occurring in Mecklenburg County during the pandemic; and

WHEREAS, although the undersigned has requested that the United House of Prayer provide a list of those who attended the Convocation events so that the Public Health Department may perform contact tracing and inform those who may have been exposed to seek testing and self-isolate, the United House of Prayer has failed or refused to provide such information, and, the undersigned is informed that the church does not maintain such attendance lists; and

WHEREAS, the undersigned is informed and has determined that there are more local cases of COVID-19 connected to events at the Church Site beyond those that have been reported, including some without symptoms, making the risk of further community spread very high; and

WHEREAS, on October 22, 2020, the undersigned issued a letter to the United House of Prayer, (i) requesting a list and contact information of those who attended the Convocation events at the Church Site; (ii) requesting that no in-person gatherings of the church’s members be held at

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the Church Site, other United House of Prayer locations, or any other location for at least 14 days after the most-recent case of COVID-19; (iii) advising that any subsequent gatherings be limited to 25 people indoors and 50 people outdoors and that individuals be required to wear face coverings and maintain six-feet of physical distance while together; and (iv) requesting the United House of Prayer's assistance alerting members and attendees of events at the Church Site to fully cooperate with Public Health's investigators and contract tracers; and

Need for an Abatement Order

WHEREAS, despite repeated attempts, the United House of Prayer has failed or refused to respond to the requests of the Public Health Department, including those in the letter of October 22, 2020, and has refused to confirm that it will stop holding large gatherings at the Church Site to prevent further transmission of COVID-19; and

WHEREAS, the United House of Prayer previously has announced plans to continue holding large gatherings, including its "Worldwind Revival" event, with nightly events planned from Sunday, October 25, 2020, through October 31, 2020; and

WHEREAS, further gatherings at the Church Site, at other United House of Prayer locations, or among church members, are "likely to cause an immediate threat to human life, an immediate threat of serious physical injury, [or] an immediate threat of serious adverse health effects . . . if no immediate action is taken." N.C. Gen. Stat. § 130A-2(3); and

WHEREAS, the United House of Prayer, in contravention of the recommendations of public health officials, refuses to take all necessary public health measures to protect those its members and participants at its events from the increase risk of spread of COVID-19; and

WHEREAS, increased exposure to attendees, including thousands more individuals who may be exposed to COVID-19 by family members, friends and neighbors who attend United House of Prayer events could lead to a spike in cases, hospitalizations, and deaths, straining Mecklenburg County's healthcare system, necessitating further emergency measures to limit spread of the disease, including the re-imposition of restrictions that have already been lessened; and

Authority for Abatement Order

WHEREAS, under N.C. Gen. Stat. § 130A-2(3), an "imminent hazard" is defined as a situation that is likely to cause an immediate threat to human life, an immediate threat of serious physical injury, an immediate threat of serious adverse health effects, or a serious risk of irreparable damage to the environment if no immediate action is taken; and

WHEREAS, under N.C. Gen. Stat. § 130A-20(a), if the Local Health Director determines that an imminent hazard exists, the Health Director may order the owner, lessee, operator, or other person in control of the property to abate the imminent hazard and may further, after reasonable notice, enter upon the property and take any action necessary to abate the imminent hazard;

NOW, THEREFORE, Pursuant to the authority conferred upon the undersigned as a local health director in N.C. Gen. Stat. § 130A-20(a), the undersigned does hereby declare and **ORDER**:

Order

Section 1. Declaration

For reasons summarized in the Recitals set forth above I hereby DECLARE that in-person gatherings at all United House of Prayer facilities in Mecklenburg County until and including November 5, 2020, calculated as a period

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of fourteen (14) days from the most recent known COVID-19 exposure traced to the United House of Prayer, constitute an imminent hazard as defined in N.C. Gen. Stat. § 130A-2(3) for the spread of COVID-19.

Section 2. Abatement of Imminent Hazard

- (a) All United House of Prayer facilities in Mecklenburg County shall be closed immediately to in-person gatherings, and the United House of Prayer shall not hold any in-person gatherings of ten or more people, until the expiration of this Order.
- (b) The United House of Prayer shall immediately notify its members and post a public notice that all in-person gatherings at United House of Prayer facilities are cancelled until at least November 6, 2020.
- (c) The United House of Prayer shall take reasonable steps to clean and disinfect all indoor surfaces at the 2321 Beatties Ford Road location in accordance with methods approved by the Mecklenburg County Health Department, North Carolina Department of Health and Human Services, or the CDC.

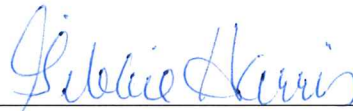
Section 3. Enforcement

Pursuant to N.C. Gen. Stat. §§ 130A-18 and 130A-25, failure to comply with this imminent hazard abatement order may result in legal proceedings to obtain injunctive relief, prosecution for a misdemeanor offense, or such other and further relief as may be deemed appropriate.

Section 4. Effective Date and Duration

This Declaration and Abatement Order is effective as of 10:00 a.m. on October 24, 2020. This Order remains in effect until midnight on November 5, 2020, unless extended by subsequent Order.

This, the 23rd day of October, 2020.



Gibbie Harris, MSPH, BSN
Health Director
Mecklenburg County Department of Public Health