

Will Your Business Need a Re-Entry Certificate in the Event of a NC Shelter-In-Place Order?

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It will not for a statewide shelter-in-place order, at least according to guidance from the N.C. Department of Public Safety (DPS).

However, each **local order** is different and each jurisdiction will direct its law enforcement officers and public health officials to enforce shelter-in-place orders

possibly in very different ways.

The State DPS maintains a Business Emergency Operations Center (BEOC) that coordinates how and when a business' employees can travel within a declared disaster area. Ward and Smith obtained guidance from the BEOC and it is available [here](#).

The guidance provides that re-entry certificates "are ONLY relevant when there are restrictions on movement, such as in the case of a curfew imposed by local officials Thus, these Re-entry Certificates are ONLY needed in local jurisdictions that have imposed curfews or other specific restrictions on movement. Decisions about entry/re-entry are the authority of local governments." In addition, the guidance states that "[a] Re-entry Certificate is not necessary or relevant to keeping a business open in the event of a 'Stay at Home' Order by the state or a local government" and that "[a] Re-entry certificate is not relevant or necessary for movement between your home and place of business."

To say that the COVID-19 virus has created an environment of uncertainty may be the understatement of the year. With that uncertainty comes a great deal of speculation and questions. For example, many counties such as Wake, Mecklenburg, Pitt, and Orange have issued stay-at-home or shelter-in-place orders. The City of Durham similarly issued a stay-at-home order. Each order is unique and has slightly different rules and requirements, all intended to keep the residents of those localities, and healthcare workers, safe and healthy while reducing the spread of COVID-19.

You might think that the only way to answer these questions is to check with the specific city and county where you live and where your business is located. What if, for example, you live in a county with no current restrictions while your business operates in a county currently under a stay-at-home order? We have found that cities and counties are overwhelmed by the public health crisis. Many are simply unable to provide specific guidance to each business. Therefore, businesses themselves are left trying to figure out how they are impacted. Consulting with an attorney may be the best way to determine how a stay-home or shelter-in-

place order impacts you and your business.

Accordingly, businesses should consult the recent guidance from the BEOC. Businesses should also pay close attention to city and county restrictions, seek guidance from elected officials, and talk to experienced legal counsel to determine if their business operations are affected.

Guidance for Issuance of Certificates of Post Disaster Reentry

In the event of a state-wide Stay at Home Order, businesses will NOT be required to have any credential to continue operations. Any such Order and accompanying Guidelines should be reviewed by businesses to determine whether they may continue operations.

What is a Re-entry Certificate?

A Re-entry Certificate is a document issued by the Business Emergency Operations Center to certify businesses deemed essential to restoring the health, safety, or economic well-being of a disaster area in accordance with [NCGS 166A-19.70](#).

Certificates are ONLY relevant when there are restrictions on movement, such as in the case of a curfew imposed by local officials after a major disaster such as hurricane or after an evacuation order has been lifted for emergency and other necessary personnel. When this occurs, local officials may use the Certificates to aid in identifying persons who are appropriate to enter/re-enter a restricted area. Thus, these Re-entry Certificates are ONLY needed in local jurisdictions that have imposed curfews or other specific restrictions on movement. Decisions about entry/re-entry are the authority of local governments.

Do I need a Re-entry Certificate to keep my business open during an emergency shut-down of businesses or Stay at Home Order? NO

A Re-entry Certificate is not necessary or relevant to keeping a business open in the event of a "Stay at Home" Order by the state or a local government. In the event of a statewide or local Stay at Home order, businesses should consult the Order and any Guidance related to the Order, and determine whether they can continue operations. No documentation will be required to continue operating within the parameters of any statewide Order.

Do I need a Re-entry Certificate to travel to and from my place of business in the event of a Statewide Stay at Home Order? NO

A Re-entry certificate is not relevant or necessary for movement between your home and place of business.

Who qualifies for a Re-entry Certificate?

Certificates of Reentry are ONLY issued to people/businesses considered essential to restoring the health, safety, or economic well-being of a disaster area. Generally, this includes those involved in utility restoration or who routinely transport or distribute consumable goods such as groceries, medicine, fuel and clothing.

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