

# Governor tightens, clarifies NM's latest shutdown order

BY STEPHEN HAMWAY AND PILAR MARTINEZ / JOURNAL STAFF WRITERS

Published: Wednesday, November 18th, 2020 at 6:32pm

Updated: Wednesday, November 18th, 2020 at 10:11pm



Paul Garson, store manager of Garson's Religious Store moves a piece of a nativity scene in the front window. Tuesday, Nov. 18, 2020. (Jim Thompson/Albuquerque Journal)

*Copyright © 2020 Albuquerque Journal*

Two days after New Mexico's most recent shutdown order began, Gov. Michelle Lujan Grisham and other state health officials have released a new order tightening and clarifying the restrictions.

Under the new rules, only large retailers and that generate more than one-third of their revenue through the sale of food and beverages are allowed to remain open to in-person customers, among other changes.

For example, retailers such as Ross Dress for Less and Hobby Lobby will be required to cease in-person operations at their New Mexico locations, according

to the Governor's Office. The stores had previously been allowed to operate at 25% capacity.

Grocery stores, hardware stores, laundromats and dry cleaners are among those allowed to remain in operation, as are bike and automobile repair shops, according to the Governor's Office. Essential businesses must limit capacity to 25% or 75 total customers, whichever is smaller.

The order clarifies that nonessential businesses are permitted to provide curbside pickup and delivery of goods to customers.

The new order also requires animal grooming services to close and clarifies that plant nurseries and Christmas tree lots may provide pickup and delivery services but may not serve customers in person.

The changes, which come a day after New Mexico set a new daily record for deaths linked to COVID-19, are designed to address what the governor had previously described as a "breaking point" for the state.

"We cannot stop the infections that have already happened and are still circulating throughout our state. We cannot reverse the thousands of significant illnesses and hundreds of deaths that have occurred," Lujan Grisham said in a prepared statement. "But we can still prevent worse. And we must."

The new announcement amends the recent shutdown order, announced Friday, which reimposed a variety of business restrictions, including banning dining at restaurants, and requiring businesses such as salons and gyms to close through at least Nov. 30.

The restrictions, which went into place Monday, prompted confusion and ire from some corners of the business community.

Since opening for curbside service on Monday, Paul Garson, sales manager at Garson's Catholic Religious Store, 2415 San Pedro NE in Albuquerque, said he has noticed some confusion as to what is and is not an essential business for customers and business owners.

"I think there's confusion on all ends, unless you actually print the mandate or read it," he said.

Garson said this has resulted in customers calling to see if his store is open and has hurt sales.

He said this time of year is typically quite busy for the church supply shop and, while online sales are up, it is not enough to compensate for the diminished

traffic, especially when many customers don't realize the store is still open for curbside business.

Unlike the restrictions that went into place in early spring, the order requires real estate agents to close their offices until December, though they may telecommute if they're able. Nora Meyers Sackett, press secretary for the Governor's Office, said in an email that the public health situation is significantly worse than it was in March, which necessitates adding new rules.

"Additional restrictions should be self-explanatory if we're interested in saving lives and preventing mass casualties – and we are," she said.

Still, independent real estate broker Jan Wilson said the designation of real estate agents as nonessential could be damaging for ongoing real estate transactions.

Wilson said that, as a broker, her job is to facilitate the smooth sale of properties, which involves some in-person work, such as showing houses, meeting with inspectors or overseeing contractors – none of which can be done remotely.

"We are being told by the governor that we can't fulfill our contracts," Wilson said. "So we're really pretty much in breach of contract because of the governor's order."

She said that while the new order allows houses to be shown by property owners to potential buyers, it is highly unusual for sellers to let anyone onto their property without a real estate agent.

"I feel like, to serve the public and to fulfill our contractual obligations that we have with our clients, we should be allowed in a safe manner to continue our work as we always have," she said.

Liquor stores – which weren't specifically referenced in the order Friday – proved to be an additional source of confusion this time around, too. Meyers Sackett clarified Wednesday that liquor stores are permitted to continue operating as more than one-third of their revenue is tied to beverage sales.

Jubilation Wine & Spirits, at 3512 Lomas NE in Albuquerque, has remained open since the latest order took effect on Monday. A manager who declined to give his name said the store is operating as an essential business.

"Everyone has to go to a grocery store to purchase their wine, beer or spirits, so (staying open) relieves that pressure," he said.