**GOVERNMENT OF THE DISTRICT OF COLUMBIA**

**ADMINISTRATIVE ISSUANCE SYSTEM**

Mayor's Order 2021-038
March 17, 2021

**SUBJECT:** Extension of the Public Emergency and Public Health Emergency and Modified Measures in Phase Two of Washington, DC Reopening

**ORIGINATING AGENCY:** Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422 of the District of Columbia Home Rule Act, approved December 24, 1973, Pub. L. 93-198, 87 Stat. 790, D.C. Official Code § 1-204.22 (2016 Repl.); section 5 of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981, D.C. Law 3-149, D.C. Official Code § 7-2304 (2018 Repl.); section 5 of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981, D.C. Law 3-149, D.C. Official Code § 7-2304 (2018 Repl.); section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002, D.C. Law 14-194, D.C. Official Code § 7-2304.01 (2018 Repl.); section 1 of An Act To Authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases ("Communicable and Preventable Diseases Act"), approved August 11, 1939, 53 Stat. 1408, D.C. Official Code §§ 7-131 et seq. (2018 Repl.); and in accordance with the Coronavirus Support Emergency Amendment Act of 2021, effective March 17, 2021, D.C. Act 24-30, and Mayor's Orders 2020-050, 2020-063, 2020-066, 2020-067, 2020-079, 2020-103, 2020-127, and Mayor's Order 2021-004, it is hereby **ORDERED** that:

## I. BACKGROUND

1. The findings of prior Mayor's Orders relating to the public emergencies are hereby incorporated.

2. One year after a state of emergency for the novel coronavirus was declared, more than 29.5 million Americans have been infected with COVID-19 and more than 534,000 have died from the disease. Locally, transmission stands at a seven day average of 16.7 new daily cases per 100,000 persons; total infections in the District have risen to 42,811, and tragically, 1,044 District residents have lost their lives due to COVID-19.

3. The District is currently assessing the prevalence and impact of new, more transmissible viral strains on the progress we have made through various public health measures, including the District's vaccination program. While we have made dramatic progress since the post-winter holiday peak and pause, leading indicators continue to signal that the virus is still not contained.

4. Nationwide, the spread of COVID-19 remains a serious threat. Without continued extraordinary measures authorized under a state of emergency, as well as

community compliance with preventative measures and the implementation of a vaccination program, the progress the District has made in protecting the public health, safety, and welfare would be threatened and likely reversed.

5. We anticipate that with the increased vaccination of DC residents and essential workers, and continued cooperation with the District's public health measures and guidance, several restrictions may be loosened this spring.

6. It remains necessary that the District government continue to take actions to modify procedures, deadlines, and standards authorized during this declared emergency and to thoughtfully and safely respond to COVID-19.

7. This Order extends the declaration of the public emergency and public health emergency. It provides an updated summary of restrictions on businesses and activities necessary to mitigate the spread of COVID-19 during Phase Two of reopening.

## II. EXTENSION OF PUBLIC EMERGENCY AND PUBLIC HEALTH EMERGENCY

1. By this Order, the public emergency and public health emergency declared by Mayor's Orders 2020-045 and 2020-046, respectively, and extended by Mayor's Orders 2020-050, 2020-063, 2020-066, 2020-067, 2020-079, 2020-103, Mayor's Order 2020-127, and Mayor's Order 2021-004 are further extended through May 20, 2021.

2. As set forth and modified below, the provisions of all Mayor's Orders concerning the COVID-19 public health emergency that are currently in effect shall continue to apply through May 20, 2021.

## III. PHASE TWO UNIVERSAL PROVISIONS

**Modified provisions include an increase in outdoor gathering limits from twenty-five (25) to fifty (50) persons.**

1. Continued mask wearing requirements.

    a. Wearing of masks indoors.

        i. Persons must wear a mask in the common areas of apartments, condominiums and cooperatives.

        ii. Businesses, office buildings, and other establishments open to members of the public shall post signage on their exterior doors stating that a person may not enter unless the person is wearing a mask. In addition, the business, office building, or other

establishment shall exclude or attempt to eject persons who are not wearing masks or who remove their required masks.

b. Wearing of masks outdoors and for transit-related activity.

i. Persons leaving their residence shall wear a mask when they are likely to come into come into contact with another person, such as being within six (6) feet of another person for more than a fleeting time; and

ii. Persons who are operating or a passenger in a taxi or a vehicle that is part of a Transportation Network Company, or who are a passenger on or operator of any form of public transit in the District, including a bus, subway, streetcar, shuttle bus or van, or school bus, must wear a mask at all such times.

c. Employers shall provide masks to their employees.

d. Wearing a mask is not required when a person is:

i. A resident or guest in a private home or apartment;
ii. Actually eating, drinking, or legally smoking;
iii. Engaged in vigorous outdoor exercise and is maintaining social distance of at least six (6) feet from each other person;
iv. In the water at a swimming pool;
v. In a work shower, or, when they open, the shower of a locker room or gym;
vi. In an enclosed office that no one else is permitted to enter;
vii. Aged two (2) years old or younger;
viii. In a vehicle by themselves or with members of their household;
ix. Unable to wear a mask due to a medical condition or disability, or is physically unable to remove a mask;
x. Giving a speech for broadcast or an audience, provided no one is within six (6) feet of the speaker;
xi. Deaf or hard of hearing and needs to read the lips of a speaker; or when a speaker is communicating with a person who is Deaf or hard of hearing;
xii. Using equipment required for a job that precludes the wearing of a mask and the person is wearing that equipment, or when wearing a mask would endanger public safety;
xiii. Lawfully asked to remove the mask for facial recognition purposes; or
xiv. Competing (not on the sidelines) in an authorized athletic competition.

2. **Large Gatherings.** As further described in Mayor's Order 2020-048, Mayor's

Order 2020-075, and Mayor's Order 2020-119, a large or mass gathering is a planned event or gathering within a confined space.

a. The number of persons permitted at a large gathering outdoors is fifty (50) persons.

b. The number of persons permitted indoors if a gathering is conducted in a structure with more than two (2) walls, and is not subject to other more specific rules, may not exceed ten (10) persons, except as specified for a guide, teacher, group leader, or trainer. This limitation applies to private homes, dormitories, hotels, apartments, condominiums, and cooperatives, and party or common rooms of such permanent or temporary residences.

c. Religious services may be conducted outdoors with no cap on the number of persons.

3. The limits on gatherings may be increased and requirements for mask wearing may be modified by DC Health prior to the issuance of a subsequent Order.

## IV. PHASE TWO NON-ESSENTIAL, NON-RETAIL BUSINESSES

**Modifications include the removal of the provision strongly encouraging telework at non-essential, non-retail businesses.**

Business shall implement plans to safely increase the presence of on-site employees and contractors, in compliance with public health guidance, in the expectation that public health metrics may continue to improve to allow for further phases of reopening.

## V. PHASE TWO NON-ESSENTIAL RETAIL BUSINESSES

**No modified provisions by this Order.**

1. Non-essential retail businesses are limited to no more than twenty-five percent (25%) of their capacity as specified on their Certificate of Occupancy, or two hundred fifty (250) persons, whichever is fewer, inside at any one time.

2. Personal services. Services continue to be provided by appointment only and these businesses are encouraged to keep customer information related to these appointments including which employee saw which customer, for use by contact tracers should that be requested by DC Health. No waiting inside the shop is permitted, and in the shop there may only be one employee providing services per each customer. Open customer stations of all types must be at least six (6) feet from each other.

## VI. PHASE TWO BUSINESSES AND ACTIVITIES THAT REMAIN CLOSED

**No modified provisions by this Order.**

1. Hookah bars, cigar bars, and any other business operating pursuant to an exemption from the anti-smoking laws of the District of Columbia shall remain closed.

2. Hot tubs, saunas, and steam rooms shall remain closed.

3. Bars, nightclubs, and mixed-use facilities shall remain closed, except to the extent that they are operating as a food licensed establishment and pursuant to endorsements from the Alcoholic Beverage Regulation Administration (ABRA).

## VII. PHASE TWO LICENSED FOOD ESTABLSIHMENTS

**Modified provisions include authorizing restaurants and other licensed food establishments to operate and sell alcohol until midnight.**

1. In addition to providing takeout, delivery, "grab and go," and outdoor dining, restaurants and licensed food establishments must continue to adhere to the following:

    a. All indoor dining customers must be seated, place orders, and be served at tables;

    b. No more than six (6) individuals may be seated indoors at a table or a joined table, and indoor and outdoor fixed tables that accommodate larger groups than are permitted may demarcate six (6) feet between groups and allow seating at those large tables;

    c. Bar seating is prohibited if any bartender is working at that bar;

    d. Darts, pool, billiards, ping-pong, pinball, playgrounds, games of skill and other activities that are not carried out seated at tables are prohibited;

    e. Restaurants and licensed food establishments are encouraged to use a reservation system, preferably online or by telephone; and are encouraged to keep customer logs to facilitate contact tracing if necessary; and

    f. Background music or sound effects shall not be played so loudly as to encourage persons at speak more loudly than a conversational level.

2. District government agencies shall continue to authorize outdoor dining operations. All fees associated with permitting those outdoor dining operations are waived.

3. The indoor occupancy of restaurants and other licensed food establishments is

twenty-five percent (25%) as specified on their Certificate of Occupancy, or no more than two hundred fifty (250) persons, including servers, patrons, and other staff, whichever is fewer, at any one time.

4. Restaurants and other licensed food establishments may operate for patrons until midnight, and allow sales, service, and consumption of alcohol, including carry-out and delivery until midnight.

5. Farmers markets must continue to adhere to plans approved by the Office of Planning to operate.

## VIII. PHASE TWO FITNESS AND RECREATION

**Modified provisions include authorizing spring sports for youth athletic leagues, indoor and larger outdoor group fitness classes, field permits, and operation of hotel pools.**

1. The District of Columbia State Athletic Association, in consultation with DC Health, shall publish guidance for Spring 2021 training and competition. Spring seasons may resume in accordance with that guidance on March 15, 2021.

2. Fitness establishments such as gyms, health clubs, yoga, dance and workout studios, including those in hotels, commercial buildings, apartments, condominiums, and cooperatives:

    a. May operate in accordance with guidance issued by DC Health.

    b. Indoor group fitness classes are permitted with up to ten (10) persons, not including the trainer.

    c. Outdoor group fitness classes are permitted up to fifty (50) persons, not including the trainer.

    d. No facility may have more persons than twenty-five percent (25%) of its rated capacity on its Certificate of Occupancy indoors at any one time, and no more than two hundred fifty (250) persons at the facility at any one time, whichever is fewer.

3. Field permits may be issued in accordance with guidance from DC Health and Department of Parks and Recreation. Permits may allow for more persons than the gathering limits for a single outdoor activity (fifty (50) persons, not including the trainer(s)) if cohorted and socially distanced.

4. High-contact sports as defined by the Department of Health (basketball, boxing, football, hockey, lacrosse, martial arts, rugby, soccer and wrestling) are prohibited in the District of Columbia, with the exception of those specifically permitted and

universities or professional leagues may continue to organize and administer practices and competitions for their athletes who engage in high-contact sports, pursuant to a health and safety plan approved by its accrediting or governing body and under such further conditions as may be imposed by HSEMA. In addition, drills for high contact sports may be conducted, provided that athletes maintain six (6) foot distance from each other at all times.

5. Pools may open for structured swim activities, including swimming lessons and lap swimming, provided that: (i) persons may not linger on the decks other than: (a) during a mandatory rest period, or (b) when the person on the deck has care over someone who is in the pool or in a lesson; and (ii) at all times, persons on the decks must maintain six (6) feet of distance between persons not in their household.

   a. Private pools, including at apartments, condominiums, and cooperatives, may open their swimming and wading pools only for residents and members, provided that management establishes and enforces a written infection control plan that includes:

      i. That residents do not engage in horseplay or physical contact with persons outside their household;

      ii. That social distancing measures are maintained on the decks and in the changing rooms and restrooms;

      iii. That each resident or member using the pool signs in, with the date, time of visit, apartment number and cell phone number, to facilitate contact tracing should that become necessary; and

      iv. The plan for publicizing and enforcing the plan.

   b. Private pools, including at apartments, condominiums, and cooperatives that open a pool in Phase Two may open subject to the emergency provisions of this Order, and if they further:

      i. Consent to prescheduled and unannounced inspections of the pool area by DC Health or DCRA and facilitates entrance to the apartment building, rooftop or grounds so that an inspection may be performed;

      ii. Provide their plan for ensuring compliance with the terms of section VII. of this Order upon request of a District official;

      iii. Prominently post at the pool area the name and contact information of the person responsible for ensuring the safety provisions of this section; and

iv. Consent to abide by any emergency pool closure order or terms for reopening or continued operation of the pool that DC Health imposes to protect against the spread of COVID-19 disease.

c. Hotel pools shall follow the same operational restrictions as private pools. If there exist drinking or dining facilities at these pools, hotels shall adhere to the rules established for restaurants and licensed food establishments.

6. Playgrounds are open.

7. Recreational facilities such as recreation centers, bowling alleys, climbing gyms, squash or racquet clubs, skating rinks, and skateboard parks may open with no more than 25% of capacity set forth in the Certificate of Occupancy, and no more than two hundred fifty (250) persons at the facility inside at any one time, whichever is fewer.

## IX. PHASE TWO LEARNING INSTITUTIONS

**Modified provisions include authorizing guided tours and increased operations at libraries.**

1. Childcare centers may continue to operate with the same staff/child ratios as applicable prior to the COVID-19 pandemic and must follow guidance prescribed by the Office of the State Superintendent for Education (OSSE) and DC Health.

2. Colleges and universities may continue to operate in line with plans accepted by the Office of Planning and developed in consultation with the Office of the Deputy Mayor for Education and DC Health.

3. Museums and the National Zoo.

   a. Museums and the National Zoo may open with capacity limited to two hundred fifty (250) persons at any one time, per floor, in indoor spaces. No more than twenty-five (25) persons may be in any auditorium, self-contained exhibit hall, or other room or facility within the museum. At no time and in no room may there be more than twenty-five percent (25%) of capacity as specified on their Certificate of Occupancy.

   b. Museums and other indoor facilities may allow guided tours with groups of up to ten (10) persons, in addition to the docent or tour guide, and who are masked and socially-distanced.

   c. Outdoor tours are limited to groups of no more than fifty (50) persons, who are masked and socially-distanced, with communication over headsets or amplifier; or ten (10) persons or fewer where the guide is not

communicating via headsets or amplification, while still maintaining social distancing.

d. At their restaurants, cafés, and other dining facilities, museums and the National Zoo shall adhere to the rules established for restaurants and licensed food establishments, and rules applicable to restaurants must be adhered to if they host seated receptions. Standing receptions are not allowed.

4. Libraries may open at twenty-five percent (25%) of their capacity as specified on their Certificate of Occupancy. This limit shall apply to the building as a whole, as well as all rooms within the library. No more than two hundred (250) persons may be allowed in any particular library at any one time, whichever is fewer.

5. Camps and aftercare activities may operate for the spring and summer pursuant to guidance from the Department of Health and/or the Office of the State Superintendent of Education, the District of Columbia Public Schools, or the Deputy Mayor for Education.

## X. LIVE ENTERTAINMENT, THEATRES, AND MULTI-PURPOSE FACILITIES

**Modified provisions include considering live entertainment waivers and authorizing movie theatres to open.**

1. The District hereby resumes consideration of waivers for live entertainment events through the Homeland Security and Emergency Management Agency (HSEMA). Live entertainment events are encouraged to be held outdoors, in accordance with applicable public health guidance.

2. Movie theatres may open provided that no more than twenty-five (25) persons may be in any auditorium and at no time and in no room may there be more than twenty-five percent (25%) of capacity as specified in their Certificate of Occupancy. Operations must also include measures to mitigate gathering in common areas.

## XI. PHASE TWO PLACES OF WORSHIP

**No modified provisions by this Order.**

1. Virtual services, rather than in-person services, and outdoor services, continue to be encouraged, especially for those who have not yet been fully vaccinated.

2. Places of worship may admit no more than twenty-five percent (25%) of their capacity as specified in their Certificate of Occupancy for the room or area where worship services will be held, or two hundred fifty (250) persons, whichever is fewer. This total limit includes all persons: worshippers, clergy, and staff.

3. Places of worship conducting in-person services must continue to use a reservation system or some means of ensuring that there will not be crowding inside or outside the facility. Further, they must cooperate in contact tracing if contacted by DC Health or contact tracers employed by it or any jurisdiction's health officials.

4. Safety protocols must be written and available to DC Health officials upon reasonable request. Safety protocols must include mandatory masking, plans for ingress and egress of worshippers, hygiene and airflow, wellness checks, and, optionally, whether attendees have been fully vaccinated.

5. Household members attending together may be seated as a group, and each group must be seated at least six (6) feet in all directions from each other group.

6. All other activities, such as religious education classes, youth events, support groups, and any other social programming not involving religious sacraments or core religious services must follow gathering size limitations, currently, ten (10) persons indoors or fifty (50) outdoors, not including officiants, teachers, leaders, or clergy.

## XII. PHASE TWO REAL ESTATE, CONSTRUCTION, AND DEVELOPMENT

**Modified provisions include authorizing events consistent with gathering limits.**

There may not be any large gatherings at any ground-breaking, grand opening or other event, of more than fifty (50) persons. Indoors, no more than ten (10) persons who are not actively participating in physical construction may be in the same room at any one time.

## XIII. REQUIREMENTS FOR SELF-QUARANTINE, TESTING, AND TRAVEL

**New provisions include incorporation of modified DC Health guidance regarding self-quarantine, testing, and travel and provisions for fully vaccinated individuals.**

1. Mayor's Order 2020-110 (November 6, 2020) relating to travel, quarantines, and testing may be modified by DC Health prior to the issuance of a subsequent Order.

2. Until such time as guidance modifies the quarantine and testing rules, visitors to the District from high-risk states, and residents returning from travel to high risk states outside the District-Maryland-Virginia region are required to limit activity to performing essential activities until after receiving a negative COVID-19 test, three (3) to five (5) days after arrival, under the conditions set forth in Mayor's Order 2020-110 and DC Health guidance.

3. Individuals who are fully vaccinated are not required to self-quarantine or test if their travel occurs within ninety (90) days following their last dose of the vaccine.

Further, if exposed to someone with the coronavirus, fully vaccinated persons are no longer required to self-quarantine, unless they personally show symptoms of COVID-19. Individuals are considered fully vaccinated fourteen (14) days after they receive their final vaccine dose.

## XIV. SUPERSESSION

This Order supersedes any prior Mayor's Order issued during the COVID-19 public health emergency to the extent of any inconsistency.

## XV. ENFORCEMENT

1. Any individual or entity that knowingly violates this Order may be subject to civil and administrative penalties authorized by law, including sanctions or penalties for violating D.C. Official Code § 7-2307, including civil fines or summary suspension or revocation of licenses.

2. The enforcement provisions of this Order shall not be applied to persons in the judicial or legislative branches of the District government while those persons are on duty; and shall not apply to any employees of the federal government while they are on duty.

3. The District of Columbia reserves the right to exercise provisions of the Communicable and Preventable Diseases Act, approved August 11, 1939, 53 Stat. 1408, D.C. Official Code §§ 7-131 et seq., if warranted, and to issue regulations providing for civil and criminal penalties and injunctive relief for violations of this Order.

4. The City Administrator is authorized to issue regulations to further specify penalties for violations of these rules.

## XVI. EFFECTIVE DATE AND DURATION

Sections II and XIII.1 of this Order shall be effective immediately. All other sections of this Order shall be effective at 5:00 a.m. on March 22, 2021 and shall continue to be in effect through May 20, 2021, or until it is repealed, modified, or superseded.

**MURIEL BOWSER**
**MAYOR**

**ATTEST:** Kimberly A. Bassett
**KIMBERLY A. BASSETT**
**SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA**