GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-075
June 19, 2020

SUBJECT: 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.); pursuant to the Coronavirus Support Congressional Review Emergency Amendment Act of 2020 (the "Act"), effective May 19, 2020, D.C. Act 23-328, and any substantially similar subsequent emergency or temporary legislation; 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, approved August 11, 1939, 53 Stat. 1408, D.C. Official Code §§ 7-131 *et seq.* (2012 Repl.); and in accordance with Mayor's Order 2020-045, dated March 11, 2020, Mayor's Order 2020-046, dated March 11, 2020, Mayor's Order 2020-050, dated March 20, 2020, Mayor's Order 2020-063, dated April 15, 2020, Mayor's Order 2020-066, May 13, 2020, and Mayor's Order 2020-067, dated May 27, 2020 it is hereby **ORDERED** that:

I. BACKGROUND

1. This Order incorporates the findings of prior Mayor's Orders relating to COVID-19.

2. As of June 19, 2020, 9,952 District residents have tested positive for COVID-19 and tragically 530 District residents have lost their lives already due to COVID-19. Further, COVID-19 continues to spread in the Maryland and Virginia areas near Washington, DC.

3. This Order establishes the criteria that must be met for Phase Two of the District's reopening to begin and sets forth the restrictions that will be lifted during Phase Two, and under what terms new openings and activities may occur.

4. This Order builds on the limited reopening allowed by Mayor's Order 2020-067, and lifts certain provisions of Mayor's Order 2020-053, restricting business activity in the District and directing the closure of nonessential businesses. It further builds upon the diligent and thoughtful work of the ReOpen DC Advisory Group and guidance from the Johns Hopkins Bloomberg School of Public Health, anchored in four (4) DC values: health, opportunity, prosperity, and equity.

5. The start of Phase Two is based on the Department of Health's (DOH) evaluation of certain gated criteria. These are consistent with criteria recommended by the United States Centers for Disease Control and Prevention and DOH's determination that the District has met applicable metrics that enable us to reduce certain restrictions on businesses, government operations, services, and activities. In general, the move from Phase One to Phase Two means that we have moved from substantial, controlled transmission where significant mitigation steps were warranted, to minimal to moderate community transmission, where moderate mitigation steps are warranted. The criteria and metrics include the following:

    a. Community Spread: Including a sustained fourteen (14)-day decrease in community spread and low transmission rate of $R_t < 1$ for five (5) days;

    b. Testing Capacity: Broadly and readily available free testing for District residents and persons who work in the District who feel they need to be tested, and a positivity rate of less than fifteen percent (15%) for seven (7) days;

    c. Health Care System Capacity: Including a sufficient healthcare capacity with hospital occupancy under eighty percent (80%) for over fourteen (14) days, without resort to surge capacity; and

    d. Public Health System Capacity: Including a sufficient contact tracing system for COVID-19 cases with over ninety percent (90%) of persons newly diagnosed with COVID-19 contacted within one (1) day of DC Health's notification of their case and attempts to contact ninety percent (90%) of close contacts within two (2) days of notification.

6. During Phase Two, if the District no longer meets the criteria for Phase Two, the Executive may order more stringent measures to contain the spread of COVID-19 and address the changing circumstances of the public health emergency.

7. This Order declares that the District enters Phase Two of reopening on Monday, June 22, 2020 and establishes the applicable standards and allows certain businesses to reopen and activities to resume on June 22, 2020 under specified conditions.

II. PHASE TWO GENERAL PROVISIONS AND PROHIBITION ON MASS GATHERINGS

1. When leaving their residence or visiting the District, all individuals must continue to maintain a distance of at least six (6) feet from persons not in their household, except if such distance is impossible to maintain (such as when obtaining medical services, a haircut, or salon services). Wearing a mask or face covering is one tool to protect an individual's own health and the health of others, but it does not replace social distancing.

2. The prohibition on large gatherings of more than ten (10) individuals, in force since March 24, 2020 (Mayor's Order 2020-053), is repealed and replaced by a prohibition on mass gatherings of over fifty (50) persons, with any exceptions set forth below.

3. DOH guidance and any applicable orders of any regulatory agencies for a specific activity must be followed. Such guidance and directives may be found on coronavirus.dc.gov/phasetwo.

III. PHASE TWO NONESSENTIAL RETAIL BUSINESSES

1. **General**: In addition to the minimum basic operations, and outdoor pickup and delivery options authorized previously, nonessential retail businesses may open to customers for indoor shopping, provided that the establishment:

   a. Limits the number of persons in the establishment at fifty percent (50%) of occupancy as specified on the Certificate of Occupancy and establishes processes, such as demarcations where people may stand in line at check-out, so as to allow for social distancing between persons, in accordance with specific guidelines issued by DOH; and

   b. Follows any protocols issued by DOH, including protocols on the handling of items that were touched but not purchased.

2. **Personal Services:** In addition to the barbershops and hair salons that already may operate with the conditions set forth in section III.2 of Mayor's Order 2020-067, tanning, tattoo, waxing, threading, electrolysis, cryotherapy, facial and other skin services, and nail salons may open under the same conditions as barbershops and hair salons.

IV. PHASE TWO NONESSENTIAL, NON-RETAIL BUSINESSES

Businesses shall continue to have employees telework to the greatest extent consistent with their business operations.

V. PHASE TWO BUSINESSES AND ACTIVITIES THAT REMAIN CLOSED

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 at gyms, in freestanding facilities, or in apartments, condominiums, and cooperatives shall remain closed.

3. Bars, nightclubs and mixed-use facilities shall remain closed, except to the extent that they are serving food consistent with prior Mayor's Orders and are operating pursuant to endorsements from the Alcoholic Beverage Regulation Administration (ABRA).

4. All high contact sports shall remain prohibited; and organized club team sport activities remain closed in District parks and fields.

5. Spray parks shall remain closed.

VI. PHASE TWO LEARNING INSTITUTIONS

1. Childcare centers may resume operations with the same staff/child ratios as applicable prior to the COVID-19 pandemic, with enhanced social distancing and hygiene practices as may be prescribed by the Office of the State Superintendent of Education or DOH.

2. Museums and the National Zoo may reopen, provided, that they shall not:

   a. Offer guided tours where persons are unlikely to be able to achieve a distance of more than six (6) feet per person outside one's own household; and

   b. Permit more than fifty (50) persons at any one time in their auditorium, self-contained exhibit hall, or other room or facility within the museum or zoo. In such venues, they must further provide for social distancing between groups of people.

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

4. Libraries may reopen for indoor service, with capacity limits of fifty percent (50%) of the facility's capacity as listed in each building's Certificate of Occupancy, and subject to any time limits as may be set by the District of Columbia Public Library.

5. Colleges and universities may reopen in accordance with plans and processes accepted by the Office of Planning, following its consultation with the university or college and with the Deputy Mayor for Education and the Department of Health. Such plans include prevention, containment, and mitigation measures; and communication and data collection plans, as set forth in the Guidance for Colleges and Universities.

6. Camps and aftercare activities may reopen provided that no more than ten (10) campers/participants are in a single indoor space at any one time; with protocols that allow for handwashing and social distancing between the students; and with cohorting of children who are indoors to no more than ten (10) per cohort with no mixing of cohorts; and procedures for notifying staff, parents, and legal guardians of potential exposures and confirmed positive COVID-19 cases and taking appropriate measures.

VII. PHASE TWO LICENSED FOOD ESTABLISHMENTS

In addition to providing takeout, delivery, "grab and go," and outdoor dining:

1. Restaurants and other licensed food establishments, including taverns, nightclubs, and mixed-use facilities that serve food, may continue to operate with seated outdoor eating and drinking.

2. Restaurants and other licensed food establishments may open for indoor dining with the following minimum safeguards:

    a. All indoor dining/drinking 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. All tables must be placed so that patrons are at least six (6) feet apart;

    e. All restaurants and licensed food establishments must implement sanitization and disinfection protocols;

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

    g. No queuing indoors shall be allowed, and outdoors, patrons must be separated by at least six (6) feet.

3. Restaurants and other licensed food establishments may serve customers up to fifty percent (50%) of their maximum capacity, as listed in their Certificate of Occupancy, and restaurant staff and persons sitting outdoors are not counted in this capacity limit.

4. Restaurants and other licensed food establishments are encouraged to use a reservation system, preferably online or by telephone, to avoid crowding and queuing nearby.

5. Restaurants and other licensed food establishments are encouraged to keep customer logs to facilitate contact tracing if necessary.

VIII. PHASE TWO UNCHANGED OPERATIONS

1. Farmers Markets operating under a waiver granted pursuant to Paragraph IV of Mayor's Order 2020-058 or Mayor's Order 2020-067 are not affected by this Order,

and new applications to operate farmers markets must be submitted to dcfoodpolicy@dc.gov, and approved by the District government.

2. Healthcare providers may continue to operate and offer procedures consistent with guidance from DOH to prevent undue burdening of hospital capacity or COVID-19 related resources. Healthcare providers are urged to continue alternative care models such as telemedicine where appropriate.

3. Mask, queuing, and capacity rules previously established for essential businesses such as grocery stores and pharmacies are unchanged.

IX. PHASE TWO THEATRES, CINEMAS, ENTERTAINMENT VENUES

Individuals or organizations may apply for a waiver to the Homeland Security and Emergency Management Agency (HSEMA) to hold an arts, entertainment, or cultural event. That application must include a plan for social distancing, protocols to reduce the spread of COVID-19, and a system to facilitate contact tracing. Absent a waiver, these venues, including theatres, cinemas, and other entertainment remain closed.

X. PHASE TWO PLACES OF WORSHIP

1. Places of worship are encouraged to continue providing virtual services.

2. Places of worship may operate with expanded capacity limits. In no event shall attendance at any service exceed fifty percent (50%) of the capacity of the facility or space where the service is occurring as set forth in its Certificate of Occupancy, or one hundred (100) persons, whichever is fewer. Groups of persons attending together shall not exceed ten (10) persons. Each group must be seated at least six (6) feet from each other group.

3. Places of worship that choose to operate on this limited basis must clean the facility between services and are encouraged to take reservations and assign seats to conform to this requirement and so as to facilitate contact tracing.

4. Singing, choirs, all physical touching of others, and the passing or sharing of items pose particular dangers and are discouraged so as to prevent the spread of COVID-19.

XI. PHASE TWO RECREATION AND EXERCISE

1. Playgrounds may open. Caregivers are advised to wash children's hands and faces frequently.

2. Persons may engage in low to moderate contact sports on a casual basis. Field permits shall not be issued. To the extent practicable, players should engage in social distancing, such as by spreading out on the bench to avoid prolonged contact between persons.

3. Fitness establishments such as gyms, health clubs, yoga, dance and workout studios, including those in hotels, apartments, condominiums, and cooperatives, may open with capacity limits of five (5) persons per one thousand (1,000) square feet, provided:

    a. They operate in accord with guidance issued by DOH; including the implementation of strong safeguards regarding the frequent cleaning of equipment by staff between patron uses, not just patrons;

    b. They limit the usage of equipment so that patrons do not use adjacent equipment at the same time;

    c. Group classes limit their attendance such that there is at least ten (10) feet between each person, stationary apparatus, or other piece of equipment in all directions; and

    d. Pools may open in these facilities under the same requirements as section XI.5.

4. Other 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 fifty (50) persons per room or at fifty percent (50%) of capacity as set forth in the Certificate of Occupancy, whichever is fewer.

5. a. After July 15, 2020, the Department of Parks and Recreation (DPR) may open outdoor swimming pools 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, and DPR may establish such other rules as it deems necessary.

    b. Apartments, condominiums, and cooperatives may open their swimming and wading pools only for residents, 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 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.

c. Apartments, condominiums, and cooperatives that open a pool in Phase Two may open subject to the emergency provisions of section XI.5.b of this Order, and if they further:

i. Consent to prescheduled and unannounced inspections of the pool area by DOH or DCRA and facilitates entries 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 XI.5.b of this Order upon request of District officials;

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 DOH imposes to protect against the spread of COVID-19 disease.

d. Hotel pools shall remain closed.

XII. PHASE TWO REAL ESTATE, CONSTRUCTION, AND DEVELOPMENT

1. Open houses may be held and developers may resume hosting ground-breakings, grand openings, and other events, provided that:

a. There is no crowding within the building or at the site, such that all persons or groups can maintain social distance;

b. There shall not be more than fifty (50) persons at a property indoors at any one time; and

c. Agents or hosts must make best efforts to capture names, time of arrival, and contact information of attendees, to assist in possible contact tracing.

2. Construction supervisors shall continue to implement site-specific plans to prevent and address COVID-19, including through the provision and mandated use of personal protective equipment, frequent hand washing, and providing that to the extent practicable, work should be conducted from a distance of at least six (6) feet between employees.

XIII. PHASE TWO CONGREGATE HEALTH FACILITIES

Residents and facilities licensed as Assisted Living Residences (ALRs), Skilled Nursing Facilities (SNFs), Intermediate care facilities for individuals with intellectual disabilities, Community Residence Facilities (CRFs), or other licensed community-based residences

for people who are elderly or with physical or intellectual disabilities must implement the following protocols for the safety of employees and individuals residing at the facilities:

1. All individuals residing at a facility specified in this section are ordered to stay at their place of residence except as specified in this section.

    a. Individuals residing at a facility specified in this section may leave their residence facility only to engage in Essential Activities including obtaining medical care that cannot be provided through telehealth or on-site, and obtaining food and essential household goods; to perform or access Essential Government Functions; to work at Essential Business; to engage in Essential Travel; or engage in Allowable Recreational Activities;

    b. Leaving the residence for the purpose of engaging in an action listed in this section is permissible, and persons are allowed to obtain and provide home-based services so long as the services do not involve physical touching and may be carried out in compliance with DOH guidance; and

    c. Under any of the limited circumstances in which an individual is allowed to leave their residence under this section, the individual shall wear a face covering pursuant to DOH guidance, shall abide by the applicable orders of any regulatory agency for a specified activity and must maintain a distance of at least six (6) feet from persons not in their living unit, except if such distance is impossible to maintain (such as when obtaining medical services).

2. Receiving visitors inside the facility shall be restricted. Guidance on allowable procedures for receiving visitors inside the facility is provided by DOH.

3. Guidance on allowable procedures for receiving visitors outside the facility is provided by DOH.

4. Limited group activities in congregate settings may occur on the facility's grounds per DOH guidelines specific to that setting.

5. Communal dining inside facilities shall remain restricted, per section V.1.i of Mayor's Order 2020-063, issued April 15, 2020. Guidance on allowable communal dining procedures is provided by DOH.

6. Each facility shall develop and implement a written plan for managing new admissions or readmissions of residents with unknown COVID-19 status. Guidance on managing new admissions or readmissions of residents with unknown COVID-19 status is provided by DOH.

7. Facilities shall maintain a dedicated space for cohorting and managing care for residents with COVID-19, and residents who are developing symptoms. Guidance on cohorting and managing care for residents with COVID-19, and residents who are developing symptoms, is provided by DOH.

8. Guidance on testing and screening recommendations for staff and residents is provided by DOH.

XIV. AUTHORITY FOR COVID-19 TESTING

1. During the public health emergency and notwithstanding any other provision of law, dentists are authorized to administer swab tests for COVID-19 as well as to observe self-tests for COVID-19 and to collect self-test swabs.

2. During the public health emergency and notwithstanding any other provision of law, audiologists, audiologist assistants, speech language pathologists, and speech language pathology assistants are authorized to observe self-tests for COVID-19 and to collect self-test swabs.

XV. DEFINITIONS

1. For the purposes of Phase Two, a "mass gathering" is any event or convening, subject to the exceptions and clarifications set forth below, that brings together or is likely to bring together fifty (50) or more persons at the same time in a single room or other single confined or enclosed space, such as, by way of example and without limitation, an auditorium, theatre, stadium (indoor or outdoor), arena or event center, meeting hall, conference center, large cafeteria, or any other confined indoor or confined outdoor space.

    a. A "mass gathering" includes any event in a confined outdoor space, which means an outdoor space that:

        i. Is enclosed by a fence, physical barrier, or other structure; and

        ii. Where people are present and they are within arm's length of one another for extended periods.

    b. A "mass gathering" does not include the following:

        i. Gatherings of people in multiple, separate enclosed spaces in a single building, so long as fifty (50) people are not present in any single space as the same time;

        ii. The use of enclosed spaces where fifty (50) or more people may be present at different times during the day, so long as fifty (50) or more people are not present in the space at the same time;

        iii. Gatherings on property within the District of Columbia owned by the federal government;

iv. Spaces where fifty (50) or more persons may be in transit or waiting for transit such as bus, ferry, or subway stations (or shopping areas associated with the buildings housing those stations);

v. Office spaces, hotels, gymnasiums, recreation centers, or residential buildings. Hotels and residential buildings may remain open as residences for individuals, but gatherings of more than fifty (50) people within the hotel or residential buildings are prohibited;

vi. Retail or food establishments where large numbers of people are present but it is unusual for persons to be within arm's length of one another for an extended period; and

vii. Hospitals, nursing homes, assisted living facilities, and other healthcare facilities.

2. "Social Distancing" means:

a. Maintaining at least six (6) feet from other individuals not in your household;

b. Washing hands with soap and water for at least twenty (20) seconds or using hand sanitizer frequently, or after contact with potentially infected surfaces, to the greatest extent feasible;

c. Covering coughs or sneezes, preferably with a tissue immediately disposed of, or into the sleeve or elbow, not hands;

d. Regularly cleaning high-touch surfaces; and

e. Not shaking hands.

XVI. SUPERSESSION

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

XVII. 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. Individuals should call 311 to report any suspected violations of this or other Mayor's Orders related to the COVID-19 public health emergency.

3. Official guidance posted on coronavirus.dc.gov may inform those seeking laws and recommendations.

XVIII. EFFECTIVE DATE AND DURATION

This Order shall be effective at 12:01 a.m. on Monday, June 22, 2020 and shall remain in effect for the duration of the public health emergency or until it is repealed, modified, or superseded.

MURIEL BOWSER
MAYOR

ATTEST: _____
KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA