

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2021-060
April 26, 2021

SUBJECT: 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, 2021-004, and 2021-038, it is hereby **ORDERED** that:

I. BACKGROUND

1. The findings of prior Mayor's Orders relating to the public emergencies are hereby incorporated.
2. More than one year after a state of emergency for the novel coronavirus was declared, more than 32.1 million Americans have been infected with COVID-19 and more than 572,000 have died from the disease. Locally, transmission stands at a seven-day average of 13.4 new daily cases per 100,000 persons; total infections in the District have risen to 47,378, and tragically, 1,099 District residents have lost their lives due to COVID-19.
3. The District continues to assess the prevalence and impact of new, more transmissible SARS-CoV-2 variants on the progress we have made through various public health measures, including the District's vaccination program that is open to all residents over 16 years old and is targeted to those most at risk: seniors, those with health conditions, front-line workers, and persons in communities that have experienced higher case rates and deaths due to COVID-19.
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 widespread vaccination, the progress the District has made in protecting public health, safety, and welfare would be threatened.

5. 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 further loosened this spring, although surges may necessitate reversing the planned easing of restrictions announced in this Order.
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 presents modified restrictions on businesses and activities necessary to mitigate the spread of COVID-19 during Phase Two of reopening that are expected to be permitted on May 1, 2021.

II. PHASE TWO UNIVERSAL PROVISIONS

No modifications to the continued mask wearing requirements of Mayor's Order 2021-038. Large gathering limits apply to private gatherings and remain at ten (10) persons indoors and fifty (50) persons outdoors.

1. **Large Gatherings.** As further described in Mayor's Orders 2020-048, 2020-075, 2020-119, and 2021-038, a large or mass gathering is a planned event or gathering within a confined space.
 - a. Except as specified herein, the number of persons permitted at a private large gathering outdoors is fifty (50) persons.
 - b. Except as specified herein, the number of persons permitted indoors if a private large 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. This limitation applies to private homes, dormitories, hotels, apartments, condominiums, and cooperatives, and party or common rooms of such permanent or temporary residences.
 - c. The number of persons permitted at public or other large gatherings shall be the same as those permitted at private gatherings unless otherwise authorized by Mayor's Order, guidance from the District Department of Health (DOH or DC Health), other District agency, or waiver through the District's Homeland Security and Emergency Management Agency.

III. PHASE TWO NON-ESSENTIAL, NON-RETAIL BUSINESSES

No modified provisions by this Order.

Businesses 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.

IV. PHASE TWO NON-ESSENTIAL RETAIL BUSINESSES

Modified provisions include loosening capacity restrictions from twenty-five percent (25%) to fifty percent (50%) effective May 1, or two-hundred fifty (250) persons, whichever is fewer.

1. Non-essential retail businesses are limited to no more than fifty percent (50%) 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 required 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.

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 shall remain closed.
3. Bars, nightclubs, and mixed-use facilities shall remain closed, except to the extent authorized by this Order.

VI. PHASE TWO LICENSED FOOD ESTABLISHMENTS

Modified provisions include increasing the allowable table size, authorizing live music outdoors beginning May 1, 2021 at licensed food establishments, and allowing those establishments to sell and serve alcohol outdoors without requiring a food purchase beginning May 1, 2021.

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 customers must be seated, place orders, and be served at tables;
 - b. No more than ten (10) individuals may be seated 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. Entertainment, such as comedy, trivia night, piano music, or even disc jockeys, conducted where patrons are seated and where they can speak at a conversational level, is permitted without need for a waiver, but the Alcoholic Beverage Regulation Administration (ABRA) will enforce regulations relating to excessive sound that causes patrons to shout above the background music or entertainment.
 - e. Restaurants and licensed food establishments are encouraged to use a reservation system, preferably online or by telephone; and sit-down restaurants with reservations are required to keep customer logs to facilitate contact tracing if necessary;
 - f. Background music or sound effects shall not be played so loudly indoors as to encourage persons to speak more loudly than a conversational level; and
 - g. Without need for a waiver, effective May 1, 2021, live music may accompany dining outdoors while diners remain seated and distanced from such music, provided the music is played at the restaurant, and sound levels are consistent with regulations as promulgated by ABRA. Restaurants and other licensed entities may not commission musicians for live music in parklets or on the streets near Streateries, as that will attract standing crowds. Live music is approved for Summer Gardens, courtyard dining, and sidewalk cafes controlled by the restaurant.
2. District government agencies shall continue to authorize outdoor dining operations. District agencies may begin or resume charging of fees associated with permitting outdoor dining operations if allowed by statute.
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) diners, not including servers and staff, whichever is fewer, at any one time.

4. Effective May 1, 2021, establishments licensed by ABRA may sell and serve alcohol to seated persons outdoors without additionally requiring those persons to order food.
5. 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.
6. Farmers markets must continue to adhere to plans approved by the Office of Planning to operate.

VII. PHASE TWO FITNESS AND RECREATION

Modified provisions include increasing the number of persons allowed in fitness classes; authorizing facilities to increase capacity to fifty percent (50%) or two hundred fifty (250) guests, not including staff, whichever is fewer; allowing guests of residents at pools; and allowing persons to lounge on pool decks, provided they are socially distanced.

1. The District of Columbia State Athletic Association authorizes Spring 2021 training and competition under its guidance.
2. Fitness establishments such as gyms, health clubs, yoga, dance and workout studios, including those in hotels, commercial buildings, apartments, condominiums, and cooperatives may operate in accordance with guidance issued by DC Health and as follows:
 - a. Indoor group fitness classes are permitted with up to twenty-five (25) persons, not including the trainer, provided they can maintain social distances between other persons and the trainer.
 - b. Outdoor group fitness classes are permitted up to fifty (50) persons, not including the trainer(s).
 - c. No facility may have more persons than fifty (50%) of its rated capacity on its Certificate of Occupancy indoors at any one time, and no more than two hundred fifty (250) guests at the facility (not including staff) 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, 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, their guests, and members, provided that management establishes and enforces a written infection control plan that includes:
 - i. That residents and guests 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, guest, 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 facilitate 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, except that hotel pools are open only to their overnight guests, not for parties comprised of daily guests. If there exist drinking or dining facilities nearby the pools, hotels shall adhere to the rules established for restaurants and licensed food establishments.
6. Playgrounds are open.
 7. Recreational facilities that do not sell alcohol, such as recreation centers, bowling alleys, climbing gyms, squash or racquet clubs, skating rinks, and skateboard parks, may open with no more than fifty percent (50%) of capacity set forth in the Certificate of Occupancy, and no more than two hundred fifty (250) guests (not including staff) at the facility inside at any one time, whichever is fewer. To the extent such facilities serve food, they must comply with restaurant rules, such as those relating to table service and seated dining only. Athletes are not to be walking around eating and drinking or standing at counters.
 8. Outdoor races are permitted, provided the organizers take measures to provide for social distancing.
 9. Outdoor splash pads will be allowed to open at full capacity, and the Department of Parks and Recreation is authorized to set rules for the safe opening of District public swimming pools.

VIII. PHASE TWO LEARNING INSTITUTIONS

Modified provisions include increasing capacity restrictions to fifty percent (50%) of capacity and lifting numeric caps.

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 may open with capacity limited to fifty percent (50%) of rated capacity, except each auditorium, self-contained exhibit hall, or other room shall not have any more than 25% of that room's rated capacity at any one time. All persons

indoors must maintain social distancing from other household groups.

4. After May 1, 2021, museums and other indoor facilities may allow guided tours with groups of up to twenty-five (25) persons, in addition to the docent or tour guide, and who are masked and socially-distanced, and if the group is over ten (10) persons, the docent or guide must employ an amplification device to avoid shouting.
5. 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.
6. 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.
7. Libraries may open at fifty percent (50%) 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.
8. Camp and aftercare activities may operate for the spring and summer pursuant to guidance from the Department of Health, the Office of the State Superintendent of Education, the District of Columbia Public Schools, or the Deputy Mayor for Education.
9. Schools – public, public charter, and private – shall plan for a return to full in person learning for the fall 2021 term.

IX. LIVE ENTERTAINMENT, THEATRES AND CINEMAS, AND MULTI-PURPOSE FACILITIES, INCLUDING MEETINGS AND CONVENTIONS

Modified provisions include authorizing facilities and venues to hold seated and socially distanced live entertainment events, regional business meetings, conventions, weddings, and special events with limited capacity. Waivers may be considered for larger gatherings.

1. Multi-purpose facilities and venues holding regular live entertainment events may operate with the following restrictions:
 - a. Venues may open with no more than twenty-five percent (25%) capacity or up to five hundred (500) guests indoors and outdoors, whichever is fewer.
 - b. Persons attending live entertainment events, including plays, concerts, and

- other performances must remain seated. Live performance venues do not have to adhere to the conversational level restrictions of restaurants.
- c. Venues operating concessions shall adhere to the rules established for restaurants and licensed food establishments.
 - d. Household members attending together may be seated as a group, and each group must be seated socially distanced from each other group.
 - e. 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 attendees, hygiene, airflow, wellness checks, and, optionally, whether attendees have been fully vaccinated.
 - f. Venues are encouraged 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.
2. The District will consider waivers for live entertainment events through the HSEMA for gatherings larger than five hundred (500) guests, with a greater likelihood that outdoor events will be granted waivers.
 3. Beginning May 1, multi-purpose facilities and venues may host regional business meetings and conventions provided that there may be no more than twenty-five percent (25%) of capacity in any room or up to two hundred fifty (250) persons, not including facility staff, whichever is fewer. Attendees and guests must remain seated and socially distanced from each other or other household groups. If these meetings and conventions include dining, facilities and venues shall adhere to the rules established for restaurants and licensed food establishments.
 4. Beginning May 1, multi-purpose facilities and venues may host events such as weddings and special non-recurring events provided that there may be no more than twenty five percent (25%) of capacity in any room or up to two hundred fifty (250) persons, not including facility staff, whichever is fewer. A waiver is needed for attendance greater than two hundred fifty (250) persons. Attendees and guests must remain seated and socially distanced from each other or other household groups. If these events include dining, facilities and venues shall adhere to the rules established for restaurants and licensed food establishments. Standing and dancing receptions are not allowed.
 5. Movie theatres may open provided that at no time and in no room may there be more than twenty-five percent (25%) of capacity as specified in the Certificate of Occupancy. Operations must also include measures to mitigate close gathering and queuing and promote social distancing in common areas. Movie theatres may not host standing receptions or standing eating in their common areas.

X. PHASE TWO PLACES OF WORSHIP

Modified provisions include increasing capacity restrictions to forty percent (40%), effective May 1, 2021, except as provided by Court order or waiver.

1. Virtual services and outdoor services, rather than indoor services, continue to be encouraged, especially for those who have not yet been fully vaccinated.
2. Places of worship may admit no more than forty percent (40%) of their capacity as specified in their Certificate of Occupancy for the room(s) or area where worship services will be held. This total limit includes worshippers, not including 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, 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.

XI. PHASE TWO REAL ESTATE, CONSTRUCTION, AND DEVELOPMENT

No modified provisions in this Order.

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.

XII. REQUIREMENTS FOR SELF-QUARANTINE, TESTING, AND TRAVEL

1. Mayor's Order 2020-110 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 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, and individuals who have tested positive for COVID-19 and recovered within the last ninety (90) days, are not required to self-quarantine or test. Further, if exposed to someone with COVID-19, fully vaccinated persons are no longer required to self-quarantine; however, any person who has symptoms of COVID-19 without other explanation must self-isolate immediately, regardless of vaccination status or previous history of infection. Individuals are considered fully vaccinated fourteen (14) days after they receive their final vaccine dose.

XIII. PHASE TWO CONGREGATE HEALTH FACILITIES

Section XIII of Mayor's Order 2020-075 is repealed and replaced with the following:

All restrictions for congregate care facilities and residents will be specified in guidance issued by DC Health.

XIV. SUPERSESION

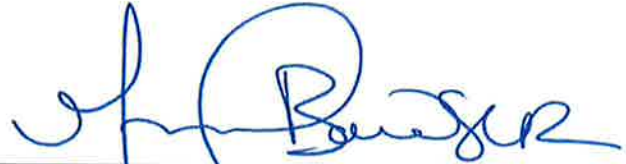
This Order supersedes any prior Mayor's Order issued during the COVID-19 public health emergency to the extent of any inconsistency.

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.

XVI. EFFECTIVE DATE AND DURATION

This Order shall be effective immediately, with increased openings and capacity limits as set forth above to take place at 5:00 a.m. on May 1, 2021 and shall continue to be in effect through the duration of the public health emergency (currently May 20, 2021), or pursuant to any legislation extending programs begun during the public health emergency or authorized to assist in relief or recovery from the public health emergency, or until this Order is repealed, modified, or superseded.



MURIEL BOWSER
MAYOR

ATTEST:  _____
KIMBERLY A. BASSETT

SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA