

## **Mayor's Order on the Closure of Non-Essential Businesses**

*March 25, 2020*

On March 24, Mayor Muriel Bowser issued a [Mayor's Order](#) ("Order") requiring non-essential businesses in the District of Columbia to close by 10 pm on March 25, 2020 through April 24, 2020 in response to the COVID-19 public health emergency. The Order defines non-essential and essential businesses in detail and specifies conditions under which all businesses may continue operations. It also prohibits large gatherings of 10 or more persons and requires essential government functions to continue.

### **Requirements for All Businesses**

- All businesses may continue telework operations so long as they comply with social distancing requirements.
  - Social distancing requirements include individuals:
    - Maintaining at least six feet distance from each other
    - Frequently washing or sanitizing hands to the greatest extent feasible
    - Covering coughs or sneezes with a tissue, sleeve, or elbow
    - Regularly cleaning high-touch surfaces
    - Not shaking hands
- All businesses must take all reasonable steps necessary for employees to work and deliver services remotely.
- Large gatherings of 10 or more persons are prohibited.

### **Requirements for Non-Essential Businesses**

- All non-essential businesses in the District of Columbia, except essential businesses, must **cease** activities in the District, except for minimum basic operations by March 25, 2020 at 10 pm through April 24, 2020.
  - Minimum basic operations are the minimum necessary activities to:
    - Maintain the value of inventory, ensure security, process payroll and benefits, and related functions
    - Facilitate remote working
    - Facilitate teleworking or remote service delivery, cleaning and disinfection of facilities, and supervision of contractors or employees providing essential maintenance of a facility.
- **Non-essential businesses include:**
  - Tour guides and touring services
  - Gyms
  - Health Clubs, spas, and massage establishments
  - Theaters
  - Auditoriums and other places of large gatherings
  - Nightclubs

- Hair, nail, and tanning salons and barbershops
- Tattoo parlors
- Sales not involved in essential services
- Retail clothing stores
- Professional services not devoted to assisting essential business operations

### **Requirements for Essential Businesses**

- All essential businesses are strongly encouraged to remain open.
- Essential businesses that remain open must comply with social distancing requirements to the greatest extent feasible.
  - Additional social distancing requirements for essential businesses include separating staff by off-setting shift hours or days and maintaining at least six feet among and between employees and the public, including individuals waiting in line or a waiting room.
- An individual who is suspected or confirmed to have COVID-19 or any other transmissible infectious disease, or cold or influenza symptoms, may not conduct essential business activities.
- **Essential businesses are:**
  - Health and public health operations
    - Hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare and assisted living services, mental health providers, medical marijuana dispensaries, calibrators and operators of medical equipment, or any related and/or ancillary healthcare facilities as defined by the federal Department of Homeland Security
    - Veterinary care and all healthcare services provided to animals
    - This authorization must be construed broadly to avoid any impediments to healthcare delivery.
  - Essential infrastructure
    - Public works, such as roads, sidewalks, street lighting, traffic control devices, railways, and government facilities
    - Utilities, such as electricity, gas, telecommunications, water and wastewater, and drainage infrastructure, and solid waste collection and removal by private and public entities
  - Food and household products and services
    - Grocery stores, supermarkets, licensed farmers' markets, food banks, convenience stores, liquor stores, and other establishments in the retail, wholesale supply or distribution of food products, alcohol, any other household consumer products, laundromats, dry cleaners, laundry service providers, and medical marijuana cultivation centers, including store that sells groceries and also other non-grocery products that sell products necessary to maintain the safety, sanitation, and operation of residences
    - Restaurants, food trucks, other facilities that prepare and serve food on site, for delivery, carryout, or grab-and-go

- Schools, senior centers, and other entities that typically provide free food services, on a pickup and takeaway basis
  - Food shall not be permitted to be eaten on-site or in a self-serve manner
- Social services providing for the necessities of life
  - Businesses and organizations that provide food and food preparation, shelter and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals, and organizations or components of organizations that process eligibility for such services
- Communications and information technology
  - Newspapers, television, radio, and other media services and engineers, technicians and associated personnel responsible for communications and information technology construction and restoration
- Energy and automotive
  - Businesses that maintain, ensure, or restore, or are otherwise involved in the electricity industry, or petroleum, natural, or propane gas, including gas stations, auto repair/mechanic shops, auto supply stores, and related facilities
- Financial services
  - Banks, credit unions, and related financial institutions
- Education institutions
  - Public and private K-12 schools, colleges, and universities, solely for the purpose of facilitating distance learning and operations, or modifying facilities to provide support for addressing COVID-19 or the public emergencies
- Transportation and logistics
  - Businesses that ship or deliver groceries, food, goods, or services to residents
  - Taxis, ridesharing companies, and other private transportation providers providing transportation necessary for essential businesses, essential government functions, or other purposes expressly authorized in the Mayor's Order
  - Businesses providing mailing and shipping services, including post office boxes and moving companies
  - Bicycle sales, management, and repair
- Construction and building trades
  - Plumbers, pipefitters, steamfitters, electricians, boilermakers, exterminators, roofers, carpenters, bricklayers, elevator mechanics
  - Businesses that sell supplies and materials for commercial and residential homes, including "big box" supply stores, plumbing distributors, electrical distributors, and HVAC distributors
  - Other businesses that provide services that are necessary to maintaining the safety, sanitation, and operation of residences and essential businesses
- Housing and living facilities
  - Residences and residential facilities
  - Group housing and shelters
  - University housing;

- Hotels, except as to conference facilities, ballrooms, and dining-in facilities of their restaurants
  - Animal shelters
- Professional services
  - Legal, insurance, notary public, tax preparation and accounting services, but only when necessary to assist in compliance with legally mandated activities, essential business, or essential governmental functions
- Childcare facilities, prioritizing services for children of essential employees to the extent possible and in compliance with [OSSE guidance](#)

## **Large Gatherings**

- A large gathering is any event that brings together or is likely to bring together 10 or more persons at the same time in a single confined or enclosed indoor or outdoor space, including an enclosed outdoor space where people are present and are within six feet of one another for an extended period.
- A large gathering does not include:
  - Essential businesses and groups performing essential government functions
  - Gatherings of people in multiple, separate enclosed spaces in a single building, so long as 10 people are not present in any single space at the same time.
  - The use of enclosed space by 10 or more people who are present at different times during the day
  - Gatherings on federal government property
  - Spaces where persons may be in transit or waiting for transit, or shopping areas associated with those buildings
  - Office space, hotels, or residential buildings, except for conferences or large gatherings at hotels

## **Essential Government Functions**

- Essential government functions must continue.
- Essential government functions include:
  - First responders
  - Law enforcement functions
  - Services needed to ensure the continuing operation of government agencies and provide for the health, safety, and welfare of the public performed by the federal or D.C. government or their contractors
  - District of Columbia courts, which should determine what services are needed to continue essential services.
  - Intergovernmental commissions and entities performing such functions, including judicial and elections functions

## **Enforcement and Waivers**

- Any individual or entity that knowingly violates the Mayor's Order shall be subject to all civil, criminal, and administrative penalties authorized by law.

- The Mayor may grant a waiver to a business or nonprofit through the Homeland Security and Emergency Management Agency.