



District Of Columbia Mayor Issues Non-Essential Business Closure Order

Insights

3.25.20

District of Columbia Mayor Muriel Bowser just issued Executive Order No. 2020-053 ordering non-essential business to close and prohibiting large gatherings in an ongoing effort to combat the COVID-19 coronavirus pandemic. The Order has three key components: (1) it orders certain non-essential businesses to temporarily close and prohibits large gatherings; (2) it strongly encourages essential businesses to remain open and outlines appropriate social distancing requirements for those that do; and (3) it directs essential and non-essential businesses to take all reasonable steps necessary for employees to telework.

Non-Essential Businesses And Prohibition On Large Gatherings

All non-essential businesses in D.C. must close starting at 10 p.m. on Wednesday, March 25, 2020.

Non-essential businesses under the Order 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; and
- Professional services not devoted to assisting essential business operations.

Non-essential businesses may continue minimum basic operations at their facilities, meaning those activities necessary to maintain the value of the business's inventory, ensure security, and process payroll and employee benefits; and the minimum necessary activities to facilitate ongoing or new telework arrangements, provide cleaning and disinfection of a business's facilities, and provide supervision of contractors or employees providing essential maintenance of the facility. All businesses, including non-essential businesses, may continue telework operations and home-based businesses can continue operations.

Large gatherings of 10 or more persons, including such gatherings in confined outdoor spaces, are prohibited under the Order. Certain large gatherings are exempted, including essential businesses, groups performing essential government functions, spaces where 10 or more persons may be in transit or waiting for transit, gatherings or use of enclosed spaces where 10 or more people may be present at different times during the day as long as 10 people are not in the space at the same time, and office space, hotels, or residential buildings.

Essential Businesses

Essential businesses are encouraged to remain open and include:

- Healthcare and Public Health Operations, which is construed broadly to include all operators of healthcare-related services (including but not restricted to hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, health care facilities, health care suppliers, home health care and assisted living services, mental health providers, medical marijuana dispensaries, calibrators and operators of medical equipment, any related and/or ancillary health care services as defined by CISA, and veterinary care and all health care services provided to animals);
- Essential Infrastructure, including public works, utilities, and solid waste collection;
- Food and Household Products and Services, including any establishment engaged in the retail sale, wholesale supply or distribution of food products, alcohol, household consumer products, laundromats, dry cleaners, laundry service providers, and medical marijuana cultivation centers;
 - Restaurants and other facilities that serve food, including food trucks, are included but only for delivery, carry out, or “grab and go” food;
 - Schools, senior centers, and other entities that provide free food services may continue to do so on a pick-up or take-away basis;
 - Facilities covered under this exemption may not permit food to be eaten on the premises or provide food in a self-serve manner;
- Social Services, including businesses and organizations that provide food, shelter, social services, and other life necessities to disadvantaged individuals, and organizations that process eligibility for such services;
- Communications and Information Technology, including newspapers, TV, radio and other medical services, as well as the personnel responsible for communications and IT construction and restoration;
- Energy and Automotive, including businesses involved in the electricity, petroleum, natural or propane gas industries such as gas stations, auto repair shops, and auto supply stores;
- Financial Services, including banks, credit unions, and related financial institutions;
- Educational Institutions, including public and private K-12 schools, colleges, and universities, but solely for the purpose of facilitating distance learning and operations, or modifying facilities

to provide support for addressing COVID-19 or the public emergency or public health emergency previously declared by the Mayor;

- Transportation and Logistics, including businesses that ship or deliver groceries, food, goods or services directly to residences; taxis, ride-sharing, and other private transportation providers providing services for essential businesses, essential government functions or other authorized purposes; businesses providing mailing and shipping services; and bicycle sales, management, and repair businesses;
- Construction and Building Trades, including various tradespersons, businesses that sell supplies and materials for maintenance of commercial and residential buildings and homes, including “big box” stores, distributors, and other businesses that provide services necessary to maintaining the safety, sanitation, and operation of residences and essential businesses;
- Housing and Living Facilities, including residences and residential facilities, group housing and shelters, university housing, hotels except as to conference facilities, ballrooms, and dining-in facilities of their restaurants, and animal shelters;
- Professional Services, including 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 government functions; and
- Childcare facilities, which must prioritize services for children of essential employees.

Essential government functions will continue to operate in D.C., including first responders, law enforcement functions, services needed to ensure the continued operation of government agencies and to provide for the health, safety, and welfare of the public performed by District of Columbia or federal government or their contractors, District of Columbia courts, and inter-governmental commissions and entities performing such functions, including judicial and election functions.

Any businesses that continue to operate as allowed under the Order must comply with the social distancing requirements outlined in the Order, including maintaining at least 6 feet of distance from others, frequent hand washing for 20 seconds with soap and water or use of hand sanitizer, covering coughs and sneezes, regularly cleaning high-touch surfaces, and not shaking hands.

Telework

All businesses, including essential and non-essential, are directed to take all reasonable steps necessary for employees to work remotely from their residences and to deliver services to businesses and their customers by telephone, video, internet, or other remote means. Any individual or entity that knowingly violates the Order is subject to civil, criminal, and administrative penalties, including summary suspension or revocation of licensure. The Order remains in effect through April 24, 2020.

Conclusion

We will continue to monitor this rapidly developing situation and provide updates as appropriate.

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