District Of Columbia Mayor Issues Stay-At-Home Order

Insights
3.31.20

District of Columbia Mayor Muriel Bowser just announced a Stay-At-Home Order effective at 12:01 a.m. on Wednesday, April 1, 2020. Bowser had previously issued an Order on March 25, 2020, requiring the closure of non-essential businesses and prohibiting social gatherings of more than 10 people. Pursuant to the March 30 Order, individuals in the District of Columbia must remain in their residences absent certain essential reasons, such as obtaining supplies or medication for one's self or others, caring for a family member or pet, visiting a health care professional, obtaining supplies needed to work from home, performing work in an essential business or minimum basic operations for a non-essential business, or walking, running, hiking, or otherwise engaging in physical activity that complies with certain social distancing requirements.

The March 30 Order adopts the language of the March 25 Order with regard to the definition of Essential Businesses, and similarly adopts its provisions concerning the promotion of telework and permitting Minimum Basic Operations for Non-Essential Businesses.

The March 30 Order remains in effect through April 24, 2020 or until it is otherwise extended, rescinded, superseded, or amended by a subsequent Order.

Key Changes For Businesses
For businesses, there are several key changes in the March 30 order:

- Individuals may leave their residences to work at Essential Businesses, to obtain supplies necessary to work from home, or to provide Minimum Basic Operations for Non-Essential Businesses. Individuals may also obtain and provide home-based services, so long as the services do not involve physical touching and can be carried out in accordance with certain social distancing requirements. The only exception is for those individuals who are suspected or confirmed to be infected with COVID-19 or any other transmissible infectious disease, who cannot leave their residences unless they are obtaining medical care.
- Essential Businesses must provide a plan for complying with the requirement of minimizing person-to-person contact and social distancing if requested by the Department of Consumer and Regulatory Affairs (DCRA).
- Non-Essential Businesses conducting Minimum Basic Operations or those operating under a waiver must also provide operational plans and an explanation as to how the activities they are conducting fit within the allowable limits, if requested.

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conducting it within the allowable limits, if requested.

- Essential Businesses and Government Buildings or Facilities that remain open to the public with an expected occupancy of more than 10 people must post in a conspicuous location a copy of the requirements for social distancing found at coronavirus.dc.gov (as may be amended from time to time).

The DCRA may impose penalties on businesses that operate in violation of the March 30 Order, including summary closure, hearings at the Office of Administrative Hearings, Notices of Infractions, penalties of up to $1,000 per day per site operating in violation of the March 25 or 30 Orders, and penalties of up to $5,000 per day per site operating after either an Order to close or an inspector's warning or request to close. The Alcohol Beverage Control Administration may also revoke liquor licenses or permission for delivery services.

Individuals or entities that knowingly violate the Order may also be subject to sanctions including $1,000 fines, summary suspension, or revocation of business licensure. In addition, individuals who willfully violate the March 30, 2020 Order may be guilty of a misdemeanor and subject to a fine of up to $5,000 or imprisonment of up to 90 days or both.

Conclusion
Fisher & Phillips will continue to monitor the rapidly developing COVID-19 situation and provide updates as appropriate. Make sure you are subscribed to Fisher Phillips' Alert System to get the most up-to-date information. For further information, contact your Fisher Phillips attorney, or any member of our Essential Business or COVID-19 Taskforce. You can also review our nationwide Comprehensive and Updated FAQs for Employers on the COVID-19 Coronavirus and our FP Resource Center For Employers, maintained by our Taskforce.

This Legal Alert provides an overview of a specific local law. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

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