

District of Columbia Enters Phase One of 'Reopen D.C.' Plan: What Businesses Need to Know

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By [Christopher E. Humber](#) and [Patrick T. Wilson](#)



On May 27, 2020, Mayor Muriel Bowser issued Mayor's Order No. 2020-067, implementing phase one of a three-stage reopening plan in the District of Columbia. Beginning on May 29, 2020, D.C. residents and visitors will no longer be required to stay at home and certain businesses will be permitted to resume normal operations, so long as they comply with applicable health and safety guidelines.



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What Does Phase One Include?

[Phase one](#) lifts the mayor's [stay-at-home order](#) of March 30, 2020, although it continues to require individuals to practice social distancing measures and wear face coverings in public settings. Gatherings of more than 10 people are still prohibited.

Phase one also allows selected nonessential businesses to reopen for certain limited purposes and subject to the restrictions described below. All businesses that resume operations must follow the mayor's prior orders (to the extent they are consistent with the current order) and guidance provided by the D.C. Department of Health, must instruct employees not to come to work if sick and inform them of applicable leave requirements, and must create a COVID-19 plan that includes information about [testing and guidance from the U.S. Centers for Disease Control and Prevention](#).

Retail

- Nonessential retailers can now provide curbside pickup and delivery of items ordered online or by phone.
- In-store shopping and pickup remains prohibited.

Personal Services

- Barbershops and hair salons can reopen with safeguards and physical distancing.
- Services may be provided by appointment only, retaining customer and employee information necessary to facilitate contact tracing.
- Customers may not wait inside the shop, and there may be no more than one customer per barber or stylist in the store at a time.
- Barbershops and hair salons may sell hair-related products to customers immediately before or after their appointments, but otherwise only on a delivery or curbside-pickup basis.
- Waxing, electrolysis, threading, and nail care are still prohibited.
- Open customer stations must be at least six feet apart.

Healthcare Providers

- “Healthcare providers may continue to offer, or resume offering, services, including outpatient or other surgical procedures in the District that will not unduly burden hospital capacity or COVID-19 resources.”

Restaurants and Licensed Food Providers

- In addition to takeout, delivery, and “grab and go” services, restaurants may reopen for outdoor dining. Taverns, nightclubs, and mixed-use facilities that are approved for outdoor food service may also resume outdoor dining.
- Customers must be seated at tables spaced six feet apart, with no more than six customers per table.
- “[R]estaurants must implement sanitation and disinfection protocols.”
- “Licensed food establishments are encouraged to use a reservation system, preferably online or by telephone, to avoid crowding and queuing nearby.” They are also encouraged to keep customer information to facilitate contact tracing, if necessary.

Farmers Markets

- Farmers markets operating under a current waiver pursuant to Mayor’s Order 2020-058 may now request additional waivers permitting the sale of non-food items and food prepared on site, allow customers to select their own produce, provide produce in non-pre-bagged quantities, and provide nonessential information.
- All existing waivers are extended through the end of the season.
- All amended waiver requests are deemed approved when filed but may later be modified or rejected upon review.

Parks and Recreation

- The D.C. Department of Parks and Recreation may reopen parks, dog parks, golf courses (but not clubhouses), tennis courts, tracks, and fields.
- Playgrounds, public pools, recreation centers, and indoor facilities will remain closed.

During phase one, the following nonessential businesses will remain closed for all purposes except minimal business operations, curbside pickup or delivery, and home-based services:

- Fitness establishments (gyms, health clubs, spas, massage parlors, workout studios)
- Tanning, tattoo, waxing, electrolysis, cryotherapy, facials, and nail salons
- Sporting venues, bowling alleys, skating rinks, and gaming arcades
- Gymnastics, yoga, and dance studios
- Sauna and hot tub showrooms and facilities
- Rock climbing centers
- Indoor racquet and squash courts
- Cigar and hookah bars
- Stores for jewelry and watches, clothing, cosmetics, mattresses, and party supplies
- Stores for gifts and awards, cards and stationery, toys, books, candles, sunglasses, home goods, frames, and camping and outdoor gear
- Museums, galleries, theaters, cinemas, and auditoriums
- Tasting rooms and cooking demonstration facilities
- Weight loss centers and vitamin/supplement stores
- Pottery-making and glassblowing workshops
- Party venues
- Photography studios
- Travel agencies
- Test preparation centers
- Florists
- Bars, nightclubs, and social clubs that are not licensed to serve food

Ogletree Deakins will continue to monitor and report on developments with respect to the COVID-19 pandemic and will post updates in the firm's [Coronavirus \(COVID-19\) Resource Center](#) as additional information becomes available. Critical information for employers is also available via the firm's [webinar programs](#).

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