



**ORDER ESTABLISHING SUPPLEMENTAL COVID-19 RESTRICTIONS
IN THE CITY OF BOSTON**

DATE OF ORDER: December 14, 2020

The Boston Public Health Commission, acting through its duly appointed and authorized agent, Interim Executive Director Rita Nieves, pursuant to M.G.L. c. 111, § 30, the Boston Public Health Act of 1995, M.G.L. c. 111 App §§ 2-6, M.G.L. c. 111 §§ 6, 7, 31, 95, 104, 122, and the Boston Public Health Commission's Declaration of a Public Health Emergency Relative to COVID-19 in the City of Boston dated March 15, 2020, hereby enacts and declares as follows:

Whereas, a Public Health Emergency due to the outbreak of the 2019 novel Coronavirus ("COVID-19") in the City of Boston pursuant to declaration of the Boston Public Health Commission dated March 15, 2020 remains in full force and effect;

Whereas, there is clear evidence that COVID-19 continues to cause serious harm to the public health of the City of Boston and has resulted in the infection of over 31,000 Boston residents and the deaths of over 950 Boston residents;

Whereas, the Interim Executive Director has determined that further temporary restrictions are necessary to prevent the spread of COVID-19 in Boston workplaces;

Whereas, Mayor Martin J. Walsh has issued *An Executive Order Declaring Racism an Emergency and Public Health Crisis*, in recognition of both longstanding systemic racism and resulting health inequities as well as the fact that racial and ethnic inequities in the COVID-19 pandemic has revealed, reaffirmed, and cast in sharp relief the emergent nature of these inequities;

Whereas, between December 3 and December 10, multiple public health data indicate increasing prevalence and impact of COVID-19 in the City of Boston: the 14-day average daily incidence of COVID-19 has increased 45%, from 31 per 100,000 to 46 per 100,000; the 7-day average of percentage of positive molecular tests has increased 41%, from 5.1% to 7.2%;

Whereas, the continued spread of COVID-19 across the region is putting an increased strain on Boston hospitals; as of December 12, over 90% of non-surge adult intensive care unit beds in Boston hospitals are occupied;

Whereas, in order to allow for essential services and other vital functions of society to continue, it is necessary to temporarily restrict certain recreational and leisure activities, including many categories of activities that have been operating in Phase III, Step I under COVID-19 Order No. 58, *Order Returning All Municipalities to Phase III, Step I COVID-19 Safety Rules* and preceding Orders;

Whereas, it is essential to suppress virus transmission as much as possible in the immediate term to conserve limited local public health resources and protect Boston residents, particularly the most vulnerable. Given the totality of the circumstances, one of the least restrictive means of disrupting transmission is to reduce the introduction of new cases through the reasonable restriction of the use of certain indoor facilities and businesses where COVID-19 may spread;

Whereas, the intent of this Order is to prevent the spread of COVID-19 to the maximum extent possible. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent and immediate threat to public health.

THEREFORE, THE FOLLOWING PUBLIC HEALTH ORDER SHALL BE IN EFFECT FOR THE CITY OF BOSTON, AS FOLLOWS:

1. In addition to complying with all applicable COVID-19 Orders issued by Governor Baker relative to reopening businesses in the Commonwealth, including, COVID-19 Order No. 58, *Order Returning All Municipalities to Phase III, Step I COVID-19 Safety Rules*, and any applicable subsequent rules, guidance, and orders, businesses and other entities located in Boston shall be subject to the additional temporary restrictions set forth in the attached Appendix A.
2. All indoor gatherings in private or public places shall be limited to ten (10) or fewer people. All outdoor gatherings in public or private places shall be limited to twenty-five (25) or fewer people. This restriction shall not apply to gatherings for religious activities or outdoor gatherings for political expression, provided that gatherings for religious activities will remain subject to the Places of Worship sector-specific rules established by the Commonwealth.
3. Additional guidance may be issued by the Boston Public Health Commission or any other designee agency to clarify and implement this Order.
4. This Order shall take effect on 12:01 a.m. on the second day following its issuance and remain in effect until rescinded by the Executive Director, following a determination that

the resumption of activities temporarily suspended by this activity no longer constitute an immediate risk to the public health.

ENFORCEMENT

All reasonable efforts will be made to secure voluntary compliance with this Order. In addition to any applicable fine that may be issued for any activity that would also constitute a violation of any COVID-19 order issued by the Governor, this Order may be enforced through an order of a court of competent jurisdiction. The Executive Director may seek the assistance of other City of Boston agencies in ensuring compliance with this order.

NOTICE

The City of Boston must promptly provide copies of this Order by posting on the Boston Public Health Commission website (bphc.org) and providing a copy to any member of the public requesting one.

IT IS SO ORDERED:

Dated: December 14, 2020



Rita Nieves

**INTERIM EXECUTIVE DIRECTOR
BOSTON PUBLIC HEALTH COMMISSION**

**APPENDIX A:
ADDITIONAL BUSINESS CATEGORIES SUBJECT TO
TEMPORARY CLOSURE OR FURTHER RESTRICTION**

Business or Organization Category Subject to Temporary Closure or Further Restriction	Restriction
Restaurants providing indoor table service	Restaurants providing seated food service prepared on-site and under retail food permits issued by municipal authorities pursuant to 105 CMR 590.000 may operate only under the following requirements: <ul style="list-style-type: none"> - Continued compliance with all relevant state workplace standards, including the six persons per table limitation. - Bar seating is prohibited, unless a waiver is received from the Licensing Board. - Strict enforcement of all standards including the 90 minute limit to reduce crowding and prevent the spread of COVID-19. No member of any dining party may remain in a restaurant for more than 90 minutes in a calendar day. - No live entertainment; permissible entertainment is limited to approved televisions and background music. - All activities ancillary to dining are prohibited, including but not limited to billiards, bowling, and darts.
Indoor recreational and athletic facilities for general use	Closed to customers and the public, provided that: <ul style="list-style-type: none"> - Indoor recreational and athletic facility use for youth 18 and under only is allowed, as permitted in Phase II of the State’s guidance. - Indoor pools may operate if limited to swimmers who register for use in advance and are limited to one person per swim lane.
Fitness centers and health clubs	Indoor fitness centers and health clubs are not allowed to operate, including those using alternative indoor spaces, provided that: <ul style="list-style-type: none"> - Appointment-only training with only one customer (or two from the same household) is allowed in a facility at a time. - Fitness centers and health clubs that have retail operations shall be permitted to operate those functions following retail workplace safety standards. Outdoor fitness instruction is allowed to operate with 25 or fewer people.
Museums	Closed to customers and the public.

Indoor historic spaces/sites	Closed to customers and the public.
Aquariums	Closed to customers and the public.
Outdoor theatres and other outdoor performance venues not designated as Phase IV enterprises	Allowed to operate only if 25 or fewer people are present.
Movie theatres	Closed to customers and the public.
Sight-seeing and other organized tours	Not allowed to operate.
Outdoor event spaces used for gatherings and celebrations, including parks, reservations and other outdoor spaces not designated in Phase IV.	Allowed to operate only if 25 or fewer people are present.
Indoor event spaces (meeting rooms, ballrooms, private party rooms, social clubs)	Not allowed to operate, provided that: <ul style="list-style-type: none"> - Private social clubs may operate if they serve food and comply with all regulations and guidance applicable to restaurants.
Indoor non-athletic instructional classes in arts/education/life skills for persons 18 years and over.	Allowed to operate only if 10 or fewer people are present.
Indoor recreational venues with potential for low-contact (batting cages, driving ranges, bowling alleys, rock-climbing)	Closed to customers and the public.
Indoor and outdoor gaming arcades associated with gaming devices	Closed to customers and the public.