

DEPARTMENT OF HEALTH  
**CITY OF NEW ORLEANS**

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**CITY OF NEW ORLEANS HEALTH DEPARTMENT**  
**GUIDELINES FOR COVID-19 REOPENING PHASE ONE**

**May 29, 2020**

**I. PURPOSE**

Mayor LaToya Cantrell issued a “Mayoral Proclamation to Further Promulgate Emergency Orders During the State of Emergency Due to COVID-19” (“Mayoral Proclamation”) on May 15, 2020, which allows the City of New Orleans to enter into a phased reopening of businesses following a two month Stay at Home Mandate. These phases will continue to prohibit certain activities in the interest of public health and to prevent the further spread of the SARS-CoV-2 virus. The New Orleans Health Department provides this document to aid in the interpretation and implementation of the May 15, 2020 Mayoral Proclamation and to provide additional guidance and mandates for residents and businesses in the City of New Orleans.

**II. FACTUAL BACKGROUND**

SARS-CoV-2, the virus that causes Coronavirus 2019 Disease (“COVID-19”) is a communicable respiratory disease that can be easily transmitted especially in group settings. It is believed to be spread easily amongst the population by various means of exposure, including person to person transmission and attaching to surfaces for prolonged periods of time. Due to the contagious nature of the virus and emerging scientific evidence regarding transmission, non-pharmacological interventions are indicated to slow the spread of the virus, such as physical and social distancing, increased sanitation protocols, and use of personal protective equipment as much as possible while in public. Slowing transmission through these measures safeguards public health and safety, protects the most vulnerable populations that have been disproportionately affected by COVID-19, and protects the ability of health care providers to avoid surge conditions in response to an influx of patients. As a novel virus, there is a limited scientific understanding of this virus, and measures specific to reducing harm from COVID-19 must be guided by sound evidence-based research as it emerges. One known proven way to slow transmission is to limit interactions among people to the greatest extent practicable through non-pharmacological interventions such as those described above.

Due to the direct and definitive threat to public health and safety from COVID-19, Mayor LaToya Cantrell has taken emergency actions to mitigate the effects and prevent further deaths and illness for the people of the City of New Orleans from COVID-19. On March 11, 2020, Mayor Cantrell filed a “Mayoral Proclamation of a State of Emergency Due to COVID-19,” which allowed Mayor Cantrell to exercise the emergency authorities provided to the Mayor in La. R.S. 29:727, and in coordination with state and federal agencies, to thoroughly prepare for and respond to the COVID-19 emergency. Following the dramatic increase in the number of positive cases in New Orleans, from one (1) case on March 9, 2020 to seventy-five (75) cases and two deaths in Orleans Parish as of March 15, 2020, Mayor Cantrell filed the March 16, 2020 Mayoral Proclamation to impose restrictions on public and private gatherings, to close businesses where large gatherings routinely occur, and to limit restaurant operations to take out and delivery. On April 16, 2020, there were 5,847 positive cases and 302 deaths due to COVID-19; therefore, Mayor Cantrell extended the Mayoral Proclamation due to the continued high number of new cases and deaths.

On May 15, 2020, Mayor Cantrell issued a Mayoral Proclamation to Further Promulgate Emergency Orders During the State of Emergency Due to COVID-19, which extends the April 15th restrictions until Health Department guidance provides otherwise. The Proclamation directs the Department of Health to promulgate temporary regulations to introduce a phased approach to easing the restrictions in place, with flexibility provided to the public health professionals to immediately respond in real time and adjust restrictions if necessary with adjustments based on public health data, guidance of the CDC and State health department, or applicable law.

### **III. PUBLIC HEALTH MILESTONES**

As of May 15, 2020, the City of New Orleans has met the public health milestones for entering a phased reopening process as described by evidence-based guidance for jurisdictions and health departments issued by the World Health Organization, White House, Centers for Disease Control and Prevention (CDC), and Johns Hopkins University. This guidance identifies when it may be safe to enter a phased easing of restrictions, which allows the reopening of some businesses during the COVID-19 emergency. It requires jurisdictions to meet the following four public health milestones in order to enter a phased reopening process or easing of restrictions by moving from Phase 0 (Stay Home) to Phase 1 (Safest at Home). The four public health milestones and thresholds are currently defined as follows.

#### **Sustained decrease in number of new cases**

Jurisdictions must see a downward trajectory of documented cases within a 14 to 21-day period. The City of New Orleans has experienced more than 21 days of decreasing new positive cases with 7 days of fewer than 20 new cases per day. The New Orleans Health Department will continue to monitor new positive cases to determine the need to reissue the Stay at Home mandate if cases increase above 50 per day (averaged over at least 3 days) or consecutive increase in cases for more than 5 days. In order for the City of New Orleans to move into Phase 2 of reopening, there must be another 14 to 21-day period of continued decreasing new positive cases.

#### **Consistently testing at 4-5% of population**

Jurisdictions must be able to test 4-5% of their population over the course of a month to ensure

that all symptomatic individuals have access to testing, and that the number of new cases is representative of the disease spread within the community and not a result of diminished testing capacity. The City of New Orleans continues to have high rates of testing through healthcare providers and community-based testing locations. The number of tests completed will be monitored by the New Orleans Health Department to ensure that testing remains at this capacity of at least 15,000 per month.

#### **Adequate staffing for contact tracing**

In order to isolate and identify exposure of close contacts, the Louisiana Department of Health will need to increase their ability to implement contact tracing. As of May 15, 2020, there are expected to be over 200 individuals able to provide contact tracing in Louisiana and this number is expected to grow to 700 individuals in June 2020. The number of contact tracers is based on the ability to contact all new positive cases within 24 hours of LDH receiving the test results. The New Orleans Health Department will work with LDH to determine the levels of contact tracing necessary and provide assistance if necessary.

#### **Adequate healthcare system capacity**

Healthcare systems, especially hospitals, must be able to care for all COVID-19 and non-COVID-19 patients without using surge capacity. The New Orleans Health Department utilizes data from regional hospitals and LDH to monitor hospitalization rates and availability of hospital beds, intensive care unit (ICU) beds, ventilators, and personal protective equipment supplies.

As of May 15, 2020, the City of New Orleans has experienced more than 21 days of decreasing new positive cases, decreasing hospitalizations, and increasing healthcare and public health services such as access to personal protective equipment, testing, isolation, and contact tracing. Given this evidence of sustained positive trends in public health data, and adequate capacity of the healthcare system, a slow, closely monitored, and phased easing of restrictions may be safely implemented. The New Orleans Health Department will continue to monitor all four of the public health milestones, as well as additional relevant public health metrics and trends, in order to guide movement between reopening phases or determine if the City of New Orleans must re-enter the Stay at Home Mandate. These milestones will be examined as a whole, and movement between phases may or may not be guided by one specific indicator.

### **IV. REOPENING PHASE ONE: SAFEST AT HOME MANDATES FOR RESIDENTS AND BUSINESSES IN THE CITY OF NEW ORLEANS**

Pursuant to the May 15th Mayoral Proclamation to Further Promulgate Emergency Orders During the State of Emergency Due to COVID-19, the New Orleans Health Department provides the following general directives to all individuals and businesses to best mitigate the further spread of COVID-19 in New Orleans. The CDC advises the best way to prevent the spread of the illness is to avoid being exposed to the virus, so individuals and businesses should follow these directives to the maximum extent feasible.

- All residents and visitors to the City of New Orleans should take personal responsibility to prevent the further spread of COVID-19, including but not limited to, remaining in their homes whenever possible and avoiding gatherings;
- Individuals who are considered high risk for complications due to COVID-19, such as the elderly and people with pre-existing health conditions should remain at home unless accessing essential services;
- Individuals should maintain social distancing of at least six feet from other (non-household) individuals, wash hands with soap and water for at least 20 seconds as frequently as possible or use hand sanitizer, and avoid shaking hands;
- Individuals over the age of 2 and without breathing complications (i.e. use of oxygen) should wear a face covering at all times when in public, unless performing outdoor recreation with proper social distancing;
- Employers in the City of New Orleans should take all necessary steps for employees to work remotely or from home;
- Businesses not considered essential service providers should have the least number of employees on premises necessary to continue minimum basic operations and must comply with all safety requirements as set forth herein;
- Individuals are prohibited from gathering in groups larger than a household size, even in outdoor parks and spaces;
- Movement around the City should be limited to only that necessary for travel to and from authorized businesses, accessing essential services, and for personal recreation (i.e. walking, biking, and running), with strict adherence to social distancing guidelines;
- Live entertainment is prohibited in front of an audience in all businesses, institutions and outdoor spaces.

Pursuant to the May 15th Mayoral Proclamation to Further Promulgate Emergency Orders During the State of Emergency Due to COVID-19, the New Orleans Health Department further provides the following specific directives and guidance to best mitigate the further spread of COVID-19 in New Orleans:

1. All public and private gatherings shall be canceled or prohibited in non-emergency situations and where possible. In limited circumstances, personal gatherings should be limited to the number of persons in a reasonable household size. This shall not apply to healthcare facilities, pharmacies, grocery stores, corner stores, banks, gas stations, and other essential service providers. Loitering outside of any of these essential service providers or open businesses shall be prohibited.
2. All businesses and institutions that provide essential services or have been exempted for Phase 1 shall be allowed to remain open or reopen if they follow mandatory safety requirements.
3. All businesses and institutions other than those that provide essential services or have been explicitly listed below as exempted for Phase 1 shall remain closed, including but not limited to the following:
  - a. Casinos and Video Poker
  - b. Spas, Tattoo, and Massage Establishments
  - c. Live Entertainment, Amusement, and Event Venues

- d. Children's Museums
- e. Bars without food permits

## **Gatherings**

The Health Department's first specific directive concerns gatherings of people outside the home, which should be avoided to the extent possible in all circumstances, in accordance with COVID-19 guidance from the CDC and state and local health departments. The CDC advises that the best way to prevent COVID-19 illness is to avoid being exposed to the virus. Thus, the CDC encourages individuals to put distance between themselves and other people if COVID-19 is spreading in the community, which is especially important for people who are at higher risk of getting very sick or having complications due to COVID-19. Because of the community spread of COVID-19 in New Orleans and throughout the surrounding region, the first directive mandates that gatherings of individuals outside the home are canceled or prohibited in non-emergency situations where possible.

This prohibition does not apply to essential service providers, including but not limited to the following:

- Healthcare operations;
- Public safety, emergency response, and first responders;
- Any establishment engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supplies, fresh meats, fish and poultry, and any other household consumer products (such as cleaning and personal care products), including stores that sell groceries and other non-grocery products, such as products necessary to maintain the safety, sanitation, and essential operation of residences;
- Food cultivation, including farming, livestock, and fishing;
- Businesses that provide food, shelter and social services and other necessities of life for economically disadvantaged or otherwise needy individuals;
- Businesses necessary for required construction and/or infrastructure projects; ports and maritime, railroads, solid waste collections and removal; utilities; on- and offshore energy production, energy transmission, refineries and chemical plants, pipeline and telecommunication systems;
- Newspapers, television, radio and other media services;
- Banks and related financial institutions;
- Hardware stores;
- Any other service providers who provide services that are necessary to maintaining the safety, sanitation and essential operation of businesses or residents (e.g. plumbers, electricians, exterminators, security personnel);
- Businesses providing mailing and shipping service, including post office boxes;
- Educational institutions – including public and private K-12 schools, colleges, and universities – for the purpose of facilitating distance learning or performing essential functions, provided that social distancing requirements are maintained to the greatest extent possible;
- Laundromats, dry cleaners and laundry service providers;
- Businesses that supply product needed for people to work from home;

- Businesses that supply other essential businesses with support or supplies necessary to operate
- Businesses that ship or deliver groceries, food, goods or services directly to residences
- Airlines, taxi, and other private transportation providers providing essential transportation services;
- Home-based care for seniors, adults or children;
- Residential facilities and shelters for seniors, adults and children;
- Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated services; and
- Childcare facilities, provided that social distancing is maintained to the greatest extent possible.

All essential businesses should take measures to prevent gatherings of employees, customers, visitors, and any other individuals while operating, to the maximum extent feasible.

### **Mandatory Safety Requirements for all Essential and Phase 1 Exempt Businesses and Institutions**

The Health Department's second specific directive requires essential and Phase 1 exempt businesses and institutions to implement and comply with identified specific safety requirements to limit interactions among individuals and limit virus transmission. In order to operate during Phase 1, all businesses and institutions must adhere to the following requirements:

- All Phase 1 exempt businesses and institutions (this does not apply to essential businesses) must register on the Louisiana State Fire Marshal website ([opensafely.la.gov](https://opensafely.la.gov)) to receive sector-specific guidelines for reopening and a certificate of Acknowledgement of Registration, which must be posted at all entrances, so it is visible before entering the premises;
- All businesses and institutions must prohibit individuals from entering the premises if they have symptoms of illness, must require that all customers, clients, and visitors wear face coverings while indoors or on the premises, should, to the extent feasible, have unused face coverings in stock to provide customers who do not have face coverings upon entry, and must post signage at all entrances clearly indicating such requirements and prohibitions;
- When working inside, open doors and windows to promote air flow to the greatest extent possible and limit the number of people occupying a single indoor space according to industry social distancing guidelines;
- When two or more people are occupying a vehicle for work related purposes, they must wear face coverings;
- Workers must have easy and frequent access to soap and water or hand sanitizer during the duration of work, and frequent handwashing or hand sanitizing is required including before entering and leaving job sites;
- All common spaces and equipment, including bathrooms, frequently touched surfaces and doors, tools and equipment, and vehicles must be cleaned and disinfected at the beginning, middle and end of each shift and, if possible, prior to transfer from one person to another;

- Workers must wear face coverings over their nose and mouth when in the presence of others;
- In the case of retail cashiers, a translucent shield or "sneeze guard" should also be provided, when applicable (the presence of this shield does not replace the need to wear a face covering);
- No congregation of workers is allowed and all common areas, such as break rooms and cafeterias, but excluding restrooms, shall be closed;
- If the nature of an employee's work, or the work area does not allow employees to safely consume meals in the workspace an employer may designate a common area or room where meals may be safely consumed provided the following conditions are met;
  - Limit occupancy to ensure that social distancing of at least 6 feet between all employees;
  - Hand washing facilities and/or hand sanitizer shall be immediately available at the entrances of designated common area or room;
  - Employees shall be required to wipe down the area prior to leaving – or there shall be cleaning of the area at regular intervals throughout the day;
  - At the entrances of the designated common area or room the employer shall clearly post the policy limiting the occupancy of the space, and the minimum social distancing, hand washing/hand sanitizing and space cleaning requirements;
- Workers shall not report to, or be allowed to remain at, a work or job site if sick or symptomatic (with fever higher than 100.4°F/38.0°C, cough, and/or shortness of breath, diarrhea, or any other symptom suggestive of COVID-19);
- Non-symptomatic COVID-19 positive workers are not allowed on site and any worker(s) who have contact with a worker or any other person who is diagnosed with COVID-19 are required to quarantine for 14 days;
- Individuals who have tested positive can be allowed to return to work if they have not had symptoms for at least 3 days and at least 10 days have passed since their symptoms began;
- To the extent feasible, prior to the start of each work shift, pre-screening or survey shall be required to verify each employee has no symptoms of illness (fever, cough, and/or shortness of breath), including temperature checks when feasible;
- To the extent feasible, employers should to be considerate of employees with pre-existing morbidities or health conditions;
- All workers must observe strict social distancing of at least 6 feet while on the job, unless noted, and should refrain from touching their faces; and
- All food handlers must wear a face covering that covers both the nose and the mouth.

### **Phase 1 Exempted Businesses and Institutions**

The Health Department's third specific directive identifies businesses and institutions that do not provide essential services, but are exempted for Phase 1 and will be allowed to reopen. All Phase 1 exempt businesses and institutions must comply with the Louisiana State Fire Marshal guidelines for their sector in addition to the following requirements.

The following businesses and institutions shall qualify for Phase 1 exemption and be allowed to

open during Phase 1 under the following modified requirements:

- **Retail stores** with exterior doors shall be allowed to open at 25% of permitted occupancy. Stores within shopping malls with no exterior entrances shall remain closed. Curb-side pickup and online shopping are highly encouraged.
- **Restaurants** will be allowed to open at 25% of indoor permitted occupancy and 100% of outdoor permitted occupancy. **Bars with an LDH food permit** are allowed to serve food with the same restrictions as a restaurant. Food service establishments are prohibited from selling alcoholic beverages to any party without a food order. Food service establishments with table service will be required to utilize a reservation system to track name and phone number of customers, keep this information for 21 days, and provide it to LDH if requested for contact tracing purposes. Tables must be arranged to keep parties at least six feet apart. Takeout and delivery are highly encouraged.
- **Beauty Salons, Barber Shops, and Nail Salons** are allowed to open at 25% permitted occupancy. Chairs must be arranged to keep people at least six feet apart. Interior gathering spaces or waiting areas cannot be used. Employees must maintain strict PPE usage as defined by the State Fire Marshal. Gloves must be worn and changed between customers. Services must be tracked using a reservation system to track name and phone number of customers, keep this information for 21 days, and provide it to LDH if requested for contact tracing purposes.
- **Houses of Worship** are allowed to open for services at 25% of permitted occupancy or 100 individuals, whichever is fewer. No choirs are permitted. Interior gathering spaces must be closed. Online or drive up services are highly encouraged. Plans for entrances and exits to reduce gatherings are required. Scheduled time slots or the use of an appointment or reservation system for services is encouraged.
- **Childcare, Early Learning Centers, K-12 School and Summer Programs** are allowed to open with cohorts of 10 people per group including adults and according to other restrictions put forth by the state. No contact sports are permitted.
- **Movie Theaters** are allowed to open at 25% permitted occupancy or 100 individuals, whichever is fewer, per showing. Individuals and groups must maintain six feet of distance at all times. Interior gathering spaces cannot be used.
- **Museums, Zoos and Aquariums** will be allowed to open at 25% of permitted occupancy. Admission must be staggered using an appointment system. Individuals and groups must maintain six feet of distance at all times. Interior gathering spaces cannot be used. Tactile exhibits and events are prohibited.
- **Gyms and Fitness Centers** will be allowed to open at 25% of permitted occupancy. Contact sports and group fitness classes are not allowed. Physical Distancing measures for equipment and exercise areas must be arranged to keep six feet between individuals, such as the use of barriers or closing certain machines. Use of locker rooms, showers, saunas, or spas are not allowed. Scheduling and/or a sign-in system is required. On-site sanitation attendants are required. Facial coverings are not required while engaging in physical fitness activity, but should be worn at all other times.
- **Office Buildings and Businesses** are allowed to open at 25% of permitted occupancy, but employees that can work remotely should continue to do so. Conference rooms are limited to 10 people with six feet between each person. Virtual meetings are highly encouraged.
- **Libraries** all are allowed to open at 25% of permitted occupancy. No story time or group events allowed.



- **Outdoor Recreation Spaces, Sports Complexes, Parks and Playgrounds** are allowed to open, but residents must continue social distancing measures including maintain six feet from others. Contact sports are not permitted. Permitted sports include running, biking, lap swimming, tennis, golf, archery, curling, softball and baseball. No spectating from bleachers nor use of dugouts will be allowed.
- **Racetracks** are allowed to open, but no spectators are allowed.

### **Phase 1 Exempted Restaurants and Bars with LDH Food Permits**

Pursuant to the May 15th Mayoral Proclamation to Further Promulgate Emergency Orders During the State of Emergency Due to COVID-19, the Department of Safety and Permits, in conjunction with the New Orleans Health Department, provides the following additional temporary options for outdoor seating to Restaurants. Bars with Louisiana Department of Health food permits will be considered to be Restaurants for the purposes of these additional temporary options:

- All Restaurants, as defined in the Comprehensive Zoning Ordinance, shall make every effort to continue to limit their operations to take out and delivery, including the sale of alcohol in accordance with City and State issued permits. Restaurants may provide indoor and outdoor seating to customers only if they operate in accordance with the guidelines from the State Fire Marshal.
- All Restaurants that have a current sidewalk café permit may begin to utilize the spaces covered by the permit, but only if they operate in accordance with the guidelines from the State Fire Marshal and the safety measures herein. Tables shall be arranged in a way to ensure ADA compliance and shall be located no closer than 8' from the center of the required walking path. Loitering outside of any of these establishments shall be prohibited.
- Restaurants that would like to apply for a sidewalk café permit, or whose sidewalk café permit requires renewal, may apply for a temporary sidewalk use permit without fees. The added value brought to citizens and public health by expanding the availability of outdoor restaurant seating outweighs the fees associated with these applications during the COVID-19 emergency. These temporary sidewalk café permits will be evaluated under the current sidewalk café regulations, as well as for compliance with the guidelines from the State Fire Marshal. All such temporary sidewalk café permits will expire on September 30, 2020, unless the City determines that an extension of this date is warranted.
- Enforcement of the off-street parking provisions contained in the CZO applicable to Restaurants is hereby temporarily suspended. Restaurants with off-street parking may use those spaces for outdoor seating, provided they operate in accordance with the guidelines from the State Fire Marshal, the safety measures herein, and all other applicable law. Tables shall be arranged in a way to ensure ADA compliance and shall be located no closer than 8' from the center of any required walking path. Loitering in or near the outdoor seating areas of any of these establishments shall be prohibited. In no way shall this temporary privilege be construed as a permanent right.

Based on public health data and emerging evidence of the SARS-CoV-2 virus and COVID-19 disease, the Director of Health may amend, update, revise, or clarify any portion of this document including public health milestones, definitions of phases, eligible businesses, or any other provision, in order to institute updated measures for the control of the epidemic and to protect the health and safety of the public. Exemptions may be revoked based on failure to comply with requirements set forth in this document, or due to other public health data that indicates such a setting or activity is not aligned with minimizing exposure to the virus.

## **V. ENFORCEMENT OF THESE GUIDELINES**

The Louisiana Homeland Security and Emergency Assistance and Disaster Act provides that “any person . . . violating any order, rule, or regulation promulgated pursuant to this Chapter, shall be fined not more than five hundred dollars, or confined in the parish jail for not more than six months, or both.” La. R.S. 29:727(G). Additionally, Section 54-401 of the City Code provides that whoever “violates any provision of an emergency order issued by a competent official under authority of a declaration of emergency made pursuant to state law, or whoever during such a declared state of emergency sells anything at a price that violates R.S. 29:732, shall be guilty of a misdemeanor.” Section 54-25 of the City Code says that such a misdemeanor “shall be punished by a fine not exceeding \$500.00, or by imprisonment for not more than five months or both such fine and penalty.” Mayor Cantrell has declared a state of emergency to exist in New Orleans via proclamation on March 11, 2020 and has imposed orders subject to these penalty provisions in her May 15, 2020 Proclamation. These emergency orders will be strictly enforced, and compliance is of the utmost importance.

Enforcement measures may include, but are not limited to, revocation of a business’s ability to open under Phase I guidelines, misdemeanor charges for owners, managers, and/or staff, and cessation of electrical service to the business. Businesses holding Alcoholic Beverage Outlet permits from the City are also advised that the right to maintain such permits is contingent on the business following all applicable laws, including those contained in any Mayoral Proclamation and in these guidelines or any subsequently issued by the City.