



FAQ – Denver Level Red Public Health Order

Updated: 11.20.2020

Overview

Effective at 5 p.m. Friday, November 20, the State is requiring Denver to adopt greater restrictions [pursuant to the amended Colorado Public Health Order](#). All public and private gatherings of people who are not members of a single household are prohibited except for limited purposes.

COVID-19 cases, hospitalizations and the positivity rate have increased significantly in Denver and statewide over the last two months. The City and County of Denver and the Denver Department of Public Health & Environment (DDPHE) attribute the surge of COVID-19 to a number of factors, including increased social gatherings, both indoors and outdoors, among people of different households.

Q: How does the Denver Level Red Public Health Order compare to previous public health orders from the State and/or the City?

A:

- All public and private gatherings of any size are now prohibited.
- High risk populations are strongly urged to stay at home.
- In-person indoor dining at restaurants is temporarily closed, but take out, curbside delivery, and outdoor/open-air dining with only groups from a single household are permitted. Last call for on-premise alcohol sales must cease by 8 p.m.
- On-premise consumption of alcohol must cease by 10 p.m.
- Sales of alcohol for off-premises consumption, including take-out and delivery, must cease by 10 p.m.
- New variances are not allowed, and current variances will be reevaluated by the State.
- Office occupancy is limited to 10 percent.
- Gyms and fitness facilities are limited to 10 percent occupancy, 10 people per room, or outdoors in groups less than 10. Reservations are required.
- Critical and non-critical retail facilities are limited to 50 percent occupancy with increased curbside pickup and delivery, and recommended hours dedicated to senior and at-risk customers.
- Indoor events and venues are closed.
- Outdoor events and entertainment are limited to 25 percent occupancy, with no more than 75 people. Two or more individuals attending together must be from the same household and maintain 6 feet distancing from non-household members.

Q: How is a public and/or a private gathering defined with respect to Denver’s Level Red Public Health Order?

A: The [amended Colorado Public Health Order 20-36 states](#): “Public and private gatherings involving two or more people are prohibited, except for the limited purposes expressly authorized in this Order and

for the purpose of accessing or engaging in Necessary Activities. Nothing in this PHO prohibits the gathering of members living in the same residence.”

Q: Is Denver keeping its “Home by 10” order?

A: No. We will be lifting the “Home by 10” order because the limitations in the State’s Level Red are more restrictive, including the closing of indoor restaurant dining and the 8 p.m. last call for alcohol service on outdoor restaurant patios. However, the prohibition on spectators at non-professional, post-secondary and high school sporting events remains. Additionally, all other recreational sports activities, including organized recreational youth and adult league sports, practices, games, and tournaments, are prohibited.

Q: How many other Colorado counties will be in Level Red effective Friday?

A: Denver and 14 other counties are moving to Level Red on Friday, Nov. 20. Additional counties are expected to be moved to that level as well.

Q: Is there a chance the Order will be extended beyond December 18?

A: Yes, but there is also a chance we could be moved to a less restrictive level on the State’s COVID “dial” if our metrics show significant and sustained improvement before then.

Q: How long will Denver be in Level Red?

A: The State will reevaluate Denver’s COVID-19 metrics the week of December 18.

Q: Will I be able to have Thanksgiving with my family?

A: Yes, but only with members of your immediate household [as specified by the amended Colorado Public Health Order 20-36](#).

Q: Are grandparents allowed to see and/or care for their grandchildren while the parents are at work?

A: The intent of the one-household limit is to stop large social gatherings in unregulated settings and to stop mingling between households – not to keep grandparents from caring for their grandkids.

Q: Will this Order prevent people from protesting in public places?

A: No. Peaceful First Amendment activity is allowed, but participants must adhere to appropriate physical distancing and face covering requirements. This Order is necessary to protect the public health and safety of the entire community due to the effects of COVID-19.

Q: Can I visit and attend places of worship under the Denver Level Red Public Health Order?

A: Yes. There is no change to occupancy requirements (25 percent) for houses of worship and life rites with the move from Level Orange to Level Red.

Q: Can I still use public transportation under the Order?

A: Yes. Appropriate physical distancing and face covering requirements still apply.

Restaurants, liquor stores and dispensaries

- No indoor dining.
- Outdoor/open-air dining are allowed with only groups from a single household.
- Last call for outdoor on-premises alcohol consumption is 8 p.m.
- Take out, curbside delivery, and outdoor dining must close by 10 p.m.
- Liquor store sales and delivery must end by 10 p.m.
- Dispensaries must close by 10 p.m.

Q: Will restaurants need to close under the Order?

A: Restaurants must be closed to all indoor dining, but may provide food and alcohol through curbside, drive-thru, and delivery. In-person outdoor dining is allowed, with last call for on-premises alcohol sales at 8 p.m. On-premise consumption of alcohol must end by 10 p.m.

Q: What about the ‘bubbles’ or ‘igloos’ restaurants have erected for outdoor dining? Do those comply with the public health orders?

A: The bubbles or igloos must comply with the guidance from the Colorado Department of Public Health and Environment (CDPHE). Each bubble or igloo must have at least two non-adjacent sides open, two adjacent sides open without a roof, or consist of single-party structures that allow for ventilation between uses.

Q: Can I buy alcoholic beverages at a restaurant before last call and drink it after 8 p.m.?

A: Yes, but on-premise consumption must end by 10 p.m.

Q: The order requires bars to provide food to its patrons at all times that the bar is serving liquor and may use an off-premises food provider to meet this requirement. What does it mean that an off-site food provider must be immediately adjacent to the bar?

A: Bars may only allow on-premises alcohol consumption if they make full meals available from a licensed retail food establishment at all times that alcohol is being served. For bars who are partnering

with off-site licensed retail food establishments to satisfy this requirement, the PHO intends that this food service be full sit-down meal service that is as immediately available as if the food were being provided by an on-premises full-menu kitchen. Therefore, an off-premises licensed retail food establishment must be within a 10-minute delivery radius of the bar's permanent licensed premises and must be able to provide the food promptly for seated meal service at the premises.

Q: Can two people from different households meet at a restaurant for a happy hour drink, even if on an outdoor patio?

A: No. People from different households are not permitted to gather in public or private settings.

Q: Can I buy alcohol at a liquor store after 10 p.m.?

A: No. Liquor stores will not be allowed to sell their products after 10 p.m. This will impact any facility that sells alcohol, including restaurants, grocery and liquor stores.

Q: When must marijuana shops close?

A: Marijuana shops may remain open until 10 p.m.

Retail and offices

- Critical and non-critical retail facilities, including indoor malls, are limited to 50 percent occupancy. Black Friday is no exception.
- Offices are limited to 10 percent occupancy.

Q: Can I still work in my office?

A: Yes, but offices must limit occupancy to 10 percent. Appropriate physical distancing and face covering requirements still apply. Remote work is strongly encouraged.

Venues

- Indoor events and venues are closed.
- Outdoor venues and events are limited to 25 percent occupancy, not to exceed 75 people.

Gyms and fitness facilities

- Gyms and fitness facilities are limited to 10 percent occupancy, 10 people per room, or outdoors in groups less than 10. Reservations are required.

Q: Even though all recreational sports activities outside of professional, college, and high school sports are prohibited, can I still train with a coach?

A: One-on-one coaching sessions with a personal trainer are still allowed and must follow the Personal Services requirements under the State Public Health Order. Outside of professional, college, and high school programs, all other recreational sport activities are prohibited. This prohibition does not extend to organized after-school activities for Denver school children.

Education

Q: Does the Denver Level Red Public Health Order restrict schools, childcare facilities or learning pods?

A: No. However, pursuant to the State's Level Red criteria, there are new suggestions

- K-5 learning in-person
- Middle school learning in-person, hybrid, or remote
- High school learning hybrid or remote

Please remember: All confirmed cases of COVID-19 in staff or students within those settings should be reported to DDPHEoutbreak@denvergov.org.

Enforcement

Q: How will the Order be enforced?

A: The Denver Department of Public Health & Environment (DDPHE), the Denver Sheriff Department (DSD) and the Denver Police Department (DPD) will respond to complaints of violations with an emphasis on compliance. Teams will proactively monitor for violations in various settings, including parks and venues.

Q: Will DPD stop drivers at random after 10 p.m. and before 5 a.m. to enforce the Order?

A: No.

Q: What are the potential penalties of violating the Denver Level Red Public Health Order?

A: Anyone caught violating this public health order is subject to a fine not to exceed \$999.00 or imprisonment for not more than 300 days, [pursuant to Denver Revised Municipal Code \(DRMC\), Section 1-13](#). Officers will enforce the Order citywide.

Q: Where should Denver residents submit a report if they see folks breaking the restrictions?

A: Call 311 during regular business hours or report it on pocketgov.org. After hours, contact the DPD Non-Emergency Line at (720) 913-2000.

Q: Do you have any statistics on how many people have made these kinds of reports?

A: About 3,000 people have filed complaints, according to the Public Health Investigations team.

Q: Has law enforcement pushed back on enforcement of public health orders?

A: No.

Q: Isn't this overreacting? Why does the City feel it necessary to enact this type of public health order?

A: No. First, the State requires that Denver comply with Level Red restrictions on the State's COVID-19 dial. Second, [pursuant to Denver Revised Municipal Code \(DRMC\) Section 24-16](#), the Executive Director of the Denver Department of Public Health & Environment (DDPHE) has the authority to adopt emergency rules to protect the immediate public health, safety and welfare of Denver residents.

Q: Are COVID-19 cases truly worsening?

A: Yes. The City and County of Denver's 7-day moving average of new COVID-19 cases has increased from 188 on October 18, 2020 to 668 on November 18, 2020. Similarly, the City and County of Denver's two-week cumulative incidence rate per 100,000 people has increased from 323 on October 18, 2020 to 1,192 on November 18, 2020. In addition, the number of COVID hospitalizations is on the rise. The City and County of Denver and DDPHE attribute the surge of COVID-19 to a number of factors, including increased social gatherings, both indoors and outdoors, among people of different households.

Q: Will the city start using Rapid PCR COVID-19 testing on the general public?

A: The City will explore the use of Rapid PCR COVID-19 testing in certain settings only in partnership with the State and other local organizations. These settings include, but are not necessarily limited to, long-term care facilities, shelters, and neighborhoods with disproportionately high positivity rates.