MANDATORY DIRECTIVE:

Gatherings

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sccgov.org/coronavirus

Revised and Effective: February 12, 2021
Mandatory Directive on Capacity Limitations (Order issued Oct. 5, 2020)

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County Executive: Jeffrey V. Smith
All gatherings are subject to the mandatory requirements in this Directive and any other applicable County Health Officer Directive, the County Health Officer’s Revised Risk Reduction Order issued on October 5, 2020, the applicable restrictions under the State Order and Blueprint, the State’s COVID-19 Industry Guidance documents, and any applicable health and safety regulations.

Note: While wedding ceremonies may occur outdoors subject to the mandatory requirements of this Directive, the State has clarified that “[w]edding receptions/parties/celebrations are NOT permitted at this time” under State Public Health Officer orders.

2. Current Rules for Indoor Gatherings in Santa Clara County:

Religious worship services may occur indoors at 20% capacity. They must comply with all rules listed in this Directive for indoor gatherings. The Health Officer strongly discourages such indoor gatherings and urges religious institutions and congregants not to attend indoor gatherings.

Because indoor gatherings continue to pose a severe risk of COVID-19 transmission, all other indoor gatherings are currently prohibited. No gatherings other than religious worship services may occur indoors, and the rules listed below for indoor gatherings do not apply to any gatherings other than religious worship services until this restriction is lifted.

While COVID-19 is still circulating in our community, the Health Officer strongly discourages any gathering together with people from other households. Indoor gatherings are particularly risky because COVID-19 transmission occurs more easily indoors than outdoors, and COVID-19 continues to circulate widely. The most recent scientific evidence underscores the risk of transmission indoors, and indoor gatherings are always strongly discouraged, even when allowed. But gatherings are not prohibited by this Directive as long as everyone attending the gathering strictly complies with all the requirements set forth below to reduce risk and keep everyone who attends as safe as possible.

A “gathering” is an event, assembly, meeting, or convening that brings together multiple people from separate households in a single space, indoors or outdoors, at the same time and in a coordinated fashion—like a wedding, banquet, conference, religious service, festival, fair, party, performance, competition, movie theater operation, fitness class, barbecue, protest, or picnic. Although the County allows all types of gatherings to occur in compliance with this Directive, at this time the State generally allows gatherings only for purposes of worship services, cultural ceremonies like funerals and weddings (but not wedding receptions, which are prohibited), and protest or political activities. The State also allows gatherings for purposes identified in the State’s Industry Guidance or any other State guidance document. The State also allows small gatherings of any type with no more than three households. These gatherings must follow the
County’s rules (contained in this Directive) and the State’s rules, including the State requirement that such gatherings must be outdoors when counties are in the Purple Tier. Because the stricter of the requirements applies, the only types of gatherings allowed in the County are those allowed by the State.

This Directive does not regulate whether a facility is open or closed. For example, facilities that are typically used for gatherings—such as places of worship, meeting halls, and event spaces—may remain open for purposes that do not involve gatherings, even when gatherings are prohibited indoors.

This Directive explains the local requirements for gatherings in Santa Clara County. This Directive is mandatory, and failure to follow it is a violation of the Health Officer’s Order issued October 5, 2020 (“Order”).

The Order Issued October 5, 2020

The Order imposes several restrictions on all businesses and activities to ensure that the County stays as safe as possible. All persons and businesses (including nonprofits, educational entities, and any other business entity, regardless of its corporate structure) that organize or host gatherings—such as religious institutions, wedding venues, wedding planners/coordinators, convention centers, and conference/meeting room rental facilities—must comply with the following requirements, and must ensure that participants comply with all applicable requirements:

- **Social Distancing Protocol:** All businesses and governmental entities that have not already done so must fill out and submit an updated Social Distancing Protocol under the October 5, 2020 Health Officer Order. Social Distancing Protocols submitted prior to October 11, 2020 are no longer valid. The Revised Social Distancing Protocol must be filled out using an updated template, which is available here. The Protocol is submitted under penalty of perjury, meaning that everything written on the form must be truthful and accurate to the best of the signer’s knowledge, and submitting false information is a crime. The Protocol must be distributed to all workers, and it must be accessible to all officials who are enforcing the Order.

- **Signage:** All businesses and governmental entities must print (1) an updated COVID-19 PREPARED Sign and (2) a Social Distancing Protocol Visitor Information Sheet, and both must be posted prominently at all facility entrances. These are available for printing after submission of the Revised Social Distancing Protocol online. The Revised Social Distancing Protocol specifies additional signage requirements.

- **Face Coverings:** Everyone must wear face coverings at all times specified in the California Department of Public Health’s mandatory Guidance for the Use of Face Coverings (“Face Covering Guidance”) and in any specific directives issued by the
County Health Officer. **Unless otherwise stated in this Directive, face coverings must be worn at all times when attending a gathering.**

- **Capacity Limitation:** All businesses must comply with the capacity limitations established in the Mandatory Directive on Capacity Limitations.

**Mandatory Requirements for All Gatherings**

In general, the more people a person interacts with at a gathering, the closer the physical interaction is, the more enclosed the gathering space is, and the longer the interaction lasts, the higher the risk that a person with an unknown SARS-CoV-2 infection (the infection that causes COVID-19) might spread it to others. If not everyone follows the rules to safely gather, the risk of spreading SARS-CoV-2 is even higher. Based on those principles, the Health Officer’s directives for all gatherings are:

1. **If Gathering, the Health Officer Strongly Urges You to Gather Outdoors**

   a. Gatherings that occur outdoors are significantly safer than indoor gatherings. To qualify as an outdoor gathering, the gathering must be held entirely outdoors, except that attendees may go inside to use restrooms as long as the restrooms are frequently disinfected.

   b. The maximum number of people allowed at an outdoor gathering is specified in the Mandatory Directive on Capacity Limitations. This includes everyone present, such as hosts, workers, and guests. The space must be large enough so that everyone at a gathering can maintain at least 6-foot social distance from anyone (other than people from their own household).

      i. Example 1: A small church hosts a funeral ceremony in its churchyard. The churchyard is only big enough to allow 25 people to easily maintain 6-foot social distancing between households at all times. **No more than 25 people may be present at the funeral ceremony.**

      ii. Example 2: A couple holds their wedding ceremony outdoors at a historic hotel. The outdoor ceremony space is big enough for 1,000 people to maintain 6-foot distancing. **Even so, no more than the maximum number of people allowed by the Mandatory Directive on Capacity Limitations may be present at the wedding ceremony.**

   c. A gathering is considered an outdoor gathering only if it is held at a facility that allows the free flow of outdoor air through the entire space, as specified in the California Department of Public Health’s mandatory guidance on Use of Temporary Structures for Outdoor Business Operations.
d. Fences and screens that do not impede airflow are not considered walls or sides for purposes of determining whether an area is outdoors. Partitions around or within the facility may be used and do not qualify as sides so long as they are no more than 3 feet in height as measured from the floor.

2. The Health Officer Strongly Discourages Indoor Gatherings, Even When They Are Allowed

a. Indoor gatherings may not be allowed depending on the County’s current tier under the State’s Blueprint for a Safer Economy and other local factors. See the “Current Rules for Indoor Gatherings in Santa Clara County” box at the top of this Directive for information on current rules.

b. When indoor gatherings are allowed, the maximum number of people allowed at an indoor gathering is specified in the Mandatory Directive on Capacity Limitations. This includes everyone present, such as hosts, workers, and guests.

3. Don’t Attend Gatherings If You Feel Sick or You Are in a High-Risk Group

a. If you feel sick or have any COVID-19-like symptoms (fever, cough, shortness of breath, chills, night sweats, sore throat, nausea, vomiting, diarrhea, tiredness, muscle or body aches, headaches, confusion, or loss of sense of taste/smell), you must stay home and may not attend any gatherings.

b. As explained on the People Who Need Extra Precautions page, people at higher risk of severe illness or death from COVID-19 are strongly urged not to attend any gatherings.

4. All Gatherings Must Have an Identified and Designated Host Who Is Responsible for Ensuring Compliance with All Requirements

a. A specific person or business (including nonprofits, religious organizations, educational entities, or any other business entity) must be the designated host for a gathering and ensure compliance with all requirements in the Order and this Directive. The host is responsible and subject to enforcement for any failure by participants to comply with the Order and this Directive.

b. The host also must maintain a list with names and contact information of all participants at the gathering. If a participant tests positive for COVID-19, the host is legally required to assist the County Public Health Department in any case investigation and contact tracing associated with the gathering. Public Health will ask for the list of attendees only if an attendee tests positive for COVID-19. The
County Public Health Department will keep this information confidential and use it only for case investigation and contract tracing purposes. Hosts must maintain these records for at least 21 days. The host must provide the list to any County Enforcement Officer immediately upon request.

5. **Practice Physical Distancing and Hand Hygiene at Gatherings**

   a. At all gatherings, **everyone must stay at least 6 feet away from other people (except people in their own household) at all times.**

   b. Seating arrangements must provide at least 6 feet of distance (in all directions—front-to-back and side-to-side) between different households. This can be done by spacing chairs apart, or for fixed seating like benches or pews, by marking off rows and indicating seating areas with tape. Seating and tables must be sanitized after each use.

   c. Everyone at a gathering should frequently wash their hands with soap and water, or use hand sanitizer if soap and water are not available. The host must make handwashing facilities or hand sanitizer available for participants to use.

6. **Rules for Face Coverings, Singing, Chanting, Shouting, and Playing Wind Instruments**

   Current scientific evidence shows that COVID-19 spreads primarily through respiratory droplets and fine aerosols that are released from the body when people breathe, sing, shout, or otherwise expel air from their lungs. Face coverings prevent many of these droplets and aerosols from escaping into the air, and wearing a face covering has been shown to significantly decrease the risk of COVID-19 transmission. Conversely, singing, chanting, shouting, and playing wind instruments have all been shown to significantly increase the risk of COVID-19 transmission, because these activities all release increased amounts of respiratory droplets and fine aerosols into the air. To reduce the risk of spreading COVID-19, the following rules apply to gatherings:

   a. For all **indoor** gatherings (when indoor gatherings are allowed):

      i. **Everyone, including performers/presenters, must wear a face covering at all times** (except for very young children, people for whom face coverings are medically inadvisable, or for communication by or with people who are hearing impaired).

         1. Food and drink may not be served at indoor gatherings—including at movie theaters—even when indoor gatherings are allowed, except as necessary to carry out a religious ceremony.
2. Face coverings may be removed to meet urgent medical needs (for example, to use an asthma inhaler, consume items needed to manage diabetes, take medication, or if feeling light-headed).

   ii. Singing, chanting, shouting, and playing wind instruments are **strictly prohibited**.

b. For all *outdoor* gatherings:

   i. **Except as described below or in other directives issued by the County Health Officer, everyone must wear a face covering at all times** (except for very young children, people for whom face coverings are medically inadvisable, or for communication by or with people who are hearing impaired).

      1. Attendees may remove their face coverings to eat or drink but must put their face covering back on as soon as they are finished eating or drinking.

      2. Attendees may remove their face coverings to meet urgent medical needs (for example, to use an asthma inhaler, consume items needed to manage diabetes, take medication, or if feeling light-headed).

   ii. If an outdoor gathering involves a performance/presentation, performers/presenters may remove their face coverings while they are performing/presenting, but they must replace their face coverings after they finish.

      1. No more than 12 performers/presenters are permitted in the performance/presentation area at a time.

      2. Until their face covering is back on, any performer/presenter who removes their face covering to speak must maintain at least **12 feet** of social distance from everyone not in their household.

      3. Until their face covering is back on, any performer/presenter who removes their face covering to sing, chant, shout, or play a wind instrument must maintain at least **12 feet** of social distance from all other performers/presenters who are not in their household and at least **25 feet** from all attendees who are not performing/presenting.
4. Any performer/presenter playing a wind instrument must cover the opening of the instrument (e.g., with cloth) to reduce the spread of respiratory droplets from the instrument.

5. Performers/presenters who are singing or chanting are strongly encouraged to do so at a quiet volume (at or below the volume of a normal speaking voice).

iii. All attendees who are not performing/presenting must wear a face covering at all times while singing, chanting, or shouting. Because these activities pose a very high risk of COVID-19 transmission, face coverings are particularly essential to reduce the spread of respiratory droplets and fine aerosols. People who cannot wear a face covering for medical or other reasons are strongly discouraged from singing, chanting, or shouting.

1. Attendees who are singing, chanting, or shouting are strongly encouraged to maintain increased social distancing greater than 6 feet to further reduce risk.

2. Attendees who are singing or chanting are strongly encouraged to do so at a quiet volume (at or below the volume of a normal speaking voice).

7. Stagger Attendance at Gatherings

a. For gatherings that have the potential to draw larger groups, like community meetings or religious services, consider offering multiple sessions, requiring reservations that cap attendance at each session, staggering arrivals and departures, and encouraging or requiring that the same group stays together (for example, Group A attends the Sunday morning worship service every week, and Group B attends the separate Tuesday evening worship service every week).

b. There is no limit on the number of gatherings that may be held at different times on a single day—for example, a mosque may hold prayer services five times a day—as long as (i) each gathering follows all the rules, and (ii) restrooms, chairs and tables, and any other high-touch surfaces are properly sanitized between groups.

c. A venue may host multiple outdoor gatherings at the same time (for example, multiple small barbecues in a large outdoor space like a 20-acre ranch)—as long as:
i. Each gathering follows all the rules in the Order and in this Directive. Each gathering must, for instance, have its own designated host who must maintain a list of participant names and contact information.

ii. Each gathering has its own area marked by prominent signage, barriers, or ropes, and there is a buffer zone of at least 100 feet between the boundaries of any two separate gatherings.

iii. The participants at a gathering, including hosts, workers, and guests, do not mix between or among different gatherings and stay strictly in their own area.

iv. There are sufficient restroom facilities, or a system of using the restroom facilities, such that participants from different gatherings do not have contact with one another when they use the restroom.

d. When indoor gatherings are allowed, a venue may host multiple indoor gatherings at the same time (for example, multiple gatherings in separate rooms within a building)—as long as:

i. Each gathering follows all the rules in the Order and in this Directive. Each gathering must, for instance, have its own designated host who must maintain a list of participant names and contact information.

ii. Each gathering is fully separated by solid, floor-to-ceiling walls or partitions from any other gathering.

iii. Where possible, the HVAC system for each space with a gathering should ventilate to the outdoors, rather than into a space with another gathering.

iv. The participants at a gathering, including hosts, workers, and guests, do not mix between or among different gatherings and do not enter into a common space with participants from any other gathering.

v. There are sufficient restroom facilities, or a system of using the restroom facilities, such that participants from different gatherings do not have contact with one another when they use the restroom.

8. Livestreaming, Broadcasting, and Recording with No Audience Present
Businesses may livestream, broadcast, or record performances, services, and classes at indoor facilities without live audiences or members of the public present. All such livestreamed, broadcasted, or recorded events at indoor facilities **must** comply with the following rules:

a. When livestreaming under this provision, only personnel may be present at the facility. Audiences or other members of the public are strictly prohibited. The number of personnel inside the facility must be limited to the minimum necessary to conduct the event (and may never exceed 12 people or the maximum number of people allowed under the facility’s current capacity limitation as dictated by the Mandatory Directive on Capacity Limitations, whichever is fewer).

b. All personnel, including performers/presenters in the performance area, must maintain at least 6 feet of physical distance from everyone outside their household at all times.

c. People performing or presenting during a livestreamed event may remove their face coverings during the performance or presentation if everyone maintains at least 12 feet of physical distance from everyone outside their household at all times. Even so, the Health Officer strongly urges people performing or presenting to wear a face covering whenever possible. All others on-site must wear a face covering in compliance with State and County Health Officer requirements.

d. When livestreaming under this provision with no audience present, singing, chanting, or playing wind instruments indoors is strongly discouraged but may occur so long as everyone maintains at least 12 feet of physical distance from everyone outside their household.

For clarity, the above rules for livestreaming, broadcasting, and recording do not apply if any member of the public is present for the event. Businesses may livestream, broadcast, or otherwise record an event at which members of the public are present (so long as current State and County Health Officer orders allow members of the public to be present for such an event), but there are no special rules that would apply to the livestream, broadcast, or recording. Instead, these events must comply with all rules currently governing the business’s general operations. Note that these rules may be stricter than those listed above.

9. **Maximize Ventilation for Indoor Gatherings (When Indoor Gatherings Are Allowed)**

a. Open doors and windows to maximize circulation of outdoor air whenever environmental conditions and building requirements allow. Consider modifications to the facility to increase outdoor air exchange, such as replacing...
non-opening windows with openable screened windows. Contact your local Building Department for more information on permit requirements.

b. Indoor facilities with central air handling/HVAC systems must ensure that HVAC systems are serviced and functioning properly and, to the extent feasible and appropriate to the facility:

   i. Evaluate possibilities for and implement upgrades to the system to ensure that air filters are functioning at the highest efficiency compatible with the currently installed filter rack and air handling system (ideally MERV-13 or greater).

   ii. Increase the percentage of outdoor air through the HVAC system, readjusting or overriding recirculation (“economizer”) dampers.

   iii. Disable demand-control ventilation controls that reduce air supply based on temperature or occupancy.

   iv. Implement the additional measures set forth in the County’s Guidance for Ventilation and Air Filtration Systems.

c. Indoor facilities that do not have central air handling/HVAC systems or that do not operate or control the system must take the following measures, to the extent feasible and appropriate to the facility:

   i. Set any ceiling fans to draw air upwards away from participants.

   ii. If using portable fans, position them near open doors/windows and use them to draw or blow inside air to the outside of the facility. Position fans to minimize blowing air between occupants, which may spread aerosols.

   iii. Consider installing portable air filters appropriate to the space.


d. Upon request by a County Enforcement Officer or County Public Health Department Staff, the facility may be required to perform a comprehensive evaluation of the facility’s ventilation and air filtration system by an appropriately licensed professional, and produce documentation regarding this evaluation to the County.
Stay Informed

For answers to frequently asked questions about this industry and other topics, please see the FAQs page. Please note that this Directive may be updated. For up-to-date information on the Health Officer Order, please visit the County Public Health Department’s website at www.sccgov.org/coronavirus.