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DEPARTMENT OF JUSTICE



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April 12, 2021

Hon. Scott S. Harris, Clerk
Supreme Court of the United States
One First Street, N.E.
Washington, D.C. 20543

RE: *South Bay United Pentecostal Church, et al. v. Gavin Newsom, et al.*, No. 20-746

Dear Mr. Harris:

On November 24, 2020, South Bay United Pentecostal Church and Bishop Arthur Hodges III filed a petition for a writ of certiorari before judgment in the above-captioned matter, seeking review of an order in which the district court had denied their request for a preliminary injunction with respect to California's then-operative public health restrictions on indoor worship. Petitioners later asked this Court to construe that petition as one seeking review of a January 2021 judgment of the court of appeals. The case is currently scheduled for the conference of April 23. The purpose of this letter is to notify the Court that the State of California amended its policies on April 12 to state that, "effective immediately, location and capacity limits on places of worship are not mandatory but are strongly recommended." See State of California, *Industry Guidance to Reduce Risk*, <https://covid19.ca.gov/industry-guidance/> (drop-down menu "Places of worship and cultural ceremonies—updated April 12, 2021") (last visited Apr. 12, 2021) (attached hereto). Petitioners are thus no longer subject to the mandatory percentage-capacity limits of 25% and 50% that previously governed attendance at places of worship.

I would appreciate it if you would circulate this letter to the Members of the Court.

Sincerely,

s/ Helen H. Hong
HELEN H. HONG
Deputy Solicitor General

For MATTHEW RODRIQUEZ
Acting Attorney General

Attachment.

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Menu**FOR
ALL****[COVID19.CA.GOV](#)****Your Actions Save Lives**

Industry guidance to reduce risk

Last updated April 12, 2021 at 12:28 PM

Every business needs to support a safe, clean, and low-risk environment. If you own or manage a business, find the guidance for your industry and follow it to protect your workers and customers.

On this page:

- › [Find out if your business can open](#)
- › [Protect your workers](#)
- › [Ventilation for indoor operations](#)
- › [Temporary structures for outdoor operations](#)
- › [Industry guidance \(for specific industries\)](#)

Find out if your business can open


California has a Blueprint for a Safer Economy with revised criteria for tightening and loosening restrictions for businesses and activities. Check your county's status in the [Blueprint for a Safer Economy](#) to see whether your business can open, and if there are restrictions and safety modifications that your business must follow.


Steps for reopening your business safely



Protect your workers

Prevent worker exposure to COVID-19


Employers are required to follow CalOSHA's [emergency temporary standards](#)  to prevent exposure to COVID-19 in the workplace.

Visit the [Employers](#)  page of saferatwork.covid19.ca.gov to learn more about workplace requirements like:

- Safety procedures
- Training for workers on infection prevention
- What to do in case of an infection or outbreak



Review [how to respond to COVID-19 cases](#)  in your workplace and prevent further spread.

Provide masks

Wearing a [mask or face covering](#) is required statewide in public or common spaces. Employers must provide face coverings to workers or reimburse workers for the reasonable cost of obtaining them. Find all requirements and exceptions to these rules in the industry guidance for your business. For more about masks, check CDPH's [guidance for the use of face coverings](#) .



Paid leave and other benefits

It's important that employees with COVID-19 know to stay home. Your sick leave policies need to support that. Make sure your workers know about paid leave and other options available to them.


- See a [comparison of COVID-19 paid leave](#)  available for workers affected by COVID-19.
- Check the [chart of benefits](#)  available to workers impacted by COVID-19.

Childcare and family-friendly practices

Workers need safe, reliable, and affordable childcare options during the COVID-19 response.

- Use the [family-friendly practices for employers](#)  to develop work-life balance policies that include childcare supports and workplace flexibility.
- Make sure your workers know about [support for working families](#) .

Ventilation for indoor operations















All businesses permitted to operate indoors must follow the CDPH interim [guidance for ventilation, filtration, and air quality](#) . This guidance includes practical steps your business can take to promote better ventilation, filtration, and air quality indoors to reduce the spread of COVID-19.



























Temporary structures for outdoor operations





















Restaurants and other businesses operating outdoors may wish to enclose outdoor temporary structures like tents and canopies to contain heat, avoid rain, or provide shade. Follow the CDPH [guidance for temporary structures](#) [↗](#) to reduce the risk of COVID-19 transmission.

Industry guidance

[See guidance in other languages](#)

 Agriculture and livestock	
 Amusement parks and theme parks – updated April 2, 2021	
 Auto dealerships	
 Cardrooms and racetracks – updated September 10, 2020	
 Childcare	
 Cohorts for children and youth in supervised settings – updated September 4, 2020	
 Communications infrastructure	

 Construction	
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 Day camps	
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 Delivery services	
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 Energy and utilities	
<hr/>	
 Family friendly practices for employers	
<hr/>	
 Food packing	
<hr/>	
 Gyms and fitness centers – updated January 26, 2021	
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 Hair salons and barbershops – updated October 20, 2020	
<hr/>	
 Higher education – updated April 9, 2020	
<hr/>	
 Hotels, lodging, and short-term lodging rentals – updated January 25, 2021	
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 Life sciences	
<hr/>	
 Limited services – updated January 26, 2021	
<hr/>	
 Live events and performances – updated April 2, 2021	
<hr/>	

 Logistics and warehousing facilities	
 Manufacturing	
 Mining and logging	
 Movie theaters and family entertainment centers – updated April 2, 2021	
 Museums, zoos, and aquariums – updated October 20, 2020	
 Music, film, and TV production – updated February 22, 2021	
 Office workspaces	
 Outdoor recreation, including campgrounds, playgrounds, and ski resorts – updated December 3, 2020	
 Personal care services – updated October 20, 2020	
 Places of worship and cultural ceremonies – updated April 12, 2021	

In response to recent judicial rulings, effective immediately, location and capacity limits on places of worship are not mandatory but are strongly recommended. The linked guidance is in the process of being updated. All other restrictions in the guidance remain in place.

Tier status

Widespread (purple)

- Outdoor or indoor with modifications
- Indoor activities are strongly discouraged and should be limited to 25% of capacity

Substantial (red)

- Indoor with modifications
- Indoor activities should be limited to 25% of capacity

Moderate (orange)

- Indoor with modifications
- Indoor activities should be limited to 50% of capacity

Minimal (yellow)

- Indoor with modifications
- Indoor activities should be limited to 50% of capacity

Singing, chanting, and playing wind instruments

Singing, chanting, playing wind instruments, and similar activities are permitted subject to the restrictions below. Workers or volunteers who are providing vocal, instrumental, or other music for a service or ceremony but sit or stand separately from the visitors or congregants are “performers.” Additional or alternative modifications for performances may be required by the forthcoming Live Performances guidance.

For outdoor activities:

- Performers must follow the guidance for outdoor [live events and performances](#).
- Use of face coverings is mandatory except when actively eating

and/or drinking. Exemptions identified in CDPH's [guidance for the use of face coverings](#) [↗](#) are allowed.

- Discourage audience members from singing, chanting, and similar practices that may increase the likelihood of transmission from contaminated exhaled droplets and aerosols.

Widespread (purple)

- Performers singing, chanting, playing a wind instrument, or engaging in similar activities indoors must wear face coverings at all times.
- Such performers must maintain at least 12 feet of physical distance from other performers and 24 feet of physical distance from visitors or congregants.
- During a single service or ceremony before a live audience, no more than 10 performers may sing, chant, play wind instruments, or engage in similar activities.
- Performers are counted toward the occupancy capacity limit.
- Performers are strongly recommended to obtain a negative PCR test within 72 hours prior to the service.
- Houses of worship should improve ventilation as much as possible.



















Substantial (red), Moderate (orange), and Minimal (yellow)

- Performers singing, chanting, playing a wind instrument, or engaging in similar activities indoors must wear face coverings at all times.
- Performers must maintain physical distancing from congregants or spectators and other performers.
- Performers are counted toward the occupancy capacity limit.
- Performers are strongly recommended to obtain a negative PCR test within 72 hours prior to the service.
- Houses of worship should improve ventilation as much as possible.

Recorded performances

When making a recording without a live audience for later use at a service or ceremony, performers may sing, chant, play wind instruments, or engage in similar activities without face coverings if the following conditions are met:

- Each performer has taken a laboratory-based PCR diagnostic test (i.e., not a rapid test) that yielded a negative result within 72 hours

 Ports	
 Public transit and intercity passenger rail – updated October 20, 2020	
 Real estate transaction	
 Restaurants, wineries, and bars – updated March 11, 2021	
 Retail – updated February 24, 2021	
 Schools – updated March 20, 2021	
 Shopping centers – updated October 20, 2020	
 Support for working families	
 Youth and adult recreational sports – updated April 7, 2021	



[About COVID-19 restrictions](#)

[Blueprint for a Safer Economy](#)

[Vaccines](#)

[Industry guidance](#)

[Local info and alerts](#)

COVID-19 hotline

1-833-422-4255

M-F 8AM-8PM, Sa-Su 8AM-5PM

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