GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2020-103
October 7, 2020

SUBJECT: Extensions of Public Emergency and Public Health Emergency and Additional Measures in Phase Two of Washington, DC Reopening

ORIGINATING AGENCY: Office of the Mayor

By virtue of the authority vested in me as Mayor of the District of Columbia pursuant to section 422 of the District of Columbia Home Rule Act, approved December 24, 1973, Pub. L. 93-198, 87 Stat. 790, D.C. Official Code § 1-204.22; in accordance with the Coronavirus Support Congressional Review Emergency Amendment Act of 2020, effective June 8, 2020, D.C. Act 23-328, the Public Health Emergency Authority Additional Extension Emergency Amendment Act of 2020, effective October 5, 2020, D.C. Act 23-411, and any substantially similar subsequent emergency or temporary legislation; section 5 of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981, D.C. Law 3-149, D.C. Official Code § 7-2304; section 5a of the District of Columbia Public Emergency Act of 1980, effective October 17, 2002, D.C. Law 14-194, D.C. Official Code § 7-2304.01; section 1 of An Act To Authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases, approved August 11, 1939, 53 Stat. 1408, D.C. Official Code §§ 7-131 *et seq.*, Mayor's Order 2020-045, dated March 11, 2020, Mayor's Order 2020-046, dated March 11, 2020, Mayor's Order 2020-050, dated March 20, 2020, Mayor's Order 2020-063, dated April 15, 2020, Mayor's Order 2020-066, dated May 13, 2020, Mayor's Order 2020-067, dated May 27, 2020, and Mayor's Order 2020-079, dated July 22, 2020, it is hereby **ORDERED** that:

I. BACKGROUND

1. This Order incorporates the findings of prior Mayor's Orders relating to COVID-19.

2. Community transmission of COVID-19 remains throughout the District, though at significantly reduced levels. Over 15,697 District residents have tested positive for COVID-19 and tragically 632 District residents have lost their lives already due to COVID-19. Further, rates of infection, are higher in Maryland and Virginia than in Washington, DC, and due to our porous borders, the regional situation affects the necessity to continue the state of emergency.

3. The District entered Phase Two of its limited reopening on June 22, 2020 based on the Department of Health's (DOH's) evaluation of certain gated criteria, consistent with criteria recommended by the United States Centers for Disease Control and Prevention and DOH's determinations that the District has met applicable metrics that enable us to reduce certain restrictions on businesses, government operations, services, and activities.

4. Mayor's Order 2020-080, dated July 22, 2020, and Mayor's Order 2020-081, dated July 24, 2020, instituted requirements in Phase Two for the wearing of masks in the District of Columbia and to self-quarantine after non-essential travel. Those requirements, and the other requirements in those Orders, remain in effect, except to the extent modified by this Order.

5. Nationwide, the spread of COVID-19 remains a serious threat. Some states, especially those which did not exercise sufficient emergency mitigation measures for a prolonged period of time, are experiencing a rapid rise of cases, strained hospital facilities, and a rising number of COVID-19 related deaths. Without continued extraordinary measures authorized under a state of emergency, as well as community compliance with preventative measures, the progress the District has made in protecting the public health, safety, and welfare would be threatened and likely reversed.

6. The spread of COVID-19 remains an imminent threat to the health, safety, and welfare of District residents that requires the continued need for declarations of a public emergency and public health emergency. In addition, it remains necessary for the District government to take certain actions on accelerated timeframes, and to modify procedures, deadlines, and standards authorized during this declared emergency related to procurement, personnel, disbursements, and other activities to respond to the public emergency and public health emergency and to thoughtfully and safely respond to and recover from the impacts of COVID-19.

7. This Order extends the public emergency and public health emergency declarations in the District of Columbia through December 31, 2020 and issues additional measures for Phase Two of Washington, DC reopening.

II. EXTENSIONS OF PUBLIC EMERGENCY AND PUBLIC HEALTH EMERGENCY

1. By this Order, the public emergency and public health emergency declared by Mayor's Orders 2020-045 and 2020-046, respectively, and extended by Mayor's Orders 2020-050, 2020-063, 2020-066, 2020-067, and 2020-079 are further extended through December 31, 2020.

2. Except as specified below, the provisions of all Mayor's Orders concerning the COVID-19 public health emergency that are currently in effect shall continue to apply through December 31, 2020.

III. MODIFIED MEASURES FOR PHASE TWO

1. Section IV of Mayor's Order 2020-075 is repealed and replaced with the following language:

"IV. PHASE TWO NONESSENTIAL, NON-RETAIL BUSINESSES

1. Businesses shall have employees and contractors telework to the extent that is consistent with their current business operations.

2. Businesses are encouraged to develop plans to safely return employees and contractors who are telecommuting to their offices, following guidance from the Department of Health addressing such matters as social distancing, alternating and/or staggering work schedules, and sanitization protocols. The plans shall inform employees of all applicable leave policies.

   For example, businesses could alternate and/or stagger cohorts of employees such that only one cohort is in the office at any one time.

2. Sections V.4. and XI.2 of Mayor's Order 2020-075 are repealed.

3. District government agencies may prescribe rules for the permitting and use of their fields and facilities. Individuals and organizations shall follow all rules or guidance prescribed by those District government agencies.

4. Section XI.5.a. of Mayor's Order 2020-075 is amended to strike "outdoor" so that the Department of Parks and Recreation may open indoor pools under the conditions specified in that section.

IV. ADDITIONAL MEASURES FOR PHASE TWO

1. District government agencies shall continue to authorize outdoor dining operations. All fees associated with permitting those outdoor dining operations are waived.

2. The Office of the City Administrator, in consultation with the Department of Health and Department of Human Resources, shall continue to establish policies and protocols for the safe return to work, modification of District government services, and deployment of personnel during Phase Two to address the emergency.

3. District government agencies may require individuals utilizing public services in District government facilities to provide identification or information for the individual such as a name and telephone number. Asking for this identification or information is for the sole purpose of facilitating contact tracing and all records shall be destroyed after thirty (30) days.

4. The Director of the Department of Employment Services is delegated the authority vested in the Mayor by section 5b of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7304.02), as added by section 4 of the Coronavirus Support Clarification Emergency Amendment Act of 2020, effective July 7, 2020, D.C. Act 23-332, 67

DCR 8609, to issue public health emergency response grants for job training or certification programs for District residents or District government employees to aide government, businesses, educational, or other organizations affected by the COVID-19 public health emergency. The Director of DOES shall exercise this authority only after consulting with the Deputy Mayor for Education.

V. SUPERSESSION

This Order supersedes any Mayor's Order issued during the COVID-19 public health emergency to the extent of any inconsistency.

VI. ENFORCEMENT

1. Any individual or entity that knowingly violates this Order may be subject to civil and administrative penalties authorized by law, including sanctions or penalties for violating D.C. Official Code § 7-2307, including civil fines or summary suspension or revocation of licenses.

2. Official guidance posted on coronavirus.dc.gov may be relied upon by those seeking to understand whether an activity is or is not allowed.

3. Guidance issued by the Department of Health and any applicable orders of any regulatory agencies for specific activity related to the public emergency and public health emergency must be followed. Such guidance and directives may be found on coronavirus.dc.gov.

VII. EFFECTIVE DATE AND DURATION

The Order shall be effective immediately and shall continue to be in effect through December 31, 2020, or until it is repealed, modified, or superseded.

MURIEL BOWSER
MAYOR

ATTEST: Kimberly A. Bassett
KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA