Mayor's Order 2020-079: Extensions of Public Emergency and Public Health Emergency and Delegations of Authority Authorized During COVID-19

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADMINISTRATIVE ISSUANCE SYSTEM
Mayor's Order 2020-079

July 22, 2020

SUBJECT: Extensions of Public Emergency and Public Health Emergency and Delegations of Authority Authorized During COVID-19

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 (the "Congressional Review Act"), effective June 8, 2020, D.C. Act 23-328, the Public Health Emergency Authority Extension Emergency Amendment Act of 2020, effective July 7, 2020, D.C. Act 23-335, and any substantially

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, and Mayor's Order 2020-067, dated May 27, 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. Over 11,427 District residents have tested positive for COVID-19 and tragically 580 District residents have lost their lives already due to COVID-19. Further, transmission is widespread in the Maryland and Virginia areas near Washington, DC.

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. If necessary, the Executive may order more stringent measures to contain the spread of COVID-19 and address the changing circumstances of the public health emergency.

4. Nationwide, the spread of COVID-19 remains a serious threat and states across the country, especially those which did not exercise sufficient emergency mitigation measures for a prolonged period of time, are experiencing a rapid rise of cases, as well as a rising number of COVID-19 related deaths. Without continued extraordinary measures authorized under a state of emergency, threats to the progress the District has made in protecting the public health, safety, and welfare may be compromised.

5. 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 action on accelerated timeframes, and pursuant to modified procedures and standards authorized during a declared emergency, related to procurement, personnel, disbursements, and other activities necessary to respond to the public emergency and public health emergency.

6. This Order authorizes existing and new delegations of authority during the public health emergency and extends the public emergency and public health emergency declarations in the District of Columbia through October 9, 2020.

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, and 2020-067 respectively, are further extended through October 9, 2020.

2. The provisions of all Mayor's Orders concerning the COVID-19 public health emergency shall continue to apply through October 9, 2020.

III. DELEGATIONS OF AUTHORITY

1. The Director of the Department of Employment Services ("DOES") is delegated the authority vested in the Mayor by section 101 of the Coronavirus Support Emergency Amendment Act of 2020 ("Act"), effective May 27, 2020, D.C. Act 23-326 and section 101 of the Congressional Review Act, effective June 8, 2020, D.C. Act 23-328, to administer unemployment insurance to affected individuals during a public health emergency declared by the Mayor pursuant to 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).

2. The Director of the DOES is delegated the authority vested in the Mayor by section 105 of the Act, effective May 27, 2020, D.C. Act 23-326, and section 105 of the Congressional Review Act, effective June 8, 2020, D.C. Act 23-328, to administer and adjudicate any alleged violations by an employer of section 3a of the Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-152; D.C. Official Code §§ 32-531.01 et seq.).

3. The Deputy Mayor for Planning and Economic Development, Director of the Department of Small and Local Business Development ("DSLBD"), and Commissioner of the Department of Insurance, Securities, and Banking ("DISB") are concurrently delegated the authority vested in the Mayor by section 201 of the Act, effective May 27, 2020, D.C. Act 23-326, and section 201 of the Congressional Review Act, effective June 8, 2020, D.C. Act 23-328, to administer public health emergency related grant programs.

4. The Director of the Department of Consumer and Regulatory Affairs ("DCRA") is delegated the authority vested in the Mayor by section 205 of the Act, effective May 27, 2020, D.C. Act 23-326, and section 205 of the Congressional Review Act, effective June 8,

2020, D.C. Act 23-328, to administer and issue rules to implement the provisions regarding third-party food delivery platforms.

5. The City Administrator is delegated the authority vested in the Mayor by section 312 of the Act, effective May 27, 2020, D.C. Act 23-326, and section 312 of the Congressional Review Act, effective June 8, 2020, D.C. Act 23-328, to prospectively or retroactively extend the validity of a license, registration, permit, or authorization, extend, modify or waive the deadlines for filings, waive fees, fines, and penalties associated with the failure to timely renew a license, registration, permit, or other authorization or to timely submit a filing, and extend or waive the deadline by which action is required to be taken by the executive branch of the District government or by which an approval or disapproval is deemed to have occurred based on inaction by the executive branch of the District government, during or within forty-five (45) days after a public health emergency.

6. The Director of DCRA is delegated the authority vested in the Mayor by section 403 of the Act, effective May 27, 2020, D.C. Act 23-326, and the Congressional Review Act, effective June 8, 2020, D.C. Act 23-328, to promulgate rules regarding the cleaning of housing accommodations during a public health emergency.

7. The Commissioner of DISB is delegated the authority vested in the Mayor by section 507(a) of the Act, effective May 27, 2020, D.C. Act 23-326, and section 507(a) of the Congressional Review Act, effective June 8, 2020, D.C. Act 23-328, D.C. Official Code § 7-2304(b)(15), to waive application of any law administered by DISB to protect the health, safety, and welfare of District residents in response to a public health emergency.

8. The Directors of the Department of Health Care Finance ("DHCF") and Department of Human Services ("DHS") are concurrently delegated the authority vested in the Mayor by section 508 of the Act, effective May 27, 2020, D.C. Act 23-326, and section 508 of the Congressional Review Act, effective June 8, 2020, D.C. Act 23-328,to extend eligibility periods for individuals receiving benefits, extend the timeframe for determinations for new applicants, and take other actions as appropriate to support the continuity of, and access to, benefits provided by any public benefit program, including but not limited to the DC Healthcare Alliance, Immigrant Children's Program, Temporary Assistance for Needy Families, and Supplemental Nutritional Assistance Program.

9. The Director of DHCF is delegated the authority vested in the Mayor by section 514 of the Act, effective May 27, 2020, D.C. Act 23-326, and section 514 of the Congressional Review Act, effective June 8, 2020, D.C. Act 23-328, to issue grants to District non-profit and for-profit hospitals to address the impact of COVID-19.

10. The Chief of the Fire and Emergency Medical Services Department ("FEMS") is delegated the authority vested in the Mayor by section 703 of the Act, effective May 27, 2020, D.C. Act 23-326, and the Congressional Review Act, effective June 8, 2020, D.C. Act 23-328, to reassign personnel of FEMS.

11. The Director of the Mayor's Office of Community Affairs ("MOCA") is delegated the authority vested in the Mayor by section 4 of the Coronavirus Support Clarification Emergency Amendment Act of 2020 (the "Clarification Amendment Act"), effective July 7, 2020, D.C. Act 23-332, to issue public health emergency response grants.

IV. SUPERSESSION

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

V. 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 DOH 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.

VI. EFFECTIVE DATES AND DURATION

1. **General:** This Order shall be effective immediately.

2. **Delegations of Authority:** However, the delegations of authority under the Act shall be effective nunc pro tunc to May 27, 2020, and shall apply as of March 11, 2020; the delegations of authority under the Congressional Review Act shall be effective nunc pro tunc to June 8, 2020, and shall apply as of June 9, 2020; and the delegation of authority under the Clarification Amendment Act shall be effective nunc pro tunc to July 7, 2020, and shall apply as of June 9, 2020.

3. **Duration of Delegations of Authority:** The delegations of authority in section III of this

Order shall remain valid for the duration of the Act, the Congressional Review Act, and the Clarification Amendment Act, as applicable, and any substantially similar subsequent emergency and temporary legislation.

4. **Duration of Order:** The Order shall continue to be in effect through October 9, 2020, or until the date to which the state of emergency is extended, whichever is later; provided, that the duration of the delegations of authority in section III of this Order shall be as provided in paragraph 3 of this section.

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MURIEL BOWSER
MAYOR

GOVERNMENT OF THE DISTRICT OF COLUMBIA
MURIEL BOWSER, MAYOR