

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2022-043

March 17, 2022

SUBJECT: Extension of Public Emergency for 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; 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 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.*; and in accordance with the Public Emergency Extension Emergency Amendment Act of 2021, effective January 6, 2022 (D.C. Act 24-276, 69 DCR 214); Mayor's Order 2022-007, dated January 6, 2022, and the Public Emergency Extension Emergency Amendment Act of 2022, effective March 16, 2022 (D.C. Act 24-346), it is hereby **ORDERED** that:

I. BACKGROUND

1. Two years after the World Health Organization declared a pandemic and the Secretary of the U.S. Department of Health and Human Services and the Mayor of the District of Columbia declared public emergencies for the 2019 novel coronavirus, more than 79.62 million Americans have been diagnosed with COVID-19 and more than 967,000 have died from the disease. Locally, transmission stands at a weekly case rate of 49.6 per 100,000 persons; and tragically, at least 1,318 District residents have lost their lives due to COVID-19.
2. The District has been in a state of public emergency since March 11, 2020, declared first through Mayor's Order 2020-045 (March 11, 2020) and extended with Council authorization, most recently through Mayor's Order 2022-007, dated January 6, 2022, which extended the public emergency through March 17, 2022. The Council recently authorized a further extension of the public emergency, through April 16, 2022.
3. Key indicators for COVID-19 viral spread and hospital capacity have been trending in the right direction since the height of the Omicron wave, and we are now in a state of low transmission as defined by the U.S. Centers for Disease Control and Prevention. Vaccines, long widely available in the District, are proving extraordinarily effective in keeping those who have received booster shots out of the hospital and preventing death.

4. However, COVID-19 around the world is still taking lives and causing entire cities and regions to shut down non-essential activities, which has an effect here, particularly on our supply chains and economy as a whole. New variants of concern could emerge in the future, and more data is showing the dangers of “long COVID” even for those who had mild infections. Not everyone can be vaccinated or boosted, notably those under five years of age, and even with vaccination, persons with compromised immune systems are still at risk. Further, a stubborn number of those who could be vaccinated are not; they pose a continuing danger to public health.
5. In most respects, the District is getting back to normal, and other authorities beyond Mayor’s Orders ground the remaining measures that are in place, such as requirements for licensed health care personnel and employees at health care facilities to be vaccinated (Notice of Emergency and Proposed Rulemaking regarding Health Care Facility Required Vaccinations Regulations, 68 DCR 011146, October 22, 2021, proposed final rules deemed approved March 11, 2022, PR 24-0542, and subsequent extensions); and providing for COVID leave (COVID Vaccination Leave Temporary Amendment Act of 2021, D.C. Law 24-0061, effective February 18, 2022, 68 DCR 014074. Students will be required to be vaccinated for school (Coronavirus Immunization of School Students and Early Childhood Workers Amendment Act of 2021, D.C. Law 24-0085, effective March 2, 2022). The requirements for District of Columbia employees, contractors, grantees and interns to be vaccinated unless exempt, first promulgated by Mayor’s Order, has been buttressed by issuances from the City Administrator and the District of Columbia Department of Human Resources (DCHR) under their authority and this requirement is now a term of contract and grant agreements with the District. Additionally, various consumer protections related to the pandemic remain in place through legislation and are no longer tied to Mayor’s Orders.
6. However, certain federal funds and procedures are available based on whether a jurisdiction is in a declared state of emergency. And certain laws are triggered by being in a state of emergency; those laws must remain activated due to the ongoing problems with the supply chain caused in large measure due to the global pandemic and other lingering consequences of the pandemic.
7. Previous Mayor’s Orders delegated further decisions about masking requirements to other officials, and the low transmission rate has prompted many previous requirements for indoor masking to be lifted. But as the SARS-CoV-2 virus still looms around the world, the City Administrator, Director of the Department of Health, and State Superintendent of Education retain the authority to reimpose any requirements previously lifted if circumstances warrant.
8. This Mayor’s Order extends the public emergency through April 16, 2022.

II. EXTENSION OF PUBLIC EMERGENCY

The public emergency first declared by Mayor's Order 2020-045 (dated March 11, 2020) is hereby extended through April 16, 2022.

III. DELEGATIONS OF AUTHORITY

1. All powers relating to the public emergency and implementation of measures to protect the public and the District of Columbia from the effects of COVID-19 remain in place. Measures such as masking requirements may be turned on or off, as circumstances warrant.
2. Where measures undertaken during the emergency are important to continue for the protection of the public or continuity of government operations, the City Administrator, Director of the Department of Health, State Superintendent of Education, Chancellor of the District of Columbia Public Schools, Director of the Department of Human Resources, Director of the Department of Employment Services and other District government officials shall determine whether non-emergency authorities authorize continued measures, and if not, shall propose legislation for the Mayor's consideration to provide authority to continue such measures.

IV. CONTINUATION OF DISTRICT EMPLOYEE, CONTRACTOR, VOLUNTEER, AND GRANTEE VACCINATION REQUIREMENTS

The requirements and authorizations regarding the vaccination of District government employees, contractors, volunteers, and grantees first announced and imposed by Section VI. of Mayor's Order 2021-147, dated December 20, 2021, and Mayor's Order 2021-099, dated August 10, 2021, and authorized under sections 404(a) and 2004(e) of the District of Columbia Comprehensive Merit Personnel Act of 1978, effective March 3, 1978, D.C. Law 2-139; D.C. Official Code §§ 1-604.04(a) and 1-620.04(a) remain in full force and effect under permanent District personnel and procurement authorities. Guidance issued by the City Administrator, Director of the Department of Human Resources, and Chief Procurement Officer imposing or further explaining those requirements is binding and contractual requirements remain in effect regardless of any state of emergency.

V. CONTINUATION OF VACCINATION REQUIREMENTS FOR HEALTH CARE WORKERS AND FACILITIES

All requirements for vaccination of health care licensees and persons in health care facilities imposed by regulations issued by the Department of Health remain in place as they were authorized by non-emergency powers reposing in the Director of the Department of Health under the Health Occupations Revision Act of 1985, effective March 25, 1986, D.C. Law 6-99, D.C. Official Code § 3-1203.02(14).

VI. CONTINUATION OF VACCINATION REQUIREMENTS FOR SCHOOLS, CHILD CARE FACILITIES, AND STUDENT ATHLETES

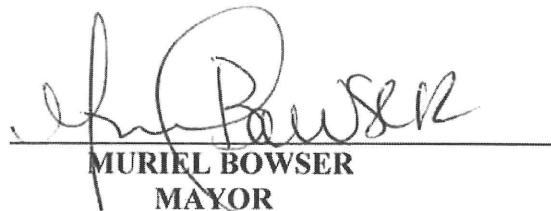
1. The COVID-19 vaccination requirements imposed on adult employees, contractors, interns, and volunteers working in person in a public, public charter, independent, private, or parochial school in the District of Columbia, and all adult employees, contractors, interns, grantees, and volunteers working in person in a child care facility regulated by OSSE, by Mayor's Order 2021-109, dated September 20, 2021, shall continue in full force and effect.
2. The COVID-19 vaccination requirements imposed on student-athletes aged twelve (12) and up by Mayor's Order 2021-109, dated September 20, 2021, shall continue in full force and effect.
3. Students must be vaccinated against COVID-19 pursuant to the Coronavirus Immunization of School Students and Early Childhood Workers Amendment Act of 2021, D.C. Law 24-0085, effective March 2, 2022.

VII. ENFORCEMENT

All enforcement authorities previously cited in prior Mayor's Orders continue in full force and effect. Agencies also may invoke any enforcement authorities that they already have in an effort to contain the spread and mitigate the effects of COVID-19.

VIII. EFFECTIVE DATE AND DURATION

This Order shall be effective immediately and shall remain in effect through April 16, 2022, or until this Order is repealed, modified, or superseded.



MURIEL BOWSER
MAYOR

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