

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADMINISTRATIVE ISSUANCE SYSTEM

Mayor's Order 2021-097

July 29, 2021

SUBJECT: Resumption of Mask Requirements and Delegations of Authority to the Department of Health and the Office of the State Superintendent of Education

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 (2016 Repl.); 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 (2018 Repl.); 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.* (2018 Repl.); and in accordance with the Public Emergency Extension and Eviction and Utility Moratorium Phasing Emergency Amendment Act of 2021, effective July 24, 2021, D.C. Act 24-125, it is hereby **ORDERED** that:

I. BACKGROUND

1. Almost 18 months 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 a public health emergency for the 2019 novel coronavirus, more than 34.7 million Americans have been diagnosed with COVID-19 and more than 611,000 have died from the disease. Locally, transmission stands at a seven-day average of 8.5 new daily cases per 100,000 persons; total infections in the District have risen to 50,329; and tragically, 1,149 District residents have lost their lives due to COVID-19. The District's new daily case rate has risen over five-fold in recent weeks.
2. On July 27, 2021, the Centers for Disease Control and Prevention (CDC) updated its guidance on mask wearing in light of the high transmissibility of the Delta variant of the SARS-CoV-2 virus, to recommend that even fully vaccinated people wear masks indoors in areas where transmission of the virus is substantial or high.

3. When vaccines became available, the District initiated an aggressive campaign to get residents vaccinated, a campaign which remains underway. Vaccination remains the most important tool in fighting the spread of COVID-19. Wearing a mask adds another layer of protection.
4. Residents, workers, and visitors have a personal obligation to be vaccinated as soon as possible and to abide by the District of Columbia Department of Health (DC Health) guidance on mask wearing to protect themselves and others.
5. Notwithstanding the laudable efforts of District residents, visitors, and employees to get vaccinated, there are still many persons who have not been vaccinated or cannot be vaccinated. Thus, it is critical to pursue a layered strategy involving more than just vaccination to protect all our residents and resume educational and economic activities that are critical to the District's recovery.
6. Therefore, this Mayor's Order re-imposes indoor mask requirements and delegates authority to agencies to define and enforce masking requirements.

II. MASK REQUIREMENTS

All persons must wear masks indoors as prescribed by DC Health guidance and regulations, as may be updated from time to time. All persons are encouraged to adhere to other non-compulsory provisions of DC Health guidance.

III. PRIVATE ESTABLISHMENT RULES

Businesses may establish rules that are stricter than the requirements in this Order or a rule, order, or other issuance issued under the authority of this Order relating both to mask wearing outdoors and showing proof of vaccination in order to enter their facilities.

IV. DELEGATIONS OF AUTHORITY

1. The City Administrator may issue and update orders or rules consistent with this Order regarding the requirement to wear masks in District of Columbia government buildings, and to require government employees and contractors to wear masks while on duty.
2. DC Health is authorized to issue mandatory, binding regulatory guidance that further explains or modifies this Order as circumstances warrant. Any compulsory statements in their guidance – such as “shall” or “must” – are to be treated as lawful regulations under the Communicable and Preventable Diseases Act and the District of Columbia Public Emergency Act of 1980 as amended.

3. The Office of the State Superintendent of Education (OSSE) is delegated joint authority with DC Health relating to the Mayor's authorities under the Communicable and Preventable Diseases Act and the District of Columbia Public Emergency Act as amended, relating not only to public and public charter schools but also to the conduct of public, public charter, private, parochial, and independent schools; and childcare providers for the COVID-19 mitigation program, including mask requirements. OSSE may conduct inspections of all schools and childcare providers and may incorporate by reference regulations issued by DC Health, including regulations styled as mandatory guidance documents or provisions; provided, that entities OSSE regulates pursuant to this Order are provided notice of the rules through direct communications and/or internet notices reasonably designed to reach the regulated parties.

V. ENFORCEMENT

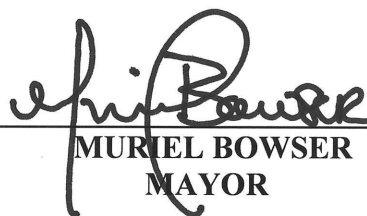
1. Businesses and other organizations may exclude or refuse service to persons who are not in compliance with this Order or a rule, order, or other issuance issued under the authority of this Order, and may ask non-compliant persons to leave the premises. Further, they may take appropriate employment actions against their employees who endanger themselves or others by being in violation of this Order or a rule, order, or other issuance issued under the authority of this Order.
2. All District government agencies that issue licenses, permits, certificates, endorsements, or other authorizations, including the Department of Consumer and Regulatory Affairs, the District Department of Transportation, the Alcoholic Beverage Regulation Administration, OSSE, the Department of For-Hire Vehicles, and DC Health may issue rules consistent with or take enforcement action directly under this Order or a rule, order, or other issuance issued under the authority of this Order to provide for the revocation, suspension, or limitation of a license, permit, certificate, endorsement, or other authorization of a person or entity that violates this Order.
3. Any individual or entity that knowingly violates this Order, or a rule, order, or other issuance issued under the authority of 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, which can result in civil fines of not more than \$1,000 or summary suspension or revocation of licenses.
4. The enforcement provisions of this Order shall not be applied to persons in the federal government or legislative branch of the District government while those persons are on duty.

VI. SUPERSESION


This Order supersedes Mayor's Order 2021-069, dated May 17, 2021, which generally repealed various COVID-19 related restrictions, and any other prior Mayor's Order issued during the COVID-19 emergency, only to the extent of any inconsistency.

VII. EFFECTIVE DATE AND DURATION

This Order shall be effective on Saturday, July 31, 2021, at 5:00 a.m., and shall continue to be in effect until this Order is repealed, modified, or superseded.



MURIEL BOWSER
MAYOR

ATTEST: 

KIMBERLY A. BASSETT
SECRETARY OF STATE OF THE DISTRICT OF COLUMBIA