

**EXECUTIVE ORDER NUMBER 2023-038 _
BY THE MAYOR**

DECLARING THERE TO BE AN EMERGENCY IN EXISTENCE WITHIN THE JURISDICTIONAL LIMITS OF THE CITY OF ATLANTA DUE TO THE ONGOING COVID-19 PANDEMIC IN ACCORDANCE WITH SECTION 2-181(A) OF THE CITY OF ATLANTA CODE OF ORDINANCES; EXERCISING MY EMERGENCY POWERS IN ACCORDANCE WITH SECTION 2-181(B) OF THE CITY OF ATLANTA CODE OF ORDINANCES; DECLARING CITY FACILITIES TO BE OPEN TO THE PUBLIC AND AVAILABLE TO THE PUBLIC FOR RENTAL OR RESERVATION AT A LIMITED CAPACITY; AUTHORIZING CITY OF ATLANTA BOARDS, AUTHORITIES, COMMISSIONS, COMMITTEES, OR OTHER SIMILAR BODIES SUBJECT TO SECTION 3-401 OF THE CITY OF ATLANTA CHARTER (BACE) TO RESUME IN-PERSON MEETINGS IN ACCORDANCE WITH THE GEORGIA OPEN MEETINGS ACT; REQUIRING PERSONS PRESENT AT PUBLIC MEETINGS CONDUCTED IN ACCORDANCE WITH THE GEORGIA OPEN MEETINGS ACT AND OTHER PROGRAMS CONDUCTED INDOORS, IN FACILITIES OWNED OR LEASED BY THE CITY OF ATLANTA, TO WEAR A FACIAL COVERING OR MASK; AND CALLING ON THE ATLANTA HOUSING AUTHORITY, ATLANTA BELTLINE INC., FULTON COUNTY/CITY OF ATLANTA LAND BANK AUTHORITY, INVEST ATLANTA, PARTNERS FOR HOME, AND THE CITY OF ATLANTA’S DEPARTMENT OF GRANTS AND COMMUNITY DEVELOPMENT TO MAINTAIN A TEMPORARY MORATORIUM ON RESIDENTIAL EVICTIONS AND FILINGS, WHICH SHALL REMAIN IN PLACE FOR THE DURATION OF THIS EMERGENCY DECLARATION.

WHEREAS, pursuant to its police power, the City of Atlanta may enact ordinances and take action to protect the health, safety, and general welfare of the public; and

WHEREAS, pursuant to that power, and specifically, pursuant to Section 2-181(a) of the Code of the City of Atlanta (“City”), the Mayor, as chief executive of the City, shall have the emergency power to declare an emergency to exist when, in the Mayor’s opinion, there is an extreme likelihood of destruction of life or property due to an unusual condition; and

WHEREAS, pursuant to Section 2-181(b) of the Code of the City of Atlanta, the Mayor, as chief executive of the City, shall have the right to exercise any or all of the following options after such declaration of emergency:

- (1) To use employees of the city other than employees of the department of police to assist in the safety and preservation of life, limb and property of the citizenry of the city.
- (2) To close streets and sidewalks and to delineate areas within the city wherein an emergency exists.
- (3) To impose emergency curfew regulations.

- (4) To close business establishments within the affected area.
- (5) To close any and all city-owned buildings and other facilities to the use of the general public.
- (6) To do any and all acts necessary and incidental to the preservation of life, limb and property of the citizenry of the city; and

WHEREAS, no emergency power as set forth in this section may be effective for more than 72 hours after the declaration of an emergency; and

WHEREAS, pursuant to Section 2-182 of the Code of the City of Atlanta, the Mayor may issue executive orders which apply to events of short duration, and which expire at the next meeting of the City Council subsequent to the issuance thereof unless ratified by a majority vote of the members present and voting; and

WHEREAS, like much of the world the United States, the State of Georgia, and the City of Atlanta are currently responding to an outbreak of respiratory disease caused by a novel coronavirus named “SARS-CoV-2” and the disease it causes named “coronavirus disease 2019” (abbreviated “COVID-19”); and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic; and

WHEREAS, on March 13, 2020, the President of the United States announced a national emergency in response to the COVID-19 pandemic, which included two emergency declarations: one under the National Emergencies Act and one under the Stafford Disaster Relief and Emergency Assistance Act; and

WHEREAS, on March 14, 2020, Governor Brian Kemp signed a public health state of emergency to address the COVID-19 pandemic through assisting health and emergency management officials across Georgia by deploying all available resources for the mitigation and treatment of COVID-19; and

WHEREAS, due to the COVID-19 pandemic, on March 15, Mayor Keisha Lance Bottoms declared there to be an emergency in existence within the City of Atlanta pursuant to Section 2-181(a) of the City of Atlanta Code of Ordinances; and

WHEREAS, in furtherance thereof, on March 16, 2020, all City facilities, including City Hall and Municipal Court were declared closed to the general public until further notice, and City implemented a mandatory full telework deployment; and

WHEREAS, due to the emergency closure of all City of Atlanta facilities to the public, on March 23, 2020, Mayor Bottoms issued an executive order via which Mayor Bottoms ordered that all meetings of City of Atlanta boards, authorities, commissions, committees, or other similar bodies subject to section 3-401 of the City of Atlanta Charter (BACE), which were scheduled or were otherwise required to occur during the period that City Hall and other City Facilities were closed to the public in accordance with the City’s response to the COVID-19 pandemic, would be postponed until such time as City Hall and other City facilities reopened to the public, which was ratified by the Atlanta City Council pursuant to 20-O-1293; and

WHEREAS, due to the continued necessity to keep City Hall and other City Facilities closed to the public, and the continued necessity of the mandatory full telework deployment, as a result of the COVID-19 pandemic, on June 15, 2020, Mayor Bottoms issued an executive order via which Mayor Bottoms ordered the implementation of a process by which BACEs could begin remote meetings in accordance with the Georgia Open Meetings Act (OCGA § 50-14-1, et seq.) and other legal requirements, which was ratified by the Atlanta City Council; and

WHEREAS, on April 2, 2020, Governor Kemp signed an Executive Order to Ensure a Safe and Healthy Georgia (Governor’s Executive Order 04.02.20.01) to address the COVID-19 pandemic by implementing temporary actions necessary and appropriate to protect the health, safety, and welfare of Georgia’s residents and visitors; and

WHEREAS, subsequently, Governor Kemp issued a series of Executive Orders which amended and revised the temporary action necessary and appropriate to protect the health, safety, and welfare of Georgia’s residents and visitors, the last such Executive Order expiring on July 1, 2021; and

WHEREAS, because of the continuing negative impacts of the COVID-19 pandemic on the State’s economy, supply chain, and healthcare infrastructure, beginning on June 30, 2021, Governor Kemp issued a series of Executive Orders declaring there to be a State of Emergency in the State of Georgia and ordering that all resources of the State of Georgia be made available to assist in activities designed to address this emergency and aid recovery and response efforts, the last such Executive Order expiring on April 15, 2022; and

WHEREAS, on February 24, 2021, President of the United States, Joseph R. Biden issued notice stating that the national emergency declared on March 13, 2020, concerning the COVID-19 pandemic is to continue in effect beyond March 1, 2021; and

WHEREAS, the Center for Disease Control (“CDC”) has issued guidance on the emerging and rapidly evolving situation of the COVID-19 pandemic, including how to protect oneself from this illness; and

WHEREAS, social distancing is recommended by the CDC to prevent the continued spreading of this illness in the community; and

WHEREAS, the CDC also advises that the use of masks will slow the spread of COVID-19; and

WHEREAS, pursuant to OCGA §38-3-28, the City is empowered to make, amend and rescind such orders, rules, and regulations as may be necessary for emergency management purposes and to supplement the carrying out of Articles 1 through 3 of the Emergency Management chapter of the Official Code of Georgia, but such orders, rules, and regulations shall not be inconsistent with any orders, rules, or regulations promulgated by the Governor or by any state agency exercising a power delegated to it by the Governor; and

WHEREAS, in accordance with the City’s police powers and the authority granted to the City to enter emergency orders which are not in conflict with any orders, rules, or regulations promulgated by the Governor of the State of Georgia, I am hereby declaring there to be the existence of an emergency within the City of Atlanta pursuant to Section 2-181(a) of the City of Atlanta Code of Ordinances; and

WHEREAS, at this time the City of Atlanta is experiencing declining COVID-19 case numbers and hospitalizations; and

WHEREAS, additionally, the numbers concerning the vaccination rates of residents of the state of Georgia, and the City of Atlanta, and of City employees continue to increase; and

WHEREAS, while there remains a risk to the safety of City of Atlanta employees and members the public to congregate indoors in single locations for extended periods of time while unmasked and at pre-pandemic capacity, based on the trends of these key metrics, along with the availability of new COVID-19 therapeutic medications and increased testing availability, there is a need to update the requirements in this emergency declaration to be consistent with best practices for management of COVID-19; and

WHEREAS, accordingly, all City facilities, including City Hall, shall be open to the public, and shall be available to the public for rental or reservation at a limited capacity; and

WHEREAS, beginning March 7, 2022, all meetings of City of Atlanta boards, authorities, commissions, committees, or other similar bodies subject to section 3-401 of the City of Atlanta Charter (BACE), shall return to in-person meetings subject to the notice and posting requirements of the Georgia Open Meetings Act and any laws, ordinances, or resolutions governing their conduct; and

WHEREAS, all persons present at public meetings conducted in accordance with the Georgia Open Meetings Act, and other programs indoors, in facilities owned or leased by the City of Atlanta, shall wear a facial covering or mask over the mouth and nose at all times, as described herein; and

WHEREAS, as a result of the COVID-19 pandemic, the economy of the City of Atlanta has been severely impacted; and

WHEREAS, even a few lost days of wages because of COVID-19 could mean not being able to buy food, pay rent, or pay utilities; and

WHEREAS, nearly half of Atlantans spend more than one-third of their income on rent and are housing cost-burdened; and

WHEREAS, the ability of residents to remain in their homes contributes directly to the community's efforts to prevent the further exposure and spread of COVID-19; and

WHEREAS, government entities around the world have implemented eviction prevention measures to increase housing stability for residents being financially impacted by the COVID-19 pandemic; and

WHEREAS, in response to the need to implement eviction prevention measures to increase housing stability for residents being financially impacted by the COVID-19 pandemic, Mayor Bottoms issued an Executive Order via which governmental and quasi-governmental entities, to which the mayor of the City of Atlanta has appointment authority, and which provide subsidies for the development and provision of housing opportunities were called upon to institute a moratorium on residential evictions and filings; and

WHEREAS, this executive order was applicable to the Atlanta Housing Authority, Atlanta Beltline Inc., Fulton County/City of Atlanta Land Bank Authority, Invest Atlanta, Partners for Home, and the City of Atlanta's Department of Grants and Community Development, and was ratified by the Atlanta City Council; and

WHEREAS, due to the persistence of the COVID-19 pandemic crisis, Mayor Bottoms issued renewals of this Executive Order which were ratified by the Atlanta City Council, and which extended this moratorium, such that it would remain in effect through July 31, 2021; and

WHEREAS, on August 1, 2021, Mayor Bottoms declared that the moratorium on residential evictions and filings issued pursuant to 21-O-0453 shall continue and shall remain in place for so long as the Mayor's emergency declaration remains in effect; and

WHEREAS, due to the persistence of the COVID-19 pandemic crisis, many are still being financially impacted by the necessary response thereto; and thus, there remains a need to maintain eviction prevention measures to increase housing stability for residents being financial impacted by the COVID-19 pandemic; and

WHEREAS, accordingly, the moratorium on residential evictions and filings issued pursuant to 21-O-0453 shall hereby continue and shall remain in place.

NOW THEREFORE, I, ANDRE DICKENS, AS MAYOR OF THE CITY OF ATLANTA, HEREBY AUTHORIZE, ORDER AND DIRECT as follows:

SECTION 1. It is my opinion that there exists an extreme likelihood of destruction of life or property within the jurisdictional limits of the City of Atlanta due to the unusual condition of the COVID-19 pandemic, and in accordance with Section 2-181(a) of the City of Atlanta Code of Ordinances, I hereby declare there to be an emergency in existence within the jurisdictional limits of the City of Atlanta.

SECTION 2. In accordance with this emergency declaration, I am exercising my emergency powers in accordance with OCGA Section 38-3-28, and Section 2-181(b) of the City of Atlanta Code of Ordinances.

SECTION 3. City Facilities.

- (a) All City facilities shall be open to the public.
- (b) All City facilities shall be open and available to the public for rental or reservation at a limited capacity to reduce the number of persons who may gather therein and to enable social distancing.

SECTION 4. Effective March 7, 2022, all City of Atlanta boards, authorities, commissions, committees, or other similar bodies subject to section 3-401 of the City of Atlanta Charter (BACE), shall return to in-person meetings subject to the notice and posting requirements of the Georgia Open Meetings Act and any laws, ordinances, or resolutions governing their conduct. To ensure compliance with the notice and posting requirements of the Georgia Open Meetings Act and any laws, ordinances, or resolutions governing their conduct, a BACE may continue to conduct meetings remotely in accordance with the Georgia Open Meetings Act (OCGA § 50-14-1, et seq.) and other legal requirements following March 7, 2022, until all necessary actions concerning the provision of notice of the BACE’s return to in-person meetings have been met.

SECTION 5. Indoor Mask Mandate for Public Meetings and Programs Conducted in City Facilities.

- (a) Except as otherwise provided in Section 5 of this Order, all persons present at public meetings conducted in accordance with the Georgia Open Meetings Act (OCGA § 50-14-1, et seq.), and other programs conducted indoors, in facilities owned or leased by the City of Atlanta, shall wear a facial covering or mask over the mouth and nose at all times.
- (b) For purposes of the Indoor Mask Requirement portion of this Order, the following terms are hereby defined as follows:
 - (1) *Facial covering or mask* means a device to cover the nose and mouth of a person and impedes the spread of saliva, respiratory droplets, or other fluids during speaking, coughing, sneezing or other intentional or involuntary action. Medical grade masks are not required; coverings may be fashioned as advised by the CDC and from other suitable fabrics. The mask must cover the mouth and nose of the wearer.
 - (2) *Persons present at public meetings and other programs* means all persons present in the meeting place of the agency or committee subject to the Georgia Open Meetings Act during the conduct of the meeting, or attending other public programs conducted indoors in facilities owned or leased by the City of Atlanta which shall include, but shall not be limited to members of the public, participants, observers, City employees, and other staff.

- (3) *Polling place* means the room provided in each precinct for voting at a primary or election.
- (c) Facial coverings or masks are not required in the following circumstances:
- (1) When the individual has a bona fide religious objection to wearing a facial covering or mask;
 - (2) While drinking or eating;
 - (3) When a licensed healthcare provider has determined that wearing a facial covering or mask causes or aggravates a health condition for the individual or when such person has some other bona fide medical reason for not wearing a facial covering or mask;
 - (4) When wearing a facial covering or mask would prevent performing work in the course of employment;
 - (5) When complying with the directions of a law enforcement officer or for the purposes of verifying a person's identity;
 - (6) Children under the age of ten (10) years;
 - (7) When the individual cannot don or remove a face mask or face covering without undue assistance; and
 - (8) At any polling place and no individual shall be denied ingress or egress to or from a polling place for failure to wear a facial covering or mask.
- (d) Violations of Section 5 of this Order may be enforced by a notice of Order violation issued by any police officer, code enforcement officer, or other authorized law enforcement official, as provided below:
- (1) A person who fails to comply with paragraph (a) of Section 5 of this Order shall be first given a warning and an opportunity to put on a facial covering or mask, leave the meeting place, or demonstrate their compliance with one of the exceptions in paragraph (c) of Section 5.
 - (2) If the person violating Section 5 of this Order refuses or fails to comply therewith after being given a warning pursuant to subparagraph (1) of this paragraph then such person may be subject to a civil penalty of not more than \$25.00 on the first offense and not more than \$50.00 on the second and any subsequent offenses.
 - (3) A notice of violation may be served by delivery into the hands of the suspected violator or by other reasonable process for serving notice of ordinance violations used by the City.
 - (4) Notwithstanding the foregoing, every reasonable effort shall be made to bring an individual into voluntary compliance with the terms of Section 5 of this Order prior to issuance of any notice of violation, including providing complimentary masks, explaining the importance of wearing facial coverings during this pandemic, and issuing verbal and written warnings.
- (e) In all locations where facial coverings or masks are not required to be worn pursuant to this Order, they are strongly encouraged to be worn.

SECTION 6. Temporary Moratorium on Residential Evictions.

- (a) The Atlanta Housing Authority, Atlanta Beltline Inc., Fulton County/City of Atlanta Land Bank Authority, Invest Atlanta, Partners for Home, and the City of Atlanta's Department of Grants and Community Development are called upon to maintain a temporary moratorium on residential evictions and filings in sponsored and funded housing units and housing developments, which shall remain in place for the duration of this emergency declaration.
- (b) The entities subject to this order are instructed not to permit the issuance notices of termination or initiate evictions for non-payment of rent, and not to permit the imposition of late fees or other charges due to late or non-payment of rent during the duration of this emergency declaration.

SECTION 7. If one or more of the provisions contained in this Order shall be held to be invalid, in violation of the Constitution of the United States, the Georgia Constitution, in violation of Georgia law, in violation of any orders, rules, or regulations promulgated by the Governor or by any state agency exercising a power delegated to it by the Governor of the State of Georgia, or unenforceable in any respect, such invalidity, violation, or unenforceability shall not affect any other provisions herein, but in such case, this Order shall be construed as if such invalid, illegal, or unenforceable provision had never been contained with this Order.

This 16th day of April, 2023.



Andre Dickens, Mayor

ATTESTED:



Municipal Clerk

Received/Filed.

A. Vanessa Waldon
Deputy Municipal Clerk

This 16th day of April 2023.