



CITY OF CAMBRIDGE

SECOND AMENDED TEMPORARY EMERGENCY ORDER REQUIRING THE WEARING OF MASKS IN INDOOR PUBLIC PLACES

EFFECTIVE ON JANUARY 7, 2022

This Amended Emergency Order replaces and supersedes all prior versions

WHEREAS, the 2019 Novel Coronavirus (“COVID-19”) is a highly contagious and potentially fatal respiratory disease, which is prevalent throughout the world, inclusive of the United States and the Commonwealth of Massachusetts; and

WHEREAS, despite a significant reduction in deaths and hospitalizations due to COVID-19 in Massachusetts and a high proportion of vaccinated residents in the Commonwealth relative to other states, COVID-19 cases are on an upward trajectory in Cambridge, neighboring communities, and the Commonwealth; and

WHEREAS, In August and September, 2021, the rise of new infections in Cambridge and the state corresponded with the emergence of the highly contagious Delta variant; and

WHEREAS, on July 27, 2021 the Centers for Disease Control and Prevention (“CDC”) recommended that everyone in areas of high or substantial COVID-19 transmission wear face coverings when indoor public spaces regardless of vaccination status. Currently, all Massachusetts counties have a high level of community transmission; and

WHEREAS, on December 20, 2021, the CDC reported that it has identified the potential for a rapid increase in infections of the new variance of COVID-19, the Omicron variant, which was first identified in November, 2021; and

WHEREAS, using CDC metrics, Cambridge has been in the high transmission category for the last 7 weeks. For the week ending 01/01/22, Cambridge had a 7-day confirmed case rate of 141.3 cases per 100k residents, for a total of 1176 cases; and

WHEREAS, effective September 3, 2021, the Cambridge Commissioner of Public Health and the City Manager issued the Temporary Emergency Order Requiring the Wearing of Masks in Indoor Public Places, which was first amended on September 15, 2021; and

NOW THEREFORE, the Cambridge Commissioner of Public Health and the City Manager hereby issue this emergency order (the “Order”) as follows:

1. **Masks required in indoor public places** - All persons shall wear a mask or face covering that covers their nose and mouth, such as a fabric or surgical mask, whenever they are **indoors** on the premises of a business, club, place of assembly or other place that is open to members of the public, including but not limited to retail establishments, restaurants, bars, performance venues, social clubs, houses of worship, personal care and fitness establishments, event spaces, and municipal buildings, except when they are alone in a workplace or alone in a room at the workplace with a closed door.
 - a. Indoor restaurant, bar, and dance venue customers may only remove face coverings when they are actively eating or drinking. Patrons ordering at a bar or standing at a bar while not actively eating or drinking must be masked. Guests must be masked when on an indoor dance floor.

- b. This Order shall not apply to outdoor dining, outdoor events, or otherwise to any outdoors activity.
2. **Masks required in indoor residential common areas** - In residential buildings consisting of at least four dwelling units ("Residential Buildings"), any person entering without limitation, any lobby, hallway, elevator, stairwell, laundry room, garage, or any other indoor areas in a Residential Building which are accessible to more than one dwelling unit (collectively, "Indoor Common Areas") of that Residential Building shall wear a mask or cloth face covering which covers both the mouth and nose at all times while in such Indoor Common Areas. Residential Buildings shall post signage at entrances and in or about Indoor Common Areas informing all residents and other individuals that the above requirements must be met at all times while in or about such Common Areas.
3. **Masks required in indoor office and laboratory building common areas** - In private office or laboratory buildings, any person entering without limitation, any lobby, hallway, elevator, stairwell, garage, or any other indoor areas in an office or laboratory building which are accessible to all occupants of the building, shall wear a mask or cloth face covering which covers both the mouth and nose at all times while in such areas. This Order shall not apply to private workspaces that are inaccessible to the public or to other workers.
4. **Exceptions**
 - a. This Order shall not apply to gatherings at private residences for which no compensation is paid.
 - b. This Order shall not apply to performers while performing provided they maintain a distance of six feet from all other people.
 - c. Notwithstanding any provision in this Order, face coverings are not required for persons for whom a mask or face covering creates a health risk or is not safe because of any of the following conditions or circumstances: the face mask or covering affects the person's ability to breathe safely; the person has a mental health or other medical diagnosis that advises against wearing a face mask or covering; the person has a disability that prevents them from wearing a face mask or covering; or the person depends on supplemental oxygen to breathe.
 - d. This Order shall not apply to anyone who is exempted by Massachusetts Department of Public Health guidelines, or, pursuant to guidance issued by the CDC, to children under two years of age.
5. The Cambridge Public Health Department may issue guidance consistent with the provisions of this Order. The Cambridge Public Health Department's Chief Public Health Officer or their designee may make exemptions in writing from the terms of this Order.
6. This Order shall take effect at 12:01 a.m. on Friday, January 7, 2022, and remain in effect until 11:59 p.m. on February 27, 2022, unless otherwise amended, extended or rescinded.

In the event that any portion of this Order is held to be invalid by a court of competent jurisdiction, said invalid or unenforceable portion shall be severable from the remainder of this Order and to the fullest extent possible this Order shall be read as if it did not contain said invalid or unenforceable portion.

In the event that any Order issued by Governor Baker or any regulation promulgated by any department of the Commonwealth of Massachusetts, including, but not limited to, regulations issued by the Department of Labor

Standards concerning COVID-19 workplace safety, contains stricter provisions than this Order, such stricter provisions shall govern.

All reasonable efforts will be made to secure voluntary compliance with this Order; however, this Order may be enforced through an order of a court of competent jurisdiction. The Commissioner of Public Health and the City Manager may seek the assistance of officials in the following City of Cambridge departments in ensuring compliance with this Order: the Police Department; the Public Health Department; and the Inspectional Services Department.

Any person found to be in violation of this Order may be issued a warning or may be issued a violation notice with a fine of three hundred dollars (\$300). The person to whom a violation notice has been issued pursuant to this Order may pay the fine within 21 days of the date the violation notice was served, or within 21 days of the date the violation notice was served, may contest the matter by requesting a noncriminal hearing by mailing a copy of the violation notice to: Clerk Magistrate, Cambridge District Court, 4040 Mystic Valley Parkway, Medford, MA 02155. G. L. c. 111 §§ 30, 95-105, and 122; 310 CMR 11.05 et seq., 105 CMR 300.200; St. 1950, c. 639; G. L. c. 40, § 21D; and Cambridge Municipal Code c. 1.24, § 1.24.030.

Dated: 1/5, 2022

By:



Assaad J. Sayah, MD, Commissioner of Public Health



Louis A. DePasquale, City Manager