

MAR 27 2020

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Mayors and Councillors:

**Re: COVID-19: Municipal States of Emergency**

As part of the Department of Municipal Affairs and Environment's continued communications with cities, towns and Inuit Community Governments regarding COVID-19, I would like to take this opportunity to provide some clarity and direction regarding municipal authority to declare municipal states of emergency.

As you are aware, effective March 18, 2020, the Minister of Health and Community Services declared a public health emergency under the **Public Health Protection and Promotion Act** as a result of the COVID-19 pandemic. While a public health emergency is in effect the Chief Medical Officer of Health can introduce special measures that she believes are necessary to protect the health of the population and to prevent, remedy, or mitigate the effects of the public health emergency. Stemming from these orders, many facilities have been ordered to close; gatherings of people have been restricted; and requirements around self-isolation have been identified. For more details on the orders, please visit <https://www.gov.nl.ca/covid-19/>.

During this period, we have received inquiries from municipalities regarding their authority to declare a state of emergency in their municipality. Per the *Municipalities Act, 1999*, a state of emergency can only be declared under section 204 for the following reasons:

*Where, in the opinion of a council, chairperson or mayor, an emergency exists because of*

- (a) a disaster;*
- (b) a snowstorm or flood; or*
- (c) a shortage of water*

*the council, chairperson or mayor may declare a state of emergency in the municipality or part of the municipality.*

Please be advised that municipalities do not have the authority to declare states of emergency based on the current spread of COVID-19. Section 204 states the emergency has to exist because of one of the following: a disaster, snowstorm, flood or shortage of water. COVID-19 does not fall under any of these. Looking to a number of definitions of the word disaster it is clear it covers events such as fires, earthquakes, hurricanes, floods, etc.

With this in mind, the Department of Municipal Affairs and Environment requires that all municipalities adhere to applicable legislation and their assigned authorities. This means refraining from declaring municipal states of emergency related to the COVID-19 pandemic which you do not have the authority to do.

It is the position of the Department of Municipal Affairs and Environment that all measures needed to protect the health of the population during this pandemic are in place through the declaration of the public health emergency. We are continuing to work with the Department of Health and Community Services to monitor the spread of COVID-19 and ensure safety of our residents.

I sincerely appreciate the understanding and cooperation of your councils during this time. Please continue to support the message of the Chief Medical Officer of Health regarding COVID-19 to ensure the safety of our residents and communities.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Bragg".

**DERRICK BRAGG, MHA**  
Minister of Municipal Affairs and Environment  
District of Fogo Island-Cape Freels

Cc Dr. John Haggie, Minister of Health and Community Services