# STATE OF MINNESOTA
Executive Department

Governor Tim Walz

## Emergency Executive Order 20-42

## Ensuring that Emergency Economic Relief Does Not Prevent Eligibility for Essential Human Services Programs During the COVID-19 Peacetime Emergency

**I, Tim Walz, Governor of the State of Minnesota,** by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

The COVID-19 pandemic presents an unprecedented challenge to our State. Minnesota has taken proactive steps to ensure that we are ahead of the curve on COVID-19 prevention and response. On March 13, 2020, I issued Executive Order 20-01 and declared a peacetime emergency because this pandemic, an act of nature, threatens the lives of Minnesotans, and local resources are inadequate to address the threat. In Executive Order 20-01, I directed all state agencies to submit proposed orders and rules to protect and preserve public health and safety. On April 13, 2020, after notifying the Legislature, I issued Executive Order 20-35, extending the peacetime emergency declared in Executive Order 20-01.

In Minnesota Statutes 2019, section 12.02, the Minnesota Legislature recognized the "existing and increasing possibility of the occurrence of natural and other disasters of major size and destructiveness" and conferred upon the Governor the emergency and disaster powers provided in Chapter 12 to "ensure the preparations of this state will be adequate to deal with disasters," to "generally protect the public peace, health, and safety," and to "preserve the lives and property of the people of the state." Pursuant to Minnesota Statutes 2019, section 12.21, subdivision 1, the Governor has general authority to control the State's emergency management as well as carry out the provisions of Minnesota's Emergency Management Act. Pursuant to subdivision 3 of that same section, the Governor may "make, amend, and rescind the necessary orders and rules to carry out the provisions" of Minnesota Statutes 2019, Chapter 12. When approved by the Executive Council and filed in the Office of the Secretary of State, such orders and rules have the force and effect of law during the pendency of a peacetime emergency. Any inconsistent rules or ordinances of any agency or political subdivision of the state are suspended during the pendency of the emergency.

The COVID-19 pandemic has caused many Minnesotans to suffer economic hardship as the result of job loss, reduction in hours of employment, and reduction in available employment

opportunities. To provide some economic security, the federal Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") authorized payments of up to $1,200 per adult and $500 per child to eligible individuals and families. Under that Act, these payments are not counted as income for federally funded public assistance programs. The State of Minnesota, tribal governments, and local government entities, including counties and municipalities, are also making or considering making emergency COVID-19 relief payments to their residents or tribal members. Many Minnesotans who are, or will be receiving, the federal, tribal, state, or local government payments are also recipients of the essential cash, food, housing, and medical assistance programs administered by the Department of Human Services ("DHS"). Due to the economic impacts of the COVID-19 pandemic, other Minnesotans will likely need to apply for these benefit programs soon. Allowing Minnesotans to obtain and maintain access to essential healthcare and other critical services is important to slowing the spread of COVID-19 in our community.

Under current state law, receipt of federal, tribal, state, county, or local government COVID-19 relief payments may make individuals ineligible for certain human services programs administered by DHS. Counting the receipt of certain federal, tribal, state, county, or local government payments provided for COVID-19 relief as income, assets, personal property, or resources for the purposes of determining eligibility for human services programs administered by DHS would endanger the public health and cause severe hardship to Minnesotans who need these programs at this difficult time.

For these reasons, I order as follows:

1. The following payments received by Minnesotans as the result of the COVID-19 pandemic must not be counted as income when determining eligibility for the programs administered by DHS:

    a. Federal CARES Act payments of up to $1,200 per adult and $500 per child.

    b. State government payments issued to individuals to relieve the adverse economic impact caused by the COVID-19 pandemic, subject to any necessary federal approval.

    c. Local government payments issued to individuals to relieve the adverse economic impact caused by the COVID-19 pandemic, subject to any necessary federal approval.

    d. Tribal government payments issued to tribal members to relieve the adverse economic impact caused by the COVID-19 pandemic, subject to any necessary federal approval.

2. When determining eligibility for the programs administered by DHS, the above payments will not be counted as assets, personal property, or resources, subject to any necessary federal approval.

Pursuant to Minnesota Statutes 2019, section 4.035, subdivision 2, and section 12.32, this Executive Order is effective immediately upon approval by the Executive Council. It remains in

effect until the peacetime emergency declared in Executive Order 20-01 is terminated or until it is rescinded by proper authority.

A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on April 24, 2020.

**Tim Walz**
Governor

Filed According to Law:

**Steve Simon**
Secretary of State

Approved by the Executive Council on April 24, 2020:

**Alice Roberts-Davis**
Secretary, Executive Council



Filed on April 24, 2020
Office of the Minnesota
Secretary of State,
Steve Simon