STATE OF MINNESOTA
Executive Department

Governor Tim Walz

Emergency Executive Order 20-47

Clarifying Application of Executive Order 20-33 to Homeless Encampments

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:

On April 8, 2020, I issued Executive Order 20-33, Extending Stay at Home Order and Temporary Closure of Bars, Restaurants, and Other Places of Public Accommodation ("Executive Order 20-33"). Under Paragraph 5(g) of Executive Order 20-33, displaced individuals were deemed exempt from the restrictions of the Executive Order. Questions have arisen regarding the application of language related to homeless encampments.

Homeless populations face additional challenges related to the spread of COVID-19. All Minnesotans need safe and sanitary places to reside, to protect their own health and the health of those around them, and, if they become sick, to obtain needed care and to recover. The most important strategy that communities can undertake to minimize population growth in encampments is to create safe housing and sheltering options for people experiencing homelessness.

Executive Order 20-33 provided that the list of exempted activities "may be clarified, as deemed necessary by the Governor, to ensure the health, safety, and security of all Minnesotans." Clarification to Executive Order 20-33 is needed to ensure that state and local governments may respond to situations that create a threat to the health, safety, and security of people living in encampments.

For these reasons, I order as follows:

1. Paragraph 5(g) of Executive Order 20-33 is clarified by providing the following additions (indicated by underlined text):

   Displacement. Individuals without a home are exempt from the restrictions in this Executive Order, and they may move between emergency shelters, drop-in centers, and encampments. Encampments<u>, including both new and existing encampments,</u>

should not be subject to sweeps or disbandment by state or local governments, as such sweeps or disbandment increase the potential risk and spread of COVID-19.

i. Law enforcement is not prohibited from addressing trespassing or exigent circumstances (*i.e.*, those requiring immediate action to protect life, prevent injury, or preserve evidence) that occur within encampments or among or including people staying outdoors. Law enforcement and other first responders should respond to trespassing and exigent circumstances as those situations require.

ii. If a local government entity is providing sufficient alternate housing, shelter, or encampment space that complies with the Minnesota Department of Health's guidance, *Homeless Services Settings: Interim Guidance for Providers,* and the Centers for Disease Control and Prevention's guidance, *Responding to COVID-19 Among People Experiencing Unsheltered Homelessness*, or if an encampment has reached a size or status that is a documented threat to the health, safety, or security of residents, state or local governments may restrict, limit, or close encampment spaces.

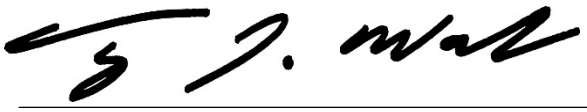
iii. I authorize the commissioners of the Minnesota Housing Finance Agency and the Minnesota Department of Human Services, as co-chairs of the Minnesota Interagency Council on Homelessness, to issue guidance as is needed to clarify this provision or further address the issue of homeless encampments.

2. All other provisions of Executive Order 20-33 remain in effect.

Pursuant to Minnesota Statutes 2019, section 4.035, subdivision 2, and section 12.32, this Executive Order is effective immediately. 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 clarification to Executive Order 20-33 is invalid will not affect the enforceability of any other provision of Executive Order 20-33. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on April 29, 2020.



Tim Walz
Governor

Filed According to Law:

Steve Simon
Secretary of State

Filed on April 29, 2020
Office of the Minnesota
Secretary of State,
Steve Simon