# STATE OF MINNESOTA
Executive Department

Governor Tim Walz

## Emergency Executive Order 20-55

## Protecting the Rights and Health of At-Risk Populations 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. After notifying the Legislature, on April 13, 2020 and again on May 13, 2020, I issued Executive Orders extending the peacetime emergency declared in Executive Order 20-01.

As businesses reopen and some restrictions on movement have been relaxed, we must continue efforts to contain the spread of COVID-19 and to protect the most vulnerable Minnesotans, including the nearly 10,000 Minnesotans experiencing homelessness who are living outside or in a temporary shelter, the over 110,000 Minnesotans living in or receiving services from residential settings, the 778,000 Minnesotans under age 65 with an underlying health condition, and the 888,000 Minnesotans who are over age 65. Many Minnesotans at risk of serious illness due to COVID-19, including older adults and people with disabilities, whether they live in their own homes, a shelter, outdoors, in long-term care facilities, treatment centers, or a temporary location due to a COVID-19 infection, are in need of protections to support their health and safety during the COVID-19 pandemic.

We recognize that our communities of color and indigenous communities are disproportionately represented among populations with underlying conditions and co-morbidities that increase the risk of becoming severely ill if they contract COVID-19. These communities also make up a large percentage of the direct service caregivers working on the frontlines of this pandemic, and because of their interactions through their work, have increased chances to encounter and contract COVID-19. Taking action to protect vulnerable populations will help ensure we do not exacerbate these disparities.

Individuals experiencing homelessness face unique hurdles given the health and safety risks posed by 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. In particular, finding a safe and comfortable space to isolate when sick with COVID-19 is especially difficult for individuals experiencing homelessness and for those who cannot live in their own home. As a matter of public health and safety, it is important to provide assistance when possible to isolate these individuals.

Another subset of vulnerable Minnesotans are those losing essential community support or being transferred or displaced from their homes due to COVID-19. There is significant risk of hardship to individuals taken out of assisted living and placed in a new location that does not have necessary supports. Protections and guidelines are needed to provide assistance to government entities when evacuation of an individual who tested positive for COVID-19 is required.

Finally, vulnerable Minnesotans need to be able to protect themselves when they are engaged in activities of daily living. Like everyone, at-risk persons need to acquire groceries and other vital supplies and may require repairs or other services that cause workers to enter their living space. Being in close proximity to other individuals increases the chances of contracting COVID-19 and it is helpful to reduce instances of interaction and to take other mitigating steps to reduce the spread of COVID-19 to at-risk persons. Similarly, it is vital for at-risk persons to have access to personal protective equipment ("PPE") and other supplies and to be made aware if a personal care assistant is no longer available to work with them.

In Minnesota Statutes 2019, section 12.02, subdivision 1, 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.

For these reasons, I order as follows:

1. **At-risk persons strongly urged to stay at home.** Beginning on Sunday, May 17, 2020 at 11:59 pm and continuing for the duration of the peacetime emergency declared in Executive Order 20-01 or until this Executive Order is rescinded, all at-risk persons currently living within the State of Minnesota are strongly urged to stay at home or in their place of residence except to engage in necessary activities for health and wellbeing (including, but not limited to, visiting medical professionals, picking up prescriptions and other medical equipment, grocery shopping, outdoor

exercise, child care, caring for family members or pets) and work, if it is not possible to work from home. People who can work from home must do so.

2. **At-risk persons defined**. Consistent with guidance issued by the Centers for Disease Control and Prevention ("CDC"), "at-risk persons" include people who are:

    a. 65 years and older.

    b. Living in a nursing home or a long-term care facility, as defined by the Commissioner of Health.

    c. Any age with underlying medical conditions, particularly if not well controlled, including:

        i. People with chronic lung disease or moderate to severe asthma.

        ii. People who have serious heart conditions.

        iii. People who are immunocompromised (caused by cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, or prolonged use of corticosteroids and other immune weakening medications).

        iv. People with severe obesity (body mass index (BMI) of 40 or higher).

        v. People with diabetes.

        vi. People with chronic kidney disease undergoing dialysis.

        vii. People with liver disease.

3. **"Homes" and "residences" defined**. For purposes of this Executive Order, "homes" and "residences" include mobile homes, hotels, motels, shared rental units, shelters, and similar facilities, to the extent they are used for lodging.

4. **Homeless population**. All persons who, either chronically or temporarily, lack a permanent residence may move freely, including to receive supports and services, but are strongly urged to obtain shelter or other safe spaces. Governmental and other entities are strongly urged to make 24-hour shelter or other safe spaces available as soon as possible and to the maximum extent practicable, and to use COVID-19 risk mitigation practices recommended by the CDC and the Minnesota Department of Health ("MDH").

5. **Encampments**. Homeless encampments, including both new and existing encampments, should not be subject to sweeps or disbandment by state or local governments, as such sweeps or disbandments increase the potential risk and spread of COVID-19. 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. If a local government entity is providing sufficient alternate housing, shelter, or encampment space that complies with the MDH guidance, *Homeless Services Settings: Interim Guidance for Providers,* and the CDC 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. I authorize the Commissioners of the Minnesota Housing Finance Agency and Human Services, as co-chairs of the Minnesota Interagency Council on Homelessness, to issue further guidance as needed to clarify this provision or further address the issue of homeless encampments.

6. **Protection and isolation spaces**. I order the Commissioners of Health, Human Services, and Public Safety to coordinate and issue guidance regarding the development and availability of increased protection and isolation spaces for at-risk populations and persons experiencing homelessness, including populations in or out of shelter, those experiencing homelessness due to being victims of crime, and individuals who do not need hospital-level care and do not have a home or other appropriate space where they can safely isolate.

7. **At-risk persons transferred or displaced**. I order the Commissioners of Human Services and Health to develop and implement guidelines to protect at-risk persons who are transferred or displaced from their home due to the state or local government's determination that the person requires a safer location to prevent future COVID-19 infections. The guidelines should provide special consideration for the needs of at-risk persons living with dementia, behavioral health conditions, substance use disorders, or any other condition or co-morbidity that increases the risk of non-COVID-19 harm, injury, or death as a result of transfer or displacement. The guidelines issued under this section should be consistent with Executive Order 20-14 and temporary waivers and program modifications implemented by the Commissioners of Human Services and Health, including those pursuant to Executive Orders 20-11 and 20-12.

8. **Unlicensed agency providers of services necessary for health and safety**. Beginning no later than May 18, 2020 at 5:00 pm, and continuing for the duration of the peacetime emergency declared in Executive Order 20-01 or until this Executive Order is rescinded, all unlicensed agency providers of services that are necessary for activities of daily living, as defined in Minnesota Statutes 2019, section 256B.0659 ("'activities of daily living' means grooming, dressing, bathing, transferring, mobility, positioning, eating, and toileting"), must provide notice to local county human services or tribal human services, to the managed care organization from which the provider agency has received payment, and to all persons they serve under Minnesota Statutes 2019, section 256B.0659, at least 72 hours prior to suspension or termination of services (*i.e.*, agency closure) if the closure is due to COVID-19. Agency providers retain their responsibilities as mandated reporters to the Minnesota

Adult Abuse Reporting Center. The Commissioner of Human Services may use the recipient protection provisions in Minnesota Statutes 2019, section 256B.0651, subdivision 17(b), to assist recipients and notify lead agencies.

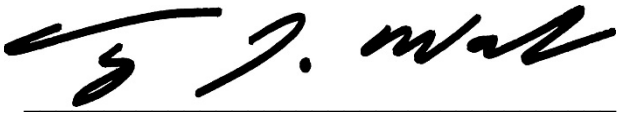
9. **Accommodations for at-risk persons**. I order the Commissioner of Employment and Economic Development to issue such guidance as necessary for private and public businesses to provide accommodations to at-risk customers by adjusting times, services, and manner of delivering goods and services to minimize the risk of COVID-19 infection.

10. **Staffing, services, and PPE**. I order the Commissioners of Administration, Health, and Human Services to coordinate and provide proposals to support best-effort responses to allocate and distribute, as resources become available, appropriate staffing, services, and PPE to support at-risk and homeless populations and staff serving those populations in the following kinds of settings, where over 200,000 at-risk Minnesotans are living or receiving services: encampments, shelters, isolation settings, group homes, licensed residential settings for people with mental illness, licensed residential settings for people with substance use disorders, locations where personal care assistants provide services, affordable housing development, housing with services, boarding care, board and lodges, site-based supportive housing, skilled nursing facilities, child foster care (family and corporate), child residential facilities, and county and tribal child and adult protection.

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.

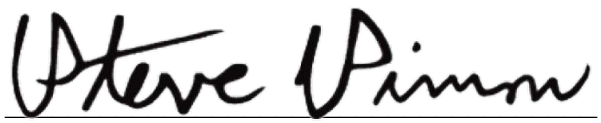
A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on May 13, 2020.



**Tim Walz**
Governor

Filed According to Law:



**Steve Simon**
Secretary of State

Approved by the Executive Council on May 13, 2020:

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

Filed May 13, 2020
Office of the Minnesota
Secretary of State,
Steve Simon