**Sample Guidance Provided to Staff re Wearing of Masks Referencing MDH FAQ**

**Implementation Highlights Provided by Stevens County HRA noted in red**

As of July 25, 2020, per the [Governor's Executive Order 20-81](https://www.leg.state.mn.us/archive/execorders/20-81.pdf), people in Minnesota are required to wear a face covering in all public indoor spaces and businesses, unless alone.  Additionally, workers are required to wear a face covering when working outdoors in situations where social distancing cannot be maintained. Research has shown that use of face coverings can greatly reduce the risk of infection when combined with other prevention efforts such as social distancing and hand hygiene.

Types of Face Coverings

* Types of face coverings can include a paper or disposable mask, a cloth mask, a neck gaiter, a scarf, a bandanna, or a religious face covering.
* A face covering must cover the nose and mouth completely. The covering should not be overly tight or restrictive and should feel comfortable to wear.
* Any mask that incorporates a valve that is designed to facilitate easy exhaling, mesh masks, or masks with openings, holes, visible gaps in the design or material, or vents are not sufficient face coverings because they allow droplets to be released from the mask.

Persons exempted from the face covering requirement

* Children under age 2 years must not wear face coverings. Children between the ages of 2 and 5 years old are not required to wear face coverings, but are encouraged to wear a face covering when in public  if they can do so reliably in compliance with CDC guidance on [How to Wear Cloth Face Coverings](https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-wear-cloth-face-coverings.html) (i.e., without frequently touching or removing the face covering).
* Persons who have medical or other health conditions, disabilities or mental health, developmental, or behavioral needs that make it difficult to tolerate wearing a face covering. **Please refer to the prior email I send addressing this particular concern.**
* Any person who has trouble breathing, is unconscious, sleeping, incapacitated, or is otherwise unable to remove the face covering without assistance.
* Persons at their workplace when wearing a face covering would create a safety hazard to the person or others as determined by local, state, or federal regulators or workplace safety guidelines.

When it is required to wear a face covering

* In all public indoor spaces and businesses, including when waiting outside to enter the public indoor space or business.
* When riding on public transportation such as buses or trains, or in a taxi, ride-sharing vehicle, or vehicle that is being used for a business purpose.
* For workers only: When working outdoors in situations where social distancing (i.e., maintaining physical distance of at least six feet from other individuals who are not in the same household) cannot be maintained.
* When present in a business, whether indoor or outdoor, that has elected to require face coverings.  Businesses are allowed to require face coverings even in situations where face coverings are not otherwise required by Executive Order 20-81. **HRA will follow the mandate and not implement more stringent restrictions.**
* When applicable industry guidance, available at [Stay Safe Minnesota](https://staysafe.mn.gov/), specifically requires face coverings (refer to the industry-specific guidance section, below).

When a face covering is not required

* When at home or in an assigned room or living unit in a place of temporary lodging (e.g., hotel or motel room) or other place whether a person may reside short- or long-term (e.g., shelter, dormitory, residential treatment facility, long-term care facility, correctional facility).
* However, workers who enter a person's home or assigned living unit for purposes of their job—for example, home health care aides or staff in a residential treatment, long-term care, or correctional facility—must wear face coverings when doing so.  **Custodial and maintenance will wear a mask in occupied units but can remove them when in an enclosed area such as a vacant unit or boiler room so long as they are alone.** Certain facilities—including hospitals, shelters, long-term care facilities, residential programs licensed under Minnesota Statutes chapter 245D, residential treatment facilities, or correctional facilities—may also require visitors and residents, patients, or inmates to wear face coverings even when in a living unit.
* When in a private vehicle being used for private (i.e., non-business) purposes.
* When outdoors or participating in outdoor recreation (e.g., exercising, walking, gardening) for private purposes.  However, workers are required to wear face coverings when working outdoors in situations where social distancing cannot be maintained.

When can a face covering can be temporarily removed

* While eating or drinking, if you can maintain 6 feet of physical distance from others who are not a member of the same party.
* When someone asks to verify an identity for lawful purposes, such as when ordering an alcoholic beverage or entering certain events.
* When participating in an activity in which the face covering will get wet. For example, when swimming.
* While communicating with someone who is deaf or hard of hearing, or who has a medical condition, disability, or mental health condition that makes communication with that individual while wearing a mask difficult, provided that social distancing is maintained to the extent possible between persons who are not members of the same household. **If an individual makes a claim that they are unable to wear a facemask due to a disability or medical condition the HRA staff will offer reasonable accommodations of conducting business by phone, mail, or in an outdoor setting.  If this is not possible, all indoor in-person meetings will be conducted utilizing a plexiglass divider in the conference room which will be sanitized after each appointment.  We can also look into ordering face shields or masks with clear shields over the mouth as an alternative way to communicate with hearing impaired individuals. (Please let me know if this is something you would like to explore)**
* While receiving a service—including a dental examination or procedure, medical examination or procedure, or personal care service--that cannot be performed or would be difficult to perform when the individual receiving the service is wearing a face covering.
* When alone, such as when working in an office or a cubicle with walls higher than face level when social distancing is maintained, in an enclosed indoor area, in a vehicle, or in the cab of heavy equipment or machinery. **Custodial and maintenance will wear a mask in occupied units but can remove them when in an enclosed area such as a vacant unit or boiler room so long as they are alone.**  In such situations, persons should still carry face coverings to be prepared to wear when no longer alone.

When it is strongly recommended (but not required) to wear a face covering

* In any public outdoor space or business when it is not possible to maintain 6 feet of physical distance from others or where close person-to-person interaction is possible or likely, such as when entering or exiting a business, moving around in a space with others present, using the restroom, ordering food, or waiting in line.
* In private social gatherings—for example, when visiting in a private home with friends or relatives that do not reside in the same household—especially when it is not possible to maintain 6 feet of physical distance from others. **Tenants have access to the patio area and View to socialize, the family room will remain closed until further notice.**
* At home, for individuals experiencing symptoms of COVID-19. This will help protect other members of the same household from being infected.
* When at home or in a private vehicle when someone who is not a member of the same household is present, particularly when social distancing cannot be maintained.

Businesses' obligations under the Executive Order

Under Executive Order 20-81, businesses must:

* Require that all persons, including their workers, customers, and visitors, wear face coverings as required by Executive Order 20-81 and take reasonable steps to enforce the requirement.
* Mitigate or eliminate worker and customer exposure to persons who cannot wear or refuse to wear a face covering.
* Update their COVID-19 Preparedness Plans to include the face covering requirements of Executive Order 20-81, inform their workers how their plan has been updated, and make the revised plan available to their workers.
* Post one or more signs that are visible to all persons—including workers, customers, and visitors—instructing them to wear face coverings as required by Executive Order 20-81.
* When possible, provide accommodations to persons, including their workers and customers, who state they have a medical condition, mental health condition, or disability that makes it unreasonable for the person to maintain a face covering. Accommodations could include permitting use of an alternate form of face covering—a face shield, for example—or providing service options that do not require a customer to enter the business.

**The HRA will follow MN guidance for individuals who do not claim a reasonable accommodation but refuse to wear a mask.**

* **If a customer, client or resident enters or attempts to enter without a face covering, communicate face covering requirements, offer a face covering, and request that they put it on.**
* **The HRA will offer the service alternatives including talking outdoors while maintaining social distancing or retrieving forms or documents for the customer.**
* **If an individual declines the alternatives and continues to refuse to wear a face covering, decline services or request that the customer not enter the premises or leave the premises.**
* **Based on an assessment of the situation, the HRA may also determine that there is a need to engage law enforcement to assist as a last resort.**
* **HRA staff will not restrain or make any physical contact.**

Executive Order 20-81 does **not**:

* Require businesses or their workers to enforce face covering requirements when it is unsafe to do so.
* Authorize businesses to restrain, assault, or physically remove workers or customers who refuse to comply with Executive Order 20-81 when it would not otherwise be legal to do so.
* Authorize businesses and their workers to violate other laws, including anti-discrimination laws.

For additional information about the steps businesses can take to ensure compliance with Executive Order 20-81, refer to Executive Order 20-81 which is available at [Executive Orders from Governor Walz](https://mn.gov/governor/news/executiveorders.jsp), and the [Frequently Asked Questions About the Requirement to Wear Face Coverings](https://www.health.state.mn.us/diseases/coronavirus/facecoverfaq.html).

Enforcement

While Minnesota expects that businesses and individuals will voluntarily comply with the requirements of this guidance and Executive Order 20-81 to keep their fellow Minnesotans safe, there are consequences for violation of these requirements. These consequences can include petty misdemeanor citations and fines for people, and criminal, civil, and regulatory sanctions for businesses (and their owners and managers).

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