

Governor Walz – Protecting the Rights and Health of At-Risk Populations

On Wednesday, May 13, 2020, Governor Walz signed Emergency Executive Order 20-55, Providing for Protection of Rights and Health of At-Risk Populations during a Peacetime State of Emergency due to COVID-19.

To the extent possible, those Minnesotans at greatest risk of serious illness due to COVID-19 should have protections to support their access to the same array of choices and options that are available to all Minnesotans. It is important that vulnerable populations be seen, participate, access opportunities, and help the future of our great state. This Executive Order is needed for disease control efforts and to provide the supports and protections for Minnesotans at highest risk of severe illness due to COVID-19.

- **How many people will be impacted by this order?**
 - Nearly 10,000 homeless Minnesotans living outside or in a temporary shelter
 - More than 110,000 Minnesotans living or receiving services in residential settings
 - 778,000 Minnesotans under age 65 with underlying health conditions
 - 888,000 Minnesotans over age 65

Communities of color and indigenous people are disproportionately represented in all of these populations, at-risk for illness, and among the direct service caregivers working on the frontlines of this pandemic.
- **What does the order do?**
 - The order strongly urges all persons currently living in Minnesota at high risk of severe illness from COVID-19 (“at-risk persons”) to stay at home or in their place of residence except to engage in the activities for health and wellbeing and work, if it is not possible to work from home. People who can work from home must do so.
- **When is the order in effect?**
 - The order is effective beginning at 11:59 p.m. on May 17, 2020. It remains in effect until the declared peacetime state of emergency ends.

Definitions:

- **Who are “at-risk persons”?**
 - Persons 65 years and older; those living in a nursing home or long-term care facility; and people of any age with not well controlled underlying medical conditions, including chronic lung disease or moderate to severe asthma, people with serious heart conditions, people who are immunocompromised, people with severe obesity, diabetes, chronic kidney disease undergoing dialysis, or liver disease.
 - For purposes of this guidance and EO 20-55, a “long-term care facility” is defined as those settings licensed or registered by the Minnesota Department of Health.
- **How are homes and residences defined?**
 - In addition to single-family homes and multifamily residences, homes or residences include hotels, motels, shared rental units, mobile homes, shelters, and similar facilities, to the extent they are used for lodging.

Frequently Asked Questions:

- **What does the order really change for at-risk people?**
 - At a minimum, regardless of income or housing setting, it provides special accommodation for at-risk customers by asking businesses to adjust times, services, and manner of delivering goods and services.
- **Does the order require “at-risk persons” to stay home?**
 - No. At-risk persons are strongly urged to stay home or in their place of residence, but are not required to do so.
 - In a situation where the at-risk person wants to work and the provider does not believe it is safe for the person to do so, the person is still allowed to leave.
- **Does this order limit the movement of persons who are homeless?**
 - No. All persons who lack a permanent residence may move freely, including to receive supports and services. They are strongly urged to obtain shelter or other safe spaces.
- **What are cities and counties asked to do?**
 - Governmental and other entities are strongly urged to make 24-hour shelter or other safe spaces available, in accordance with MDH and CDC guidance, as soon as possible for persons without a permanent residence.
- **Can homeless encampments be swept or disbanded?**
 - Except in limited circumstances, new and existing homeless encampments should not be subject to sweeps or disbandment by state or local governments, because doing so increases the potential risk and spread of COVID-19.
- **Under what circumstances can an encampment be restricted, limited, or closed?**
 - State or local governments may restrict, limit, or close encampment spaces if they are providing sufficient alternate housing shelter, or encampment space that complies with MDH and CDC guidance, or if an encampment has reached a size or status that is a documented threat to the health, safety, or security of residents.
- **Can law enforcement deal with trespassing or other circumstances occurring within encampments?**
 - Yes, law enforcement and other first responders should respond to trespassing and circumstances within encampments that require immediate action to protect life, prevent injury, or preserve evidence.
- **How will the order help older adults and people with disabilities being evacuated from their homes due to COVID?**
 - Commissioners of DHS and MDH are ordered to develop guidelines to protect at-risk persons who are transferred or displaced away from their home in order to prevent future COVID-19 infections.
 - Guidelines should focus special attention on people living with dementia, a behavioral health condition, substance use disorders, or other conditions that increase the person’s risk of non-COVID harm, injury, or death because they were displaced.

- **What about people who live on their own and just receive services in their own homes?**
 - The order includes special notice to county human service agencies if PCA agencies cease to provide services to people living in their own homes.
- **Does the order do anything more for additional PPE or staffing in places where people are actually dying from COVID?**
 - The order provides additional guidance to the Commissioners of Administration, MDH and DHS about all of the needs for this population, and asks them to develop additional proposals to ensure better staffing, services and PPE for the over 200,000 at-risk Minnesotans receiving services.

The full order is available <https://www.leg.state.mn.us/archive/execorders/20-55.pdf>. Additional guidance on the order is available at <https://mn.gov/governor/covid-19/faq.jsp>