



STATE OF MICHIGAN

DEPARTMENT OF HEALTH AND HUMAN SERVICES

LANSING

GRETCHEN WHITMER
GOVERNOR

ROBERT GORDON
DIRECTOR

DIRECTOR'S ORDER

Emergency Order under MCL 333.2253 Safe Housing for Housing Unstable Individuals

The novel coronavirus ("COVID-19") is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and is easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services ("DHHS") identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, Governor Gretchen Whitmer issued Executive Order 2020-4. As of May 11, 2020, Michigan has 47,522 diagnosed cases of COVID-19 and 4,584 fatalities from the virus. The alarming increase in cases demonstrates that many of these cases are the result of widening community spread. Social distancing measures, including isolation and quarantine of persons affected by COVID-19, are essential to control the epidemic. The success of such measures is reliant upon rapid identification of persons affected by the virus, including those who perish as the result of COVID-19 infection.

The COVID-19 epidemic has disproportionately impacted communities of color throughout our state. For example, Black Michiganders represent 13.6 percent of our state's population, 32 percent of the cases of COVID-19, and a staggering 41 percent of the deaths from the disease. On April 20, 2020, Governor Gretchen Whitmer created the Michigan Coronavirus Task Force on Racial Disparities to study the underlying conditions within the state that have led to such a devastating loss of life and develop strategies to help address such systemic inequities. Social distancing and adherence to isolation and quarantine measures require financial capital and housing security, and currently in Michigan 31 percent of Black and Hispanic individuals are living below the poverty level, with nearly 40 percent of that population relying on Supplemental Nutrition Assistance Programming. Isolation and recovery require space, time, support, and resources that are not equally available to all populations. This gap in ability to safely isolate and recover from COVID-19 amplifies preexisting disparities, especially relating to race and socioeconomic status.

The effects of COVID-19 have been experienced disproportionately by those who are already socially, economically, and medically vulnerable.

People with asthma, diabetes, and certain other pre-existing health conditions, and the elderly, face higher risk of severe illness from COVID-19 if infected. It is particularly important that these individuals avoid contracting COVID-19. An estimated 41.8 percent of households across the state are home to at least one individual who is 60 years or older. Nearly 20 percent of Black Michiganders have asthma, and 13 percent have diabetes. This pandemic has highlighted how poverty, race and access to healthcare are intersectional issues, and that proper community care requires preventative measures to stem the spread of the disease as well as treatment for affected persons. Establishing means and procedures to voluntarily isolate housing unstable individuals in safe shelter from the general public while the COVID-19 epidemic persists is necessary to avoid and mitigate the danger posed by the risk of disease transmission in the communities across Michigan.

In light of the above, and upon the advice of scientific and medical experts employed by DHHS, I have concluded that COVID-19 has reached epidemic status in Michigan under section 2253 of the Public Health Code, 1978 PA 368, as amended ("Public Health Code"), MCL 333.2253.

I further conclude that control of the epidemic is necessary to protect the public health, and that it is necessary to establish procedures to be followed during the epidemic to ensure continuation of essential public health services and enforcement of health laws.

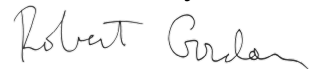
Section 2226 of the Public Health Code authorizes DHHS to "enter into an agreement, contract, or arrangement with governmental entities or other persons necessary or appropriate to assist the department in carrying out its duties and functions," MCL 333.2226(c), to "either directly or by interagency contract, develop and deliver health services to vulnerable population groups," MCL 333.2226(f), and to "accept gifts, grants, bequests, and other donations in the name of this state," MCL 333.2226(e).

I therefore order that:

1. In order to reduce the likelihood of potential spread of COVID-19 into surrounding communities, DHHS must create a lodging program providing a single occupancy housing setting (such as a hotel room) for individuals who are unable to safely social distance, isolate, quarantine, or recover from mild cases of COVID-19 in their current housing situations ("housing unstable individuals").
2. DHHS must establish guidelines for implementation of this order, including guidelines for vetting potential hosting sites, determining eligibility for program participation, monitoring health and wellness, and meeting the basic needs of housing unstable individuals.

3. DHHS may partner with community organizations and political subdivisions of this state to implement this order.
4. DHHS and partner governmental agencies implementing this order may contract with third-parties and accept financial and in-kind support to implement the requirements of this order.
5. This order takes effect immediately and remains in effect until vacated.

Dated: May 12, 2020



Robert Gordon, Director
Michigan Department of Health and Human Services