

**NOTICE OF ELECTRONIC REGULAR MEETING OF THE
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY**

**TO ALL PERSONS INTERESTED IN THE MEETINGS OF THE
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY**

PLEASE TAKE NOTICE that in accordance with Senate Bill No. 1108 amending Section 3 (MCL 15.263) of the "Open Meetings Act" (1976 PA 677), the regular meeting of the Michigan State Housing Development Authority (the "Authority"), 735 East Michigan Avenue, P.O. Box 30044, Lansing, Michigan 48909, will be held electronically by telephonic conferencing on the following date and time:

<u>DATE</u>	<u>TIME</u>	<u>CONFERENCE CALL PARTICIPATION</u>
November 19, 2020	10:00 a.m.	Conference Call Number: +1 248-509-0316 Conference ID: 144 348 440#

Senate Bill No. 1108 permits electronic meetings under certain conditions, including a statewide or local state of emergency or state of disaster as described in section 3(2) thereof. A local state of emergency due to COVID-19 is referenced in the attached Ingham County Emergency Orders 2020-21, 2020-22 and 2020-24, and a statewide state of emergency is referenced in the Michigan Department of Health and Human Services Emergency Order (collectively, the "Orders"). This regular meeting is being held electronically to mitigate and address the risk described in the Orders, which are attached to and made a part of this notice. Members of the public may attend, and during public comment, address the Authority by calling the conference call telephone number listed above, thereby allowing contact with Authority members to provide input or ask questions. Proposed agendas can be accessed through the following link: https://www.michigan.gov/mshda/0,4641,7-141-7559_49253--,00.html.

Proposed minutes of said meeting will be available for public inspection during regular business hours at 735 East Michigan Avenue, Lansing, Michigan, not more than eight business days after said meeting, and approved minutes of said meeting will be available for public inspection during regular business hours, at the same location, not more than eight business days after the meeting at which they are approved. The minutes will also be posted on the Authority's website.

Call 517-335-4797 if you require assistance connecting to the meeting. This notice is given in compliance with Act No. 267 of the Public Acts of Michigan, 1976 and Senate Bill No. 1108 dated October 16, 2020.

Clarence L.
Stone, Jr. Digitally signed by
Clarence L. Stone, Jr.
Date: 2020.10.28
22:14:49 -04'00'

Clarence L. Stone, Jr.
Director of Legal Affairs

DATED MATERIAL

PLEASE DO NOT REMOVE UNTIL November 20, 2020

Persons with disabilities needing a reasonable accommodation to effectively participate in this meeting should contact the Director of Legal Affairs, MSHDA, at (517) 335-9935.

**EMERGENCY ORDER (2020-21) FOR CONTROL OF EPIDEMIC
FACIAL COVERINGS**

This Order is made pursuant to Section 2453 of the Public Health Code, being MCL 333.2453.

In response to the ongoing public health emergency and the risk posed by a resurgence of COVID-19, matters concerning the public health of the residents of Ingham County have been brought to the attention of the Ingham County Health Officer. The Local Health Officer has determined that controls are necessary to reduce transmission of COVID-19 and to protect the public's health in Ingham County based on the following facts:

- A communicable disease, novel Coronavirus, which causes COVID-19 has been identified and can be transmitted from person to person.
- In order to control and limit the spread of the novel Coronavirus, it is necessary to prevent infected people from coming into contact with uninfected people.
- The spread of COVID-19 can be reduced with cloth face coverings, social distancing, and staying home when sick.
- Center for Disease Control and Prevention advises that cloth face coverings are recommended as a simple barrier to help prevent respiratory droplets from traveling into the air and onto other people when the person wearing the cloth face covering coughs, sneezes, talks, or raises their voice. This is called source control.

It is hereby ordered that:

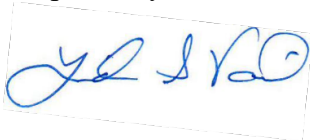
1. Any individual who leaves their home or place of residence must wear a face covering over their nose and mouth in the following instances:
 - a. When in any indoor public space; this includes all students in grades kindergarten through twelve; and
 - b. When outdoors and unable to consistently maintain a distance of six feet or more from individuals who are not members of their household; and
 - c. When waiting for or riding on public transportation, while in a taxi or ride-sharing vehicle, school bus or when using a private car service as a means of hired transportation.
 - d. Athletes training for, practicing for, or competing in an organized sport must wear a facial covering (except when swimming) or consistently maintain 6 feet of social distance (except for occasional and fleeting moments).
2. Although a face covering is strongly encouraged even for individuals not required to wear one, the requirement to wear a face covering does not apply to individuals who:
 - a. Are younger than five years old, though children two years old and older are strongly encouraged to wear a face covering, pursuant to guidance from the Centers for Disease Control and Prevention ("CDC");
 - b. Cannot medically tolerate a face covering;
 - c. Are eating or drinking while seated at a food service establishment;
 - d. Are receiving a service for which temporary removal of the face covering is necessary to perform the service;

- e. Are entering a business or are receiving a service and are asked to temporarily remove a face covering for identification purposes;
 - f. Are communicating with someone who is hearing impaired or otherwise disabled and where the ability to see the mouth is essential to communication;
 - g. Are actively engaged in a public safety role, including but not limited to law enforcement, firefighters, or emergency medical personnel, and where wearing a mask would seriously interfere in the performance of their public safety responsibilities;
 - h. Are at a polling place for purposes of voting in an election;
 - i. Are officiating at a religious service; or
 - j. Are giving a speech for broadcast or an audience.
3. To protect workers, shoppers, and the community, no business that is open to the public may provide service to a customer or allow a customer to enter its premises, unless the customer is wearing a face covering as required by this order.
 4. Businesses that are open to the public must post signs at entrance(s) instructing customers of their obligation under this order to wear a face covering while inside.
 5. The protections against discrimination in the Elliott-Larsen Civil Rights Act, 1976 PA 453, as amended, MCL 37.2101 et seq., and any other protections against discrimination in Michigan law, apply in full force to individuals who wear a face covering under this order.
 6. No individual is subject to penalty under section 7 of this order for removing a mask while engaging in religious worship at a house of religious worship. Consistent with guidance from the CDC, congregants are strongly encouraged to wear face coverings during religious services.
 7. Consistent with MCL 333.2261 and 764.15(1), willful violation of any emergency order constitutes a misdemeanor punishable by imprisonment for not more than 6 months, or a fine of not more than \$200, or both. An individual may be arrested if violation occurs in the presence of a police officer, or the police officer has reasonable cause to believe individual has violated a rule or order.

This order takes effect immediately and will remain in effect until it is determined by the Ingham County Health Officer that the threat to the public's health and lives is no longer present.

This order may be revised as well as supplemented with specific procedures and orders in accordance with the Michigan Public Health Code.

Respectfully,



Linda Vail, Health Officer
Ingham County Health Department

October 4, 2020
Date

**EMERGENCY ORDER (2020-22) FOR CONTROL OF EPIDEMIC
GATHERINGS AND EVENTS**

This Order is made pursuant to Section 2453 of the Public Health Code, being MCL 333.2453.

In response to the ongoing public health emergency and the risk posed by a resurgence of COVID-19, matters concerning the public health of the residents of Ingham County have been brought to the attention of the Ingham County Health Officer. The Local Health Officer has determined that controls are necessary to reduce transmission of COVID-19 and to protect the public's health in Ingham County based on the following facts:

- A communicable disease, novel Coronavirus, which causes COVID-19 has been identified and can be transmitted from person to person.
- In order to control and limit the spread of the novel Coronavirus, it is necessary to prevent infected people from coming into contact with uninfected people.
- The spread of COVID-19 can be reduced with cloth face coverings, social distancing, and staying home when sick.
- The Center for Disease Control and Prevention recommends that individuals stay at least 6 feet from others who are not in the same household. Risk of COVID-19 transmission at a gathering or event increases as the size of the event or gathering increases.

It is hereby ordered that:

1. **Gatherings and events.** Social gatherings and organized events among persons not part of the same household are permitted only to the extent provided in this order. In all cases, organizers and venues must ensure that the gathering or event complies with this order, and that persons not part of the same household maintain six feet of distance from one another, including by designing the gathering or event to encourage and maintain social distancing. This section does not apply to an incidental gathering of persons in a shared space, including an airport, bus station, factory floor, restaurant, shopping mall, public pool, or workplace (although it does apply to social gatherings and organized events held in such places).
 - a. An indoor social gathering or indoor organized event of 10 people or fewer is permitted.
 - b. An indoor social gathering or indoor organized event of more than 10 and fewer than 500 people occurring at a non-residential venue is permitted only to the extent that the organizers and venue:
 1. In cases where the gathering or event occurs in a venue with fixed seating, limit attendance to 20% of seating capacity;
 2. Otherwise, limit attendance to 20 people per 1,000 square feet of venue space, including no more than 20 people per 1,000 square feet in each room;
 3. Consistent with Ingham County Emergency Order 2020-21, Facial Coverings, require individuals at the venue to wear a facial covering.
 - c. An outdoor social gathering or outdoor organized event of 100 people or fewer is permitted.
 - d. An outdoor social gathering or outdoor organized event of more than 100 and fewer than 1,000 people occurring at a non-residential venue is permitted only to the extent that the organizers and venue:
 1. In cases where the gathering or event occurs in a venue with fixed seating, limit attendance to 30% of seating capacity;
 2. Otherwise, limit attendance to 30 people per 1,000 square feet of event space, including no more than 30 people per 1,000 square feet in any distinct area within the event space.

2. **Exceptions.** Indoor gathering and event limitations imposed by this order do not apply to any of the following:
 - a. Aspects of training of law enforcement, correctional, medical, or first responder personnel not capable of being performed remotely;
 - b. Polling places.
3. **Religious worship.** Consistent with prior guidance, neither a place of religious worship nor its owner is subject to penalty under section 5 of this order for allowing religious worship at such place. No individual is subject to penalty under section 5 of this order for engaging in religious worship at a place of religious worship.
4. Nothing in this order supersedes any other Ingham County emergency order. Emergency orders that further restrict gathering or event size beyond the limitations set forth in this order shall prevail where in direct conflict with this order.
5. Consistent with MCL 333.2261 and 764.15(1), willful violation of any emergency order constitutes a misdemeanor punishable by imprisonment for not more than 6 months, or a fine of not more than \$200, or both. An individual may be arrested if violation occurs in the presence of a police officer, or the police officer has reasonable cause to believe individual has violated a rule or order.

This order takes effect immediately and will remain in effect until it is determined by the Ingham County Health Officer that the threat to the public's health and lives is no longer present.

This order may be revised as well as supplemented with specific procedures and orders in accordance with the Michigan Public Health Code.

Respectfully,



Linda Vail, Health Officer
Ingham County Health Department

October 4, 2020

Date

**EMERGENCY ORDER (2020-24) FOR CONTROL OF EPIDEMIC
EMPLOYEE SCREENING**

This Order is made pursuant to Section 2453 of the Public Health Code, being MCL 333.2453.

In response to the ongoing public health emergency and the risk posed by a resurgence of COVID-19, matters concerning the public health of the residents of Ingham County have been brought to the attention of the Ingham County Health Officer. The Local Health Officer has determined that controls are necessary to reduce transmission of COVID-19 and to protect the public's health in Ingham County based on the following facts:

- A communicable disease, novel Coronavirus, which causes COVID-19 has been identified and can be transmitted from person to person.
- In order to control and limit the spread of the novel Coronavirus, it is necessary to prevent infected people from coming into contact with uninfected people.
- The spread of COVID-19 can be reduced with cloth face coverings, social distancing, and staying home when sick.

It is hereby ordered that all businesses and operations take the following precautions:

1. Develop and implement a daily screening program for all staff upon reporting to worksites.
 - i. The screening procedures must include the following questions:
 - i. Symptoms: new or worsening cough, shortness of breath or difficulty breathing, new loss of taste or smell, fever (100.0° F), OR TWO (2) or more of the following: chills, muscle aches, headaches, sore throat, diarrhea, nausea or vomiting, congestion or runny nose. When a touchless thermometer is available, a temperature check is strongly recommended in lieu of verbal confirmation of lack of fever.
 - ii. Any close contact in the last 14 days with someone with a diagnosis of COVID-19.
 - ii. Any "yes" response to the screening questions above requires the individual to be excluded:
 - i. With symptoms, until COVID-19 can be ruled out **OR** if COVID-19 cannot be ruled out the individual needs to self-isolate for at least 10 days or 24 hours with no fever without use of medicine that reduces fevers AND other symptoms have improved, whichever is longer;
 - ii. With close contact, for 14 days since close contact with diagnosed case of COVID-19 unless exempt or otherwise approved for work with appropriate safety precautions.
2. Develop and implement a social distancing plan (at least 6 feet from another person) for employees working in shared spaces and customers waiting for services inside or outside of the business.
3. Publish this order at all facility entrances so that it is visible to all employees and customers.

Consistent with MCL 333.2261 and 764.15(1), willful violation of any emergency order constitutes a misdemeanor punishable by imprisonment for not more than 6 months, or a fine of not more than \$200, or both. An individual may be arrested if violation occurs in the presence of a police officer, or the police officer has reasonable cause to believe individual has violated a rule or order.

This order takes effect immediately and will remain in effect until it is determined by the Ingham County Health Officer that the threat to the public's health and lives is no longer present.

This order may be revised as well as supplemented with specific procedures and orders in accordance with the Michigan Public Health Code.

Respectfully,



Linda Vail, Health Officer
Ingham County Health Department

October 4, 2020

Date



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

ROBERT GORDON
DIRECTOR

October 29, 2020

Emergency Order Under MCL 333.2253 – Gatherings and Face Mask Order

Michigan law imposes on the Michigan Department of Health and Human Services (MDHHS) a duty to continually and diligently endeavor to “prevent disease, prolong life, and promote public health,” and gives the Department “general supervision of the interests of health and life of people of this state.” MCL 333.2221. MDHHS may “[e]xercise authority and promulgate rules to safeguard properly the public health; to prevent the spread of diseases and the existence of sources of contamination; and to implement and carry out the powers and duties vested by law in the department.” MCL 333.2226(d).

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 easily spread from person to person. There is currently no approved vaccine for this disease. COVID-19 spreads through close human contact, even from individuals who may be asymptomatic.

In recognition of the severe, widespread harm caused by epidemics, the Legislature has granted MDHHS specific authority, dating back a century, to address threats to the public health like that posed by COVID-19. MCL 333.2253(1) provides that “[i]f the director determines that control of an epidemic is necessary to protect the public health, the director by emergency order may prohibit the gathering of people for any purpose and may establish procedures to be followed during the epidemic to insure continuation of essential public health services and enforcement of health laws. Emergency procedures shall not be limited to this code.” See also *In re Certified Questions*, Docket No. 161492 (Viviano, J., concurring in part and dissenting in part, at 20) (“[T]he 1919 law passed in the wake of the influenza epidemic and Governor Sleeper’s actions is still the law, albeit in slightly modified form.”); see also *id.* (McCormack, C.J., dissenting, at 12). Enforcing Michigan’s health laws, including preventing disease, prolonging life, and promoting public health, requires limitations on gatherings and the establishment of procedures to control the spread of COVID-19. This includes limiting the number, location, size, and type of gatherings, and instituting mitigating measures like face masks to prevent ill or infected persons from infecting others.

On March 10, 2020, MDHHS identified the first two presumptive-positive cases of COVID-19 in Michigan. As of October 27, 2020, Michigan has seen 161,907 confirmed cases and 7,211 confirmed deaths attributable to COVID-19. Michigan was one of the states most heavily impacted by COVID-19 early in the pandemic, with new cases peaking at nearly 2,000 per day in late March. Strict preventative measures and the cooperation of Michiganders drove those numbers down dramatically, greatly reducing the loss of life. Although fewer than 200 new cases per day were reported in mid-June, cases have increased since that time, with over 3,000 cases per day being reported on some recent days.

The State of Michigan presently has 172 cases per million people and positivity of tests has increased from about 2% to 5.5%. Both indicators have been increasing for over four weeks. Three of five regions are now at the highest risk level, risk level E (Grand Rapids, Kalamazoo, and Upper Peninsula). Rising cases creates significant pressures on our emergency and hospital system. Complaints of coronavirus like illness (CLI) in the emergency department increased for the sixth week in a row for the state and there are now four regions where greater than 1% of all persons at the emergency department present with CLI (Grand Rapids, Kalamazoo, Traverse City, and Upper Peninsula). Hospitalizations for COVID-19 have

doubled over the last three weeks. There are more than 5% COVID hospitalizations in all regions except Traverse City. The state death rate has increased for five consecutive weeks to 2.1 deaths per million people. More than 20 weekly deaths are seen in four regions (Detroit, Grand Rapids, Kalamazoo, and Upper Peninsula). Due to delays between exposure, onset of symptoms, and hospitalization, the sharp rise in new infections heralds challenging weeks to come, with growing strain on our healthcare infrastructure.

To protect vulnerable individuals, ensure the health care system can provide care for all health issues, and prevent spread in schools as we head into the influenza season, we must not permit the spread of COVID-19 to further increase. This necessitates continued use of mitigation techniques to restrict gatherings and require procedures in order to reduce the spread of the virus. As such, it is necessary to issue orders under the Public Health Code addressing these topics.

Considering the above, and upon the advice of scientific and medical experts employed by MDHHS, I have concluded pursuant to MCL 333.2253 that the COVID-19 pandemic continues to constitute an epidemic in Michigan. I have also, subject to the grant of authority in PA 238 (signed into law on October, 22, 2020), herein defined the symptoms of COVID-19 based on the latest epidemiological evidence. 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 the continuation of essential public health services and enforcement of health laws. As provided in MCL 333.2253, these emergency procedures are not limited to the Public Health Code.

I therefore order that:

1. Definitions.

- (a) “Child care organizations” means that term as defined by section 1(b) of the Child Care Organizations Act, 1973 PA 116, as amended, MCL 722.111(b) and day, residential, travel, and troop camps for children (as defined by Rule 400.11101 of the Michigan Administrative Code).
- (b) “Face mask” means a tightly woven cloth or other multi-layer absorbent material that closely covers an individual’s mouth and nose.
- (c) “Food service establishment” means that term as defined in section 1107(t) of the Food Law, 2000 PA 92, as amended, MCL 289.1107(t).
- (d) “Employee” means that term as defined in section 2 of the Improved Workforce Opportunity Wage Act, 2018 PA 337, as amended, MCL 408.932, and also includes independent contractors.
- (e) “Gathering” means any occurrence, either indoor or outdoor, where two or more persons from more than one household are present in a shared space.
- (f) “Organized sports” means competitive athletic activity requiring skill or physical prowess and organized by a sports organizer.
- (g) “Sports Organizer” means an institution, association, or other organization that sets and enforces rules to ensure the physical health and safety of all participants for an organized sport.
- (h) “Recreational sports and exercise facilities” means a location in which individuals participate in individual or group physical activity, including, gymnasiums, fitness centers, recreation centers, exercise studios, bowling centers, roller rinks, ice rinks, and trampoline parks.

- (i) “Symptoms of COVID-19” means fever, uncontrolled cough, or atypical new onset of shortness of breath or at least 2 of the following not explained by a known physical condition: loss of taste or smell, muscle aches, sore throat, severe headache, diarrhea, vomiting, or abdominal pain. Per section 1(h) of PA 238 of 2020, this definition represents the latest medical guidance, and serves as the controlling definition.

2. General capacity limitations at gatherings.

- (a) Indoor gatherings are permitted only as follows:

- (1) 10 or fewer persons are gathered at a residence;
- (2) 50 or fewer persons are gathered in a non-residential venue without fixed seating, and attendance is limited to 20 persons per 1,000 square feet in each occupied room;
- (3) 500 or fewer persons are gathered in a non-residential venue with fixed seating, and attendance is limited to 20% of seating capacity of the venue; and
- (4) At non-residential gatherings, all persons wear a face mask;

- (b) Outdoor gatherings are permitted only as follows:

- (1) 100 or fewer persons are gathered at a residence;
- (2) At non-residential venues:
 - (A) 1,000 or fewer persons are gathered at a venue without fixed seating, and attendance is limited to 30 persons per 1,000 square feet, including within any distinct area within the event space;
 - (B) 1,000 or fewer persons are gathered at a venue with fixed seating, and attendance is limited to 30% of seating capacity of the venue; and
 - (C) All persons wear a face mask.

- (c) The limitations to the size of gatherings in sections 2(a) and 2(b) do not apply to:

- (1) Incidental, temporary gatherings of persons in a shared space, such as frequently occur in an airport, bus station, factory floor, food service establishment, shopping mall, public pool, or workplace.
- (2) Voting or election-related activities at polling places;
- (3) Training of law enforcement, correctional, medical, or first responder personnel, insofar as those activities cannot be conducted remotely;
- (4) Organized sports gatherings held in accordance with section 5 of this order;
- (5) Students in a classroom setting;
- (6) Children in a daycare setting; or
- (7) Persons traveling on a school bus or other public transit.

- (d) As a condition of hosting a gathering, organizers and venues hosting gatherings described in sections 2(a) and 2(b) must design the gathering to encourage and maintain physical

distancing, and must ensure that persons not part of the same household maintain six feet of distance from one another to the extent possible. For all non-residential gatherings, if attendees are seated at tables, no more than six persons may share a table and tables must be spaced a minimum of 6 feet apart.

3. **Gathering restrictions for particular types of facilities.** In addition to the gathering limitations set forth in section 2, and as a condition of permitting gatherings within the facilities described in this section, the following capacity limitations apply:
 - (a) A gathering at a retail store, library, or museum must not exceed 50% of total occupancy limits established by the State Fire Marshal or a local fire marshal.
 - (b) A gathering at recreational sports and exercise facilities:
 - (1) Must not exceed 25% of the total occupancy limits established by the State Fire Marshal or a local fire marshal, and;
 - (2) Must have at least six feet of distance between each workout station.
 - (c) Gatherings in waiting rooms at outpatient health-care facilities, veterinary clinics, personal care services, and other businesses are prohibited unless the facility implements a system to ensure that persons not of the same household maintain six feet of distance. To the extent possible, this system must include a policy that patients wait in their cars for their appointments to be called.
 - (d) A gathering at an outdoor pool must not exceed 50% of bather capacity limits described in Rule 325.2193 of the Michigan Administrative Code.
 - (e) A gathering at an indoor pool must not exceed 25% of bather capacity limits described in Rule 325.2193 of the Michigan Administrative Code.
 - (f) A gathering at non-tribal casinos must not exceed 15% of total occupancy limits established by the State Fire Marshal or a local fire marshal.
4. **Food service establishment gathering restrictions.**
 - (a) In addition to the gathering limits set forth in section 2, gatherings in food service establishments are prohibited as follows:
 - (1) In indoor common areas in which people can congregate, dance, or otherwise mingle;
 - (2) If there is less than six feet of distance between each party;
 - (3) If the number of persons at a table exceeds 6;
 - (4) If the number of patrons in the restaurant exceeds 50% of normal seating capacity;
 - (5) Anywhere alcoholic beverages are sold for consumption onsite, unless parties are seated and separated from one another by at least six feet, and do not intermingle; and
 - (6) If they involve any persons not seated at a table or at the bar top (customers must wait outside the food service establishment if table or bar top seating is unavailable).

- (b) In the event that an employee of a food service establishment is confirmed positive for COVID-19 or shows symptoms of COVID-19 while at work, a gathering at that food service establishment is prohibited until the food service establishment has been deep cleaned consistent with Food and Drug Administration and CDC guidance.

5. Organized sports gathering restrictions. Gatherings for the purpose of organized sports are prohibited unless the gathering meets all the following conditions:

- (a) Athletes wear a face mask (except when swimming), or consistently maintain six feet of physical distance (except for occasional and fleeting moments) when training for, practicing for, or competing in an organized sport. Any sport in which the participants are not able to consistently maintain six feet of distance, (including, for example, football, soccer, basketball, or volleyball) must wear a face mask. Athletes may also fulfill the face mask requirement through compliance with the [MDHHS guidance on Additional Measures for Safer Athletic Practice and Play](#).
- (b) Sports organizers ensure that athletes comply with this section for each organized sporting event; and
- (c) Sports organizers and venues ensure either that the live audience for organized sport competitions is limited to the guests of the athletes (requiring face masks as specified in this order), with each athlete designating up to two guests, or that the event complies with gathering requirements in section 2 of this order.

6. Face mask requirement at gatherings.

- (a) Except as permitted in section 7, all persons participating in non-residential gatherings are required to wear a face mask. Persons participating in residential gatherings are strongly encouraged to wear a face mask.
- (b) Public transit systems, including buses and cars for hire, must require use of face masks, and must enforce physical distancing among all patrons to the extent feasible.
- (c) Except as provided elsewhere in this order, a person responsible for a business, store, office, government office, school, organized event, or other operation, or an agent of such person, must prohibit gatherings of any kind unless the person requires individuals in such gatherings (including employees) to wear a face mask, and denies entry or service to all persons refusing to wear face masks while gathered.
- (d) A person responsible for a business, store, office, government office, school, organized event, or other operation, or an agent of such person, may not assume that someone who enters the facility without a face mask falls within one of the exceptions specified in section 7 of this order, including the exception for individuals who cannot medically tolerate a face mask. An individual's verbal representation that they are not wearing a face mask because they fall within a specified exception, however, may be accepted.
- (e) A person responsible for a child-care organization or camp, or an agent of such person, must not allow gatherings unless face masks are worn by all staff. Children must wear face masks as indicated below:
 - (1) All children 2 years and older when on a school bus or other transportation provided by the child-care organization or camp;
 - (2) All children 4 years and older when in indoor hallways and common areas;

- (3) All children 5 years and older when in classrooms, homes, cabins, or similar indoor settings.

7. **Exceptions to face mask requirements.** Although a face mask is strongly encouraged even for individuals not required to wear one (except for children under the age of 2), the requirement to wear a face mask in this order does not apply to individuals who:

- (a) Are younger than 5 years old, outside of child-care organization setting (which are subject to requirements set out in section 6(e));
- (b) Cannot medically tolerate a face mask;
- (c) Are eating or drinking while seated at a food service establishment;
- (d) Are exercising outdoors and able to consistently maintain six feet of distance from others;
- (e) Are swimming;
- (f) Are receiving a service for which removal of the face mask is necessary;
- (g) Are asked to temporarily remove a face mask for identification purposes;
- (h) Are communicating with someone who is deaf, deafblind, or hard of hearing and whose ability to see the mouth is essential to communication;
- (i) Are actively engaged in a public safety role, including but not limited to law enforcement, firefighters, or emergency medical personnel, and where wearing a face mask would seriously interfere in the performance of their public safety responsibilities;
- (j) Are at a polling place for purposes of voting in an election;
- (k) Are engaging in a religious service; or
- (l) Are giving a speech for broadcast or to an audience, provided that the audience is at least six feet away from the speaker.

8. **Contact tracing requirements for particular gatherings.**

- (a) Gatherings are prohibited at the following facilities unless the facility maintains accurate records, including date and time of entry, names of patrons, and contact information, to aid with contact tracing, and denies entry for a gathering to any visitor who does not provide, at a minimum, their name and phone number:
 - (1) All businesses or operations that provide barbering, cosmetology services, body art services (including tattooing and body piercing), tanning services, massage services, or similar personal care services;
 - (2) Recreational sports and exercise facilities, and entertainment facilities (except for outdoor, non-ticketed events), including arenas, cinemas, concert halls, performance venues, sporting venues, stadiums and theaters, as well as places of public amusement, such as amusement parks, arcades, and bingo halls;
- (b) All businesses or operations that provide in-home services, including cleaners, repair persons, painters, and the like must not permit their employees to gather with clients unless the business maintains accurate appointment records, including date and time of service, name of client, and contact information, to aid with contact tracing.

- (c) All dine-in food service establishments must maintain accurate records of the names and phone numbers of patrons who purchase food for consumption on the premises, and the date and time of entry.
- (d) Upon request, businesses, schools, and other facilities must provide names and phone numbers of individuals with possible COVID-19 exposure to MDHHS and local health departments to aid in contact tracing and case investigation efforts.

9. Implementation.

- (a) Nothing in this order modifies, limits, or abridges protections provided by state or federal law for a person with a disability.
- (b) Under MCL 333.2235(1), local health departments are authorized to carry out and enforce the terms of this order.
- (c) Law enforcement officers, as defined in the Michigan Commission on Law Enforcement Standards Act, 1965 Public Act 203, MCL 28.602(f), are deemed to be “department representatives” for purposes of enforcing this order, and are specifically authorized to investigate potential violations of this order. They may coordinate as necessary with the appropriate regulatory entity and enforce this order within their jurisdiction.
- (d) Neither a place of religious worship nor its owner is subject to penalty under this order for allowing religious worship at such place. No individual is subject to penalty under this order for engaging in religious worship at a place of religious worship.
- (e) Consistent with MCL 333.2261, violation of this order is a misdemeanor punishable by imprisonment for not more than 6 months, or a fine of not more than \$200.00, or both.
- (f) The October 9, 2020 order entitled Gathering Prohibition and Mask Order is rescinded. Nothing in this order affects any prosecution or civil citation based on conduct that occurred before the effective date of this order.
- (g) Consistent with any rule or emergency rule promulgated and adopted in a schedule of monetary civil penalties under MCL 333.2262(1) and applicable to this order, violations of this order are also punishable by a civil fine of up to \$1,000 for each violation or day that a violation continues.
- (h) If any provision of this order is found invalid by a court of competent jurisdiction, whether in whole or in part, such decision will not affect the validity of the remaining part of this order.

This order is effective immediately, except for section 8(c), which takes effect on November 2, 2020. This order remains in effect until rescinded. Persons with suggestions and concerns are invited to submit their comments via email to COVID19@michigan.gov.

Date: October 29, 2020



Robert Gordon, Director

Michigan Department of Health and Human Services