



Office of Temporary and Disability Assistance

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General Information System (GIS) Message

Section 1

Transmittal:	20 TA/DC036 Statewide – Upstate and New York City
Date:	April 30, 2020
To:	Subscribers
Suggested Distribution:	Commissioners, TA Directors, SNAP Directors, WMS Coordinators, Housing/Homeless Services Directors
From:	Jeffrey Gaskell, Deputy Commissioner Employment and Income Support Programs Cheryl Contento, Deputy Commissioner, Division of Shelter Oversight and Compliance
Subject:	Questions and Answers relating to Executive Orders directing that masks or facial coverings be worn to slow the spread of COVID-19
Effective Date:	Immediately
Contact Information:	Temporary Assistance (TA) Questions – TA Bureau 518-474-9344 or otda.sm.cees.tabureau@otda.ny.gov Division of Shelter Oversight and Compliance (DSOC) Questions – DSOC 518-486-4040 or otda.sm.css.bss@otda.ny.gov

Section 2

The purpose of this GIS message is to provide guidance to social services districts (districts) on the Executive Orders issued by Governor Andrew M. Cuomo directing that masks or facial coverings be worn to slow the spread of COVID-19. The Office of Temporary and Disability Assistance (OTDA) is providing the following answers to questions raised by districts in response to these Executive Orders.

Generally

Q1. Has Governor Cuomo issued direction that masks or facial coverings be worn to slow the spread of COVID-19?

A1. Yes.

- [Executive Order 202.16](#), issued on April 12, 2020, provides the following directive: For all essential businesses or entities, any employees who are present in the workplace shall be provided and shall wear face coverings when in direct contact with customers or members of the public. Businesses must provide, at their expense, such face coverings for their employees. This provision may be enforced by local governments or local law enforcement as if it were an order pursuant to section 12 or 12-b of the Public Health Law. This requirement shall be effective Wednesday, April 15th at 8 p.m.

- [Executive Order 202.17](#), issued on April 15, 2020, provides the following directive: Effective at 8 p.m. on Friday, April 17, 2020 any individual who is over age two and able to medically tolerate a face-covering shall be required to cover their nose and mouth with a mask or cloth face-covering when in a public place and unable to maintain, or when not maintaining, social distance.
- [Executive Order 202.18](#), issued on April 16, 2020, provides the following directive: Any person utilizing public or private transportation carriers or other for-hire vehicles, who is over age two and able to medically tolerate a face covering, shall wear a mask or face covering over the nose and mouth during any such trip; any person who is operating such public or private transport, shall likewise wear a face covering or mask which covers the nose and mouth while there are any passengers in such vehicle. This directive shall take effect in the same manner as Executive Order 202.17, at 8 p.m. on Friday, April 17, 2020.

Q2. What must individuals do to comply with these requirements?

A2. According to [guidance issued by the New York State Department of Health \(DOH\)](#):

Individuals must procure, fashion, or otherwise obtain face coverings and wear such coverings when they are in a public and are:

- within six feet of distance from other individuals, or
- in a situation or setting where they are unable to maintain six feet of distance from other individuals, or
- in a public or private transportation carrier or for-hire vehicle.

Q3. What do “face coverings” include?

A3. According to [DOH guidance](#):

Face coverings include, but are not limited to, cloth (e.g. homemade sewn, quick cut, bandana), surgical masks, N-95 respirators, and face shields. Please visit the Centers for Disease Control and Prevention’s “Coronavirus Disease 2019 (COVID-19)” website for information on cloth face covers and other types of personal protective equipment (PPE), as well as instructions on use, cleaning, and disposal. Please note that the most protective PPE (e.g., N-95 respirators) remains a critical need for health care workers and first responders and, therefore, should be prioritized for those settings.

Q4. What does the EO require of individuals when they are in a public place?

A4. As set forth in [DOH guidance](#):

Individuals are required to wear a face covering in the abovementioned situations and settings, provided that they are older than two (2) years of age and able to medically tolerate a covering. If a face covering would inhibit or otherwise impair an individual’s health or if an individual is not older than two (2) years of age, an individual is not required to wear or use such a covering.

Q5. May district or shelter staff, or any other business operators and enforcement authorities, request or require medical or other documentation from an individual who declines to wear a face covering due to a medical or other health condition that prevents such usage?

A5. No.

Q6. Are there penalties for non-compliance with the face covering mandate?

A6. Not for individuals. However [EO 202.16](#), requiring provision of and wearing of face coverings to and by employees of essential businesses or entities when interacting with clients in public settings “may be enforced by local governments or local law enforcement as if it were an order pursuant to section 12 or 12-b of the Public Health Law.”

Local District Offices

Q7. Does [EO 202.16](#) obligate districts to procure, fashion, or otherwise obtain face coverings and provide such coverings to employees who directly interact with the public during the course of their work at no-cost to the employee?

A7. Yes.

Q8. Are the offices of a local social services district “public places” that are subject to [EO 202.17](#)?

A8. Yes.

Q9. What actions *may* be taken by district staff to encourage client compliance with [EO 202.17](#)?

A9. District staff may educate and remind clients about face covering requirements by posting signage at entry points and provide verbal reminders and encouragement to wear face coverings when social distancing cannot be maintained. Districts may provide masks or cloth face-coverings to clients if available.

Q10. What actions should *not* be taken by district staff?

A10. Districts cannot turn away or deny services to applicants/recipients (A/R) who do not have or refuse to wear a face mask or cloth face-covering. Examples of actions that should not be taken if an A/R does not have or refuses to wear a face covering include: denial of entry, removal from building, calling law enforcement or any other enforcement attempts or refusing to provide service or take steps necessary to issue benefits.

Q11. What should district staff do if an A/R refuses to wear a face covering?

A11. District staff should make every effort to maintain a safe space of at least six feet between the A/R and office staff and other A/Rs.

Homeless Shelters

Q12. Does [EO 202.16](#) obligate shelter operators to procure, fashion, or otherwise obtain face coverings and provide such coverings to employees who directly interact with the public during the course of their work at no-cost to the employee?

A12. Yes.

Q13. Are publicly funded emergency shelters for those who are experiencing homelessness “public places” that are subject to [EO 202.16](#) and [EO 202.17](#)?

A13. Yes.

Q14. When should shelter residents be encouraged to wear masks or face coverings?

A14. Shelter residents should be encouraged to wear masks or face coverings in all communal areas in both congregate and non-congregate shelters when it is not possible to maintain social distance, such as dining and recreation areas, lobbies, elevators, stairwells and bathrooms. However, since face coverings may present difficulty for residents while eating or sleeping, they should be used only to the extent practicable and tolerable. Shelter operators should continue to take precautions to reduce social density and vectors of potential COVID-19 transmission, including staggered mealtimes and access to common/shared kitchens, as well as separation of beds by a minimum of 3 feet with individuals laying head to toe.

Q15. How should shelter residents be informed that they are encouraged to wear masks or face coverings in communal spaces when social distancing is not possible?

A15. Shelter operators should make sure that staff and residents are informed of the actions that the facility is taking to protect them, and that they are educated about the recommendation to wear masks and face coverings in communal areas when it is not possible to maintain social distance. Educational materials, including signage, and information should be provided to residents and visitors in a way that can be understood by non-English speakers.

Q16. What can a shelter operator do if a shelter resident refuses to wear a face covering when one is needed?

A16. Staff should educate and remind residents about the face covering provisions of [EO 202.17](#) by, for example, posting signage at entry points and providing verbal reminders and encouragement to wear masks when social distancing cannot be maintained. Shelters may provide masks or cloth face-coverings to residents if they have them available to distribute. However, no services should be denied or otherwise withheld if an individual is unable or unwilling to wear a face covering.