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Public Health
Prevent. Promote. Protect.

November 29, 2021
(effective December 1, 2021 until December 31, 2021)

FORMAL ISSUANCE OF HEALTH ORDER NO. 28

Pursuant to the Declarations of a State of Emergency
and the Necessity of a Communicable Disease Control Measures
by Shelby County Mayor Lee Harris
and the Shelby County Health Department

TO: Residents, Visitors, and Owners/Operators of Services, Facilities, and/or
Businesses in Shelby County, Tennessee

FROM: Shelby County Government and the Shelby County Health Department
Lee Harris, Shelby County Mayor
Bruce Randolph, M.D., M.P.H, Shelby County Health Officer
Michelle Taylor, M.D., Dr.P.H, Shelby County Health Director

RE: Public Health Announcement on COVID-19 Response

For months now, Shelby County continues to be a “substantial or high transmission” rate county. Our average cases per day have risen since mid-October. Most of the United States is in the same or similar position. It is time to be safe and prepare for the likely next stage of the pandemic: a virus that is endemic to our county and country. Unfortunately, there is a great deal of confusion among everyone in Tennessee about what guidance to follow. Shelby County has a community of over 930,000 urban residents, as well as rural county neighbors, all of whom have been excellent partners in efforts to stop the virus. The Shelby County Health Department, as a public health guide for Shelby County and surrounding areas, strives to be responsive to the needs of public health and responsible in its approach to protecting people in all our communities.

While the Department is shifting to a “highly recommended” approach to most measures for protecting yourself from contracting COVID-19. There are a few required measures, including a notice requirement to tenants facing eviction about rental assistance and a mask requirement for schools that are covered by the Americans with Disabilities Act. The Department remains present and available to provide public health guidance on any matter related to the COVID-19 pandemic as well as the many other public health challenges existing now or those that may occur in the future. The Department has provided this service for decades and will continue to serve for decades to come.

Currently, the Department **highly recommends** that businesses continue to require masks in indoor public settings and continue to quarantine and isolate pursuant to CDC guidance. Masks and isolation protocols are required in schools that are covered by the Americans with Disabilities Act (ADA) until such time as children aged 5 and over can get fully vaccinated and due to the absence of a reliable approach by schools in providing a reasonable accommodation to children with disabilities. Masks and isolation protocols are highly recommended in schools that are not covered by the ADA. That a school is not legally required to provide an accommodation does not mean that they should not, especially during a pandemic that has killed thousands of American residents. The Department considers in-person learning a vital component of education and pediatric health, and taking these simple measures makes our schools safe for children, teachers, employees, and visitors.

If you work at or attend a school that must comply with the ADA, you must isolate if you test positive for COVID-19. Anyone anywhere in Shelby County who tests positive for COVID-19 should isolate according to CDC guidance, usually for 10 days if you are not vaccinated or if you have symptoms. Anyone who is a close-contact with a person who has tested positive should follow CDC guidance regarding quarantine. Please see below for more complete and specific guidance.

Quarantine and Isolation:

https://www.cdc.gov/coronavirus/2019-ncov/your-health/quarantine-isolation.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fif-you-are-sick%2Fquarantine.html

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The Department's message remains the same: Get vaccinated. Wear a mask in public, indoor environments. Get tested if you have symptoms. Stay home if you are sick. Vaccination is the most important strategy to prevent severe illness and death. Check the CDC website for more specific guidance.

This Order supersedes Health Order No. 27. It will expire on December 31, 2021, unless superseded or renewed. It provides guidance on:

- A. Vaccinations and Testing
- B. Wearing Face Masks/Face Coverings;
- C. Preventive Measures for Individuals; and
- D. Preventive Measures for all Businesses and Schools.

All persons age 5 and older are eligible to receive the Pfizer vaccine.

All persons age 18 and older are eligible to receive the Moderna or Johnson & Johnson/Janssen vaccine.

Everyone should get vaccinated as soon as possible.

For current eligibility, check here: www.shelby.community/covid-19-vaccine

Everyone who is eligible for a booster ("third dose") of a vaccine should get one

Key Things to Know About COVID-19 Vaccines

www.cdc.gov/coronavirus/2019-ncov/vaccines/keythingstoknow.html

A. Vaccinations and Testing

Interim Public Health Recommendations for Fully Vaccinated People

www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html

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1. Children 5 to 17 years old, if eligible, should receive an age-appropriate dose of Pfizer-BioNTech's COVID-19 vaccine.

COVID-19 Vaccines for Children and Teens

www.cdc.gov/coronavirus/2019-ncov/vaccines/recommendations/children-teens.html

2. Individuals who are 18 years or older, if eligible, should receive a Pfizer, Moderna, or Johnson & Johnson/Janssen COVID-19 vaccination.

Your COVID-19 Vaccination

www.cdc.gov/coronavirus/2019-ncov/vaccines/your-vaccination.html

3. Individuals who are 18 years or older, who have received a Pfizer-BioNTech or Moderna COVID-19 vaccine should receive a booster shot at 6 months or more after your initial series.
4. Individuals who have received a Johnson & Johnson's Janssen vaccine are eligible for a booster 2 months after the initial shot if you are 18 years or older.
5. All individuals who are eligible for a booster may choose which vaccine they receive as a booster dose. Some people may have a preference for the vaccine type that they originally received, and others may prefer to get a different booster. The CDC's recommendations now allow for this type of mix and match dosing for booster shots.

Booster Shots

www.cdc.gov/media/releases/2021/p1021-covid-booster.html

6. Employers who have the authority to do so are strongly encouraged to require a COVID-19 vaccination or regular COVID-19 testing for all unvaccinated employees, including those who are asymptomatic. Such testing should be compliant with all applicable laws.

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B. Wearing Face Masks/Coverings:

Guidance for Wearing Masks (Including Exemptions)

www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html

1. Masks are **required** in Shelby County in the following circumstances (unless a valid CDC exemption applies):

- a. You are awaiting, boarding, disembarking, or traveling on public conveyances, such as airplanes, ships, ferries, trains, subways, buses, taxis, and ride-shares, except when you outdoors on the premises of a transportation hub. Please consult the CDC for current guidance on public transportation.

Order: Wearing of face masks while on conveyances and at transportation hubs

www.cdc.gov/quarantine/masks/mask-travel-guidance.html

- b. You are entering property on which a private entity or public authority has a propriety interest, and that entity or authority requires you to wear a mask while in the property, and has posted “mask required” notice signs at frequently used entrances. Such requirements shall be in compliance with state and/or federal law.
- c. You are entering any indoor area of a K–12 grade school, Pre-K school, or daycare facility that is covered by the ADA unless:
 - i. You are a child under the age of 2 years.
 - ii. You are seated and eating/drinking.
 - iii. You are in an indoor setting that is not open to the public.
 - iv. You are a person with a disability who cannot wear a mask, or cannot safely wear a mask, for reasons related to the disability.
 - v. You are a person for whom wearing a mask would create a risk to workplace health, safety, or job duty as determined by a workplace risk assessment.

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- vi. You are a teacher who is 6-feet distanced from others, and you are temporarily removing your mask for educational purposes only, such as to demonstrate the proper articulation and pronunciation of words.

[note: School officials must ensure that teachers are fully vaccinated and/or have a negative COVID-19 test result on a weekly basis for this exception to apply]

- 2. If not required above, masks are **highly recommended** in any of the following circumstances:
 - a. You are aged 2 or older and in an indoor setting that is open to the public.
 - b. You are in an outdoor setting that involves close contact with others who are not fully vaccinated.
 - c. You have a medical condition or are taking medications that weaken your immune system in such a manner that you may not be protected even if you are fully vaccinated (unless your healthcare provider advises you to not wear a mask).

C. Preventive Measures for Individuals:

Individuals should follow CDC guidance on protective measures that can be taken to prevent themselves and others from becoming infected with COVID-19.

Isolate if You are Sick

www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/isolation.html

When to Quarantine

www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/quarantine.html

Individuals must cooperate with the Tennessee Commissioner of Health on contact tracing, case investigation, and isolation/quarantine protocols:

Coronavirus Disease (COVID019)

www.tn.gov/health/cedep/ncov.html

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Releasing Cases and Contacts from Isolation and Quarantine

www.tn.gov/content/dam/tn/health/documents/cedep/novel-coronavirus/Isolation-QuarantineRelease.pdf

An isolation and quarantine calculator can be found here:

<https://covid19.tn.gov/prevention/quarantine-isolation-calculator/>

D. Preventive Measures for all Businesses and Schools

The following preventive measures are **required**:

1. Cooperate with the Tennessee Commissioner of Health and their efforts to prevent and control the spread of COVID-19.
2. Report to the Tennessee Commissioner of Health, if required by the Commissioner, any employee, student, worker, or contractor who has tested positive or who had contact with a person who tests positive for COVID-19.
3. Comply with all federal and state business COVID-19 safety requirements, such as the Occupational Safety and Health Administration requirements (OSHA and TOSHA) by providing employees with a workplace free from recognized hazards likely to cause death or serious physical harm.
4. Follow guidance from the Commissioner of Health regarding workers who have COVID-19 or are suspected to have COVID-19 pursuant to the following CDC guidance.

How to Protect Yourself and Others

www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html.

What to Do if You are Sick

www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html.

Toolkit for Worker Safety and Support

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www.cdc.gov/coronavirus/2019-ncov/communication/toolkits/employees-and-worker-safety.html.

CDC Guidance on Workplaces and Businesses

www.cdc.gov/coronavirus/2019-ncov/community/workplaces-businesses/index.html.

OSHA Guidance on Preparing Workplaces for COVID-19

www.osha.gov/sites/default/files/publications/OSHA3990.pdf

The following preventive measures are **highly recommended**:

Workplaces and Businesses: Plan, Prepare, and Respond

www.cdc.gov/coronavirus/2019-ncov/community/workplaces-businesses/index.html

1. Place prominent signs at entrances and high-traffic areas stating that workers, customers, and visitors should not enter if they are sick or currently have signs or symptoms of COVID-19.
2. Ensure proper ventilation in all indoor areas of any business location:
Ventilation in Buildings
www.cdc.gov/coronavirus/2019-ncov/community/ventilation.html.
3. Continue promoting frequent and thorough handwashing by providing workers, customers, and visitors a place to wash their hands or use alcohol-based hand sanitizer at or near entrances to a facility and other high-traffic areas. It is strongly encouraged that CDC handwashing guides be placed in all bathrooms and near any handwashing sink.
Wash Your Hands! (sign)
www.cdc.gov/handwashing/pdf/wash-your-hands-poster-english-508.pdf.
4. Have a plan on how to communicate with workers/customers/visitors if they are exposed to someone who tests positive for COVID-19.
5. Encourage the use of outdoor space for the provision of services, where practical. Restaurants in particular are encouraged to provide an outdoor dining option.

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Shelby County Buildings that house individuals, including the Walter Bailey Criminal Justice Complex, the Shelby County Division of Corrections and Detention Facilities, shall follow all safety precautions as stated in any executive order by Mayor Lee Harris.

Lessors of Residential Properties

HUD and its PHA and private landlord partners have been taking steps to mitigate the impact of COVID-19 as each state reopens its economies. Keeping people in their homes and out of crowded or congregate settings — like homeless shelters — is a key step in helping to stop the spread of COVID-19. The best option for all is for renters to pay (or be able to pay) their rent.

Tenants and landlords may submit applications for the COVID-19 Emergency Rental & Utility Assistance Program: www.home901.org/covid-resources/.

The displacement of COVID-19 positive citizens from their homes pursuant to a writ of possession, upon the filing of eviction proceedings, without notice of available assistance by the local health department is precluded.

All inhabitants, present and/or readily available, of the dwelling which is the subject of eviction proceedings must be provided informational resources for rental assistance, food and housing instability, employment, and general health from the Shelby County Health Department and Shelby County Division of Community Services to further mitigate the secondary effects of the COVID-19 pandemic. Property owners, landlords, or their hired agents must distribute the following notice concurrently with the service of process of a Forcible Entry and Detainer Action (or Summons and Complaint) to any individual against whom an FED or other eviction action is filed. The notice must be provided in **English** and in **Spanish**:

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Emergency Utility, Rental/Mortgage, Medical/Prescriptions, and Family Support Assistance is available.

- If you or anyone in your household are currently quarantined or are in isolation due to COVID-19 and are unable to secure housing at this time, please notify the Shelby County Health Department by calling 901-222-MASK (which is 901-222-6275) or by faxing the information to 901-222-8249. Temporary housing support may be available.
- If you are behind on your rent or utilities, you may be eligible for relief for up to 12 months of your payments, made directly to your landlord or MLGW.
- Eligibility is determined by income, and residents must also be able to demonstrate that they had an income loss due to COVID-19.
- Legal assistance may be available for eviction/FED cases in court.
- To apply, visit www.shelbycountyttn.gov/247/Community-Services-Agency or www.home901.org/covid-resources or text “home901” or “casa” to 21000.

COVID-19 Asistencia Urgente para pagar su renta o servicios públicos (Emergency Rent Assistance).

- Si usted o una persona en su hogar está en cuarentena o aislado debido a COVID-19 y no sea posible obtener una vivienda en este momento, por favor notifica al Departamento de Salud de Shelby County por llamada a 901-222-MASK (901-222-6275) o por fax a 901-222-8249. Asistencia temporal de vivienda puede ser disponible.
- Si debe en alquiler o servicios públicos, puede ser elegible para asistencia de emergencia hasta 12 meses de pagos, pagado directamente a su dueño o MLGW.
- Elegibilidad esta basada en sus ingresos, y es necesario demostrar que haya perdido ingresos debido a COVID-19.
- Asistencia legal puede ser disponible por desalojos/FED en la corte
- Para solicitar, visita a www.shelbycountyttn.gov/247/Community-Services-Agency o www.home901.org/covid-resources o mandar por text “casa901” a 21000.

For purposes of ensuring the public health safety of all residents and visitors in Shelby County, executions of any writs of possession cannot occur unless:

- 1) This notice has been provided to the tenant(s) or resident(s) of the subject premises either with the service of process of the eviction notice or at least two weeks before execution of a writ of possession, whichever is shorter. An example of proof of notice that can be used can be found here: www.shelbytnhealth.com/AssistanceNotice; and

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- 2) Proof of this notice is provided to the Department via email to COVID@shelbycountyttn.gov or fax to 901-222-8249.

In those cases when the Shelby County Sheriff's Office (SCSO) provides service of notices of writs of execution or assists in executing such writs, SCSO has previously implemented a process for providing this notice before executing all writs of possession. Private process servers should also implement a procedure for providing the notice. Courts and clerks who assist in FED action may also provide information about the notice requirement to private process servers. The failure to provide this notice may result in temporarily halting a private process server's authority to participate in executions of writs of possession for impeding the Health Department's obligation to protect public health.

Requirement to Collect Demographic Data

Any health care providers located in Shelby County, Tennessee that provides COVID-19 testing or clinical care shall provide to the Department, as requested by the Department, demographic data regarding individuals vaccinated, tested, or cared for by the provider. Such data shall be in such forms, formats and/or schedules that the Department will reasonably specify to the provider by written guidelines, including by way of example and without limitation the following data: gender, race, ethnicity, date of birth or other indicia of age, and such other demographic-based clinical information that the Department deems relevant and necessary to respond to and serve the needs of Shelby County related to the COVID-19 pandemic.

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Approved and adopted by:

LEE HARRIS,
SHELBY COUNTY MAYOR

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