



State of Rhode Island and Providence Plantations Governor's Commission on Disabilities

John O. Pastore Center, 2 Cherry Dale Court,
Cranston, RI 02920-3049
(voice) 401-462-0100 (fax) 462-0106 (tty) via RI Relay 711
(e-mail) GCD.Disabilities@gcd.ri.gov (website) www.disabilities.ri.gov

Coronavirus Disease 2019 (COVID-19) Fair Housing upon Opening RI Economy Guidance

This is a notification from the Rhode Island Governor's Commission on Disabilities (GCD)ⁱ with respect to COVID-19. During a pandemic, housing providers need to rely on the latest information from the Center for Disease Control and Prevention (CDC) and state and local public health agencies to obtain up-to-date public health advice to enable them to avoid discriminatory conduct and to make reasonable accommodations for people with disabilities as required by law.

The Federal Fair Housing Act (FHA) prohibits this discrimination because of race, color, national origin, religion, sex, familial status, and disability. Housing providers are required to abide by federal, state and local anti-discrimination laws and regulations. The GCD has extracted guidance from the US Department of Housing and Urban Development's Coronavirus (COVID-19) website <https://www.hud.gov/coronavirus> and COVID-19 Resources and Fact Sheet: Fair Housing Rights And Obligations Website https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_rights_and_obligations for housing providers, local and state government, and state regulators to follow during reopening of the economy amidst COVID-19.

Frequently Asked Questions pertaining to COVID-19:

- **What emergency preparedness steps does the U.S. Department of Housing and Urban Development (HUD) recommend or require property owners to take?**

Multi-family housing owners and agents should follow CDC guidelines and the directions given by local health officials for emergency preparedness.

The CDC provides guidance for communities, businesses, and schools that can assist housing providers. The CDC has also provided specific guidance for retirement communities and independent living facilities¹, including federally assisted independent housing with support services for older adults.

- **In the event of a confirmed COVID-19 case at a multi-family housing property, what steps should property owners and managers take to protect residents, staff, and the community? How should the owner/agent share this information?**

Multi-family housing property owners and agents **must follow CDC guidelines** and the direction of state health officials, especially in the event of property quarantine. Owners/agents should create communication plans for distributing timely and accurate information during an outbreak. They should maintain up-to-date contact information for staff and residents and identify platforms, such as a hotline, automated text messaging, and a website, to help disseminate information to those inside and outside of their facilities.

Owners/agents can provide notification of positive COVID-19 cases but must do so **without giving the name/apartment number/other personally identifiable information** to their residents and staff. Owners/agents remain subject to HIPAA and other privacy laws.

- **How would a multi-family housing property owner/agent communicate to residents and staff when there is a positive COVID-19 case within their facility?**

¹ <https://www.cdc.gov/coronavirus/2019-ncov/community/retirement/guidance-retirement-response.html>

CDC COVID-19 communication resources in both print and digital form are available at:

<https://www.cdc.gov/coronavirus/2019-ncov/communication/index.html>

- **Must owners/agents comply with fair housing obligations in the event of an emergency?**

Yes, owners/agents must ensure that their actions comply with obligations under the Constitution state and federal fair housing laws, and related regulations. Exigencies associated with important and timely response to issues surrounding COVID-19 **cannot serve as the basis for unlawful discrimination** based on disability.

- **It is thought that many seniors and people with disabilities are particularly susceptible to illness. What kind of communication and resources should owners/agents provide to reassure residents and property management staff, and prepare them in the event of a confirmed COVID-19 case?**

All parties should have access to information about the health impacts and proper handling of COVID-19 cases from the CDC and/or state health officials.

- **If a person under quarantine has additional family members who need to be kept separate, what are a property manager's options for meeting those needs? What if managers are being asked to use vacant units for quarantine?**

Resident requests to occupy vacant units or temporarily relocate may be considered and should be verified before being granted. Verification could include written, electronic, or telephonic communication from a medical health professional or communication with the local health department.

- **In the case the property owner has a resident that has tested positive for COVID-19 and is currently hospitalized, the hospital may want to discharge the patient to free up much-needed hospital space and resources, may the owner/agent prohibit residents from returning to their homes until they receive a negative test result?**

No, there is no HUD prohibition against a resident returning to their unit until a negative test is received. Owners and agents should coordinate and cooperate with local health care officials to ensure a safe transition from one location to another.

- **Is there guidance on quarantine procedures for multi-family housing that serves older adults?**

Owners/agents should follow state health officials and CDC guidelines on quarantine procedures.

- **Maintenance employees who need to enter resident units for service calls are concerned that residents may be ill with COVID-19. Can they ask tenants if they have COVID-19 symptoms before entering a unit? Can non-essential repairs be postponed?**

Maintenance employees/staff **can ask** a resident whether or not someone in the unit has symptoms of the virus prior to entering. Owner/management staff that does not feel safe can choose to not enter a unit. The deferral of non-essential or non-health/safety repairs should be made on a unit-by-unit basis. If the repair is necessary for the health and safety of residents and the staff person is not comfortable entering the unit, owner/management should consult state health officials for guidance regarding cautions to take.

- **How should owners and agents handle in-person meetings, such as tenant meetings, considering safety concerns arising from COVID-19?**

Owners/agents considering in-person meetings should follow the latest CDC or state health department guidance relative to holding public meetings and are encouraged to consider virtual meetings.

Can I ban or restrict visitors to my HUD-assisted property?

Owners and agents may have the authority to restrict visitors from multifamily housing properties and should implement state health officials' directives. Residents would still need to be able to receive essential services, such as food deliveries, medications, and personal care assistants (PCAs).

Additional information regarding civil rights and COVID-19 can be found at:

US Department of Housing and Urban Development's HUD Statement on Fair Housing and COVID-19
<https://www.hud.gov/sites/dfiles/FHEO/documents/secretary%20fh%20statement%20covid-19%204.3.20.pdf>

<https://www.hud.gov/coronavirus>

ADA National Network: <https://adata.org/factsheet/reasonable-accommodations-workplace>

National Response Coordination Center (NRCC) Healthcare Resilience Task Force:

<https://asprtracie.hhs.gov/technical-resources/resource/8126/crisis-standards-of-care-and-civil-rights-laws>

US Centers for Disease Control and Prevention (CDC): Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19) [https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-](https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fspecific-groups%2Fguidance-business-response.html)

[response.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fspecific-groups%2Fguidance-business-response.html](https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fspecific-groups%2Fguidance-business-response.html); and

US Department of Health and Human Services, Office of Civil Rights In Action:

<https://www.hhs.gov/sites/default/files/ocr-bulletin-3-28-20.pdf>;

US Department of Justice: COVID 19 Resources: Emergency preparedness & response

https://www.ada.gov/emerg_prep.html;

US Department of Justice: Protecting Civil Rights While Responding to the Coronavirus Disease 2019 (COVID-19):

https://www.ada.gov/aag_covid_statement.pdf;

US Equal Employment Opportunities Commission: <http://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws>

State resources:

Commerce RI <https://commerceri.com/covid-19/> 278-9100 or info@commerceri.com

Governor's Commission on Disabilities <http://www.gcd.ri.gov/> 462-0108 or denyse.wilhelm@gcd.ri.gov


Office of Diversity, Equity & Opportunity <http://odeo.ri.gov/> 222-6398 or Krystal.Waters@doa.ri.gov

RI Commission for Human Rights www.richr.ri.gov/ 222-2661 RICHr.Info@richr.ri.gov

RI Department of Business Regulation <https://dbr.ri.gov/covid/covid19updates.php> 889-5550 or <https://dbr.ri.gov/critical/>

RI Department of Health <https://health.ri.gov/diseases/ncov2019/> 222-8022 or

RIDOH.COVID19Questions@health.ri.gov

TTY: 711 to contact any of the agencies listed above.

Sincerely,

Bob Cooper

Bob Cooper,

Executive Secretary

Rhode Island Governor's Commission on Disabilities

Issued: May 7, 2020

Acknowledgements: The Governor's Commission on Disabilities thanks the assistance provided by the staffs of: Commerce RI, Commission on Human Rights, RI Department of Administration's Division of Human Resources and Office of Diversity, Equity & Opportunity, RI Department of Business Regulation, RI Department of Health, & RI

Housing. Any errors are the fault of Bob Cooper, Executive Secretary – Governor's Commission on Disabilities and not of the agencies listed above.

With support from the New England ADA Center, National Institute on Disability, Independent Living, and Rehabilitation Research (NIDILRR) Grant # 90DP0087

