


June 10, 2020

Joseph A. Curtatone, Mayor
93 Highland Ave.
Somerville, MA 02143


Via Email

RE: Plan for Somerville Churches to Resume In-Person Gatherings

Dear Mayor Curtatone:

First Liberty Institute is the largest legal organization dedicated exclusively to protecting religious liberty for all Americans. Massachusetts Family Institute is a non-partisan public policy organization dedicated to strengthening families in Massachusetts. We represent four churches in your city, Igreja Comunidade Batista Shalom Internacional, Christian Fellowship of Boston, International Church, and Safe House Baptist Church (the “Churches”), who plan to open on Sunday, June 14, in accordance with the Governor’s COVID-19 Order No. 33 (“Order 33”). Please direct all communications regarding this issue to me.

Massachusetts Permits In-Person Religious Gatherings

On May 18, 2020, Governor Charlie Baker issued Order 33, which modifies the Governor’s earlier COVID-19 Order No. 13 to provide that churches and other places of worship “may open [their] premises to workers . . . and the public” beginning May 18, 2020, so long as such places of worship follow the Director of Labor Standards’ Sector Specific Workplace Standards for Places of Worship and Religious Services to Address COVID-19 (the “DLS Standards”) and Order 33’s General Workplace Safety Rules. Order 33 states:

A business or other organization that is authorized to open its brick-and-mortar premises to workers, customers, and the public under the terms of this Order shall not be subject to the 10-person limitation on gatherings established in Section 3 of COVID-19 Order No. 13 in its normal operations of those premises

The DLS Standards provide more specificity for places of worship, stating that

All places of worship shall limit occupancy to 40 percent of the building’s maximum permitted occupancy level as documented in its occupancy

permit on record with the municipal building department or other municipal record holder. The occupant count shall include all persons inside the place of worship, including attendees and staff.

The DLS Standards apply to “all Places of Worship and Religious Services, and all services and activities including regular and holiday services, weddings, funerals, and wakes.”

The Churches’ Plan to Reopen In-Person Services Safely

The Churches have developed a plan (attached hereto) to safely and prudently reopen their facilities in accordance with Guidance issued by the Center for Disease Control (“CDC Guidelines”), DLS Standards, and Order 33’s General Workplace Safety Rules. The Churches, strictly following the attached plan, will carefully hold in-person religious gatherings on June 14, 2020.

For instance, the Churches will limit occupancy to 40 percent of their maximum permitted occupancy level, counting every person, including staff, in each church. The Churches will also instruct members and staff that if they are feeling sick or have been exposed to someone with confirmed or suspected COVID-19 that they should not attend in-person. As the Churches all have members who are immigrants from Brazil, the Churches will also instruct members and staff who have been to Brazil within the past 21 days to not attend in-person services. Finally, the Churches will encourage persons whom the Centers for Disease Control and Prevention have classified as particularly vulnerable to not attend in-person services.

Additionally, in accordance with the CDC Guidelines, DLS Standards, the General Workplace Safety Rules, and COVID-19 Order 31, masks or face coverings will be worn as specified, persons not of the same immediate household shall be required to remain at least 6 feet apart, alternate rows of fixed seats shall be blocked off, markers shall be placed in seats to indicate 6 feet of space, signs indicating the maximum number of persons permitted in each row shall be displayed, and all openable windows shall be opened.

To facilitate social distancing during entrance and exit, 6 feet markers shall also be placed on floors, and rows of seats shall be dismissed one at a time. The Churches will not have any pre- or post-service social gathering time. Hand washing facilities and hand sanitizing stations will be provided. The Churches will not provide childcare services. The Churches will also clean each room and surface used during a service according to the CDC cleaning guidelines between each service. The Churches will also notify the appropriate board of health if any person in attendance at a service is later found to have contracted COVID-19. The Churches will ensure that each employee is trained in these procedures.

While Order 33 states that “[n]o municipal or other local authority should adopt or enforce any workplace health or safety rule to address COVID-19 that is in addition to, stricter than, or otherwise in conflict with any COVID-19 workplace safety rule adopted in [Order 33] or under the implementing directives, regulations, and guidance issued by DLS or DPH under the authority granted by [Order 33],” we would welcome any feedback from the City of Somerville as to whether there are additional protocols that the Churches can adopt as the Churches reopen.

Conclusion

As of June 14, 2020, the Churches will be operating in full compliance with the CDC Guidelines, DLS Standards, and Order 33’s General Workplace Safety Rules for places of worship. Any concerns about the spread of COVID-19 from the Churches’ reopening should be alleviated.

Please provide any requested feedback to me before the close of business on Friday, June 12, 2020.

Sincerely,



Jeremy Dys
First Liberty Institute



Andrew Beckwith
Massachusetts Family Institute

Enclosure.

Somerville Churches Plan for Safely Resuming In-Person Church Services

Promote healthy hygiene practices

- Encourage staff and congregants to maintain good hand hygiene, washing hands with soap and water for at least 20 seconds.
- Have adequate supplies to support healthy hygiene behaviors, including soap, hand sanitizer with at least 60 percent alcohol (for those who can safely use hand sanitizer), tissues, and no-touch trash cans.
- Encourage staff and congregants to cover coughs and sneezes with a tissue or use the inside of their elbow. Used tissues should be thrown in the trash and hands washed.
- Consider posting signs on how to stop the spread of COVID-19 and how to promote everyday protective measures, such as washing hands, covering coughs and sneezes, and properly wearing a face covering.

Require cloth face coverings

- Require the use of cloth face coverings among staff and congregants in accordance with the Governor's COVID-19 Order 31. Note: Cloth face coverings should not be placed on children younger than 2 years old, anyone who has trouble breathing or is unconscious, and anyone who is incapacitated or otherwise unable to remove the cloth face covering without assistance. Cloth face coverings are meant to protect other people in case the wearer is unknowingly infected but does not have symptoms.

Intensify cleaning, disinfection, and ventilation

- Clean and disinfect frequently touched surfaces at least daily and shared objects in between uses.
- Develop a schedule of increased, routine cleaning and disinfection.
- Avoid use of items that are not easily cleaned, sanitized, or disinfected.
- Ensure safe and correct application of disinfectants and keep them away from children.
- Cleaning products should not be used near children, and staff should ensure that there is adequate ventilation when using these products to prevent children or themselves from inhaling toxic fumes.
- Ensure that ventilation systems operate properly and increase circulation of outdoor air as much as possible by opening windows and doors, using fans, etc. Do not open windows and doors if they pose a safety risk to children using the facility.
- If your church offers multiple services, consider scheduling services far enough apart to allow time for cleaning and disinfecting high-touch surfaces between services.
- Take steps to ensure that all water systems and features (for example, drinking fountains, decorative fountains) are safe to use after a prolonged facility shutdown to minimize the risk of Legionnaires' disease and other diseases associated with water.

Promote social distancing

- Limit the size of gatherings to 40% of your facility's overall fire code capacity, including the pastor and church staff.
- Promote social distancing and require cloth face coverings, ensuring that clergy, staff, choir, volunteers, and attendees follow social distancing to lessen their risk.
- Consider holding services and gatherings in a large, well-ventilated area or outdoors, as circumstances allow.
- Consider appropriate mitigation measures, including taking steps to limit the size of gatherings maintaining social distancing, at other gatherings such as funerals, weddings, and any other programming.
- Provide physical guides, such as tape on seats, floors, and walkways and signs on walls and seats, to ensure that staff and children remain at least 6 feet apart in lines and at other times (e.g. guides for creating "one-way routes" in hallways).
- Post on each row the maximum number of persons permitted within that row.
- Rope off every other row of seats.
- Take steps to minimize community sharing of worship materials and other items. Consider temporarily limiting the sharing of frequently touched objects, such as worship aids, hymnals, Bibles, study guides, and other bulletins, books, or other items (including registration pads/cards, offering envelopes, etc.) passed or shared among congregants, and encouraging congregants to bring their own such items, if possible, or photocopying or projecting prayers, songs, and texts using electronic means.
- Modify the methods used to receive financial contributions. Consider a stationary collection box, the main, or electronic methods of collection regular financial contributions instead of shared collection trays or baskets.
- If food is offered at any event, consider pre-packaged options, and avoid buffet or family-style meals if possible.
- During entrance and exit, 6 feet markers shall also be placed on floors, and rows of seats shall be dismissed one at a time.
- No pre- or post-service social gathering time.

Nursery/Childcare

- No nursery or childcare will be offered during services.

Staffing and Training

- Train all clergy and staff in the above safety actions. Consider conducting the training virtually, or, if in-person, ensure that social distancing is maintained.

Check for signs and symptoms

- Instruct members and staff who have been to Brazil within the past month to not attend in-person services until 21-days have passed since their entry into the United States.
- Require staff or congregants who are sick or who have had close contact with a person with COVID-19 to stay home. Share CDC's criteria for staying home with staff and congregants so that they know how to care for themselves and others. Consider posting signs at entrances with this information.
- Encourage persons whom the Centers for Disease Control and Prevention have classified as particularly vulnerable to not attend in-person services.
- Plan for when a staff member or congregant becomes sick
- Identify an area to separate anyone who exhibits symptoms of COVID-19 during hours of operation, and ensure that children are not left without adult supervision.
- Establish procedures for safely transporting anyone who becomes sick at the facility to their home or a healthcare facility.
- Notify the appropriate board of health if a person diagnosed with COVID-19 has been in the facility and communicate with staff and congregants about potential exposure while maintaining confidentiality as required by the Americans with Disabilities Act (ADA) or other applicable laws.
- Advise those with exposure to a person diagnosed with COVID-19 to stay home and self-monitor for symptoms, and follow CDC guidance if symptoms develop.
- Close off areas used by the sick person and do not use the area until after cleaning and disinfection. Ensure safe and correct application of disinfectants and keep disinfectant products away from children.
- Advise staff and congregants with symptoms of COVID-19 or who have tested positive for COVID-19 not to return to the facility until they have met CDC's criteria to discontinue home isolation.

Maintain healthy operations

- Implement flexible sick leave and related flexible policies and practices for staff (e.g., allow work from home, if feasible), and provide requested reasonable accommodation absent undue hardship to individuals with disabilities under the Americans with Disabilities Act (ADA) or other applicable laws.
- Monitor absenteeism and create a roster of trained back-up staff.
- Designate a staff person to be responsible for responding to COVID-19 concerns. Staff, clergy, volunteers, and congregants should know who this person is and how to contact them if they become sick or are around others diagnosed with COVID-19. This person should also be aware of state or local regulatory agency policies related to group gatherings.
- As volunteers often perform important duties (e.g., greeters, ushers, childcare), consider similar monitoring, planning, and training for them. Consider that volunteer

and staffing may need to increase to implement cleaning and safety protocols and to accommodate additional services with reduced attendance.

- Communicate clearly with staff and congregants about actions being taken to protect their health.

Signs and messages

- Post signs in highly visible locations (e.g., entrances, restrooms, gathering halls/community rooms/gyms) that promote everyday protective measures and describe how to stop the spread of germs (such as by properly washing hands and properly wearing a cloth face covering).
- Include messages (for example, videos) about behaviors that prevent the spread of COVID-19 when communicating with staff and congregants (such as in emails and on community websites and social media accounts).
- Find freely available CDC print and digital resources on CDC's communications resources main page.
- Check state and local health department notices daily about transmission in the community and adjust operations.
- In the event a person diagnosed with COVID-19 is determined to have been in the building and poses a risk to the community, it is strongly suggested to dismiss attendees, then properly clean and disinfect the area and the building where the individual was present before resuming activities.