



Request to Consider Making the Public Health Order Regarding Housing Migrant Persons in Douglas County Permanent Rather than Interim

In December, your Board approved a public health order regarding housing of migrants in Douglas County, that order was made interim with a planned review at this meeting. The order has not generated any controversy and has not been noted as objectionable by the few hotel managers we approached.

Staff recommends that the Board of Health approve this order as permanent, rather than interim. Should the migrant situation change at some point in the future, we will come back to your Board to propose modifying or revoking the order. A draft version of the permanent order is attached.

PUBLIC HEALTH ORDER
REQUIREMENTS FOR SHELTERING MIGRANT PERSONS IN DOUGLAS COUNTY

The Douglas County Health Department, hereby issues this countywide Public Health Order setting forth requirements and guidance for entities sending migrant persons to Douglas County for sheltering. The issuance of this Order is necessary for the preservation of public health, safety, and welfare in Douglas County.

FINDINGS

WHEREAS, pursuant to C.R.S. §25-1-506, 508, and 509, the Douglas County Health Department (“DCHD”), DCHD Public Health Director, and Douglas County Board of Health (“Board”), within the territorial limits of Douglas County, have the duty to:

- Administer and enforce public health laws, orders, rules, and standards;
- Investigate and control the causes of communicable diseases and conditions affecting public health;
- Exercise physical control over property and persons as the agency may find necessary to establish and enforce isolation and quarantine;
- Investigate and abate nuisances when necessary to eliminate sources of communicable diseases and conditions affecting public health; and
- Make necessary sanitation and health investigations and inspections for matters affecting public health.
- Issue orders and adopt rules as the Board, or in the case of a public health emergency – the Public Health Director – may deem necessary for the proper exercise of the powers and duties vested in or imposed upon DCHD or the Board; and

WHEREAS, on October 10, 2023, DCHD became aware that the City and County of Denver – with funding in part provided by the U.S. Department of Homeland Security (“DHS”), Federal Emergency Management Agency (“FEMA”), Shelter and Services Program (“SSP”) – was, is, and plans to continue housing migrants outside of its jurisdictional boundaries in neighboring Counties, specifically within Adams County; and

WHEREAS, there is sufficient cause to believe that future plans by the City and County of Denver, or an entity acting on their behalf, have housed migrants in facilities located outside of Denver and other government entities within the state may do so in the future; and

WHEREAS, migrant persons, primarily asylum seekers, are a particularly vulnerable population because **(1)** they have traveled from countries with limited or no access to routine healthcare – including vaccination and chronic disease management, **(2)** they have traveled for prolonged periods living in settings that lack hygiene and through countries with potential exposure to disease (e.g., person-to-person, intestinal, vector borne), **(3)** they are at higher risk for contagious diseases due to unknown or inadequate vaccination status, and **(4)** they have experienced significant trauma and social stressors including unstable/no housing and lack of access to food and adequate medical care; and

WHEREAS, minor migrant children are particularly vulnerable in these situations and have unique needs including pediatric healthcare, nutrition, and schooling; and

WHEREAS, sheltering settings, especially congregate settings in which individuals may be rooming in mixed groups or having meals together in mixed groups, increase communicable disease risk for this particularly vulnerable population; and

WHEREAS, sheltering this population may increase demand on public services within Douglas County including healthcare and emergency medical services, law enforcement, public health services including communicable disease and emergency preparedness, and schools; and

WHEREAS, compliance with existing public health and safety laws and regulations, including communicable disease management and reporting, food service, public accommodations, fire code, building code, and emergency preparedness is particularly important when working with more vulnerable populations; and

WHEREAS, Douglas County Health Department acknowledges the inherent dignity and human rights of every person, regardless of immigration status.

ORDER

Pursuant to the statutory duties and authorities granted to and/or imposed upon DCHD, its Board, and Director, the following is ordered countywide:

I. REQUIRED PUBLIC HEALTH REPORTING TO DCHD

To address potential and actual communicable disease and emergency situations in Douglas County, any individual, entity, and/or organization (“Program Operator”) sending groups of migrant persons to be temporarily sheltered in facilities in Douglas County must provide the following information to DCHD in writing within seven days of placing the migrant or within 24 hours of being provided notice of a failure to report prior:

1. Personal Information for Each Migrant Person, Including Children, Sheltering in Douglas County:

Either, as provided by U.S./Mexico border cities from which migrant person was transferred to Colorado, or as collected by the Program Operator, including:

- 1) Date of arrival in U.S.
- 2) Date of arrival in State of Colorado
- 3) Date of arrival in Douglas County
- 4) Anticipated date of departure from Douglas County
- 5) Sheltering facility address and business name
- 6) First name
- 7) Last name
- 8) Spouse/Child
- 9) Number of travelers in party
- 10) Date of birth
- 11) Gender
- 12) Country of origin
- 13) Contact information
- 14) Any health screening known to be performed within the United States and the results thereof

2. Information Regarding Facilities Used to Temporarily Shelter Migrant Persons in Douglas County

- a. Program Operator must submit the following facility information and must include:
 - 1) Facility address including municipality and county
 - 2) Facility business name
 - 3) Facility's annual fire inspection report or:
 - i. Total maximum occupancy of facility
 - ii. Total maximum occupancy of individual rooms used
 - 4) Number of rooms reserved for migrant persons within the facility
 - 5) Maximum number of migrant persons permitted to shelter at facility at any given time
 - 6) Responsibilities of facility related to health and safety of migrant persons, contractual or otherwise
 - 7) Term of planned or contracted use of facility
 - 8) Copies of any contracts or agreements related to facility use
 - 9) Name and contact information for facility point of contact identified to manage onsite activities

3. Information Regarding Sheltering Program Parameters by Facility

- a. Program information must include:
 - 1) Type of sheltering – Individual/Single Family/Single Group or Mixed Groups
 - 2) Whether minor children will be sheltered at specified facility
 - 3) How meals will be provided to migrant persons and families and by what entities and how often
 - 4) Standard(s) or industry best practices that the Program Operator is using to guide its operations for sheltering migrant persons (e.g., Red Cross, World Health Organization, etc.)
 - 5) What rules, if any, migrant persons must comply with to participate (e.g., curfews, prohibition on food in rooms, etc.)
 - 6) Responsibilities of Program Operator related to health and safety of migrant persons, including the provision of first aid, acute health care, and emergent health care
 - 7) Name and contact information for Program Operator health and safety staff responsible at each facility
 - 8) A written plan for alternative sheltering for program participants that must isolate or quarantine if/when a communicable disease is identified
 - 9) A written plan for emergency response in the event of other emergency situations (e.g., weather related incidents, fire, criminal activity, etc.)
 - 10) Copies of all relevant contracts or agreements pertinent to the sheltering of migrant persons in Douglas County between Program Operator and other entities (e.g., contracts for sheltering, food service, medical care, transportation, etc.).

4. Information Regarding Program Operational Directives and Operational Periods

- a. Program Operator shall provide DCHD with written operational plans, directives, or other formal organizational communications such as incident action plans, situational reports, or relevant memoranda as established by Program Operator's organizational structure and chain of command. This information will be provided for each given facility's operational period while specifically serving as a temporary shelter for migrants at the request or direction of the Program Operator, to facilitate cross-jurisdictional planning, cooperation, and information sharing.
- b. Program Operator shall attempt to include a representative or liaison from DCHD on relevant operational briefings or other meetings relevant to the Program Operator's command

structure to facilitate planning, collaboration, and information sharing.

II. REQUIRED PUBLIC HEALTH ACTIVITIES

To address potential and actual communicable disease and emergency situations in Douglas County, Program Operator Must:

1. Comply with [Public Health Reportable Condition Investigation Guidance](#) for all [Communicable Reportable Conditions](#), as outlined by the Colorado Department of Public Health and Environment, whenever a communicable reportable condition is Identified.
2. Identify at least one staff member to serve as a point of contact, that will be reachable 24 hours a day and seven days a week, for health and safety situations that may arise and provide contact information for said staff as described in Section I. 3. a. above.
3. Have a written plan, as described in Section I. 3. a. above, for alternative sheltering for program participants that must isolate or quarantine if/when a communicable disease is Identified.
4. Have a written plan, as described in Section I. 3. a. above, for emergency response in the event of an emergency situation.
5. Provide instructions to migrant persons regarding what to do in an emergency situation and where and how to seek medical care when needed. These instructions must be provided in a language/manner understandable to migrant persons.
6. Provide transportation to and from medical care for all migrant persons being sheltered within Douglas County.

III. REQUIRED AWARENESS OF AND COMPLIANCE WITH ALL LAWS APPLICABLE TO PROGRAM AND FACILITY ACTIVITIES

1. This Order is intended to be and shall be read and construed in concert with and as a supplement to all federal, state and local laws applicable to program and facility activities. All Program Operators and facilities must be aware of and in compliance with all said laws. To the extent any federal, state, or local laws are more restrictive than what is set forth in this Order, such laws control.
2. Without limiting the foregoing, applicable laws include, but are not limited to:
 - a. 42 U.S.C. § 12101 et seq. (Americans With Disabilities Act of 1990)
 - b. C.R.S. §§ 6-25-101 – 6-25-113 (Hotels and Restaurants)
 - c. C.R.S. §§ 9-1-101 – 9-5.7-104 (Safety – Industrial and Commercial – Buildings and Equipment)
 - d. C.R.S. §§ 25-4-101 – 25-4-112 (Sanitary Regulations)
 - e. C.R.S. §§ 25-4-1301 – 25-4-1314 (Retail Food Store Sanitation Act)
 - f. C.R.S. §§ 25-4-1601 – 25-4-1617 (Food Protection Act)
 - g. C.R.S. §§ 25-14-201 – 25-14-209 (Colorado Clean Indoor Air Act)
 - h. 6 CCR 1009-1 (Epidemic and Communicable Disease Control)
 - i. 6 CCR 1009-7 (Detection, Monitoring, and Investigation of Environmental and Chronic Disease)
 - j. 6 CCR 1010-2 (Retail Food Establishment Regulations)
 - k. 6 CCR 1010-14 (Sanitary Public Accommodations)
 - l. Any other Douglas County Board of Health Public Health Orders

- m. Land Use and Zoning Codes
 - n. Building Codes
 - o. Fire Codes
 - p. Insurance, Permit, and Licensing Requirements
3. Any agreement executed between a Program Operator and a facility must include the requirement to comply with all federal, state and local laws and Program Operator must provide a copy of this Public Health Order to facility.

IV. RECOMMENDATIONS

1. Perform Health Screenings of Incoming Migrant Persons Upon Initial Entry into Colorado

- a. Tuberculosis (TB) Screening
 - 1) Clinical evaluation for TB symptoms including: cough lasting longer than 3 weeks, hemoptysis, chest pain, fever, chills, night sweats, weight loss, loss of appetite, weakness, or fatigue.
 - 2) TB testing for persons reporting symptoms. For persons who test positive, perform Chest X-ray to rule out active pulmonary TB.
 - 3) Referral to Denver TB clinic for persons with suspect active TB disease.
 - b. Vaccine Preventable Disease Screening – Assess whether migrant person can provide written documentation of having previously received the following vaccinations; or administer:
 - 1) One dose of COVID-19 vaccine
 - 2) One dose of measles-containing vaccine
 - 3) One dose of varicella vaccine
 - 4) One dose of inactivated polio vaccine
 - c. Follow best practice guidance for health screening as provided in [CDC's Refugee Domestic Screening Guidance: Key Considerations and Best Practices](#).
2. Provide Social Services Information to Program Participants by Sharing a Resource Directory for Migrant Persons Seeking Assistance with Legal Matters, Permanent Housing, Mental Health, and Other Social Services.

V. ENFORCEMENT

It is unlawful for any person to willfully violate, disobey, or disregard this Order. DCHD will attempt to seek voluntary compliance through education, technical assistance, and warning notices. However, this Order may be enforced by any appropriate legal means and any person who does not comply may be subject to the penalties provided in C.R.S. §§25-1-516. In addition, DCHD may seek a court order in Colorado state district court to enforce this Order and/or to restrain or enjoin any violation of this Order.

VI. ADDITIONAL INFORMATION

This Public Health Order is in effective from the date of adoption unless and until rescinded by the Douglas County Board of Health. If you have questions or concerns regarding this Order, please contact DCHD at 720-643-2400 or DCHD@douglas.co.us.

DONE AND SIGNED, as the official Order of the DCHD on the 14th day of March 2024 under the authorization

and direction of the DCHD Board of Health.

By: Doug Benevento
President, Douglas County Board of Health

Attest: Michael Hill, Executive Director
Secretary, Douglas County Board of Health