

# City of San Antonio Information Sheet

## COVID 19 Cloth Face Coverings

### Accommodation for Individuals with Disabilities

On June 11, 2020, the San Antonio Metropolitan District issued a health guidance for persons and businesses as they reopen within the City of San Antonio. The CDC advises all people over the age of two wear a cloth face covering over their nose and mouth when in a public, or patronizing businesses, where it is difficult to keep six feet apart from others, such as grocery stores. Within this guidance, an exemption was added stating face coverings do not need to be worn when doing so poses a greater mental or physical health, safety or security risk to the individual.

There are a number of medical reasons that an individual with a disability may have issues with wearing a face covering:

- Breathing issues
- Skin conditions
- Sensory disabilities (such as Autism)
- Mental health challenges

The cloth face covering guidance may pose questions for businesses on how to determine when an individual falls under the guidance and how to approach a customer who is not wearing a face covering. The City of San Antonio, Disability Access Office (DAO) has provided the following guidance and information for businesses to address the non-wearing of face coverings and the provision of accommodations that may help people with disabilities during the COVID-19 pandemic.

#### **What is a public accommodation?**

Title III of the American With Disabilities Act (ADA) categorizes public accommodations as privately owned, leased or operated facilities such as hotels, restaurants, retail merchants, etc. that provide goods or services to the public.

People with various types of disabilities may have difficulty complying with a business' policy or procedure during the COVID-19 pandemic. If a person's disability makes following regular infection prevention guidelines impossible or dangerous, ensure access to measures that work for the individual. Accommodations and modifications to procedures are key to ensuring access to goods and services.

#### **A customer has entered my business without a face covering. How do I know they fall under the provisions of individuals who are exempt under the health guidance?**

While the ADA has not provided any formal guidance for this situation, the City of San Antonio, Disability Access Office recommends asking the following questions to the customer:

- **Do you require an exemption to the cloth face covering guidance due to a disability, medical condition or mental health issue?**
- **Would wearing the cloth face covering pose a greater mental or physical health, safety or security risk to you?**



# City of San Antonio Information Sheet

## COVID 19 Cloth Face Coverings

### Accommodation for Individuals with Disabilities

If the customer answers **'yes' to either question**, then allow the individual to proceed into your business. Businesses may not ask any additional information or require a doctor's note about the disability or medical condition as this is private health information protected under the ADA and HIPPA. You may instruct the individual to continue to maintain social distancing of at least 6 feet with other customers.

If the individual answers **'no' to either question**, the business may ask the individual to put on a cloth face covering. If the individual does not comply, the business can ask the individual to leave the facility if that is the store policy.

*NOTE:* Remember that not all disabilities or medical conditions are obvious. Do not assume by looking at a person that they will not require an accommodation.

#### **Are there other accommodations that my business will need to provide during the COVID-19 pandemic?**

Possibly. Many individuals with disabilities may have trouble complying with a business' safety policy or procedure. A business must work with the individual to determine what accommodation or modification will work for them. Businesses should not ask any additional information or require a doctor's note about the disability or medical condition as this is private health information protected under the ADA and HIPPA. Some examples of accommodations are:

- Allow individuals with disabilities the opportunity to shop during 'senior hour' at grocery stores.
- Allow for an area in stores for individuals with disabilities to wait in line and out of the heat, as many people with disabilities may not have the ability to self-regulate their body temperature.

#### **Who can I contact for more information?**

For questions related to the health guidance or business requirements during the COVID-19 pandemic, please contact the COVID Hotline at:

- (210) 207-5779 or by email [COVID-19@sanantonio.gov](mailto:COVID-19@sanantonio.gov)

For questions related to the provision of accommodations and modifications for individuals with disabilities, please contact the City of San Antonio, Disability Access Office at:

- (210) 207-7135 or [DisabilityAccess@sanantonio.gov](mailto:DisabilityAccess@sanantonio.gov)

