



# **CHECKLIST FOR CHURCHES**

## **– REOPENING for DRIVE-IN SERVICES –**

**May 2020**

Many pastors and church leaders have reached out to us at the Pacific Justice Institute (PJI) with questions about ***how to safely and legally hold in-car or drive-in style worship services***, following the unprecedented restrictions on everyday life, and on churches in particular, resulting from COVID-19 (novel coronavirus). We have prepared the attached resource to provide a checklist to consult in advance of reopening for in-car or drive-in style worship services: worship services held outside in your church parking lot. This resource is a checklist of considerations so church leaders can make wise, informed decisions for their congregations.

The checklist emphasizes recommendations to minimize health risks and legal risks in advance of reopening. This checklist draws from case precedent, federal guidelines, CDC guidance, OSHA guidance, state and local considerations, and valuable input from numerous pastors and church leaders. Please use this resource in conjunction with other resources, including those available at our website: [www.pji.org](http://www.pji.org).

These guidelines are not suggested as permanent church policies. Rather, they are suggestions for implementation when your state begins a phased reopening plan. If your state follows the federal phased plan published on April 16, “Guidelines: Opening America Again,” the following checklist is suggested for consultation during Phase One and Phase Two. *(cont. next page)*



PJI has been advising numerous church leaders navigating this crisis. For over twenty years, we have assisted thousands, including church leaders and pastors, with a wide range of issues involving religious freedom and civil rights. PJI is a non-profit 501(c)(3) legal defense organization that works diligently, *always without charge*, to provide our clients with all the legal support they need. We have tremendous leverage in our litigation budget with multiple offices throughout California, Oregon, Washington, Nevada, and Colorado and the *largest Affiliate Attorney Network* on the West Coast – hundreds nationwide!

The dynamic nature of the pandemic makes this situation fluid and subject to continuing updates. Please reach out to us directly with any questions you may have regarding compliance with your state and local guidelines.

Please do not hesitate to **contact the Pacific Justice Institute toll free at 888-305-9129.**

Sincerely,

Brad Dacus, President



# CHECKLIST FOR CHURCHES

## – DRIVE-IN SERVICES –

### I. Plan and Prepare: Church Leadership and Administration

- A.  **CDC and Federal Guidelines**
1. Visit the CDC's<sup>1</sup> website for relevant updates on coronavirus and social distancing: [www.cdc.gov/coronavirus](http://www.cdc.gov/coronavirus).
  2. Review federal guidance, available at: [www.coronavirus.gov](http://www.coronavirus.gov).
- B.  **State Guidelines**
3. Review all relevant state guidelines regarding churches, gatherings, and social distancing.<sup>2</sup>
  4. Review PJI state-specific memos as relevant to your church, available at: [www.pji.org](http://www.pji.org).<sup>3</sup>
  5. Obtain legal advice as necessary.
  6. Reach out before reopening for drive-in worship services to seek relevant assistance from legal and other professionals and situation-specific advice.
- C.  **Local Guidelines**
7. Review any local guidelines relevant to your church.<sup>4</sup>
  8. Reach out to local law enforcement in advance of a service, if there are concerns regarding compliance with applicable regulations.

<sup>1</sup> Centers for Disease Control and Prevention (CDC).

<sup>2</sup> The CDC provides a directory of state public health authorities, available at:

<https://www.cdc.gov/publichealthgateway/healthdirectories/index.html>.

<sup>3</sup> State-specific memos addressing coronavirus-related restrictions are available at:

<https://www.pacificjustice.org/resources/for-churches/legal-insider-covid-19/>. Reach out directly to PJI with questions at: <https://www.pacificjustice.org/get-help/request-legal-assistance/>.

<sup>4</sup> In addition to a directory of state public health authorities, the CDC also includes a directory of local public health authorities, available at: <https://www.cdc.gov/publichealthgateway/healthdirectories/index.html>.



D.  **Noise Ordinances and Broadcasting Compliance**

9. If you are planning to use a speaker system or other noise amplification system, consider the relevant noise ordinances for the outdoor area you are using (e.g. a parking lot or other space attached to your church); run a “soundcheck” in advance of your service to confirm your noise amplification is in compliance with local ordinances.
10. Depending on the location for your in-car or drive-in service, applicable noise ordinances for consultation may be found in your municipal (town, city or cities) code or county code.<sup>5</sup>
11. If you are planning to use a radio transmitter to broadcast your service, ensure that you are FCC<sup>6</sup> compliant; consider using an “FCC Part 15 certified” radio transmitter.
12. If you are planning to use a low power FM (LPFM) radio transmitter for the first time, register with the FCC on their website,<sup>7</sup> complete the necessary forms,<sup>8</sup> and phone 1-888-CALL-FCC (1-888-225-5322)<sup>9</sup> to be assigned a new FM station.
13. Consider alternative broadcasting options using your Wi-Fi network (depending on the reach/coverage of your network); also consider alternative media through Zoom or other conference providers.<sup>10</sup>

E.  **Insurance Policies and Compliance**

14. Review any relevant insurance policies relating to your church, employees and facilities.
15. Review any relevant insurance policies relating to your church, employees and facilities.
16. Communicate directly with your policy provider if you have any questions or need clarity on your policy.
17. Review and revise your employee handbook, as necessary, to include guidance on social distancing and updated policies and procedures.

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<sup>5</sup> A starting point for applicable ordinances is available at: <https://library.municode.com/>.

<sup>6</sup> Federal Communications Commission (FCC); more information is available at: <https://www.fcc.gov/media/radio/low-power-radio-general-information>.

<sup>7</sup> Registration with the FCC is available at: <https://apps.fcc.gov/coresWeb/publicHome.do>.

<sup>8</sup> Details from the FCC are available at: <https://www.fcc.gov/media/media-bureau-forms-page>. If you are partnering with an existing radio station, register with the FCC and complete FCC Form 318; if you are not partnering with an already existing radio station, also complete FCC Form 319.

<sup>9</sup> Details from the FCC are available at: <https://licensing.fcc.gov/prod/callsign/main.html>.

<sup>10</sup> PJI hosted and recorded a video conference call addressing these topics on April 30, available at: <https://www.pacificjustice.org/resources/for-churches/zoom-video-on-how-to-host-drive-in-outdoor-church-services/>.



18. Review expectations with pastors, staff, choir members, ushers, volunteers and other members of the worship team (Worship Team) in advance of service. For example, review social distancing guidelines and requirement of hand washing with soap and water for at least 20 seconds.<sup>11</sup>
19. Review social distancing expectations with Worship Team. For example, the Worship Team should each maintain at least six (6) feet of space between them and should wear masks or face coverings as described by the CDC<sup>12</sup> (Face Coverings) throughout the church service.
20. Ask all members of your Worship Team who will be moving in the public space during the service to wash the clothing, immediately prior to the service, that they will wear at the service.
21. Document updates to policies, meetings to share this information and how this information was disseminated.

F.  **Local Outreach**

22. Discuss local considerations with other churches to collaborate and share concerns and ideas.
23. Consider reaching out to any neighbors near your church who may have questions about your reopening for a parking lot drive-in service; open a dialogue with neighbors (particularly those who may be hostile to a church parking lot service) to address and respond to any concerns they may have in advance of the service.

G.  **Clean and Disinfect**

24. Please **DO NOT** open your church building if you are intending an “in-car” or “drive-in” only service, as contemplated in this checklist. Your service should be *outdoor only* unless you are prepared to thoroughly clean and disinfect the interior space; this includes opening even to make bathroom facilities available to parishioners. One of the benefits to hosting an in-car or drive-in service is to mitigate and/or avoid potential health risks associated with meeting indoors; opening your church building during a drive-in service can undo this precaution, and you should reconsult the “Checklist for Churches – Indoor Services,” available at [www.pji.org](http://www.pji.org).

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<sup>11</sup> Please review the CDC Guidance on hand washing, available at: <https://www.cdc.gov/handwashing/when-how-handwashing.html>.

<sup>12</sup> Federal guidance recommends strongly considering wearing “face coverings” throughout the pandemic, see “Guidelines: Opening Up America Again” (Apr. 16, 2020), available at: <https://www.whitehouse.gov/openingamerica/>. The CDC has guidance on how to create an appropriate Face Covering, available at: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/DIY-cloth-face-covering-instructions.pdf>.



25. Review and carefully follow CDC guidelines to disinfect interior spaces thoroughly, if you do choose to make bathroom facilities available in case of emergency.<sup>13</sup>
26. Review and follow available state guidelines on cleaning interior spaces and surfaces, if you do choose to make bathroom facilities available in case of emergency.
27. Consider whether “deep- cleaning”<sup>14</sup> is an appropriate precaution for your church; expect that this will take multiple hours and be prepared to document this with the use of professional services, if you do choose to make bathroom facilities available in case of emergency.
28. Follow the same CDC full cleaning procedures before and after every service or other use of the indoor space, if you do choose to make bathroom facilities available in case of emergency.
29. Consider whether the bathroom will need to be cleaned after each individual use, if you do choose to make bathroom facilities available in case of emergency.

## II. Send Invitations to Parishioners

### H. Send Invitations to Parishioners

30. Send direct invitations to parishioners in advance of a planned drive-in service.
31. Include pre-attendance guidance on your church’s website and in any direct mailings with invitees; include guidance from CDC, state and local guidelines, and this checklist.
32. Know in advance expected turnout to plan layout of church parking lot (or similar outdoor property); revise plans for a scheduled service based upon RSVP responses with planned accommodations for possible visitors, if necessary.
33. Consider a “soft launch” service with a very limited number of individuals, as well as a rehearsal prior to the service, before expanding the number of invitations sent to parishioners.

<sup>13</sup> CDC guidance is available at: <https://www.cdc.gov/coronavirus/2019-ncov/community/reopen-guidance.html> (updated Apr. 29, 2020); see also: <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility-H.pdf>; see also: <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/guidance-community-faith-organizations.html>; see also: [https://www.cdc.gov/coronavirus/2019-ncov/downloads/Mass-Gatherings-Documents\\_FINAL.pdf](https://www.cdc.gov/coronavirus/2019-ncov/downloads/Mass-Gatherings-Documents_FINAL.pdf); see also: <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/checklist.html>.

<sup>14</sup> Watch PJI video conference titled “How to Safely and Legally Reopen Your Church” (Apr. 23, 2020) for discussion of the Kansas TRO which required deep cleaning for an in-person, in-church worship service (*First Baptist Church v. Kelly*, No. 20-1102-JWB, 2020 U.S. Dist. LEXIS 68267 (D. Kan. Apr. 18, 2020)), available at: [www.pji.org](http://www.pji.org).



34. Depending on the size of your congregation, consider asking or assigning parishioners to attend specific drive-in services to control numbers at outdoor services.
- I.  **General Advice for Invitees**
35. Remind invitees to continue to follow applicable “stay at home” and other restrictions from state and local orders before and after a scheduled service.
36. Remind invitees to follow all CDC and state guidelines on social distancing and good hygiene.
37. Advise any individual who is “at higher risk for severe illness,” as defined by the CDC at [www.cdc.gov/coronavirus](http://www.cdc.gov/coronavirus); the CDC includes in this category older adults and individuals with underlying medical conditions (including, for example, asthma, HIV, diabetes, obesity, cardiovascular disease and/or cancer).<sup>15</sup>
38. Advise invitees of all potential risks to provide them with the fullest amount of information and safety advice available; to be included with invitation.
- J.  **Specific Advice for Invitees**
39. Ask invitees to confirm that no member planning to attend is known to have had any contact with confirmed COVID-19 cases in the past 21 days.
40. Include in the invitation a specific “To Do Checklist” for all attendees; this will provide invitees with advice for before, during and after the service.
41. Ask invitees to RSVP at least 24-hours in advance of the scheduled service, to facilitate planning by church leadership.
42. Advise invitees that they are welcome to attend without an RSVP, but their parking space may not be guaranteed, and they may need to attend ‘virtually’ from home if the outdoor space capacity is reached.
- K.  **Include a List Addressing “To Do Before the Service”**
43. Ask parishioners to take temperature checks at their homes prior to attendance; ask parishioners to stay home if they have a fever and seek appropriate medical advice.<sup>16</sup>

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<sup>15</sup> More information from the CDC on individuals considered to be at higher risk for severe illness during the pandemic is available at: <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html>.

<sup>16</sup> As of April 29, 2020, the CDC states symptoms of coronavirus include one of either (a) cough or (b) shortness of breath or difficulty breathing; or two or more of these symptoms: (a) fever, (b) chills, (c) repeated shaking with chills, (d) muscle pain, (e) headache, (f) sore throat, or (g) new loss of taste or smell. This list is available at: <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>.



44. Ask parishioners to seek medical advice if they believe they may have a relevant underlying medical condition as defined by the CDC,<sup>17</sup> prior to undertaking any activity outside of the home.
  45. Ask parishioners to refrain from food/drink immediately prior to service, unless medically necessary (because bathroom facilities may not be available at the church).
  46. Advise parishioners that an in-car or drive-in style service is intended to be held and that parishioners are expected to stay inside their vehicles for the duration of the service, absent an emergency.
  47. Advise parishioners approximately how much they should plan to roll down their car windows, depending on guidance from the applicable state or local orders.
  48. Ask parishioners to use the bathroom immediately prior to leaving their homes to attend the service; clearly specify that the church will not be open, and its indoor facilities will not be available.
  49. Ask attendees to bring their own PPE<sup>18</sup> if they want to wear Face Coverings inside their vehicles; provide links to medically sound tutorials<sup>19</sup> on how to create homemade Face Coverings if necessary.
- L.  **Include a List Addressing “To Do After the Service”**
50. Ask any individual to contact the church immediately if they experience any flu-like symptoms<sup>20</sup> and to seek medical advice.
  51. Invite attendees to share reflections, comments, and suggestions directly with church leadership to foster ongoing dialogue during the pandemic.
- M.  **Explain Expectations and Social Distancing Protocols**
52. Detail planned procedures for entering and exiting parking lot (or other outdoor space to be used for the service); include a map with arrows showing flow of traffic if appropriate.
  53. Advise attendees in the invitation (again) that they are expected not to exit their vehicles during the service, and accordingly there should be no physical contact between individuals in different vehicles.

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<sup>17</sup> More information from the CDC regarding extra precautions and individuals at higher risk for severe illness is available at: <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html>.

<sup>18</sup> Personal Protective Equipment (PPE).

<sup>19</sup> See, e.g., U.S. Surgeon General Dr. Jerome Adams, “How to Make Your own Face Covering” (Apr. 3, 2020), available at: <https://www.youtube.com/watch?v=tPx1yqvJgf4>.

<sup>20</sup> As of April 29, 2020, the CDC states symptoms of coronavirus include one of either (a) cough or (b) shortness of breath or difficulty breathing; or two or more of these symptoms: (a) fever, (b) chills, (c) repeated shaking with chills, (d) muscle pain, (e) headache, (f) sore throat, or (g) new loss of taste or smell. This list is available at: <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>.





54. Explain social distancing protocols in advance and ask families to discuss this guidance with their children; ask parents to consider whether these expectations are reasonable for their children in advance of attending the service and remaining inside the vehicle.

**N.  Post All Advice Publicly and Outside Church as a Reminder**

55. Make signs visible for individuals with explanations of the protocol for the service.

56. Posted signs should give the same advice provided in previously sent invitations to parishioners.

**O.  Answer FAQs in Advance**

57. Have a direct line of communication open to attendees in advance of the service for any FAQs.

58. Include a designated phone number, email address or website in the invitation you mail or post online to facilitate dialogue and prepare parishioners for changes in your worship service format, as compared to previous services.

59. Be prepared to respond to questions and adapt plans as relevant concerns arise; weather will likely be an additional consideration requiring flexibility.

### III. Physical Layout: Parking Lot or Other Outdoor Space

**P.  Plan Outdoor Spacing to Enable Social Distancing**

60. While in the earlier stages of reopening, specifically Phase One and Phase Two of the Federal Guidelines,<sup>21</sup> plan to significantly reduce attendance numbers for any single service, depending on the size of your parking lot or other outdoor space.

61. Review confirmed attendance from invitees and plan to outdoor parking spaces accordingly.

62. Use only every other (or every third) outdoor parking space to facilitate the minimum six (6) feet distancing between vehicles.

<sup>21</sup> "Guidelines: Opening Up American Again" (Apr. 16, 2020), available at:

<https://www.whitehouse.gov/openingamerica/>; see also, <https://www.coronavirus.gov/>. The White House and CDC published federal guidelines to establish a model for easing restrictions and reopening the country (Federal Reopening Guidelines). If and when your state has moved out of Phase One and Phase Two under the Federal Reopening Guidelines, it may be possible to increase your church's seating capacity depending on your church's layout. Some states may establish their own phased reopening plans, in which case deference should be given to those state-specific reopening guidelines.



63. If using a parking lot or grassy area for your in-car or drive-in service, consider using chalk or paint to draw arrows to help individuals see where they should and should not park.
64. Close any other outdoor common spaces (such as playgrounds) attached to the church to discourage social congregating before or after the service.
65. Consider reducing the length of your service to accommodate physical needs of parishioners, especially older individuals and children.

**Q.  Traffic: One-Way Only**

66. Consider making vehicle traffic one-way only, with an entrance-only and an exit-only traffic corridor; the traffic layout for any given in-car service will vary depending on the layout and size of the available space.
67. Use ushers or security (wearing appropriate high visibility vests, if possible) to guide vehicles (from an appropriate distance) along the intended routes.

**R.  Do Not Distribute or Pass Physical Items**

68. It will be difficult to administer a form of physical communion while maintaining social distancing. If this is undertaken, it must be done in a manner consistent with applicable local guidelines for any other “drive-through” food services. It should be done without requiring parishioners to touch a plate, food or cup that is also touched by another individual; consider the use of individual, prepackaged communion that can be accessed or delivered to a car window by an individual wearing PPE and maintaining the maximum possible social distance.
69. Do not distribute physical bulletins.
70. Do not pass a physical collection plate, basket or other offering during the service.
71. Make online donations available before and after the service; make a tithe drop box available for parishioners to deposit tithes before and/or after the service.

**S.  Make PPE, including masks, available for individuals**

72. Federal guidelines currently suggest “face coverings” be worn in public places during all phases of the pandemic.<sup>22</sup>
73. Make hand sanitizer and PPE available for all members of the Worship Team; the CDC recommends sanitizer have a minimum of 60% alcohol.<sup>23</sup>

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<sup>22</sup> “Guidelines: Opening Up American Again” (Apr. 16, 2020), available at:

<https://www.whitehouse.gov/openingamerica/>; see also, <https://www.coronavirus.gov/>.

<sup>23</sup> The specific CDC guidance is available at: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/disinfecting-your-home.html>.



T.  **Prepare with your Worship Team in advance**

74. If using a multi-person Worship Team, ensure that each individual is physically spaced (including choir members) to observe proper social distancing at all times.
75. Wear Face Coverings at all times when in public, including when singing and preaching, as per guidance from the CDC.<sup>24</sup>
76. As a potential alternative to wearing Face Coverings while preaching, create a plexiglass partition if using an outdoor podium and speak only from this protected area during public speaking portions (similar to partitions devised for grocery stores and other public-facing businesses).
77. If ministers use wearable or portable microphones, do not share these devices between individuals; clean and disinfect microphones before and after use.

U.  **Be Prepared to Promptly End the Service if Necessary**

78. Weather may be a significant factor for outdoor services; prepare contingencies depending on the forecast.
79. If church leadership becomes aware of a clear, immediate, and imminent threat to the safety of the attendees, or if church leadership becomes unable to follow the protocols listed above, be prepared to immediately disband the service.
80. Prepare in advance for a prompt and orderly end of the service, as weather or other factors may make this necessary.
81. Identify space that can be used to separate and obtain help for a person who may feel or become ill.

## IV. After the Service

V.  **Remind Invitees of the “To Do List: After the Service”**

82. Remind all members of the Worship Team who are moving in the public space to take the clothing they wore to the service and wash it again after the service.
83. Ask any individual attending your service to contact the church immediately, and to seek medical advice, if they experience flu-like symptoms.<sup>25</sup>

<sup>24</sup> “Guidelines: Opening Up American Again” (Apr. 16, 2020), available at:

<https://www.whitehouse.gov/openingamerica/>; see also, <https://www.coronavirus.gov/>.

<sup>25</sup> As of April 29, 2020, the CDC states symptoms of coronavirus include one of either (a) cough or (b) shortness of breath or difficulty breathing; or two or more of these symptoms: (a) fever, (b) chills, (c) repeated shaking with chills, (d) muscle pain, (e) headache, (f) sore throat, or (g) new loss of taste or smell. This list is available at: <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>.



84. Update your emergency operations plan with the help of your local public health department, emergency operations coordinator or planning team, and other relevant partners to include COVID-19 planning; consult OSHA<sup>26</sup> guidelines, available at: <https://www.osha.gov/SLTC/covid-19/>.<sup>27</sup>

W.  **To Do List for Church After the Service**

85. Advise your Worship Team to follow the same guidelines as other attendees.

X.  **Continue Alternative and/or Supplemental Measures**

86. Continue online services through streaming and social media to expand outreach to your community; PJI's online tutorial for live-streaming broadcast is available at [www.pji.org](http://www.pji.org).<sup>28</sup>

Y.  **Continue Community Outreach**

87. Direct (non-physical) communication and outreach throughout the pandemic is key.<sup>29</sup>

88. Maintain dialogue with church leadership teams and parishioners; ensure community contact lists are up-to date and that 'calling trees'—or other practices to account for individuals who may be living alone, elderly, and/or vulnerable — are in place.

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<sup>26</sup> Office of Occupational Safety and Health Administration (OSHA), an agency of the United States Department of Labor.

<sup>27</sup> OSHA released a memo on "Interim Enforcement Response Plan for Coronavirus Disease 2019 (COVID-19)" (Apr. 13, 2020), available at: <https://www.osha.gov/memos/2020-04-13/interim-enforcement-response-plan-coronavirus-disease-2019-covid-19>; see also "Discretion in Enforcement when Considering an Employer's Good Faith Efforts During the Coronavirus Disease 2019 (COVID-19) Pandemic" (Apr. 16, 2020), available at: <https://www.osha.gov/memos/2020-04-16/discretion-enforcement-when-considering-employers-good-faith-efforts-during>; OSHA's general list of resources and information is available at: [https://www.osha.gov/SLTC/covid-19/additional\\_resources.html](https://www.osha.gov/SLTC/covid-19/additional_resources.html).

<sup>28</sup> PJI's online tutorial for live-streaming is available at: <https://www.pacificjustice.org/resources/for-churches/how-to-live-stream-a-church-service-during-covid-19-mass-quarantines/>.

<sup>29</sup> See U.S. Dept. of Health and Human Services, Center for Faith and Opportunity Initiatives (The Partnership), "COVID-19: Recommended Preventative Practices and FAQs for Faith-based and Community Leaders" (Mar. 17, 2020), available at: <https://www.hhs.gov/sites/default/files/3-17-20-faith-and-community-based-covid-19-faq.pdf>.



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