

ROMAN CATHOLIC DIOCESE OF ALBANY

Liturgical Updates

(September 28, 2020)

PREAMBLE:

This document seeks to update some of the provisions for the public celebration of the Mass and other sacraments. At the same time, it also gives some background to and reasons for these provisions. A number of sources (religious, governmental and medical) have been employed in the writing of the various Diocesan Guidelines. The material produced by the Thomistic Institute is of particular note and has been of significant use in the compilation of the Diocesan Guidelines and updates. Regular updates regarding liturgical guidelines will be given over the coming months, especially if or when conditions or regulations change.

HEALTH AND THE OBLIGATION TO ATTEND MASS:

In the light of ongoing health risks to the most vulnerable among us, the **temporary suspension** of the **obligation** to attend Mass on Sundays and Holy Days during the pandemic **remains in force for the moment** (cf. CIC, canon 1247) although this provision is under constant review. That being stated, keeping holy the Lord's Day is of fundamental importance for every Christian and indeed, it is constitutive of what it means to be a disciple of the Lord. Therefore, Catholics should use their **prudential judgment** based upon religious and medical considerations as to whether or not to attend Mass.

Furthermore:

Please assure and remind the faithful that:

- if they are sick, for example, if they are experiencing cold or flu like symptoms,
- if they are experiencing symptoms of a serious illness,
- or if they are in a "vulnerable" category (the elderly, people with weakened immune systems, people with long term conditions such as cancer, diabetes, heart conditions, respiratory conditions, etc.)

that they are NOT obliged to attend Sunday Mass, and, out of concern for others, ought not to attend. It would be good, therefore, to maintain live-stream/recorded Masses.

REMINDERS & PRINCIPLES:

- Many of the various provisions of the Guidelines issued on May 21st and June 29th remain in force, except where there is adaptation or relaxation of protocols, as indicated in the updates below.

- In particular, ANY liturgy taking place in a church building (such as weddings, baptisms, funerals, as well as weekday or Sunday Masses) should follow the various guidelines, protocols and parish plan: hygiene (sanitizing/washing hands, face masks), social distancing/church capacity, contact tracing policy (highly recommended, but not obligatory), sanitizing, etc.
- **Masks.** As noted in many documents (for example, Thomistic Institute Guidelines for Mass, CDC Guidelines for Houses of Worship, NYS Guidelines for Reopening etc.) the wearing of masks during liturgies (especially indoor liturgies) does help to reduce the spread of airborne droplets and the subsequent risk of transmission. Furthermore, many people feel safer if others are wearing masks, especially in enclosed or indoor spaces. Therefore, masks are required to be worn at all times, except for the reception of Holy Communion, or at other designated moments during a liturgy. An exception would be for children under the age of two years. The other exception is for the priest and other ministers during the celebration of a liturgy (except when they are distributing Holy Communion). If one is precluded from wearing a mask because of health issues¹, then, if the church can accommodate safely (for example, they could wear a face shield, sit separated from all others by at least 12 feet around, etc.), perhaps the church can be encouraged to do so, although the church is not required to do so.²

¹ The person does not have to demonstrate nor prove their claim, nor should they be asked to do so.

² Diocesan legal opinion regarding requiring masks: The summary of Executive Order 202.18 regarding masks is accurate, viz., exceptions for individuals who assert wearing a mask would inhibit or otherwise impair their health. The diocesan face mask policy has as its good faith basis the critical health need to reduce the transmission of the COVID-19 infectious disease.

The issue of disability discrimination in these circumstances is covered by the jurisdiction of the NYS Division of Human Rights under the Human Rights Law (HRL) as set forth in the New York Executive Law. The HRL controls discrimination in employment as well as access to public places. The operative provisions of the HRL protect individuals from discrimination based on a wide variety of personal characteristics, including race, national origin and disability. In the employment scenario the declination by an employee to wear a mask because of impaired health would trigger an employer's obligation to investigate and extend a reasonable accommodation, if possible. In the access scenario, for example entry into a religious service, a reasonable accommodation is neither available, realistic nor required. The overarching health issue of disease prevention must prevail in both circumstances. The potential discrimination analysis in the employee, guest, parishioner situations will center on the facts of the declination and response. It is recommended that when confronted with a declination to wear a mask by an employee, guest or parishioner that no probing of reasons for the declination be conducted and the appropriate response should be stating the health-based policy and the need to address disease prevention and mitigation. Of course, there is always the risk that a discrimination complaint may be filed; however, the obligation is to manage risk on a good faith basis to promote and protect the health of all concerned. This should prevail as a justifiable defense based on the *bona fides* and operation of the policy.

In sum, in our opinion the health and safety basis of the mask policy should override a declination to wear a mask in the employment and religious service scenarios.

- **Physical or Social Distancing.** Physical distancing and the avoidance of “close contact” (defined by the CDC as being within six feet of another person for at least 15 minutes) is recommended as a primary way of reducing the risk of transmitting the virus. Therefore, a minimum distance of six feet should be maintained between members of the congregation (except for members of the same household, care givers, etc.). In a similar vein, the six-foot distance should be maintained between the priest, deacon, servers and ministers as far as possible. Some parts of the liturgy necessitate a closer contact, but this is usually for a brief time and so these do not present the same degree of risk.

As noted in the updates of June 29, although a capacity of 33% is currently permitted in church buildings, given the continuing need to maintain social distancing, it is unlikely that this percentage can be achieved in most churches. Allowing for households sitting together and as a rule of thumb, for many churches a percentage closer to 25% of capacity is more probable.

- **Livestreamed Masses** are certainly worth continuing for those unable to attend Mass in person. However, watching such Masses, by definition, is a “virtual” activity that falls short of a true personal presence and participation in the Mass and in the sacraments. Of their very essence, the Mass and the sacraments are concrete, real, personal and even physical encounters that communicate grace to those who participate in them. The activity of someone watching a livestreamed Mass is qualitatively different from someone participating in-person: a livestream viewer is not “present” to the sacred action in the same way, nor is the real sacramental presence of Christ in the Eucharist “present” to a remote viewer in the same way. Indeed, Catholic worship, and above all the divine worship of a Sunday Mass on the Lord’s Day, paradigmatically calls the faithful to a true, active, live, and in-person participation.

UPDATES/CLARIFICATIONS:

Music/Choirs:

- As indicated in previous Guidelines and updates, congregational singing is not forbidden.
- A music ministry is possible for liturgies, using a minimum number of musicians (cantor, organist etc.) Social distancing must be maintained between music ministers. The FDLC document provides some helpful suggestions concerning music ministry (cf. <https://FDLC.ORG/COVID>). The CDC has also released some further and updated guidance on the use of music during liturgies.
- There is a need to choose carefully what might be sung and to ensure that any worship aids or service leaflets are disposed of after a Mass (i.e. no shared hymn books etc.).
- As a general rule, choirs should not be used. However, if social distance could be maintained, then perhaps a choir could be permitted. Music directors and parish leaders should devise a plan prior to resuming, maintaining all appropriate protocols.

Lay Ministers:

- Ministers assisting in the sanctuary do **not** need to wear masks, as long as distancing can be maintained (especially during liturgical actions).
- Extraordinary Ministers of Holy Communion are permitted, provided that this is in accord with liturgical norms (e.g. not as a substitute for an ordinary minister) and that they are properly trained.

Confirmation:

- Reminder for those who are planning Confirmation, please use the latest editions of the Guidelines, Planner and Check List (sent to parish leaders from the Chancellor on August 31).

RCIA:

- As yet, we cannot know for certain whether the Rite of Election will take place as planned (scheduled for Sunday, February 21, 2021 at 2:00pm at the Cathedral), but please assume that it will take place, although perhaps in a modified form.

New York State Travel Advisory and Funerals, Weddings, Baptisms etc.

- People coming from States on the NYS Travel Advisory Quarantine list may wish to attend liturgies. It would be the responsibility of those individuals or families to observe the required two- week quarantine period.
- We have been advised that residents from restricted states have obtained a written exemption to the travel advisory allowing them to travel to New York State for a funeral service. We spoke with the NYS Department of Health and confirmed that the travel advisory allows the Commissioner of Health to grant an exemption to the travel advisory based upon extraordinary circumstances. The process to seek an exemption is to email the Department at TravelAdvisoryExemption@health.ny.gov explaining with as much detail as possible the reason for the exemption. Residents from restricted states seeking to enter New York for a funeral service should email the Department to request an exemption. The email should include the reason (funeral), dates/duration of stay and location within the state travel will occur.