

## SWP UPDATE ON COVID-19

June 15, 2020 - Current

### COMPREHENSIVE LIST of COVID-19-RELATED ORDERS AND PROCLAMATIONS

#### GENERAL

##### • Texas state courts are suspending proceedings on a county by county basis.

- In order to facilitate court activities, the Office of Court Administration is providing Judges the ability to stream and host court proceedings via Zoom and YouTube.
- For a list of court and clerk's office closures, partial closures, and delays, visit <https://www.txcourts.gov/programs-services/court-security/emergency-court-preparedness/closures/>.

To access the **March 13, 2020 - June 15, 2020** updates please click the following link, [here](#).

#### July 2, 2020

- Gov. Greg Abbott issued a statewide mask order. This means every Texan is required to wear a mask or facial covering when out in public. The order applies to all counties in the state with more than 20 confirmed COVID-19 cases. The requirement must be followed anywhere where a person cannot socially distance. The order provides several exceptions, including children who are younger than 10 years old, people who have a medical condition that prevents them from wearing a mask, people who are eating or drinking and people who are exercising outdoors. Abbott's order specifies at least one group of people that is not excepted from the order: "any person attending a protest or demonstration" with over 10 people who cannot socially distance. According to Abbott, first-time violators will be issued a warning. If violated a second time, a \$250 fine will be issued. Every subsequent violation is punishable by a fine of up to \$250. The order specifies that no one can get jail time for a violation. The order goes into effect at **noon on July 3**.
- The U.S. District Court for the Western District of Texas issued a supplemental order regarding court operations under the exigent circumstances created by COVID-19. All civil and criminal bench and jury trials scheduled to begin on any date from now **until August 31, 2020** are continued to a date to be reset by each presiding judge. Grand juries will resume **on or after July 1, 2020**, as determined by the U.S. Attorney's Office. Judges may hold in-person hearings, but parties are encouraged to seek to participate by telephone or video. All of the courthouses of the Western District of Texas remain open. The order is in effect **through August 31, 2020**.

#### July 1, 2020

- Gov. Greg Abbott banned elective surgeries in four additional counties: Cameron, Hidalgo, Nueces and Webb. Elective procedures are now banned in eight counties around the state – Bexar, Dallas, Harris, Travis, Cameron, Hidalgo, Nueces and Webb.
- The Harris County Commissioners Court has approved a \$15 million Emergency Rental Assistance Program to help serve low-income residents. They also approved a \$30 million grant program, providing assistance to struggling businesses that were not able to get financial help from other COVID-19 relief programs.
- Houston Mayor Sylvester Turner, Harris County Judge Lina Hidalgo and the Coalition for The Homeless have partnered on a permanent housing initiative that will assist those people experiencing homelessness. The \$65 million program will provide about 5,000 people with access to permanent housing in less than two years and reduce the spread of COVID-19.
- Bexar County Judge Nelson Wolff announced that Bexar County parks will be closed for the Fourth of July weekend.
- San Antonio Mayor Ron Nirenberg issued an addendum to the city's emergency health declaration. The order requires businesses to post a list of COVID-19 symptoms near the entrance. Anyone experiencing the symptoms is asked to stay home in order to prevent potentially spreading the virus.
- Austin-Travis County sent out an emergency alert to residents warning them to stay home, practice social distancing and wear face coverings.
- Austin Public Health updated the risk-based guidelines chart it uses to assess how the area is handling the pandemic and what steps the public needs to take to slow the spread of COVID-19. The adjustment is based off current local hospital capacity and data from the hospital systems. As of **June 30**, Travis County is operating at Stage 4 and will be able to remain in Stage 4 for a longer period of time before crossing into Stage 5 by following the University of Texas' revised hospitalization triggers for the chart. APH's new stage thresholds are as follows:
  - Stage 1 (Green): Zero (0) new COVID-19 hospital admissions in a 7-day period
  - Stage 2 (Blue): Average of less than 10 new COVID-19 hospital admissions in the MSA in a 7-day period
  - Stage 3 (Yellow): Average of 10-39 new COVID-19 hospital admissions in the MSA in a 7-day period
  - Stage 4 (Orange): Average of 40-(70-123) new COVID-19 hospital admissions in the MSA in a 7-day period
  - Stage 5 (Red): Average of greater than 70-123 (dependent on rate of increase)
- Austin Mayor Steve Adler is now considering a new stay-at-home order if the surge continues – and the local health authority said wearing masks should be mandatory for the next year.
- Galveston beaches will be closed for the Fourth of July weekend.

#### June 30, 2020

- Texas bar owners filed a \$10 million federal lawsuit against Gov. Greg Abbott, the second suit over the shutdown in two days. The bar owners say in the lawsuit that Abbott's order violates their constitutional rights and "may very well leave long-term scarring on the Republican form of government if left unchecked."
- Texas Gov. Greg Abbott and the Texas Department of Health and Human Services announced that \$9 million in federal funding will go towards helping nursing home facilities and to implement infection control projects to help protect the population that is most vulnerable to COVID-19.
- The Harris County Commissioners Court voted to extend the recently issued mask order **until August 26**. The court extended the county's disaster declaration in response to the COVID-19 pandemic **until August 26**, allowing County Judge Lina Hidalgo to extend the mask rules until that date as well. The order directs any businesses providing goods or services to require all employees and visitors to wear face coverings in areas of close proximity to co-workers or the public.
- Bexar County Judge Nelson Wolff has issued new mandates for businesses. In addition to requiring that employees and customers wear a face covering when social distancing is not possible, businesses that provide goods and services have to question their patrons concerning possible symptoms and check their temperature before allowing them to enter the building. Businesses that do not comply may be fined \$1,000.
- In a letter to Texas Gov. Greg Abbott, Houston Mayor Sylvester Turner said the city is facing a dire hospital capacity situation and needs the state, or authority for local governments, to enact certain public health safety measures in order to avoid a "last resort" scenario. Turner wants the state (or the power to do so himself) to enact these orders:
  - Mandatory masking (for individuals when gathering with non-household members inside or outside, not just through businesses and employers as currently authorized)
  - Removal of exceptions for gatherings of more than 100 people and a reduction of the number of any social group gatherings from 100 to 50, or even 10
  - Establishments such as "BYOB" or "gentlemen's clubs" that are regulated separately from bars, should be subject to the same regulations and closures as bars
  - Prohibit termination of an employee who stays home to isolate while waiting for a test result on those grounds
  - Bowling alleys and gyms to operate at 25 percent capacity

Turner also asked for additional measures in order to help the most vulnerable communities:

- More isolation facilities so construction and health care workers have the needed opportunity to isolate and not infect household members, particularly family members who are elderly or immune-compromised
- More PPE or funds for PPE for vulnerable households
- Stipends for lost income for infected individuals who are isolating (so they isolate rather than return to work while infected or awaiting test results)
- More tests and more rapid lab response (test results in the area are now delayed up to 4 to 5 days, and by then are less beneficial for public health reasons)

#### June 29, 2020

- Houston Mayor Sylvester Turner announced that all July events permitted or sponsored by the city have been canceled.
- All Houston ISD campuses and district facilities will be partially closed from **July 3 through July 19** amid the recent increase in confirmed novel coronavirus cases and hospitalizations.
- Texas city and county leaders continue to ask Gov. Greg Abbott for authority to implement local stay-at-home orders. Houston Mayor Sylvester Turner issued an impassioned plea for Abbott to let cities and counties make decisions for themselves. Officials in Bexar County wrote a similar letter to the governor. Dallas County Judge Clay Jenkins sent a letter to Abbott over the weekend, requesting that the governor consider a list of recommendations from a citywide public health committee, such as instituting a 30-day stay-at-home order and mandating masks.

#### June 26, 2020

- Gov. Greg Abbott ordered all bars in Texas to again close in his latest effort to contain the spread of coronavirus. The governor also said restaurants will have to return to 50 percent capacity; they had been allowed to operate at 75 percent since **June 12**. In addition, Abbott permitted local officials to limit outdoor gatherings of more than 100 people.
- Harris County Judge Lina Hidalgo moved the county to the worst threat level, calling for a return to the stay-at-home conditions of March and April, as COVID-19 hospitalizations continue to spike. She also banned outdoor gatherings of more than 100 people in unincorporated Harris County, while urging mayors to do the same in their cities. Hidalgo unsuccessfully lobbied the governor for the power to issue more restrictions. Though she lacks the power to require compliance, Hidalgo implored all county residents to follow the same rules as her stay-at-home order in March and April. That means residents should stay home except for essential errands and appointments, work from home if possible, wear a mask in public and otherwise avoid contact with other people. To slow this uncontrolled spread of COVID-19, all Harris County residents should adhere to the following guidelines as closely as possible:
  - o Stay home, except for the most essential needs like going to the grocery store for food and medicine.
  - o Avoid and cancel all gatherings of any size.
  - o Essential workers practice special precautions to prevent spread.
  - o All vulnerable individuals (65+ or with pre-existing health conditions) stay home.
  - o Self-quarantine for 14 days if in close and prolonged contact with someone who has tested positive with COVID-19.
  - o Wear face coverings to protect others.
  - o Avoid non-essential business and personal travel. Avoid public transportation where possible.
  - o Cancel visits to nursing homes, long-term care facilities, and hospitals.
  - o Avoid and cancel all indoor and outdoor gatherings, including concerts, rodeos, large sporting events, etc. Schools and afterschool activities for youth close, as directed by educational authorities.
- The Denton City Council adopted an order that will require the use of face masks in all businesses and nonprofits that provide goods or services directly to the public.
- Face masks are now required in all Tarrant County businesses and at outdoor gatherings with more than 100 people.

#### June 25, 2020

- The Texas Medical Center reported 100 percent of its base ICU capacity was full for the first time during the pandemic, driven by a jump in COVID patients. The hospital may exhaust surge beds – temporary space for use in emergencies – by **July 6**, according to modeling by the hospital system.
- Gov. Greg Abbott banned elective surgeries in Bexar, Dallas, Harris, and Travis counties.
- After Abbott banned elective surgeries, leaders of Texas Medical Center hospitals reversed course and said they're ready to handle a COVID-19 surge. Dr. James McDeavitt, a senior vice president at the Baylor College of Medicine, said that elective procedures are, perhaps, best described as non-emergency surgeries, since they often are for serious ailments. He said hospitals sometimes delayed necessary care when the governor suspended these surgeries in March and April. "We've also seen people not seeking cardiac care and cardiac procedures," McDeavitt said. "There are health consequences of not doing those procedures." With respect to the restriction on elective surgeries, the joint statement issued by St. Luke's Health, Houston Methodist, Memorial Hermann Health System & Texas Children's Hospital said "It is our hope that the executive order will only be in place for a short period of time, as it is critically important that we continue to meet the health needs of our community... We must maintain a thoughtful balance between caring for those impacted by COVID-19 and addressing all other healthcare needs of our community, including critical surgeries and procedures."

#### June 23, 2020

- Gov. Abbott issued an updated executive order to expand the ability of mayors and county judges to impose restrictions on certain outdoor gatherings of over 100 people.
- The Office of the Texas Attorney General and Harris County Judge issued an executive order regarding health and safety policy and face coverings, stating that all persons requesting entry into a County owned or occupied building, including a courthouse, must be wearing a face covering prior to entry. Failure to wear a face covering will result in the person being barred from entry. Once in the County owned or occupied building, if a person removes the mask, the person will be removed from the building.
- The U.S. District Court for the Western District of Texas issued its first supplemental order regarding emergency procedures authorized by the CARES Act, including the use of video and telephonic conference for various criminal events during the COVID-19 emergency, including:
  - o Detention hearings
  - o Initial appearances
  - o Preliminary hearings
  - o Waivers of indictment
  - o Arraignments
  - o Probation and supervised release revocation proceedings
  - o Pretrial release revocation proceedings
  - o Appearances
  - o Misdemeanor pleas and sentencing
  - o Proceedings under the Federal Juvenile Delinquency Act

This authorization is effective until **September 28, 2020** unless earlier terminated.

#### June 19, 2020

- Harris County Judge Lina Hidalgo issued an order mandating that businesses require all employees and customers age 10 and older to wear face coverings. The new order goes into effect on **Monday, June 22** and the Disaster Declaration expires on **June 30**. Businesses will be fined up to \$1,000, if they do not comply, but individuals will not be fined. Masks do not need to be worn while eating, exercising outside, driving, pumping gas or inside buildings that require screening like banks.

#### June 18, 2020

- The U.S. District Court for the Western District of Texas has cancelled all trials through **July 31, 2020**.
- El Paso City and County officials issued a directive mandating that businesses require all customers as well as employees to wear face masks to prevent the spread of the coronavirus. The face mask requirement will take effect at **12:01 a.m. on Monday, June 22**, and businesses that do not comply can be fined up to \$500 for each violation.
- Not wearing a mask or a face covering when by Texas a public and surrounded by the people is an irresponsible choice. Now a new study led by Texas A&M researchers shows the most important thing you can do to beat this pandemic is wear a mask. "The disease is preventable if you wear a face mask," said Professor Renyi Zhang.
- Both Travis and Bays counties issued new orders requiring people to wear face coverings in some areas. Both orders continue to extend local disaster declarations and public health emergencies for the counties.
  - The Travis County order states that all businesses that provide goods or services to the public must create and implement a "health and safety policy" relating to COVID-19. At a minimum, these policies must require that people in the business must wear face coverings when in areas where 6 feet of separation is not possible. Failure to develop a policy outlined by the order could result in a \$1,000 fine per each violation. This order went into effect at **11:59 p.m. on June 18** and runs through **11:59 p.m. on Aug. 15**, unless otherwise changed.
  - The order in Hays County has a similar "health and safety policy" requirement but does not implement a fine for violations. Additionally, the Hays County order requires all people ages 10 and older to wear a face-covering when in a public place where social distancing is difficult. The Hays County order goes into effect on **June 22** and is set to expire on **July 20**. The Hays County order said that face coverings do not need to be worn in the following situations:
    - When exercising outside or engaging in physical activity outside
    - While driving alone or with passengers who are part of the same household as the driver
    - When doing so poses a greater mental or physical health, safety, or security risk
    - While pumping gas or operating outdoor equipment
    - While in a building or activity that requires security surveillance or screening, for example, banks
    - When consuming food or drink

#### June 17, 2020

- Texas Gov. Greg Abbott said local governments can require businesses to mandate customers and workers to wear face masks after Bexar County ordered such a measure amid record numbers of new cases of coronavirus and hospitalizations.
- The order for Bexar County, which includes the San Antonio area, takes effect **Monday, June 22** and businesses could face fines up to \$1,000 for failing to comply. The order expires June 30. San Antonio Mayor Nirenberg amended the city's emergency order on coronavirus safety based on Wolff's executive order. He says it is consistent with Governor Greg Abbott's order that prevents civil or criminal penalties for individuals who do not wear face coverings.
- Austin Mayor Steve Adler issued a new health and safety order for businesses, including a direct order to wear masks.
- Hidalgo County also issued a new mask order.
- Fort Worth Mayor Betsy Price, Arlington Mayor Jeff Williams and Tarrant County Judge Glen Nivelt said they do not plan to require businesses mandate face masks to limit the spread of the novel coronavirus.
- The Fort Worth Independent School District will offer parents two options for the 2020-21 school year: in-person instruction or virtual learning. When school begins on **August 17**, parents may either send their students to campus or participate in an online learning environment. They will first make the decision starting **July 1** when online enrollment begins.

#### June 16, 2020

- After a steady rise in cases since Texas Gov. Greg Abbott moved Texas into the third phase of reopening, Texas saw another new peak in cases, reporting 2,622 new cases and 2,518 Texans who have tested positive for the coronavirus and are currently hospitalized. Still, Abbott revealed at a press conference that he would not require Texans to wear face coverings, adding that local jurisdictions can impose fines on those violating his executive orders. Gov. Abbott dismissed growing alarm over hospitals now swelling with coronavirus patients, insisting there is still plenty of space available even as some facilities have neared or surpassed capacity. In Harris County, some hospitals said late last week that their intensive care units were near or above capacity. Abbott said he also expects schools to reopen in the fall with students and teachers in classrooms.
- Mayors from Houston, San Antonio, Austin, Dallas, Fort Worth, Plano, Arlington, El Paso and Grand Prairie sent a letter to the governor pleading for the ability to mandate masks. When Texas cities tried to mandate face coverings early in the pandemic, the governor overruled them.
- The Dallas County Commissioners voted unanimously to extend the COVID-19 public health disaster declaration to **August 4**.
- Across Texas and other states, the unhappy couples or their parents have been filing lawsuits against wedding venues, seeking refunds of their deposits. This wedding litigation is a subcategory of a much larger litigation trend that's emerged because of COVID-19. In lawsuits and class actions across the nation, plaintiffs are suing all types of companies—airlines, colleges or universities, health clubs, concert operators, conference organizers, even a children's dance studio and food caterer—to get their money back for coronavirus-caused cancellations. On the wedding front, there have been at least four separate lawsuits filed in Houston, McKinney, Denton and Dallas by either couples or their parents, which claim they were denied refunds for cancelled weddings.

To view all our updates, please visit our **COVID-19 Resource Center** at [www.sheehyware.com/announcements/](http://www.sheehyware.com/announcements/)

Should you need specific/additional information about a county or court not listed above, please contact the author, Meggie Parks at [mparks@sheehyware.com](mailto:mparks@sheehyware.com)