

SWP UPDATE ON COVID-19

May 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 **April 14, 2020 - May 14, 2020 list** please click the following link, [here](#).
To access the **March 13, 2020 - April 13, 2020 list** please click the following link, [here](#).

June 29, 2020

- Houston Mayor Sylvester Turner announced that all July events permitted or sponsored by the city will 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.

*still in effect

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:
 - Stay home, except for the most essential needs like going to the grocery store for food and medicine.
 - Avoid and cancel all gatherings of any size.
 - Essential workers practice special precautions to prevent spread.
 - All vulnerable individuals (65+ or with pre-existing health conditions) stay home.
 - Self-quarantine for 14 days if in close and prolonged contact with someone who has tested positive with COVID-19.
 - Wear face coverings to protect others.
 - Avoid non-essential business and personal travel. Avoid public transportation where possible.
 - Cancel visits to nursing homes, long-term care facilities, and hospitals.
 - 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 McDevitt, 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," McDevitt 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:
 - Detention hearings
 - Initial appearances
 - Preliminary hearings
 - Waivers of indictment
 - Arraignments
 - Probation and supervised release revocation proceedings
 - Pretrial release revocation proceedings
 - Appearances
 - Misdemeanor pleas and sentencing
 - 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 face covering when out in public and surrounded by 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 Hays 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 Whitley 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 return 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.

June 15, 2020

- Harris County will resume limited jury service on **July 6** at NRG Arena, starting with the selection of grand juries.
- The Texas Alcoholic Beverage Commission threatened to temporarily close down bars that fail to comply with limits on occupancy.

- Austin Public Health officials announced the City of Austin hit Stage 4 of its risk-based guidelines over the weekend after a spike in hospitalizations. In response, Austin and Travis County leaders announced they would extend Stay-at-Home orders until **August 15**.

June 11, 2020

Harris County Judge Lina Hidalgo announced a new system to help residents understand the threat level of coronavirus in the Houston area. Currently, Harris County is at Level 2. Here's a breakdown of the levels and what residents should do during each level:

- Level 1: Stay home**
 - This means there's a severe and uncontrolled level of COVID-19 in Harris County.
 - There are outbreaks that are actively getting worse and that testing and contact tracing capacity is strained or exceeded.
 - What to do:** Minimize contact with others wherever possible and avoid leaving home except for the most essential needs like going to the grocery store for food and medicine.

Level 2: Minimize all contact

- This means there's a significant and uncontrolled level of COVID-19 in Harris County.
- The virus is still actively spreading but contact tracing capacity is likely sufficient to meet demand.
- What to do:** Minimize contact with others, avoiding any medium or large gatherings and only visiting permissible businesses that follow public health guidance.

Level 3: Stay vigilant

- There is a moderate, but controlled level of COVID-19 in Harris County.
- There's a demonstrated reduction in the spread of the virus and the local healthcare system is within capacity.
- What to do:** Residents should remain vigilant, but resume contact with others and resume leaving home.

Level 4: Resume normal activity

- There's a minimal and controlled level of COVID-19 in Harris County.
- New chains of transmission are limited and quickly broken or a vaccine and/or treatment has been developed and widely deployed.
- What to do:** At this level, residents may resume normal contact with others unless sick.

Guidelines through all the levels

- Continue to socially distance from others.
- Wash your hands frequently.
- Use face coverings until there is a vaccine or a treatment for the virus.
- If you've been exposed to COVID-19, quarantine for 14 days.

June 10, 2020

The fight over expanding voting by mail in Texas during the coronavirus pandemic appears to be coming to an end in state courts, but a lawsuit continues at the federal level. After a Texas Supreme Court ruling that closed the door to expanded mail-in voting, the individual voters, state Democrats and civic organizations that sued to expand voting by mail based on a lack of immunity to the new coronavirus asked a state appeals court to dismiss their case. The case was part of a flurry of litigation in state and federal courts challenging the state's rules for who qualifies for a ballot they can fill out at home and mail in, that for now has left the status quo in place: Mail-in ballots are available only if voters are 65 or older, cite a disability or illness, will be out of the county during the election period, or are confined in jail. The Texas election code defines disability as a "sickness or physical condition" that prevents a voter from appearing in person without the likelihood of "injuring the voter's health." The group of plaintiffs had previously convinced state District Judge Tim Sulak of Travis County that susceptibility to the coronavirus counts as a disability under state election law and is a legally valid reason for voters to request mail-in ballots. A panel of the 14th Court of Appeals of Texas let that ruling stand, rebuffing Attorney General Ken Paxton's effort to have the ruling put on hold while he appealed it. The Texas Supreme Court then put it on hold. But in a separate case, the state Supreme Court last month ruled that a lack of immunity to the virus alone does not meet the state's qualifications for voting by mail. That ruling effectively gutted Sulak's ruling and the state lawsuit. In its order, though, the court repeatedly said that it is up to voters to assess their own health and physical conditions to determine if they meet the election code's definition for disability. When voters cite disability to request a mail-in ballot, they're not required to say what the disability is. The voters simply check a box on the application form, and if their application is properly filled out, local officials are supposed to send them a ballot. Before the Texas Supreme Court, the state ultimately conceded that officials can't reject those voters' requests. Legal challenges to the state's voting-by-mail rules continue in federal courts, though a panel of the U.S. 5th Circuit Court of Appeals extended its order last week blocking a lower court's sweeping ruling that would have allowed all Texas voters to qualify to vote by mail during the coronavirus pandemic. The panel cited in part the proximity of the upcoming July primary runoffs. It's possible the issue will end up before the U.S. Supreme Court after the runoffs.

June 4, 2020

- Bexar County Judge Nelson Wolff issued Executive Order NW-09 to supplement the existing Stay Home, Work Safe measures. These additional measures will take effect as of **12:01 a.m. on Friday, June 5, 2020 and continue through Tuesday, June 16, 2020** unless extended, modified or terminated early by the County Judge, and is consistent with Texas Governor Greg Abbott's executive order and mandates issued by the City of San Antonio. The Stay Home, Work Safe measures continue to be in effect for the incorporated and unincorporated areas of the County with social distancing being required. All people 10 years old or older are strongly encouraged to wear a cloth face covering over their nose and mouth when in a public place where it is difficult to keep six (6) feet away from other people, such as visiting a grocery store or working in a close proximity to other coworkers.
- Hidalgo County District and County Courts at Law jury trials are **cancelled until July 1, 2020**.
- Hidalgo County issued an amended emergency order encouraging all persons to shelter-at-home unless obtaining or providing for essential or reopened services.
- Hidalgo County jury panels have been **cancelled until August 1, 2020**.

- The U.S. District Court for the Southern District of Texas Houston and Galveston Divisions has continued all criminal and civil jury trials until **August 3, 2020**. Grand juries for the Houston and Galveston Divisions resumed **May 26, 2020**. Individual judges may continue to hold bench trials and other court proceedings

June 3, 2020

- Texas Governor Greg Abbott announced the state may begin the final phase of its three-phase reopening plan. In conjunction with phase 3, the governor issued Executive Order GA-26, which supersedes his prior orders.

- Under Executive Order GA-26, the following businesses may operate without occupancy restrictions:
 - Any services listed by the U.S. Department of Homeland Security's Cybersecurity and Infrastructure Security Agency (CISA) in its Guidance on the Essential Critical Infrastructure Workforce, Version 3.1 or any subsequent version;
 - Religious services conducted in churches, congregations, and houses of worship;
 - Local government operations, including county and municipal governmental operations relating to licensing (including marriage licenses), permitting, recordation, and document-filing services;
 - Child-care services;
 - Youth camps, including summer, daytime and overnight camps; and
 - Recreational sports programs for youths and adults.

- In addition, the following businesses may operate at full capacity as long as they operate with at least six feet between workstations:
 - Cosmetology salons, hair salons, barber shops, nail salons/shops;
 - Massage establishments and similar facilities; and
 - Other personal-care and beauty services such as tanning salons, tattoo studios, piercing studios, hair removal services, and hair loss treatment and growth services.

- The following establishments may only operate at up to 50% of their normal operating limits:
 - Professional, collegiate, or similar sporting events;
 - Swimming pools;
 - Water parks;
 - Museums and libraries;
 - Zoos, aquariums, natural caverns, and similar facilities; and
 - Rodeos and equestrian events.

- Amusement parks and carnivals in counties with less than 1,000 confirmed positive cases may open at 50% capacity. Amusement parks and carnivals in counties with more than 1,000 confirmed positive cases must remain closed until **June 19**, at which point they can reopen and operate at 50% capacity.

- All businesses previously authorized to operate at 25% capacity are permitted to operate at 50% capacity until **June 12**, at which time they may begin operating at 75% capacity. Bars and similar establishments may operate at 50% capacity as long as patrons are seated.

- As with prior executive orders, GA-26 encourages individuals to wear face coverings, but makes clear that no local or county jurisdiction can impose a civil or criminal penalty for failure to do so. GA-26 also encourages Texans to avoid groups of 10 or more people, recommends that individuals 65 or older stay at home as much as possible, and asks people to continue avoiding nursing homes, state supported living centers, assisted living facilities, or long-term care facilities.

May 29, 2020

- Conservative activist Steven Heltz, two Republican lawmakers, and a handful of business owners and church leaders are challenging Gov. Greg Abbott's power to issue executive orders during the coronavirus pandemic. An emergency petition to the state Supreme Court contends Abbott's orders violate the Texas Constitution by suspending laws enacted by the Legislature.
- The U.S. District Court for the Eastern District of Texas issued an order extending the guidance allowing pro se parties to file pleadings via mail, email or fax until **August 31, 2020**.

May 26, 2020

- The Texas Supreme Court's Seventeenth Emergency Order:
 - Extends deadlines in civil and criminal cases until no later than **September 30, 2020** (except in child-welfare cases);
 - Allows courts to keep holding remote proceedings and requires courts holding in-person hearings to follow guidance by the Office of Court Administration regarding social distancing, maximum group size and other restrictions and precautions;
 - Provides that, generally, no jury proceedings are allowed before **August 1, 2020** (subject to limited exceptions);
 - Allows existing grand juries to meet remotely or in-person; and
 - Extends deadlines in attorney licensure and discipline cases.

- Gov. Greg Abbott issued a proclamation expanding the enumerated list of Covered Services in Executive Order GA-23.
 - Food-court dining areas in shopping malls may open;
 - Starting **May 29, 2020**, water parks can open at 25% capacity;
 - Starting **May 31, 2020**, adult recreational sports programs may begin practice, but games and similar competitions may not begin until **June 15, 2020**; and
 - Drivers education programs may resume.

May 22, 2020

- Gov. Greg Abbott announced that fans will now be allowed at outdoor professional sporting events in most Texas counties with limited occupancy.
- Gov. Greg Abbott signed an executive order suspending in-person visitations in county and municipal jails.

May 21, 2020

- Harris County extended its stay-at-home order until **June 10**.
- Gov. Greg Abbott terminated air travel restrictions that were originally in effect to slow the spread of COVID-19.

May 20, 2020

A Texas federal judge ruled that all voters afraid of catching the novel coronavirus can request absentee mail-in ballots due to the pandemic. Last week, the Texas Supreme Court issued a decision halting five counties – Dallas, Cameron, El Paso, Harris and Travis – from issuing mail-in ballots. The new federal ruling will supersede last week's Supreme Court decision and make absentee voting available to all registered voters in the state.

May 19, 2020

- The Harris County Commissioners Court unanimously voted to extend the county's disaster declaration through **June 10**.
- Bexar County extended its Stay Home, Work Safe Order until **June 4, 2020**.

May 18, 2020

- Governor Abbott announced Phase II of the State of Texas' ongoing plan to safely and strategically open Texas while minimizing the spread of COVID-19. This phase is split up into four distinct days through the rest of the month: May 18, May 22, May 29, and May 31. Per the executive order, restaurants may increase their occupancy to 50% on May 22 and additional services & activities can open with restricted occupancy levels and minimum standard health protocols laid out by the Texas Department of State Health Services (DSHS). However, counties with significant COVID-19 hot spots will not move into Phase II May 29; these counties include El Paso, Randall, Potter, Moore, and Deaf Smith. Additionally, the Governor announced that public schools in Texas have the option to provide in-person summer school so long as they follow social distancing practices and health protocols laid out by DSHS. These classes may begin as soon as June 1st. To summarize the changes that will occur in Phase II, see the lists below.

- Reopened as of May 18, 2020:**
 - Child care centers
 - Massage and personal care centers (i.e. tattoo studios, piercing studios, hair removal services, etc.); must ensure 6 ft. social distancing)
 - Wedding venues/reception facilities (up to 25% occupancy)
 - Hair/nail/cosmetology/tanning salons and barbershops (must ensure 6 ft. social distancing)
 - Public swimming pools (up to 25% occupancy)
 - Gyms and exercise facilities (up to 25% occupancy)

- Reopening on May 22, 2020:**
 - Restaurants up to 50% occupancy (applies only to restaurants that have less than 51% of their gross receipts from the sale of alcoholic beverages)
 - Bars (includes wine tasting rooms and craft breweries; 25%)
 - Rodeos and equestrian events (25%)
 - Bowling alleys/bingo halls/simulcast racing (25%)
 - Skating rinks
 - Drive-in concerts
 - Aquariums and Natural Caverns (25%)

- Reopening on May 29, 2020:**
 - For El Paso, Randall, Potter, Moore, and Deaf Smith counties only: All services restored on May 18 and May 22 as listed above
 - Zoos (25%; outdoor areas only)

- Reopening on May 31, 2020:**
 - Day youth camps
 - Overnight youth camps
 - Youth sports (practice only; no games/competitions until June 15)
 - Professional sporting events without in-person spectators

- Remain closed:**
 - Child play areas, interactive games, and video arcades at restaurants
 - Mall food court dining areas
 - Mall play and interactive areas
 - Museum/library interactive areas
 - Movie theater interactive areas (i.e. video arcades)
 - Indoor areas of zoos (other than restrooms)
 - Zoo play areas
 - Gym locker rooms and shower facilities
 - Nursing homes, state-supported living centers, assisted living facilities, long-term care facilities remain closed to visitors

May 15, 2020

The Texas Supreme Court issued a decision halting five counties -- Dallas, Cameron, El Paso, Harris and Travis -- from issuing mail-in ballots.

To view all our updates, please visit our **COVID-19 Resource Center** at 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