County Judge Lina Hidalgo
DIRECTOR

ORDER OF COUNTY JUDGE LINA HIDALGO
Second Amended Stay Home, Work Safe
Phased Reopening of Services

Whereas, on March 11, 2020, Harris County Judge Lina Hidalgo issued a Declaration of Local Disaster for Public Health Emergency to allow Harris County to take measures to reduce the possibility of exposure to COVID-19 and promote the health and safety of Harris County residents in accordance with Section 418.108(a) of the Texas Government Code; and

Whereas, on March 13, 2020, Governor Greg Abbott issued a Declaration of State of Disaster to take additional steps to prepare for, respond to, and mitigate the spread of COVID-19 to protect the health and welfare of Texans in accordance with Section 418.014 of the Texas Government Code; and

Whereas, in March 2020, the US Centers for Disease Control issued guidance as to individuals, recommending that individuals practice social or physical distancing to prevent the spread of COVID-19 by staying at least 6 feet from other people, by refraining from gathering in groups, by staying out of crowded places and by avoiding mass gatherings; and

Whereas, on March 15, 2020, the US Centers for Disease Control issued guidance as to large events, explaining that larger gatherings (for example, more than 250 people) offer more opportunities for person-to-person contact and therefore pose a greater risk of COVID-19 transmission and community spread; counseling that based upon what is currently known about the virus, spread from person-to-person happens most frequently among close contacts (within 6 feet); and urging organizers to continually assess whether to postpone, cancel, or significantly reduce (if possible) the number of attendees at larger gatherings; and

Whereas, on March 17, 2020, the Harris County Commissioners Court extended the Declaration of Local Disaster for Public Health Emergency to March 25, 2020 in accordance with Section 418.108(b) of the Texas Government Code; and

Whereas, on March 19, 2020, Governor Abbott issued the first Public Health Disaster Declaration released in the State of Texas since 1901 and an Executive Order which, among other things, prohibits Texans from gathering in groups of more than ten persons; and

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Whereas, on March 24, 2020, the Harris County Commissioners Court extended the Declaration of Local Disaster for Public Health Emergency to April 29, 2020 in accordance with Section 418.108(b) of the Texas Government Code; and

Whereas, on March 24, 2020, the Harris County Judge issued a "Stay Home, Work Safe" Order prohibiting gatherings and providing that residents stay home other than to perform Essential Services as defined in Federal guidance. The Stay Home, Work Safe order provided that in performing or obtaining Essential Services, residents should follow Center for Disease Control and Prevention "CDC" guidelines on social distancing; and

Whereas, on March 31, 2020, Governor Abbott issued Executive Order GA-14 implementing Essential Services and Activities Protocols through April 30, 2020 and expanding the social-distancing restrictions and other obligations for Texans that are aimed at slowing the spread of COVID-19, including limiting social gatherings and in-person contact with people other than those in the same household; and

Whereas, on April 3, 2020, the Harris County Judge extended the Stay Home, Work Safe Order effective April 4, 2020 through April 30, 2020; and

Whereas, on April 17, 2020, Governor Abbott issued Executive Order GA-16 to replace Executive Order GA-14, and included the same social-distancing restrictions and other obligations for Texans according to federal guidelines that are aimed at slowing the spread of COVID-19; and

Whereas, on April 27, 2020, Governor Abbott issued Executive Order GA-18 to replace Executive Order GA-16, and providing among other things, that every person in Texas shall, except where necessary to provide or obtain essential services or reopened services, minimize social gatherings and minimize in-person contact with people who are not in the same household in accordance with guidance from DSHS Commissioner Dr. Hellerstedt and to achieve the goals established by the President to reduce the spread of COVID-19. This order is called Executive Order GA-18 in this Order; and

Whereas, on April 28, 2020, the Texas Supreme Court issued its Twelfth Emergency Order regarding the COVID-19 State of Disaster, which provides, in part, that "[s]ubject only to constitutional limitations, all courts in Texas may in any case, civil or criminal—and must to avoid risk to court staff, parties, attorneys, jurors, and the public—without a participant's consent: … modify or suspend any and all deadlines and procedures, whether prescribed by statute, rule, or order a stated period ending no later than 30 days after the Governor's state of disaster has been lifted …"; and

Whereas, on April 28, 2020, the Harris County Commissioners Court extended the Declaration of Local Disaster for Public Health Emergency to May 20, 2020 in accordance with Section 418.108(b) of the Texas Government Code; and

Whereas, on April 28, 2020, the Harris County Judge issued an Amended Order regarding the Use of Face Covering which, among other things, encourages individuals to continue to maintain social distance of at least six feet when outside their residences and in a public place; and

Whereas, on April 30, 2020, Texas Attorney General Ken Paxton issued a letter opinion to Brazoria County Judge Matt Sebesta that stated, among other things, that Executive Order GA-18 does not permit bars, gyms, public swimming pools, interactive amusement venues such as bowling alleys and video arcades, massage establishments, tattoo studios, piercing studios, and cosmetology salons to re-open, and that local governments are prohibited from allowing businesses to reopen unless they are recognized as essential or reopened services under the Governor's order; and

Whereas, the COVID-19 virus is contagious and spreads through person-to-person contact, especially in group settings; and

Whereas, a County Judge acts as the emergency management director for the county and serves as the Governor's designated agent in the administration and supervision of duties during a state of emergency declared by the Governor in accordance with Section 418.1015(a) and (b) of the Texas Government Code; and

Whereas, a County Judge, serving as the Governor's designated agent in the administration and supervision of duties during a state of emergency declared by the Governor, "may exercise the powers granted to the governor under this chapter on an appropriate local scale" in accordance with Section 418.1015(b) of the Texas Government Code; and

Whereas, a County Judge, serving as the Governor's designated agent in the administration and supervision of duties during a state of emergency declared by the Governor, may use state or federal resources without prior authorization from the division or the state or federal agency having responsibility for those resources in accordance with Section 418.1015(d) of the Texas Government Code; and

Whereas, a County Judge, serving as the Governor's designated agent in the administration and supervision of duties during a state of emergency declared by the Governor, is authorized to control ingress to and egress from a disaster area and control the movement of persons and the occupancy of premises on an appropriate local scale in accordance with Sections 418.1015 and 418.018 of the Texas Government Code; and

Whereas, upon Declaration of a Local Disaster, a County Judge is authorized to control ingress to and egress from a disaster area and control the movement of persons and the occupancy of premises in accordance with Section 418.108(g) of the Texas Government Code; and

NOW THEREFORE, I, COUNTY JUDGE FOR HARRIS COUNTY, TEXAS, PURSUANT TO THE AUTHORITY VESTED BY TEXAS GOVERNMENT CODE CHAPTER 418, HEREBY FIND AND ORDER:

That the findings and recitations set out in the preamble to this ORDER are found to be true and correct and they are hereby adopted by the County Judge and made a part hereof for all purposes.

Summary. The virus that causes 2019 Coronavirus Disease (COVID-19) is easily transmitted through person-to-person contact, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private healthcare providers to handle the influx of new patients and safeguard public health and safety. Because of the risk of the rapid spread of the virus and the need to protect the most vulnerable members of the community, this Order encourages all individuals anywhere in Harris County, to stay at home – except to provide or obtain essential services or reopened services. This Order takes effect upon signing and will continue through 11:59 p.m. on May 20, 2020, subject to the limited exceptions and under the terms and conditions more particularly set forth below.

This order is issued to further the goals and policies of the State of Texas as set out in Executive Order GA-18 and is to be construed in connection with such executive order.

1. Effective upon signing, and continuing until 11:59 p.m. on May 20, 2020:

   a. Every person in the County shall, except when necessary to provide or obtain essential services or reopened services as those terms are defined by Executive Order GA-18, minimize social gatherings and minimize in-person contact with people who are not in the same household. People over the age of 65 are strongly encouraged to: stay at home as much as possible; maintain appropriate distance from any member of the household who has been out of the residence in the previous 14 days; and, if leaving the home, implement social distancing and to practice good hygiene, environmental cleanliness, and sanitation.

   b. Individuals experiencing homelessness are exempt from this Order except that, to the extent individuals are using shared or outdoor spaces, they should, to the greatest extent feasible, maintain social distancing of at least six feet from any other person. Individuals experiencing homelessness are strongly urged to obtain shelter. Governmental and other entities that can provide shelter to homeless individuals are strongly urged to make shelter available, as soon as possible and to the maximum extent practicable (and are encouraged to utilize social distancing requirements in their operations).

   c. All businesses except essential services or reopened services as defined in Executive Order GA-18 operating within Harris County should cease all activities at facilities located within the County. All businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). Essential services may continue operating at full occupancy, but are encouraged to operate at less-than-total occupancy and to permit as many employees as feasible to work from home in order to impede virus transmission.

   d. All public or private gatherings of any number of people occurring outside a single household or living unit are strongly discouraged. Nothing in this

Order prohibits the gathering of members of a household or living unit. Nothing in this Order affects orders or agreements regarding child-related visitation or custody arrangements.

e. Individuals may go to public parks and open outdoor recreation areas. Individuals may engage in outdoor sports provided that the sports do not include contact with other participants and involve no more than four participants playing the sport at the same time. Park benches, communal playgrounds, and playground equipment may increase the spread of COVID-19 and, therefore, shall remain closed.

f. Gyms, fitness centers, public swimming pools, interactive amusement venues and other facilities that are used or intended to be used for any type of training, martial arts, sport or recreation shall remain closed pursuant to Executive Order GA-18. Indoor sports areas may not open. Batting cages, workout areas, and indoor fields will be treated like gyms and are not authorized to be open.

g. Barbers, hair salons, nail salons, cosmetology services, spas, massage businesses, tattoo studios, piercing studios, concert halls, live performance theaters, arenas, stadiums, game rooms, bowling alleys, arcades, and bingo halls shall remain closed pursuant to Executive Order GA-18.

h. Bars may not reopen for on-premises service. The use of drive-through, pickup, or delivery options for food and drinks remains permitted, and highly encouraged, throughout the limited duration of this order.

3. In providing or obtaining essential services or reopened services, people and businesses should follow the minimum standard health protocols recommended by DSHS, found at www.dshs.texas.gov/coronavirus, and should implement social distancing, work from home if possible, and practice good hygiene, environmental cleanliness, and sanitation. This also includes the following, to the extent not inconsistent with the DSHS minimum standards, the Guidelines from the President and the CDC, as well as other CDC recommendations. Individuals are encouraged to wear appropriate face coverings consistent with the Amended Face Covering Order.

4. Religious services should be conducted in accordance with the joint guidance issued and updated by the Texas attorney General and Governor.

5. If someone in a household has tested positive for COVID-19, all residents of the household are ordered to isolate at home until cleared by a public health authority or medical provider.

6. In accordance with the Guidelines from the President and the CDC, people shall not visit nursing homes, state supported living centers, assisted living facilities, or

long-term care facilities unless to provide critical assistance as determined through guidance from the Texas Health and Human Services Commission (HHSC). Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow infection control policies and practices set forth by the HHSC, including minimizing the movement of staff between facilities whenever possible.

7. This Order shall be effective until 11:59 p.m. on May 20, 2020 or until it is either rescinded, superseded, or amended pursuant to applicable law.

8. Pursuant to Appendix 9 to and Section V(A)(5)(a) Annex U of the Harris County Basic Plan adopted by Harris County Commissioners Court on October 29, 2019, and in accordance with Tex. Gov't Code § 418.173, any law enforcement agency based in Harris County is hereby authorized to enforce this order and the failure to comply with this Order is an offense under this Order and is punishable by a fine that does not exceed $1,000.00 or confinement in jail for a term that does not exceed 180 days.

9. Harris County will post this Order on the Internet. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

ORDERED at 7:05 p.m. on this 1st day of May, 2020, in the County of Harris, Texas.

IT IS SO ORDERED.

LINA HIDALGO
HARRIS COUNTY JUDGE