

SWP UPDATE ON COVID-19

May 15, 2020 - June 15, 2020

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 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 Hotze, 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