



March 2020

Follow @Paul_Hastings



PH COVID-19 Client Alert Series: Harris County, Texas Stay Home, Work Safe Order

By [David Peterman](#), [Bill Pritchett](#) & [Jonathan Hess](#)

Harris County issued its Stay Home, Work Safe Order on March 24, 2020, to be effective starting at 11:59 p.m. on Tuesday, March 24, 2020 and running through 11:59 p.m. on Friday, April 3, 2020.

The following is a summary of the Order. It includes a table that organizes and summarizes the headline restrictions, exceptions, exemptions, enforcement actions, timetables and more that are set forth in the official Order the full text of which can be accessed at <https://www.readyharris.org/Stay-Home>.

To date, the State of Texas has not issued a state-wide stay at home order. As a consequence, many of the counties in the State of Texas have begun issuing their own shelter in place or stay at home orders. So far these various county orders have followed the same general framework. Each has generally required that subject to specified exceptions, all individuals residing in that county are to remain at home for the term of the order, and that all businesses operating in that county cease operation. The specified exceptions are for individuals providing essential activities, and for businesses that are essential businesses, and those terms are defined and explained in each county's order.

Each of the orders has been structured so as to supplement the guidance issued by the Cybersecurity and Infrastructure Security Agency ("CISA") with regards to the 16 critical infrastructure sectors it identified.

Each county has provided additional guidance as to the application of the 16 critical infrastructure sectors in that county, and has provided its own guidance as to what are essential activities and essential businesses in that county. For example, Harris County has specifically excepted activities of NASA and the Port of Houston. Other counties have identified exceptions that are unique and appropriate for the respective counties.

The following is our summary of the Harris County Order. We hope that you find this useful in navigating your personal lives and business operations during these unprecedented times. While this summary is specific to the Harris County Order, those of you who live in or have business operations in other counties in the State of Texas will still find this summary to be generally useful, as most of the counties are following the same general framework. However, you will need to refer to any order



issued by your County in order to definitively understand the restrictions that your County has mandated.

One note and one recommendation.

Note. This is a very fluid situation and the various County orders, while detailed in some ways are also subject to interpretation in others. We anticipate that all County orders will continue to be amended or supplemented as the orders began to be implemented in our communities. We will attempt to update this summary over the following days and weeks, but please be aware that this summary speaks only as to the Harris County Order as of the date stated above and reflects the information that we have been able to locate that is publicly available.

Recommendation. For those operating an Essential Business, we encourage you to consider issuing to each of your employees or contractors who will be traveling to and from your business a letter on company letterhead that identifies the name of your company, generally states the nature of your business, names the individual employee or contractor, and states that you require that individual to be at your place of business in order to operate. We have not seen any reference to such a letter in any of the County orders so far, and as a consequence any such letter would not have any officially mandated special authority. However, we would anticipate that having such a letter in his or her possession would lend credibility should they be stopped or questioned by a law enforcement officer or other governmental authority.

Finally, please note that this summary highlights information contained in the Harris County Order. In evaluating how the Order applies to you or your business, you should carefully read the entire Order and the other rules, orders, and announcements referenced in the Order.

Summary:

Restrictions	Effective Dates	From 11:59 p.m. on March 24, 2020 through 11:59 p.m. on April 3, 2020
	Coverage	All individuals currently living within Harris County are ordered to stay at their place of residence except for Essential Activities (defined below). All persons may leave their Residences (defined below) only for Essential Activities (defined below), or to provide or perform Essential Governmental Functions (defined below), or to operate Essential Businesses. Residence - For purposes of the Order, Residence includes homes, hotels, motels, shared rentals, and similar facilities.
	Homeless	Individuals experiencing homelessness are exempt from the Order except that they are to try to maintain social distancing of at least six feet from any other person.



	Businesses, Other Than Essential Businesses, to Cease Operations (employees can work from home)	<p>All businesses operating within Harris County are required to cease all activities at facilities located within the County. This does not apply to Essential Businesses.</p> <p>Businesses may continue operations with employees or contractors working from home.</p>
	No Gatherings	<p>All public or private gatherings of any number of people occurring outside a single household or living unit are prohibited. There are exceptions for certain outdoor spaces and activities (see Public Parks, etc. below).</p> <p>This does not prohibit the gathering of members of a household or living unit.</p> <p>This does not affect orders or agreements regarding child-related visitation or custody arrangements.</p>
	Public Parks, etc. Okay	<p>Individuals may go to public parks and open outdoor recreation areas. Note that six-foot social distancing requirements still apply.</p> <p>Public playgrounds are closed - they may increase spread of COVID-19.</p> <p>People are advised not to touch benches, water fountains, swings, or other outdoor objects.</p>
	Restaurants, Bars, etc. May Provide Take-Out Services	<p>Restaurants, bars, micro-breweries, micro-distilleries, wineries, and other establishments that serve food may only serve food and/or alcohol by take out, delivery, or drive-through services.</p>
	Gyms, Fitness Centers, Pools, etc. Closed	<p>Gyms, fitness centers, swimming pools, and other facilities that are used or intended to be used for any type of training, martial arts, sport, or recreation shall close.</p>
	Hair, Nail Salons, Concert Halls, Stadiums, Theaters, etc. Are Closed	<p>Hair and nail salons, spas, licensed massage businesses and tattoo parlors, concert halls, live performance theaters, arenas, stadiums, movie theaters, game rooms, bowling alleys, arcades, indoor and outdoor flea markets and swap meets,</p>



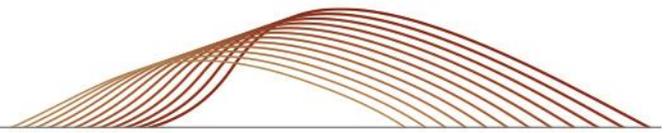
		indoor malls, indoor shopping centers, and bingo halls shall close.
	Faith Based and Other Religious Services Are Restricted	<p>Faith leaders may minister and counsel in individual settings.</p> <p>Religious and worship services may only be provided by video and teleconference.</p> <p>Religious institutions must limit in-person staff to those necessary for preparing for or conducting video or teleconference services.</p> <p>In all cases, the six-foot social distancing rules must be observed.</p>
Essential Activities (Permitted Activities)	Health and Safety	To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (for example, obtaining medical supplies or medication, visiting a healthcare professional, or obtaining supplies needed to work from home).
	Obtaining Necessary Services or Supplies	To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others (for example, food, pet supplies, and any other household consumer products, supplies needed to work from home, and products necessary to maintain the safety, sanitation, and essential operation of residences).
	Outdoor Activities	To engage in outdoor activity (for example, walking, biking, hiking, running, or fishing), provided the individuals comply with social distancing requirements of six feet.
	Working for Essential Businesses and Other Permitted Activities	To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in the Order.
	Care for Family Members or Pets	To care for a family member or pet in another household.



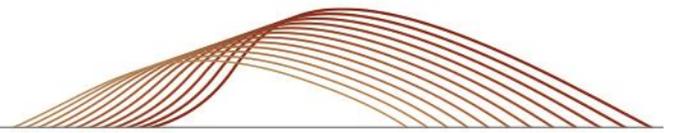
<p>Essential Businesses</p>	<p>Essential Critical Infrastructure</p>	<p>Work necessary to the operations and maintenance of the 16 critical infrastructure sectors identified by CISA (see below) provided that they carry out those services or that work in compliance with social distancing requirements of six feet to the extent possible.</p> <p>Note: The Harris County Order provides additional guidance as to how the 16 critical infrastructure sectors apply in Harris County.</p> <p>Note: A copy of the extensive guidance issued by the U.S. Department of Homeland Security National Cybersecurity and Infrastructure Security Agency (CISA) regarding the 16 critical infrastructure sectors is included at the end of the Order and can be accessed at https://www.readyharris.org/Stay-Home.</p> <p>The 16 sectors are:</p> <ul style="list-style-type: none"> • Healthcare/Public Health • Law Enforcement, Public Safety, and First Responders • Food and Agriculture • Energy • Water and Wastewater • Transportation and Logistics • Public Works • Communications and Information Technology • Other Community-Based Government Operations and Essential Functions • Critical Manufacturing • Hazardous Materials • Financial Services • Chemical • Defense Industrial Base
------------------------------------	--	---



	<p>Essential Government Functions</p>	<p>All services provided by local governments and municipalities located in Harris County needed to ensure their continuing operation to provide for the health, safety, and welfare of the public, including law enforcement, jail operations, and other services.</p> <p>Must comply with social distancing requirements of six feet to the extent possible.</p>
	<p>Essential City of Houston Government Functions</p>	<p>All services provided by the City of Houston that the Mayor of the City of Houston determines to be essential Government Functions.</p> <p>Must comply with social distancing requirements of six feet to the extent possible.</p>
	<p>Essential Healthcare Operations</p>	<p>Healthcare operations, including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, or any related and/or ancillary healthcare services.</p> <p>Home-based and residential-based care for seniors, adults, or children are also considered healthcare operations.</p> <p>Healthcare operations also include veterinary care and all health and welfare services provided to animals.</p> <p>This exemption is to be viewed broadly to avoid any impacts to the delivery of healthcare.</p> <p>Note: On March 22, 2020, Governor Greg Abbott ordered that all non-essential (elective) surgeries and medical procedures be postponed until 11:59 p.m. on April 21, 2020. Governor Abbot has subsequently issued additional orders that further clarify this order.</p>



	<p>Essential Retail</p>	<p>Food producers and service providers, including grocery stores, warehouse stores, furniture suppliers, big box stores, bodegas, liquor stores, gas stations and convenience stores, and farmers' markets that sell food products and household staples.</p> <p>Food cultivation, including farming, ranching, fishing, and livestock.</p> <p>Food production, including the production of canned goods, bottled beverages, and other grocery items.</p> <p>Businesses that ship or deliver groceries, food, goods, or services directly to residences.</p> <p>Restaurants and other facilities that prepare and serve food, but only for delivery, drive-thru, or carry-out.</p> <p>Schools and other entities that typically provide free services to students or members of the public on a pick-up and take-away basis only.</p> <p>The restriction of delivery or carry-out does not apply to cafes and restaurants located within hospital and medical facilities.</p> <p>Laundromats, dry cleaners, and laundry service providers.</p> <p>Gas stations, auto supply, auto and bicycle repair, hardware stores, and related facilities.</p> <p>Businesses that supply products needed for people to work from home.</p>
	<p>Providers of Basic Necessities to Economically Disadvantaged Populations</p>	<p>Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.</p>
	<p>Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses</p>	<p>Trash and recycling collection, processing and disposal, mail and shipping services, building cleaning, maintenance and security, warehouse/distribution and fulfillment, storage for essential businesses, funeral homes, crematoriums, and</p>



		<p>cemeteries.</p> <p>Plumbers, electricians, exterminators, yard and maintenance crews, housekeepers, janitorial staff, pool cleaners and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences and Essential Businesses.</p> <p>Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities.</p> <p>Businesses that supply other Essential Businesses with support or utilities needed to operate.</p> <p>Caregivers and helpers who provide services to seniors and disabled individuals.</p>
	News Media	Newspapers, television, radio, and other media services.
	Childcare and Adult Care Services	Childcare and adult care facilities providing services that enable employees exempted in the Order to work as permitted.
	Infrastructure, Development, Operation, and Construction	For example, public works construction, construction of housing or other types of construction including commercial, manufacturing, airport operations and aircraft manufacturing, maintenance or repair, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).
	Transportation	<p>Businesses related to the operation, maintenance, construction, and manufacture of transportation services.</p> <p>For example:</p> <p>(a) vehicle manufacturers, automotive suppliers and parts departments, car dealerships, parts distributors,</p>



		<p>maintenance and repair facilities;</p> <p>(b) public transportation;</p> <p>(c) businesses supporting airport operations;</p> <p>(d) street and highway maintenance and construction;</p> <p>(e) gas stations and other fuel distribution businesses; and</p> <p>(f) vehicles for hire, including public transportation services, Uber, Lyft, and taxicabs, that enable persons to travel to or from employers, service providers, or businesses exempted in the Order. However, people riding on public transit must comply with the six-foot social distancing requirements to the greatest extent feasible.</p>
	Labor Union Functions	Critical labor union functions, including the maintenance of health and welfare funds and checking on the well-being and safety of members.
	NASA and Port of Houston	<p>Activities of the National Aeronautics and Space Administration and the Port of Houston.</p> <p>Note: These are very broadly stated exceptions that seem to permit any activities associated with NASA or the Port of Houston. We anticipate that there will be amendments or clarifications to these exceptions in order to better define what is covered by these exceptions.</p>
	Airports and Related Operations	<p>Airport and airline activities, operations, maintenance and repairs, and the hotels that serve these Essential Businesses.</p> <p>Note: This is a very broadly stated exception that seems to permit any activities associated with our airports. We anticipate that there will be amendments or clarifications to this exception in order to better define what is covered by this exemption.</p>



	Professional Services	Professional services, such as legal or accounting services, insurances services, and "real estate services" when necessary to assist in compliance with legally mandated activities or to further Essential Businesses, Essential Government functions, or Critical Infrastructure.
Additional Rules and Exceptions	General Requirements	<p>All Essential Businesses must follow these guidelines:</p> <p>(1) practice social distancing by requiring patrons, visitors, and employees to be separated by six (6) feet, to the extent feasible;</p> <p>(2) provide access to hand washing facilities with soap and water or hand sanitizer that contains at least 60 percent alcohol;</p> <p>(3) post a sign in a conspicuous place at the public entrance to the venue instructing members of the public not to enter if they are experiencing symptoms of respiratory illness, including fever or cough; and</p> <p>(4) adhere to other general communicable disease control recommendations by public health authorities.</p>
	<p>Applications for Exemptions:</p> <p>Businesses that Retool to Provide Health Supplies or Other Essential Services</p> <p>Other Businesses</p>	<p>Any manufacturer who retools so that a substantial part of their business is for the purpose of manufacturing and producing ventilators, personal protective equipment, or other medical supplies and equipment necessary for the COVID-19 response may apply for an "Essential Business" exemption under the Order.</p> <p>Any industry or business that is not an Essential Business may apply for an exemption from the requirements imposed by this Order.</p> <p>To be eligible for an exemption, the industry or business must complete and submit an application form, which will be made available to the public at www.ReadyHarris.org, along with evidence that the continuing operations of the business or industry are essential to</p>



		<p>promoting the general welfare of the residents of Harris County and the State of Texas during the COVID-19 response.</p> <p>Businesses or industries that retool or amend their operations to provide or support Essential Services during the COVID-19 response may also submit an application for exemption.</p>
	Delivery Hour Restrictions Suspended for Grocery Stores, Hospitals, etc.	The Order hereby suspends all delivery hour restrictions for transport to or from any entity involved in the selling or distribution of food products, medicine, or medical supplies or equipment in Harris County for the next sixty (60) days.
	Household to Quarantine if Positive Test for COVID-19	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.
	Nursing Homes, etc. to Prohibit Visitors Except for End-of-Life Visitation	Nursing homes, retirement, and long-term care facilities are to prohibit nonessential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.
	Penalties for Failure to Comply with Order	Any law enforcement agency based in Harris County is authorized to enforce the Order and the failure to comply with the Order is punishable by a fine that does not exceed \$1,000.00 or confinement in jail for a term that does not exceed one hundred eighty (180) days.

✧ ✧ ✧

STAY CURRENT



If you have any questions concerning these developing issues, please do not hesitate to contact any of the following Paul Hastings Houston lawyers:

David Peterman
1.713.860.7307
davidpeterman@paulhastings.com

J.D. Hess
1.713.860.7361
jonathanhess@paulhastings.com

Bill Pritchett
1.713.860.7323
billpritchett@paulhastings.com

Paul Hastings LLP

Stay Current is published solely for the interests of friends and clients of Paul Hastings LLP and should in no way be relied upon or construed as legal advice. The views expressed in this publication reflect those of the authors and not necessarily the views of Paul Hastings. For specific information on recent developments or particular factual situations, the opinion of legal counsel should be sought. These materials may be considered ATTORNEY ADVERTISING in some jurisdictions. Paul Hastings is a limited liability partnership. Copyright © 2020 Paul Hastings LLP.