

SWP UPDATE ON COVID-19

March 13, 2020 - April 12, 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 13, 2020 - May 13, 2020 updated list** please click the following link [here](#).

April 12, 2020

Governor Abbott extended the disaster declaration issued for Texas for another 30 days.

April 11, 2020

A state judge in Austin has temporarily halted Gov. Greg Abbott's executive order prohibiting judges from releasing inmates during the pandemic on personal bonds if they've been accused or convicted of a violent crime, saying that to keep the order in place would cause irreparable harm. Livingston's order expires **April 24** when it will be evaluated for renewal by another judge.

April 10, 2020

• Houston Mayor Sylvester Turner announced the closure of every park in Harris County, including the city of Houston, for Easter weekend. Even past Monday morning, certain parts of city parks will remain closed until further notice, including all park playgrounds, basketball courts, exercise equipment, skateparks, water playgrounds, as well as City-owned golf courses, driving ranges, the Memorial Park Tennis Center, Lee LeClear Tennis Center, and the Homer Ford Tennis Center at MacGregor Park. Neighborhood tennis centers will reopen on Monday morning. The city urged park visitors to maintain social distancing once parks reopen.

• Texas Governor Greg Abbott revealed at a press conference an executive order regarding plans to the reopen Texas businesses is expected to come sometime in the coming week.

• Fort Bend County public parks will remain open Easter weekend. Officials said the county has placed new signage around the parks to educate the public on best practices on how to maintain social distancing.

• The city of Dallas has closed parks for Easter weekend.

• The U.S. District Court for Southern District of Texas has ordered that the Bob Casey U.S. Courthouse in Houston, Texas is closed to all tenants, contractors, and persons who work at the courthouse, with the exception of judges and their staff they expressly authorize to enter the premises, until **April 17, 2020**. The Bob Casey U.S. Courthouse will continue to be closed to the public through **May 1, 2020**. Unless further developments cause another delay, the Bob Casey U.S. Courthouse will reopen for official business on **Monday, May 4, 2020**.

• A federal appeals court temporarily blocked a ruling from a lower court that allowed some abortions to resume in Texas as the government in Austin works to curtail the procedure during the coronavirus outbreak. The 5th Circuit Court of Appeals based in New Orleans issued a stay halting the decision from a lower court, with the move essentially upholding a state policy deeming abortion a nonessential procedure during the COVID-19 pandemic. The appeals court's ruling means that most abortions will now be prohibited in Texas, though it includes an exception for pregnancies nearing the state's 22-week cutoff.

April 9, 2020

• Governor Abbott clarified that golf courses "must cease all operations with employees, golf carts, pro shops and so forth," but can allow golfers to walk the courses, observe social distancing and police themselves.

• In its tenth emergency order, the Texas Supreme Court has delayed service for garnishment writs to collect consumer debt under Texas Finance Code Section 392.001(2) before **May 8**.

• The Texas Supreme Court's eleventh emergency order extends deadlines to renew certifications, licenses or registrations issued by the Judicial Branch Certification Commission, including those for mandatory continuing education, until **May 31, 2020**.

• Governor Greg Abbott suspended certain statutes concerning appearance before a notary public to execute a self-proved will, a durable power of attorney, a medical power of attorney, a directive to physician, or an oath of an executor, administrator, or guardian. These suspensions temporarily allow for appearance before a notary public via videoconference when executing such documents, avoiding the need for in-person contact during the COVID-19 pandemic.

April 7, 2020

• Governor Greg Abbott declared golf courses non-essential businesses, which means they will be closed during the COVID-19 pandemic. Bexar County has issued an order that all courses in the county close until further notice. Denton County Judge Nelson Wolff joined San Antonio Mayor Ron Nirenberg in unequivocally shutting down all golf courses in the city and county, saying officials continued to get reports about golfers socializing too close to each other. However, Dallas County, Tarrant County and Collin County are allowing golf courses to operate as long as they follow CDC guidelines. For several weeks, Austin has allowed its municipal courses to be played for free, without flags, carts, pro shops or restrooms. A survey by the National Golf Foundation reported that 82% of the courses in Texas remain open.

• Texas Governor Greg Abbott announced the temporary closure of all state parks and historic sites. Historic sites and state parks will reopen at the direction of the Governor.

• Governor Abbott announced that the Texas Health and Human Services Commission has adopted an emergency rule to allow end-stage renal disease facilities to treat patients more effectively during the COVID-19 response. This emergency rule provides increased flexibility to providers to serve dialysis patients. This will be helpful in providing appropriate social distancing and/or provide locations for patients that have tested positive for COVID-19 at a location separate from other dialysis patients to reduce the chance of spreading the virus. This emergency rule will allow currently licensed ESRD facilities to operate off-site outpatient facilities without obtaining a new license at the following:

- An ESRD that is no longer licensed that closed within the past 36 months;
- A mobile, transportable, or relocatable medical unit;
- A physician's office;
- An ambulatory surgical center or freestanding emergency medical care facility that is no longer licensed that closed within the past 36 months.

• Texas Lieutenant Governor Dan Patrick appointed a business task force to aid with restarting the state's economy. Patrick announced that the Texas Senate has volunteered to help the Texas Workforce Commission answer calls from Texans who are seeking unemployment assistance.

• U.S. Senator John Cornyn announced that he will back legislation to fund \$3 billion in funding to purchase crude oil produced in the country for the Strategic Petroleum Reserve.

April 6, 2020

• The Supreme Court of Texas issued its ninth emergency order, which extends Emergency Order 4, prohibiting a trial, hearing, or other proceeding in an eviction to recover possession of residential property under Chapter 24 of the Property Code and Rule 510 of the Texas Rules of Civil Procedure until after **April 30, 2020**.

• The Center for Disease Control and Prevention is now recommending cloth face masks to prevent spreading the new coronavirus.

• After weeks of high-stakes wrangling about reducing the jail population to battle the coronavirus pandemic, just a dozen of about 7,600 inmates have walked out the door of Harris County's downtown jail.

• Texas has extended its eviction delay due to COVID-19. No eviction cases will be heard in court until **April 30**. No writs of possession will be executed until **May 7**. However, landlords can still file for eviction.

• Police checkpoints are being set up along the Louisiana border in a move to further cut off travel from a neighboring state that has been among the hardest hit by the new coronavirus.

April 5, 2020

Bexar County Judge Nelson Wolff issued Executive Order NW-05 extending the Stay Home, Work Safe Measures through **April 30, 2020**. Those measures include the suspension of home foreclosures and evictions. In addition, **beginning Friday, April 10 at 9 p.m. through Monday, April 13**, all Bexar County Parks will be closed to the public. Park trails, linear parks, and greenways will remain open as long as users consistently follow social distancing. All recreational areas where social distancing and sanitizing requirements are difficult or impossible to meet, such as basketball courts, community centers, and playgrounds, continue to be closed until the order is rescinded or expires.

April 3, 2020

• The Harris County Criminal District Court Trial Division issued an order to disregard the directive by Harris County Judge Lina Hidalgo regarding the release of felony inmates or probationers in custody of the Harris County Sheriff or the Harris County Community Corrections and Supervision Department.]

• The Bexar County Judge issued a supplemental order in accordance with the Texas Disaster Act of 1975 that directly addresses the work standards in long-term care facilities, which limit employees that have direct contact with patients from working or visiting more than one location to help reduce the risk of community spread COVID-19. Additionally, all visitors and employees will be screened before entering any Bexar County owned or leased facility.

April 2, 2020

The Texas Office of Court Administration issued a revised attorney travel authorization for attorneys and staff under stay-at-home orders. The authorization notes that the United States Department of Homeland Security has identified "workers supporting the operations of the judicial system" as essential workers, and deems officers of the courts, lawyers, as well as their necessary staff, essential. The authorization is consistent with Governor Abbott's Executive Order requiring even essential services to be provided through remote telework from home unless they cannot be provided remotely. The revised authorization added that lawyers and their staff must work from home if possible and provide all services from home unless the services cannot be provided through remote telework. The authorization was also amended to say lawyers and staff may travel to and attend court proceedings, depositions, and meetings with clients and others **if the services cannot be provided through remote telework**.

April 1, 2020

• The Supreme Court of Texas issued its eighth emergency order, which delays the statute of limitations in civil cases from **March 13, 2020 until June 1, 2020**, subject to extension. A previous order had left the issue up to trial courts, a decision that nine bar association and specialized law organization leaders had opposed. The order leaves room for Chief Justice Nathan Hecht to extend the deadline further.

• Fort Bend County and Galveston County have **extended their stay home orders through the end of April**.

• The Texas Workforce Commission said it will now backdate unemployment claims to the date that workers were laid off, in an apparent revision to its previous position. The agency will date payments for unemployment benefits from the time of the worker's separation of employment.

• The Houston Federal Courthouse is closed after someone who works there tested positive for COVID-19. The building will reopen to the public **April 10 or April 13. Beginning April 2nd**, judges and staff are asked to stay out of the building for a 72-hour period.

• Harris County Judge Lina Hidalgo signed an order directing the Harris County Jail to release some low-risk inmates to mitigate the spread of coronavirus.

• The Houston City Council approved an emergency purchase of \$64,000 worth of hand sanitizer. The product will be dispatched to all major city facilities.

• Starting **April 2, 2020**, Laredo residents will have to wear a nose or mouth covering if they enter any building that is not their house -- or risk a criminal penalty. In place of a mask, people can also wear a bandana, a scarf, or even a spare piece of fabric as long as it covers their nose and mouth. Those not in compliance can be fined up to \$1,000. The city appears to be one of the first to adopt such a mandate.

March 31, 2020

• Governor Greg Abbott announced an executive order allowing Texans to engage in only essential services until **April 30, 2020**, to promote social distancing and stop the spread of the coronavirus in Texas. Abbott said all **Texas schools will remain closed until at least May 4**. The order marks Abbott's most far-reaching restrictions yet to guard against the novel coronavirus. It is not officially a stay-at-home order, and Abbott testified of use of that term, but it has many of the features of such orders and delineates which types of businesses can remain open -- including churches, offering the possibility of limited Easter services. Abbott said the order overrides any put in place by local governments that are inconsistent with it, though cities and counties are free to issue stricter provisions in areas not mentioned in the statewide order, if they choose. Governor Abbott released a video on **April 1st** clarifying that his executive order "requires all Texans to stay at home" except for **essential** activities. Abbott's order **went into effect at midnight on April 1st**. With that, Texas now joins 37 other states that have enacted statewide stay-at-home orders.

• Harris County Judge Lina Hidalgo and Mayor of Houston, Sylvester Turner, have extended the "Stay Home, Work Safe" order through **April 30**, following President Trump's social distancing guidelines.

• Montgomery County extended their stay-at-home order. The amended order is now in place through **April 30, 2020**.

• Governor Greg Abbott said that if religious services cannot be conducted from home or through remote services, they should be conducted consistent with the guidelines from the President and the CDC by practicing good hygiene, environmental cleanliness, and sanitation, and by implementing social distancing to prevent the spread of COVID-19. Hours after Governor Abbott issued an order that re-opens churches with limitations, many congregations said they will continue to hold services online and abide by social distancing recommendations to prevent the spread of COVID-19. Abbott's order deems churches as "essential" services and supersedes county-level bans such as the one enacted in Harris County. Abbott added that "drive-up services," where congregants would remain in their cars, which some churches plan to use this Easter, would satisfy the criteria.

• Judges presiding over low-level offenses in Harris County will not abide by Governor Greg Abbott's executive order restricting the release of certain defendants, according to a letter from attorney Allan Van Fleet, who represented the judges in a federal lawsuit challenging Harris County's bail practices. Instead, the judges will continue to abide by a federal order signed last year that called for the release of low-level defendants on no-cash bail, or personal bonds, the letter said. Abbott's executive order prohibited releasing defendants previously accused or convicted of a violent crime on personal bonds.

• A federal appeals court temporarily reinstated Texas's ban on abortions amid the coronavirus outbreak, saying it needs time to review arguments about its impact. The ruling is the latest in a ricocheting legal battle that began last week after the governor postponed non-essential surgeries, and the attorney general declared abortions to be included. Texas is one of several states that have moved to block abortions, arguing that providers are draining critical medical supplies that could be used to respond to the coronavirus pandemic.

March 30, 2020

• The Southern District of Texas entered General Orders implementing the CARES act authorization for video and audio conferencing in criminal proceedings. The orders also allow for electronic signing of documents. Any sentencing for which the presentence report calculates the lowest end of the guidelines range at 21 months of imprisonment or more is continued to a date after **May 15, 2020**.

• The Eastern District of Texas entered a General Order regarding the CARES act including the use of video and telephone conference for various criminal events during the COVID-19 emergency.

March 29, 2020

President Trump **extended social distancing guidelines through April 30, 2020**.

March 28, 2020

Governor Greg Abbott is waiving more licensing requirements and regulations to get more healthcare workers in the field. Abbott waived requirements for advanced practice registered nurses, or APRNs, whose licenses have expired and are seeking to return to work amid the pandemic. For those whose licenses expired between two and four years ago, they will no longer have to pay a reactivation fee, complete continuing education or complete the current practice requirements. For those with licenses that expired more than four years ago, the current practice requirements will remain.

March 27, 2020

An emergency standing order was issued for district courts in Dallas County. Under the order, **jury trials are suspended until May 8, 2020**, or until further order from the County Judge. Cases which have been previously set on the dockets **between the effective date of this Order and May 8, 2020** are continued sua sponte and will be reset. Effective immediately, motions may be determined based upon submission of written pleadings and responses from the parties, without oral argument as shall be determined by each Judge presiding. Any deposition may be noticed to proceed technologically and remotely. The requirement of any court that all parties and counsel must appear for mediation in person is suspended during the pendency of the Governor's declaration of a public health emergency. While the order requiring mediation remains in effect, any party may choose to appear at a mediation via technology or telephonically.

March 26, 2020

• Governor Greg Abbott unveiled an executive order requiring visitors flying to Texas from New York, New Jersey, Connecticut and New Orleans to self-quarantine for 14 days during the coronavirus pandemic. The order aligns Texas with federal guidance that aims to contain the spread of the virus outside New York, which has become the epicenter of the outbreak in the United States. New Orleans, the biggest city in neighboring Louisiana, is seeing its own rise in cases. Starting April 4, 2020, Texas Department of Public Safety troopers will begin manning the state's airports to enforce the executive order. The troopers will screen passengers arriving from those locations and require them to fill out a form with identifying information. They'll be asked to provide their name, date of birth, flight information, driver license or passport number, telephone number, home address and the location where they will be quarantining. Those who violate the order could face a fine of up to \$1,000 and up to 180 days in jail.

• The Texas Public Utility Commission voted to ban utilities from cutting off power and water services to Texans who have lost jobs and income during the COVID-19 crisis for at least the next six months. But while it provides immediate relief to Texans worried about keeping their lights on and taps running as they face layoffs and blunted incomes, the order that the three-member commission approved unanimously does not provide direct assistance to utility customers, who will still be on the hook for their bills. It also does not bar shut-offs on commercial accounts, which industry groups said could be a death sentence for small businesses, including restaurants. The order does, however, provide electricity providers with millions of dollars in interest-free loans and reimbursements, paid for by ratepayers, which regulators said was necessary to avert a spate of private utility bankruptcies, which could lead to a major collapse of the competitive retail marketplace that spans most of the state.

March 25, 2020

President Trump approved Governor Abbott's COVID-19 disaster declaration and federal assistance request for Texas, opening up new sources of funding for individual and public assistance that will help Texas respond to the public health emergency. The President's action makes federal funding available for crisis counseling for affected individuals in all areas in Texas. Federal funding was also made available to state and eligible local governments and certain private nonprofit organizations for emergency protective measures.

March 24, 2020

• The Texas Supreme Court issued a seventh emergency order stating that existing court orders in child-possession cases shall control "in all instances" to determine rights to and access to children, regardless of so-called shelter-in-place mandates or other restriction on movement by governments during the COVID-19 pandemic.

• Many of Texas' biggest urban cities and counties have issued "Stay Home, Work Safe" orders as coronavirus spreads, including Houston, Dallas, San Antonio, and Austin. The orders do not completely bar residents from leaving their homes; people are encouraged to go on outdoor walks while keeping a six-foot distance from others, visit grocery stores and pick up medicine. Health care workers and other businesses providing "essential services" will still be working in all the counties issuing the mandatory shelter-in-place orders. Gas stations will also remain open.

• With COVID-19 testing and treatment in sharp focus, Texas responded with orders and requests to health insurance companies that should help consumers through the pandemic. The Texas Department of Insurance asked health insurance companies for several changes, including waiving cost-sharing on COVID-19 testing, waiving penalties and claim denials for necessary out-of-network services, and waiving pre-authorization requirements related to COVID-19 health care. Health insurers can authorize payments to pharmacies for up to a 90-day supply of any prescription drugs for individuals, no matter when the prescription was last filled. Insurers must cover telehealth services the same as they would cover an in-person visit. Finally, health plans in Texas can't deny or limit coverage based on a member using a telehealth platform.

• The Office of the County Engineer in Harris County ordered the following regulations for all courts:

- In-person gatherings will only be permitted when necessary to accomplish essential court functions.
- All gatherings are limited to a maximum of ten people.
- There must be at least six feet between all persons at all times.

March 22, 2020

The Texas Supreme Court's sixth emergency order orders certain State Bar elections only by electronic balloting.

March 20, 2020

Prompt payment deadline extension: Governor Greg Abbott suspended certain claim-handling deadlines imposed by law. Additionally, the Commissioner of Insurance has determined that the COVID-19 pandemic is a disaster under Texas Insurance Code Section 542.059(b). This declaration is necessary due to the significant disruption to policyholders, carriers, and their staff caused by this disaster, in particular the impact and volume of claims expected to be filed as a result of COVID-19. Taken together, the Governor's suspension and the Commissioner's declaration have the effect of extending claim-handling deadlines imposed by the state's prompt payment laws for an additional 15 days to help carriers respond to the COVID-19 outbreak. This extension will be in effect until the Governor's suspension and Commissioner's declaration are lifted.

Premium payments grace period: The Texas Department of Insurance said that they expect all carriers to work with policyholders who may experience financial hardships due to the COVID-19 outbreak, and encourage carriers to use grace periods for payments, temporary suspension of premium payments, payment plans, and other actions to allow continuing insurance coverage as appropriate. TDI said they will work with carriers to minimize the regulatory effects of an insurer's actions to provide policyholder relief, specifically for financial review requirements. The term "suspension" is not intended to mean the forgiveness of the premium. Automatic bank drafts for premium payments may continue according to a carrier's written agreement with a policyholder, unless a policyholder notifies a carrier of a specific hardship. TDI noted that this should be weighed against the potential disruption to a carrier's business model or the inconvenience caused to the policyholder by multiple payments. It is TDI's expectation that carriers will work directly with policyholders to resolve issues and minimize the effects of any penalties or additional charges.

• The Texas Supreme Court's fifth emergency order delays all deadlines in attorney professional-disciplinary and disability proceedings until **May 8, 2020**.

March 19, 2020

• The third joint order from the Texas Supreme Court and Court of Criminal Appeals establishes that court proceedings may be conducted "away from the court's usual location with reasonable notice and access to the participants and the public," eliminating the venue limitation to allow a judge assigned to an involuntary-quarantine challenge to preside from afar.

• Governor Greg Abbott ordered bars and restaurants across the state closed for dine-in, and told Texans to avoid groups larger than 10, but resisted issuing a complete shelter-in-place order. The governor said he supported local jurisdictions issuing such orders if the circumstances warrant them. The governor's order also closes gyms and bans people from visiting nursing homes except for critical care, among other things, through **midnight April 3**.

• The Texas Supreme Court issued a fourth emergency order delaying eviction proceedings. No trial, hearing, or other proceeding may be conducted, and all deadlines are tolled, until after **April 19, 2020**. Evictions can still proceed in cases involving threats of harm or criminal conduct.

• Given social distancing requirements, Texas has extended the validity of driver's licenses set to expire on or after **March 13, 2020**. Governor Abbott issued a statement granting a temporary extension to obtain initial registration, renewal of registration, vehicle titling, and renewal of a permanent disabled parking placard. Governor Abbott also granted a temporary extension for an individual with an expired 30-day temporary permit to obtain another permit or Texas registration.

March 18, 2020

U.S. District Courts for The Southern District of Texas and Eastern District of Texas have suspended all jury trials scheduled through **May 1, 2020**.

March 17, 2020

The Texas Supreme Court's second emergency order emphasizes that court-ordered child-custody schedules following school calendars shall follow the original school schedule as published even as so many schools close to constrain the developing coronavirus pandemic.

March 16, 2020

Harris County's Alternate Schedule is now in place until **May 8, 2020**. Individual courts may opt out. The alternate schedule provides:

- Submission Dockets will proceed as scheduled.
- Telephonic and Video Hearings will proceed as scheduled.
- All previously set, non-essential in-person, oral (non-telephonic) hearings and dockets are cancelled.
- All Essential Court Matters (temporary restraining orders, temporary injunctions, Chapter 33 and Chapter 81) will proceed as scheduled.
- All tax court proceedings are cancelled.

March 13, 2020

The Texas Supreme Court and Court of Criminal Appeals issued their original joint emergency order which enables courts to extend deadlines, require remote appearances, extend the statute of limitations in civil cases and take other actions, as needed, to avoid the coronavirus threat.

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