

COVID-19 SUMMARY OF RESTRICTIONS & ORDERS

National Orders

- The federal government has limited oversight on construction projects, and most edicts are guidelines. The president has issued his 15 guidelines for preventing the spread of coronavirus, which essentially says *to stay home if you are feeling sick or if a family member is diagnosed with corona virus*. The guidelines also state that critical infrastructure industries have a special responsibility to maintain a normal work schedule.
- The Department of Homeland Security has issued a list of 16 Critical Infrastructure Sectors (“CISA”) to serve as a guide for state and local authorities when issuing orders addressing coronavirus preventative measures. The list of critical sectors may be found here: <https://www.cisa.gov/identifying-critical-infrastructure-during-covid-19>
- CISA issued an advisory memorandum on March 28, 2020 making clarifying that construction activities are included in its list of essential critical infrastructure workers by including more specific references to construction-related activities in the critical infrastructure sectors language. Construction and related activities are identified in 25 different parts of the guidelines. The original memorandum language generally stating the following with respect to the workers serving the identified critical sectors remains in the memorandum:

The attached list identifies workers who conduct a range of operations and services that are essential to continued critical infrastructure viability, including ... maintaining and repairing critical infrastructure, ... **working construction**, and performing management functions, among others.

The advisory memorandum may be found here:

[https://www.cisa.gov/sites/default/files/publications/CISA_Guidance_on_the_Essential Critical Infrastructure Workforce Version 2.0 Updated.pdf](https://www.cisa.gov/sites/default/files/publications/CISA_Guidance_on_the_Essential_Critical_Infrastructure_Workforce_Version_2.0_Updated.pdf)

- As of right now, *there are no orders issued by the federal government* that directly impact or stop construction activities. The primary impacts to your company are on the state and local level.

State of Texas

- Governor Greg Abbott has issued five executive orders during the COVID-19 pandemic, three of which that could have direct or indirect impacts on the construction industry. The first order, Executive Order No. GA-08, limits social gatherings to no more than 10 people, closes bars and restaurants other than for take-out or delivery, and closes schools. The order does not address construction operations in particular, providing that “critical infrastructure will remain operational”. The order is in place until April 3, 2020. The order may be found here:

https://gov.texas.gov/uploads/files/press/EO-GA_08_COVID-19_preparedness_and_mitigation_FINAL_03-19-2020_1.pdf

- Governor Abbott issued a travel restriction order – Executive Order No. GA-11 on March 26, 2020. This order provides that people arriving by air from New York, New Jersey, Connecticut, or the City of New Orleans must self-quarantine for a period of 14 days from the time of entry. The order requires travelers to complete a DPS form, disclose their quarantine location, and be prepared for possible DPS checks to confirm compliance. Construction workers may be exempt from this requirement to self-quarantine if the worker is involved in “critical-infrastructure functions, as may be determined by the Texas Division of Emergency Management.” The order may be found here:

<https://gov.texas.gov/news/post/governor-abbott-issues-executive-order-mandating-14-day-quarantine-for-travelers-arriving-from-new-york-tri-state-area-new-orleans2>

The order was updated on March 30 to add 14-day self-quarantine requirements for air travelers arriving from California, Louisiana (previously just New Orleans), Washington, Atlanta, Chicago, Detroit, and Miami. This update can be found here:

<https://gov.texas.gov/news/post/governor-abbott-issues-executive-order-mandating-14-day-quarantine-for-travelers-arriving-from-ca-la-wa-atlanta-chicago-detroit-and-miami>

- Governor Abbott issued another travel restriction order – Executive Order No. GA-12 – on Sunday March 29, 2020. This order provides that “[e]very person who enters the State of Texas through roadways from Louisiana . . . shall be subject to mandatory self-quarantine for a period of 14 days from the time of entry”. The order purports to require travelers to complete a DPS form, disclosure their quarantine location, and be prepared for possible DPS checks to confirm compliance. The order may be found here:

<https://gov.texas.gov/news/post/governor-abbott-mandates-14-day-quarantine-for-road-travelers-arriving-in-texas-from-any-location-in-louisiana>

As it relates to construction, there are two key provisions: (i) interstate shipping of construction materials will likely be inconvenienced, but not prohibited (the order “shall not apply to people traveling in connection with commercial activity”) and (ii) construction workers may be exempt from this requirement to self-quarantine if the worker is involved in “critical-

infrastructure functions”. Critical Infrastructure is identified in the updated DHS list of 16 Critical Infrastructure Sectors, which discusses a number of particular construction activities, but does not have a wholesale exemption for all construction.

- Employees of construction companies traveling from any of the impacted areas (by air for nine locations or by air or road for Louisiana) should be armed with an employer’s letter to certify that they are working on critical infrastructure projects (provided that this is factually accurate).
- On March 31, 2020, Governor Abbott issued an order that should produce some consistency across jurisdictions in Texas as to what construction activity can continue. The Order utilizes the services listed in CISA Guidance 2.0 to define “Essential Services”:

[https://www.cisa.gov/sites/default/files/publications/CISA_Guidance_on_the_Essential Critical Infrastructure Workforce Version 2.0 Updated.pdf](https://www.cisa.gov/sites/default/files/publications/CISA_Guidance_on_the_Essential_Critical_Infrastructure_Workforce_Version_2.0_Updated.pdf)

The Energy, Transportation and Logistics, Public Works and Infrastructure Support Services, Other Community – or Government-Based Operations and Essential Functions, Commercial Facilities, and Residential/Shelter Facilities and Services Sectors all include specific reference to construction-related workers. The Commercial Facilities and Residential/Shelter Facilities Sectors will cover a large percentage of the scopes of work that have previously been prohibited in areas like the City of Austin under local jurisdictional orders.

The Order specifically states the following in relation to conflicting local orders (e.g. Travis County and City of Austin):

This Executive Order shall supersede any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts essential services allowed by this executive order or allows gatherings prohibited by this executive order. I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.

If your project meets an “Essential Services” definition within the CISA Guidance 2.0 categories, you can continue construction operations in Texas under Governor Abbot’s order. However, Governor Abbot’s Order does not appear to limit the authority of jurisdictions to implement stricter health and safety standards on jobsites such as Dallas County’s “Rules for the Construction Industry,” the City of Austin’s guidance “Supplement on Construction Activities,” or the City of Houston’s Public Works letter on guidelines for working on City of Houston projects. (See discussion of these requirements in the Dallas, Harris, and Travis county sections below). It is our understanding that as of late Tuesday, March 31, 2020, a county spokesperson reported that Dallas County is reviewing its March 29th order that set

forth specific health and safety requirements for the construction industry to determine how it is affected by Governor Abbott's order.

Note also that other "Essential Services" may be added to this list with the approval of the Texas Division of Emergency Management (TDEM). Requests to the TDEM regarding "Essential Services" coverage or exemptions for your business or project are available at the following link: <http://tdem.texas.gov/essentialservices/>

The executive order is in effect until April 30, 2020.

Dallas County

- On Thursday, April 2, Dallas County Judge Clay Jenkins issued an amended shelter in place order. A copy can be found here:

<https://www.dallascounty.org/Assets/uploads/docs/covid-19/orders-media/040220-AmendedOrder.pdf>

The order requires all residents of Dallas County to shelter at their place of residence and all business except those specially excepted are to close. Public works, residential construction, commercial construction, and school construction are excepted from this closure order per Section 2(b)x. These activities are defined as essential critical infrastructure work.

- *NOTE* Not all construction is defined as essential – work on elective additions and maintenance are now prohibited.
- On April 3 the County announced it was extending the order to May 20, but details remain undisclosed.
- The amended order includes new "Rules for the Construction Industry" that sets forth requirements for all employers involved in construction activity. The order also includes a requirement that employees of essential businesses telecommute when possible and prohibits employers from requiring negative COVID test physician's note before a recovered employee can go back to work.
- The Rules for the Construction Industry include requirements to follow the rules below:
 1. Mandatory temperature checks of all workers before they leave home. If a worker has a temperature above 99.6 degrees Fahrenheit, then they are prohibited from going to work and must remain at their residence;
 2. Temperature checks of all workers with a forehead thermometer at the construction site before they may begin work. If any employee or contractor has a temperature above 99.6

degrees Fahrenheit, then they are to be sent home immediately [the amended order provides that this requirement is to be done “[t]o the greatest extent possible”];

3. Implement shift work [additional detail on shift work requirements is included in the amended order];
4. Limit cross over of subcontractors;
5. Prohibit gatherings during meals or breaks;
6. Keep a 6 foot distance between people at all times, unless the work being performed requires multiple individuals for the safety of the workers;
7. Do not use a common water cooler. Provide individual water bottles or instruct workers to bring their own;
8. Allow non-essential personnel to work from home when possible;
9. Provide soap and water and hand sanitizer in the workplace, including all restrooms. Ensure that adequate supplies are maintained.
10. Mandatory handwashing of at least twenty (20) seconds for workers during the following:
 - a. Before workers begin work;
 - b. After workers remove gloves;
 - c. Before and after the use of shared items such as tools or multi-user devices;
 - d. Before and after any meal or restroom breaks; and
 - e. After a worker’s shift or time ends.
11. Mandatory rest breaks of at least fifteen (15) minutes for every four (4) hours worked so that workers may follow hygiene guidelines;
12. Provide one (1) working flushing toilet for every fifteen (15) workers on site or one (1) outdoor portable toilet for every ten workers on site;
13. No adverse action taken against an employee who has been quarantined, or advised to self-quarantine, due to possible exposure to coronavirus; and
14. Designate a COVID-19 safety monitor on each site who has the authority to enforce these rules.

Note that a violation of the Rules may result in the general contractor and subcontractor being removed from the essential businesses list such that they could no longer conduct construction operations while the amended order is in effect.

- Dallas issued an FAQ for the construction rules on March 31; a copy can be found here: <https://www.dallascounty.org/Assets/uploads/docs/covid-19/orders-media/033120-FAQ-RulesfortheConstructionIndustry-ENGLISH.pdf>
- The April 2 amended order includes new rules for manufacturers and distributors. A standalone copy of these rules can be found here: <https://www.dallascounty.org/Assets/uploads/docs/covid-19/orders-media/040220-Order-RulesforManufacturersandDistributors.pdf>
- We have contacted the County's building inspection department and understand that - as of as of today - residential and commercial inspections are proceeding as normal in the County of Dallas. Note that the building inspection department will not be issuing permits for elective construction of additions and remodels. It will accept applications for these types of projects, process and review them, but no permits will be issued for these projects until the County order is no long in effect.

City of Dallas

- On Tuesday, March 24, the City of Dallas issued a shelter in place order. The order adopts the March 23 order of Dallas County Judge Clay Jenkins. Judge Jenkins' order defined public works, residential construction, and commercial construction as essential critical infrastructure work. The order is in effect until it is rescinded.
- A copy of the order can be found here:
<https://www.documentcloud.org/documents/6818382-Dallas-Stay-at-Home-Emergency-Regulations.html#document/p1>
- An FAQ regarding the stay at home order can be found here:
<https://dallascityhall.com/DCH%20Documents/covid19/FAQ%20stay%20at%20home%20regulations%20-%20ENGLISH.pdf>

It too states that public works, residential construction, and commercial construction are essential critical infrastructure work.

- We have contacted the building inspection department and understand that - as of as of today - residential and commercial inspections are proceeding as normal in the City of Dallas. Some in-person services are suspended and submittal permits and certificates of occupancy can be submitted online. Daily updates are available here:

<https://dallascityhall.com/departments/sustainabledevelopment/buildinginspection/Pages/index.aspx>

City of Richardson

- On Tuesday, March 24, the City of Richardson adopted a disaster declaration that included an order for residents not performing essential services to shelter in place. The declaration is in effect through April 30. Residential and commercial construction are defined as essential critical infrastructure work.
- A copy of the declaration can be found here:

<https://www.cor.net/home/showdocument?id=28500>

The declaration orders residents of the City of Richardson to shelter in place at their residences. All non-essential businesses are closed. Residents may leave for essential activities or to perform essential functions/work at essential businesses. All public and private gatherings of any number of people occurring outside a place of residence are prohibited except for essential functions as defined by the declaration. Public works, residential, and commercial construction are defined as Essential Businesses. These activities are deemed essential critical infrastructure work.

- We have contacted the building inspection department and understand that as of today residential and commercial inspections are proceeding as normal in Richardson.

Tarrant County

- On March 24, 2020, Tarrant County issued a stay-at-home order that extends to April 3. The order may be found here:

http://www.tarrantcounty.com/content/dam/main/public-health/PH%20DOCUMENTS/Epi/Coronavirus/latestdocuments/3-24-20_Tarrant_County_Executive_Order.pdf

- Similarly, the City of Fort Worth also issued a stay at home order that extends to April 3.

<https://dfw.cbslocal.com/wp-content/uploads/sites/15909545/2020/03/DECLARATION-OF-LOCAL-DISASTER-FIFTH-AMENDED-FINAL-2.pdf>

- Consistent with Dallas County's order, "public works construction, residential, and commercial construction" are excepted from the orders per Section 15(d)iii (Tarrant County) and 16(b)(iii) (City of Fort Worth). These activities are defined as "Essential Critical Infrastructure Work."

- The list of essential businesses for both Tarrant County and the City of Fort Worth goes further than the Dallas County order and also includes a simple and broad statement that all permitted construction activity is considered essential: “Construction under a valid permit issued by a governmental entity.”

Cities of Arlington, Grapevine, and Kennedale

- In addition to Fort Worth, other municipalities in Tarrant County appear to be utilizing consistent language from the County order – namely that all permitted construction is an essential business.
- The City of Arlington’s order mirrors the county order and may be found here:
https://www.arlingtontx.gov/UserFiles/Servers/Server_14481062/File/Coronavirus/Articles/Declaration_of_Disaster_03-24-2020.pdf
- The City of Grapevine incorporates by reference the County Order. It may be found here:
<http://grapevintexas.gov/1669/COVID-19>.
- Building permitting and inspections appear to be operating normally, albeit through remote communications.
- Kennedale building inspection offices are open for commercial construction. Kennedale has limitations on residential construction inspections.

Denton County

- On March 31, 2020, the County Commissioners Court extended the previously issued “stay at home” order to April 7, 2020. All other terms of the Order related to construction, including the definition of public works, residential, and commercial construction as essential critical infrastructure, remain the same. A copy of the extended order may be found here:

<https://dentoncounty.gov/-/media/PDFs/PressRelease/03-31-2020-Disaster-Declaration.pdf>

The amended order requires that all residents of Denton County shelter at their place of residence and that all business except those defined as Essential Businesses close.

- Public works, residential, and commercial construction are defined as Essential Businesses. These activities are deemed essential critical infrastructure work. Therefore, provided that these services are carried out with social distancing requirements of six (6) feet and other CDC

recommended practices, public works, residential, and commercial construction may continue in Denton County.

City of Denton

- On March 24, the Mayor of the City of Denton issued a Second Declaration of Local Disaster for Public Health Emergency. The amended declaration is effective 11:59 p.m., March 25, and will continue for a period of not more than seven (7) days unless otherwise acted upon by the Denton City Council. The declaration may be found online at:

https://44b2c816-e80a-4f9b-9383-d4e463c94f4c.usrfiles.com/ugd/44b2c8_077eae508a65469db3bd7b31fe8b8cf7.pdf.

The amended declaration requires that all individuals currently living within the City of Denton shelter at their place of residence and that all business except those defined as Essential Businesses close.

- Public works, residential, and commercial construction are defined as Essential Businesses. These activities are deemed essential critical infrastructure work. Therefore, provided that these services are carried out with social distancing requirements of six (6) feet and other CDC recommended practices, public works, residential, and commercial construction may continue in Denton.
- We have contacted the City of Denton City Safety Department. Building inspections will proceed as usual for commercial and new residential construction. To the extent that inspections are of existing homes, the Safety Department may elect to postpone the inspection until further notice if there will be no interruption to the homeowner.
- Please note that the department is temporarily closed to the public: walk-in services are suspended, and permit applications will only be accepted online.

Collin County

- On March 16, Collin County Judge Chris Hill issued a disaster declaration. On March 24, 2020, Judge Hill issued a seven-day shelter-in-place order reiterating the Governor's order to avoid groups of more than 10, avoid restaurants other than pick-up or delivery, staying 6 feet apart. The order provides that Collin County residents are to stay home until traveling for essential activities. The order notes that "entertainment activities" are not essential activities but does not provide any further definition. The order can be found here:

<https://dfw.cbslocal.com/wp-content/uploads/sites/15909545/2020/03/20200324-Chris-Hill-Executive-Order-FINAL-1.pdf>

- This order also does not clearly define "essential businesses" and is clearly intended to be less restrictive than other counties' orders. It uses the language "take actions necessary to prevent the spread of COVID-19" but does not actually prohibit businesses from operating.
- Judge Hill's March 20 executive order closed all Collin County government offices for unscheduled in-person services. County offices shall remain open for scheduled in-person appointments. The March 24 order does not change this. The order is here:

[https://www.collincountytx.gov/public_information/news/Documents/20200320%20Chris%20Hill%20Executive%20Order%20\(executed\).pdf](https://www.collincountytx.gov/public_information/news/Documents/20200320%20Chris%20Hill%20Executive%20Order%20(executed).pdf) .

- As of today, the Collin County Development Services Offices remain open for business and, in accordance with Judge Hill's order, are taking appointments during regular business hours.

https://www.collincountytx.gov/development_services/Pages/default.aspx

- Judge Hill issued an executive order on March 31, 2020, which rescinds the March 24 order and acknowledges Governor Abbott's March 31 order. The new order more specifically defines "health care provider" and "emergency responder." It does not set forth any additional restrictions and is not a stay-at-home order. It can be found here: https://www.collincountytx.gov/healthcare_services/Documents/20200331%20Chris%20Hill%20Executive%20Order%20CH-03.pdf
- These orders do not appear to limit construction in Collin County. Note that the guidelines and restrictions change daily so keep updated.

City of Plano

- The City of Plano declared a public health emergency on March 16, 2020. On March 17, the City extended the emergency declaration to April 27, 2020. The City's orders can be found here:

<https://www.plano.gov/ArchiveCenter/ViewFile/Item/7398>.

Plano officials have not yet responded to the Collin County shelter-in-place order and the declaration does not specifically address construction activities.

- We have contacted the building inspection department and understand that as of today, commercial construction inspections are continuing as usual in Plano.

City of McKinney

- On Wednesday, March 25, the McKinney Mayor George Fuller issued a shelter in place order that incorporates the Collin County Judge Hill's shelter in place order and Governor Abbott's GA08 order. The order went into effect Thursday, March 26 at 12:01 a.m. and now runs until April 3 at 11:59 p.m. Mayor Fullers' order defined public works, residential construction, and commercial construction as essential critical infrastructure work. The order is in effect until it is rescinded.

- A copy of the order can be found here:

<https://www.mckinneytexas.org/DocumentCenter/View/22925/Third-Revised-Declaration-of-Local-Disaster-for-Public-Health-Emergency-3-25-2020>

- On Friday, March 26, McKinney's City Council renewed Mayor Fuller's order until April 3.

- A copy of the ordinance can be found here:

<https://www.mckinneytexas.org/DocumentCenter/View/22936/Ordinance-Renewing-Local-State-of-Emergency-COVID19-final-adopted-32720>

Rockwall County

- The Rockwall County commissioners issued a stay at home order starting at 11:59 pm on March 24, 2020 and lasting until 11:59pm on April 15, 2020. A copy of the order is found here:

<https://www.rockwallcountytexas.com/DocumentCenter/View/5243/Signed-and-filed-3-24-20?bidId=>

Public works, residential, and commercial construction are classified as "Essential Critical Infrastructure," so construction projects may continue. The order requires construction companies to implement screening precautions and conduct activities in compliance with social distancing guidelines stated in the order:

2) Workplace and Businesses: Minimize Exposure

- Suspend nonessential employee travel.
- Ensure employees practice social distancing and do not work within six feet of one another.
- Urge essential employees to stay home when they are sick and maximize flexibility in sick leave benefits.
- Do not require a doctor's note for employees who are sick.
- Maximize telecommuting options.
- Persons who need to be at work to provide essential services of great benefit to the community must take steps in their workplace to minimize risk.

City of Rockwall

- The mayor of the City of Rockwall declared a Local State of Disaster for Public Health Emergency on March 18, 2020 that is in effect until April 7, 2020. It is found here:

<https://www.rockwallcountytexas.com/DocumentCenter/View/5242/Rockwall-County-Declaration-2>

The declaration limits gatherings in excess of 10 people, limits visitation to nursing homes and long term care facilities, and that all applications for permits and developments must be submitted online or through US Mail. The limitation on permit applications may delay construction activities because of potential delays in obtaining permits.

- We have contacted the building inspection department and understand that as of today the city is still scheduling and conducting construction inspections in Rockwall.
- As of right now, Rockwall County is under a shelter in place order, but construction may continue as an essential infrastructure activity. Monitor the City of Rockwall website for updates in case the city extends or modifies the declaration.

City of Galveston & Galveston County

- On Wednesday, April 1, the City of Galveston and Galveston County adopted an “Order Relating to Continuity of Essential Services and Activities in Galveston County During the COVID-19 Disaster” that included an order for residents not performing essential services to stay distant from one another. The declaration is in effect through April 30.
- A copy of the order can be found here:

<https://bloximages.newyork1.vip.townnews.com/galvnews.com/content/tncms/assets/v3/editorial/f/32/f327dace-c8ae-5272-b7df-d11ad9393794/5e851c3ea66b2.pdf.pdf>

The Order mirrors the “Essential Services” definitions from Governor Abbott’s March 31 Order by utilizing the services listed in CISA Guidance 2.0 to define “Essential Services”:

https://www.cisa.gov/sites/default/files/publications/CISA_Guidance_on_the_Essential_Critical_Infrastructure_Workforce_Version_2.0_Updated.pdf

- The Energy, Transportation and Logistics, Public Works and Infrastructure Support Services, Other Community – or Government-Based Operations and Essential Functions, Commercial Facilities, and Residential/Shelter Facilities and Services Sectors all include specific reference to construction-related workers. The Commercial Facilities and Residential/Shelter Facilities Sectors will cover a large percentage of the scopes of work in Galveston.
- If your project meets an “Essential Services” definition within the CISA Guidance 2.0 categories, you can continue construction operations in Galveston under the Order.
- We have contacted the building inspection department and understand that as of today residential and commercial inspections are proceeding as normal in Galveston. Operations are limited at City Hall, but updates for specific in-person and online services can be found here:

<https://www.galvestontx.gov/162/Building-Division>

Harris County and City of Houston

- On Tuesday, March 24th, Harris County Judge Hidalgo Turner and Mayor Turner issued a joint “Stay Home. Work Safe” order that applies to all cities and unincorporated areas within Harris County (Houston reserves “shelter in place” orders for hurricanes or plant explosions). The order went into effect 11:59 pm March 24 and now lasts until April 30. All residents of Harris County must stay home unless their work is “essential.”
- The order is found here:

<https://www.readyharris.org/Stay-Home>

- The Harris County order includes the following in the definition of Essential Businesses:

xi. **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).

- The City of Houston Public Works department issued guidelines for City of Houston projects. The guidelines state that work crews should be limited to 10 people or less, in addition to social distancing and worksite personal hygiene. A copy can be found here:

https://mcusercontent.com/ce05859c43c6169304e249c19/files/25683529-2969-420f-b6d0-166d10e40e10/Letter_to_Contractors_033020_Final.pdf

The guidelines include the following requirements (the referenced AGC recommended practices are included in the link above):

1. Be mindful of **social distancing** even on the job site.
 - o Employees should organize construction activities to maintain six feet distance between each other as much as possible.
2. Crews should be limited to **10 people or less**.
 - o Do not congregate in lunch areas in groups of 10 or more.
3. Do not share tools and clean tools often.
4. Provide a hand wash station with soap, hand sanitizer, or alcohol-based hand rubs at multiple locations on the job site.
5. Encourage supervisors to ask employees how they are feeling. If an employee is not feeling well, they should stay at home and seek medical attention should symptoms get worse.

Attached is a copy of the Associated General Contractors (AGC) of America – Houston Chapter recommended practices for construction job sites that lists all the precautions a contractor should take to avoid infection. All contractors must emphasize our heightened sense of urgency in protecting our employees, contractors and the general public.

- We have contacted the building inspection department and understand that - as of as of today - residential and commercial inspections are proceeding as normal in Houston. Effective immediately, the Harris County Permits Office will not be accepting or processing cash payments for all permit or inspection fees, in order to mitigate the spread of COVID-19. Customers may pay by check at the cashier's window or by credit card in-person at the kiosk located in the Permits Office Lobby at 10555 Northwest Freeway, Houston TX 77092. Customers may also pay by credit card online at <https://epermits.harriscountytexas.gov>

Fort Bend County

- The Fort Bend County Judge issued a stay at home order effective at 12:01am on March 25, 2020 and lasting until 11:59pm on April 3, 2020. A copy of the order may be found here:

<https://www.fortbendcountytexas.gov/home/showdocument?id=53583>

- Construction is considered an Essential Business and may continue:

(iii) **Essential Critical Infrastructure.** Work necessary to the operations and maintenance of the 16 critical infrastructure sectors as identified by the National Cybersecurity and Infrastructure Agency (CISA) including public works construction, residential and commercial construction, airport operations, 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), financial institutions, title companies, defense and national security-related operations, essential manufacturing operations provided that they carry out those services or that work in compliance with social distancing requirements of six feet, to the extent possible. Essential Businesses providing essential infrastructure should implement screening precautions to protect employees.

Waller County

- On March 25, the County Judge issued an Order of Waller County Judge Carbett “Trey” J. Duhon III. The order may be found here:

https://www.co.waller.tx.us/upload/page/0267/docs/Press%20Release%20Order%20and%20Guidelines%20for%20Extension%20of%20Declaraton%20032520.pdf?fbclid=IwAR2M-vUCK1xnV6cISY-9G09HjWSgg-3ZdVYQC-u_uw3668WNY_r1T9WdjE

- On March 27, 2020, the County Judge issued an amended order. The order clarifies social distancing mandates to note that non-social gatherings with more than 10 people may be held

in a space where there is a minimum of 6 feet between each individual for the duration of the gathering. The order is otherwise unchanged, and a copy of the amended order is found here:

<https://www.co.waller.tx.us/upload/page/0267/docs/CountyJudge/Amended%20Order%20032520.pdf>

- The County Judge’s Facebook page is also frequently updated to address COVID-19 related matters:

<https://www.facebook.com/treyforjudge>

- On April 1, the County Judge issued an Order of Waller County Judge Carbett “Trey” J. Duhon III, effective as of 12:01 a.m. April 2, and continuing until 11:59 p.m. on April 30, 2020, in response to Governor Abbott’s Executive Order dated March 31. The order may be found here:

<https://www.co.waller.tx.us/upload/page/0267/docs/EMGT/Order%204-01-20.pdf>

- According to the order, every person in Waller County shall comply with Governor Abbott’s Executive Order dated March 31, and persons in Waller County shall, except where necessary to provide or obtain essential services, minimize social gatherings and minimize in-person contact with people who are not in the same household. The order further provides that all essential businesses, as defined in the Governor’s Executive Order, shall comply with social distancing guidelines. The order does not otherwise address or restrict construction.
- At this time, construction activities may go forward, and are not otherwise restricted, so long as current CDC recommendations are followed with regard to social distancing.

Walker County

- At this time, the County asks that residences adhere to the Executive Order issued by Governor Abbot on March 19, 2020, which, among other things, restricts gatherings of over ten (10) persons, and encourages residents follow CDC recommendations.
- On March 18, the county issued an Amended Order Affecting the Occupancy of Premises Throughout Walker County, which shall continue while the county is under a declaration of disaster, unless terminated or modified by an order. The amended order recommends gatherings of ten (10) or more people are postponed and restricts services of certain businesses, but does not otherwise restrict residential or commercial construction. The amended order may be found here:

https://www.co.walker.tx.us/egov/documents/1584555324_84002.pdf

- On March 22, 2020, the County Judge issued an Order of the County Judge Establishing Curfew. The order provides that a curfew is established from 11:59 p.m. to 5:00 a.m. each day, effective March 23. The order may be found here:

https://www.co.walker.tx.us/egov/documents/1584917632_18065.pdf

- At this time, construction activities may go forward, and are not otherwise restricted, so long as current CDC recommendations are followed with regarding to social distancing.

Jefferson County

- Judge Branick entered an order declaring Jefferson County to be in a state of disaster on March 13, 2020.
- On March 22, 2020, in its 6th amended executive order, Jefferson county prohibited gatherings of more than 10 people at any “privately owned facilities” and established a stay-at home (called a “24 hour curfew”) for all persons under 18, with certain exceptions. The order specifically closed entertainment venues, salons, and gyms and advised that restaurants should be only delivery and take out. The order may be found here:

<https://co.jefferson.tx.us/Documents/Coronavirus%20Docs/SIXTH%20AMENDED%20EMERGENCY%20ORDER.pdf>

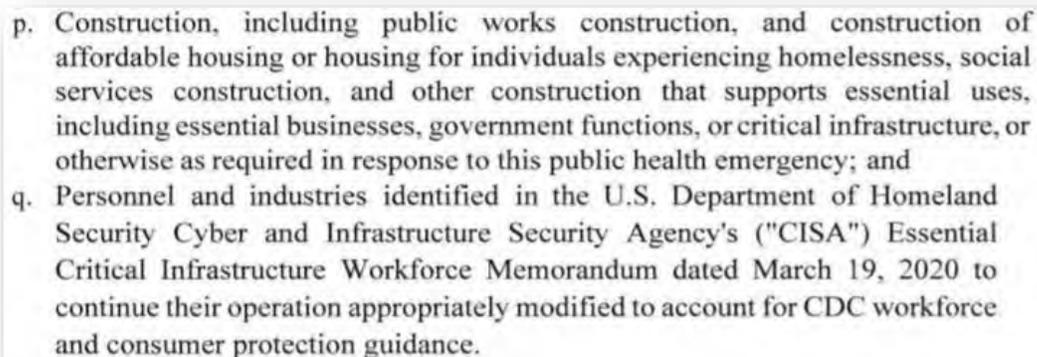
- The order provides that employees performing the following work are exempt from the order’s requirements: Oil/gas work, transport, refining, etc.; Telecommunications services; Healthcare services; Government employees deemed essential for law enforcement, emergency response operations, and court operations; and Banks.
- Construction is neither specifically included in exempt work nor is it included in the list of closed businesses. It appears from context that construction activities are not being restricted at this time.
- On March 27, Jefferson County passed a comprehensive stay at home order, which can be found here:
<https://co.jefferson.tx.us/Documents/Coronavirus%20Docs/SEVENTH%20AMENDED%20EMERGENCY%20ORDER.pdf>
- Essential businesses include construction, transportation for construction, and legal services to assist in compliance. Employees at essential businesses or performing critical infrastructure should be screened. Essential businesses must provide access to hand washing or sanitizer to employees. They must post a sign at a conspicuous place/entrance advising public not to enter if they have symptoms. They are also encouraged to post a copy of the above order at their site.

- On April 1, 2020, Jefferson County amended its prior order to prohibit persons from self-serving ready-to-eat at restaurants or convenience stores. Order can be found here: <https://co.jefferson.tx.us/Documents/Coronavirus%20Docs/SEVENTH%20AMENDED%20EMERGENCY%20ORDER-Addendum%202.pdf>

Port Arthur

- On March 24, 2020, the City of Port Arthur declared a local disaster, which can be found here: <https://www.portarthurtx.gov/DocumentCenter/View/7796/DECLARATION-OF-LOCAL-DISASTER-3242020>
- It mirrors the restrictions in the Jefferson County order but does not include a 24-hour curfew for minors. It is not a shelter-in-place and does not close construction business.
- We confirmed earlier that building inspections were continuing as usual.
- Port Arthur issued a stay at home order on March 27: <https://www.portarthurtx.gov/DocumentCenter/View/7817/STAY-HOME-WORK-SAFE-ORDER>

The Order includes the following in the definition of Critical Infrastructure:

- 
- p. Construction, including public works construction, and construction of affordable housing or housing for individuals experiencing homelessness, social services construction, and other construction that supports essential uses, including essential businesses, government functions, or critical infrastructure, or otherwise as required in response to this public health emergency; and
- q. Personnel and industries identified in the U.S. Department of Homeland Security Cyber and Infrastructure Security Agency's ("CISA") Essential Critical Infrastructure Workforce Memorandum dated March 19, 2020 to continue their operation appropriately modified to account for CDC workforce and consumer protection guidance.

This language is similar to the language in the Travis County and City of Austin orders that the City of Austin has interpreted narrowly. However, if you interpret the language on its face, it should generally allow construction activity to continue. "Construction" is referenced generally, and it is not clear that the "including public works construction..." clause is intended to be limiting language. In addition, the March 19, 2020 CISA Guidance provides that critical works include:

"The attached list identifies workers who conduct a range of operations and services that are essential to continued critical infrastructure viability, including ... maintaining and

repairing critical infrastructure, ... ***working construction***, and performing management functions, among others. The industries they support represent, but are not necessarily limited to, medical and healthcare, telecommunications, information technology systems, defense, food and agriculture, transportation.”

The Commercial Facilities Infrastructure Sector under the CISA Guidance includes a Real Estate sub-sector which consists of “office and apartment buildings, mixed use facilities” and “retail.” The language of the Guidance indicates that “working construction” in these sectors should be considered Critical Infrastructure. See the National section above for the content of the March 28, 2020 advisory memorandum that CISA issued which further affirms broader applicability of construction work as Critical Infrastructure. Although the March 19, 2020 CISA Guidance is referenced in the Port Arthur Order, the new Guidance should arguably be taken into consideration in construing the Port Arthur Order as it postdates the Order.

- Employers must maintain confidentiality of those employees with suspected or confirmed COVID, and may not make determinations of risk based on protected class, sexual orientation, familial status, gender identity, marital status, student status. Prior to entering facility, employers may ask employees if they meet requirements and direct them to return home if they have symptoms.
- Building inspections are continuing.

Travis County and City of Austin

- Travis County has issued a stay-at-home order for the entire Austin area through April 13. The order states non-essential businesses are to close, and both public and private gatherings of any number outside a single household are prohibited. The order also restricts travel of any kind to “essential” travel only. The Travis County order is found here:

<http://www.austintexas.gov/sites/default/files/files/20200324%20Judge's%20Order.pdf>

On March 30 the County issued a document entitled “Guidance for the Construction Industry” and the city also issued a “stay home” order, effective through April 13. The City of Austin order is found here:

<http://www.austintexas.gov/sites/default/files/files/Order%2020200324-007%20-%20Stay%20Home%20-%20Work%20Safe.pdf>

In response to complaints by trade associations and stakeholders, Governor Abbott issued a state-wide order that effectively superseded the restrictions on construction that the City and County issued. The City of Austin subsequently issued a guidance document that purports to align with the Governor’s order:

http://austintexas.gov/sites/default/files/files/GUIDANCE%20-%20Response%20to%20GA-14%20%20FINAL.pdf?utm_source=April+2+Update+-+Construction+in+Austin&utm_campaign=COVID+March+30&utm_medium=email

- The City of Austin issued a “Supplemental Guidance for the Construction Industry” on March 30, 2020. The Supplemental Guidance can be found here:

<http://austintexas.gov/sites/default/files/files/GUIDANCE%20-%20Supplement%20on%20Construction%20Activities%203.30.pdf>

The Supplemental Guidance includes the following requirements:

In addition to the distancing guidelines and healthy work practice requirements in Exhibits A and B of the Order, for all construction sites within the City with more than 10 active workers at any time, the person in charge of the overall site (“Site Manager”) shall:

- Post at the site, in languages understood by all persons working there, a notice showing the sizes and types of shift crews working there, and directions on how the Site Manager is limiting crew sizes and rotating shifts.
- Conduct a jobsite pre-screening of the general health of each worker, understood by the worker, every day before the commencement of work.
- Ensure that the site has at least one handwashing station with soap or hand sanitizer for each 15 workers at the site.
- Prohibit the use of community water coolers.
- Ensure that shared tools are disinfected between users, and that common areas (lunch and break areas, tool box talk areas, large equipment, etc.) and collective touch points (door knobs, counters, keyboards, etc.) are cleaned and disinfected at least twice a day.
- Post in a conspicuous place or places on a site where notices to employees are customarily posted, once such signage is made by available by the City, a sign in English and Spanish providing the social distancing requirements in Section 6.j. of the Order, the recommendations for employees in Exhibit B of the Order, and the provisions in Section 2 of this supplemental guidance, and information for workers to submit complaints of any violations.

If a worker at a construction site is confirmed to have contracted the coronavirus virus, the Site Manager shall immediately send the worker home, notify Austin Public Health, and follow all directions from Austin Public Health concerning that worker.

The Site Manager shall ensure that every worker who enters a jobsite has signed in and shall keep a list of and contact information for every worker that enters the jobsite every day for the purpose of identifying and notifying workers if they have shared a jobsite with someone who

has been confirmed to have the coronavirus virus.

Williamson County

- On March 24, the County Judge issued an Order of County Judge of Williamson County, Texas for Stay at Home Safe (the “Stay at Home Safe Order”), effective midnight on March 24.
- The Stay at Home Safe Order may be found here:

https://www.wilco.org/Portals/0/Departments/Searchable_Stay%20Home%20Stay%20Safe%20Order%20-%20Judge%20Bill%20Gravell%20Jr%20-%20COVID-19%20%28Adopted%20March%2024%202020%29.pdf

- The Stay at Home Safe Order requires that all residents of Williamson County shelter at their place of residence, and that all businesses except those defined as Essential Businesses close.
- Public works, residential, and commercial construction are defined as Essential Businesses. These activities are deemed essential critical infrastructure work. Therefore, provided that these services are carried out with social distancing requirements of six (6) feet and other CDC recommended practices, public works, residential, and commercial construction may continue in Williamson County.

Hays County

- Hays County Judge Ruben Becerra has issued a Stay at Home Order for Hays County residents, in effect from 11 p.m. March 26 through 4 a.m. on April 10. The Order also includes a curfew from 11 p.m. to 4 a.m. during that same time period, except for essential workers. Public works, residential construction, and commercial construction are defined as essential critical infrastructure.
- The order states non-essential businesses are to close, and both public and private gatherings of any number outside a single household are prohibited. The order also restricts travel of any kind to “essential” travel only. The Hays County order is found here: https://hayscountytexas.com/download/commissioners_court/county_judge/COVID19_3rd_Order_StayatHome.WorkSafe_Hays-County_March-25-2020_2.pdf
- Hays County announced that its stay at home order is “effectively superseded” by Gov. Abbott’s order and “some of the detailed guidance in the Hays County Judge’s most recent Order will no longer control.” A copy of the statement can be found here: <https://hayscountytexas.com/2020/04/02/governors-april-2-executive-order-and-its-effect-on-3rd-covid-19-judges-order/>
- Hays County maintains a COVID19 announcement update page:

<https://hayscountytexas.com/covid-19-information-for-hays-county-residents/>

and a county emergency page:

<http://www.haysinformed.com/>

City of El Paso

- The mayor of El Paso issued a Work Safe at Home order on March 24, 2020. On April 1 the mayor expanded the order , and it can be found here:

https://www.scribd.com/document/454479182/Amended-Stay-Home-Work-Safe-order-for-the-city-of-El-Paso-and-El-Paso-County#from_embed

- The order attempts to hybridize the broad language from Governor Abbott’s Guidance issued March 31 and the restrictions on construction activities produced by Dallas County. In general, the order recognizes that virtually all construction is considered to be *Critical Infrastructure*, but it adopts certain work-site restriction including hand-washing stations, certain restrictions on workers exhibiting a high temperature, and requirement for “staggered shift” work.
- The order also contains some contradictory language on self-quarantine requirements which may impact workers that travel to and from El Paso in conjunction with construction projects.

City of San Antonio

- The mayor of San Antonio issued a Shelter in Place Order effective at 11:59pm on March 24, 2020 and lasting until 11:59pm on April 9, 2020. A copy of the order may be found here:

<https://www.sanantonio.gov/Portals/0/Files/health/COVID19/Website%20Docs/Emergency%20Declaration%20No.%205.pdf?ver=2020-03-23-175107-393>

Construction is considered an “Exempted Business” and may continue:

Activities and Exempted Businesses.
iv. **Infrastructure.** Businesses related to public works construction, construction of housing, commercial construction, airport operations, water, sewer gas, electrical, oil refining, roads and highways, and public transportation.

- We have contacted the building inspection department and understand that as of today the city is still scheduling and conducting construction inspections in San Antonio.

Bexar County

- The Bexar County commissioners issued a stay at home order effective at 11:59pm on March 24, 2020 and lasting until 11:59pm on April 9, 2020. A copy of the order may be found here:

<https://www.bexar.org/DocumentCenter/View/26253/Executive-Order-NW-03---Judge-Nelson-Wolff---March-23-2020?bidId=>

Construction is considered an “Exempted Business” and may continue:

and development.
iv) **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).

Bee County

- On March 27, Bee County Judge George Morrill and Mayor Francisco Dominquez issued a joint shelter in place order for all residents of Bee County. The order states non-essential businesses are to close, and both public and private gatherings of any number outside a single household are prohibited. .

Section 2(b)(iii) of the order identifies public works, residential construction, and commercial construction as essential critical infrastructure work.

- It went into effect March 28 at 11:59pm and will last until April 8 at 11:59pm..
- A copy of the shelter in place order can be found here:
- <http://www.co.bee.tx.us/upload/page/5219/docs/CountyJudge/2020/Joint%20Order%20of%20the%20Bee%20County%20Judge%20and%20the%20Mayor%20of%20Beeville%20to%20Stay%20at%20Home.pdf>

Hidalgo County

- On March 25, Hidalgo County Judge Richard Cortez issued a “Shelter-At-Home Order” for all individuals currently living within Hidalgo County. A copy of the order can be found here:

<https://www.hidalgocounty.us/DocumentCenter/View/36748/3252020-Final-Modified-Emergency-Orders>

- The order requires all businesses not considered Essential Businesses to cease all activities at facilities located within the County.
- Construction is considered an Essential Business under the description Essential Critical Infrastructure, which includes “work necessary to the operations and maintenance of the 16 critical infrastructure sectors identified by the National Cybersecurity and Infrastructure Agency (CISA) including public works construction, residential and commercial construction, airport operations, sewer, gas, electrical oil, refining, roads and highways, public transportation...provided that they carry out those services or that work in compliance with social distancing including maintaining six foot social distancing for both employees and the general public.”
- The order goes into effect March 26 at 11:59pm and will last until April 10 unless rescinded, superseded, or amended.

Cameron County

- On March 23, Cameron County Judge Eddie Trevino, Jr. issued a “Third Supplemental Emergency Management Order with Mandatory Countywide Shelter In Place” for all individuals currently living within Hidalgo County. A copy of the order can be found here:

file:///C:/Users/gblanton/AppData/Local/Microsoft/Windows/INetCache/Content.Outlook/T9YQPQ1Y/03.23.2020%20Third%20Supplemental%20Emergency%20Management%20Order%20with%20Countywide%20Shelter%20in%20Place.pdf

- The order requires all individuals living in Cameron County, as well as employees of Cameron County not living within the county, to shelter in place for a period of 14 days, unless you are performing a defined Essential Personal Activity, or performing Essential Infrastructure Operations.
- Essential Infrastructure Operations includes “any services or performance work necessary to the operation and maintenance of public works construction, construction of housing, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation solid waste collection and removal, internet, and telecommunications systems and support (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).”
- The order also states that all businesses not considered Essential Businesses shall cease all business activities other than minimum basic operations. The order authorizes a fine of \$1,000 or confinement in jail for persons who do not comply with the order. The order went into effect

March 25 at 12:01 am and will last through April 8 unless extended, rescinded, superseded, or amended.

Starr County

- On March 24, Starr County Judge Eloy Vera issued a “First Supplemental Emergency Management Order With Mandatory Countywide Stay At Home/Stay Safe” Order for all individuals currently living within Starr County. A copy of the order can be found here:

<file:///C:/Users/gblanton/AppData/Local/Microsoft/Windows/INetCache/Content.Outlook/T9YQPQ1Y/200326%20Starr%20Suppl%20Emergency%20Management%20Order.pdf>

- The order requires all individuals residing within Starr County to shelter at their place of residence for a period of 14 days, unless performing defined Essential Personal Activities, including work for a defined Essential Business, or performing Essential Infrastructure Operations.
- Essential Infrastructure Operations includes “any services or performance work necessary to the operation and maintenance of public works construction, construction of housing, airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation solid waste collection and removal, internet, and telecommunications systems and support (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services).”
- The order also states that all businesses not considered Essential Businesses shall cease all business activities other than minimum basic operations. The order authorizes a fine of \$1,000 or confinement in jail for persons who do not comply with the order. The order went into effect March 26 at 12:01 am and will last through April 9 unless extended, rescinded, superseded, or amended.

State of Louisiana

- On Sunday, March 22, Governor John Bel Edwards issued an amended proclamation. A copy can be found here:

<file:///C:/Users/gblanton/AppData/Local/Microsoft/Windows/INetCache/Content.Outlook/T9YQPQ1Y/JBE-33-2020%20Governor's%20Stay%20Home%20Order%203%2022%2020.pdf>

The amended proclamation closed certain businesses and required those not closed to reduce operations to continue with minimum contact with members of the public any only essential employees, while requiring proper social distancing.

- The Governor’s office subsequently issued guidance on what businesses constitute essential infrastructure. The guidance can be found here:

https://gov.louisiana.gov/assets/docs/covid/Essential-Infrastructure_fact-sheet.pdf

The guidance specifically lists Construction as “Essential Infrastructure.”

Essential Infrastructure. This includes, but is not limited:

- Food production, distribution, and sale
- Construction, including, but not limited to, construction required in response to this public health emergency, hospital construction, construction of long-term care facilities, public works construction, and housing construction

- The amended proclamation is in place until April 13, 2020.

City of New Orleans

- On Monday, March 16, Mayor Latoya Cantrell issued an order canceling public and private gatherings and closing certain types of business related to large gatherings, including bars, health clubs, live performance venues, and shopping centers configured as malls. A copy of the order can be found here:

http://nola.gov/mayor/executive-orders/emergency-declarations/03162020-mayoral-proclamation-to-promulgate-emergency-orders-during-the-state-of-emergency-due-to-co/?utm_campaign=City_of_New_Orleans&utm_content=&utm_medium=email&utm_source=govdelivery&utm_term=

- On Friday, March 20, the City of New Orleans Health Department issued guidelines to aid in the interpretation and implementation of the Mayor’s Proclamation. A copy of the guidelines can be found here:

<file:///C:/Users/gblanton/AppData/Local/Microsoft/Windows/INetCache/Content.Outlook/T9YQPQ1Y/Proclamation-Guidance-3-20-20.pdf>

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- The guidelines expand on the establishments that must cease operations, limitations on restaurants, and exceptions to the prohibitions on gatherings. The exceptions include businesses necessary for “required construction and/or infrastructure projects” among others. The guidance is unclear as to what is “required construction.”
- The order is in effect until April 16, 2020.